

WORKING MOMS WORK:

SUPPORTING BREASTFEEDING MOTHERS AT SCHOOL



*Additional funding provided by the Masonic Charity Foundation of Oklahoma and the
W.J. Jones Family Foundation.*

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Thank you to the additional organizations that partnered to provide content for this resource guide!





Break Time for Nursing Mothers

The Fair Labor Standards Act (FLSA) requires employers to provide **break time and space** for a covered nonexempt nursing mother to express breast milk for her nursing child for one year after her child's birth.

- Employers must allow reasonable **break time** whenever a covered employee needs to express breast milk.
- Employers must provide covered employees with **space** that is:
 - functional for expressing milk
 - shielded from view
 - free from intrusion
 - available as needed, AND
 - **NOT a bathroom.**

Exempt employees may be covered under a state law providing breaks for nursing mothers. If an employer has fewer than 50 employees **AND** can demonstrate that compliance with this law would impose an undue hardship on the employer, that employer does not have to provide nursing breaks.

Note: Employers are not required to pay nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide paid breaks, the employer must pay an employee who uses those breaks to express milk.

under the Fair Labor Standards Act (FLSA)

UNLAWFUL ACTS

Any employee who is "discharged or in any other manner discriminated against" because he or she has filed a complaint or cooperated in an investigation may file a retaliation complaint with the Wage and Hour Division or directly in court seeking appropriate remedies.

For more information or to file a complaint, call 1-866-4US-WAGE (487-9243) or visit www.dol.gov/whd

Get information about how insurance works at www.healthcare.gov

 **1-866-4US-WAGE**
www.dol.gov/whd



WH1518 0414

An Act

ENROLLED SENATE
BILL NO. 121

By: Hicks, Garvin, Stanley,
David, Dossett (J.A.), Kirt
and Floyd of the Senate

and

Hasenbeck, Bush, Ranson and
Waldron of the House

An Act relating to school employees; directing each school district board of education to adopt certain policy for school district employees who are lactating; requiring each school district to make a reasonable effort to provide certain room or other location for an employee to express milk or breastfeed a child; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: School employees

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-149.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school district board of education in this state shall adopt a policy allowing a school district employee who is lactating reasonable paid break time each day to use a designated lactation room for the purpose of maintaining milk supply and comfort. The break time may run concurrently with any break time, paid or unpaid, already provided to the employee.

B. Each school district board of education shall make a reasonable effort to provide a private, secure and sanitary room or other location, other than a toilet stall, where an employee can express her milk or breastfeed her child.

SECTION 2. This act shall become effective July 1, 2021.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

ACCOMODATIONS FOR LACTATING EMPLOYEES

The school district shall provide an appropriate private, secure and sanitary room, other than a restroom, for an employee to express breast milk or breastfeed her child. School administrators shall make available a clean, accessible room with a lock or privacy sign.

The district shall provide lactating employees a reasonable amount of break time to express milk. The employee shall, to the extent possible, take breaks to express milk concurrently with the break times that are otherwise provided to the employee.

Employees must inform the building principal of the need to express breast milk and work collaboratively to develop a plan to accommodate the needs of the employee while ensuring that the employee's students are appropriately supervised.

LEGAL REFERENCE: 70 O.S. § 5-149.3.



Sample Contract Language

Local associations can bargain with local school boards about issues like pay and working conditions, including terms for breastfeeding employees.

For example, state law requires school districts to “make a reasonable effort to provide a private, secure and sanitary room or other location” for nursing mothers to pump. A local association could bargain the rights to require that space.

Here’s a look at some sample contract language negotiated by the Putnam City Association of Classroom Teachers:

ARTICLE IV: GENERAL CONDITIONS OF EMPLOYMENT

SECTION 16: Breastfeeding

The District will provide a private, secure and sanitary location for any teacher who is lactating to express her milk or breastfeed her child. Teachers may utilize any break time provided by the District and will not lose any pay as a result.

Does your local association have contract language about nursing employees? Please share! Send your language to Joe DuVall at jduvall@okea.org.



Common Questions and Answers



What does Senate Bill 121 do?

Senate Bill 121 gives public school employees and teachers paid, protected break time to pump. School districts shall make a reasonable effort to provide a private, secure, and sanitary room where an employee can express milk or breastfeed.



How does Senate Bill 121 change the game?

Educators no longer have to choose between teaching our children and feeding their children! Senate Bill 121 fills in the gap left by federal law for exempt workers. It also extends same privileges that state employees in Oklahoma were given in 2020.



Why is legislation like Senate Bill 121 important?

It demonstrates care for school employees and their health. It also creates a cultural normalcy for breastfeeding and promotes public health. Supportive legislation also leads to higher retention and lower sick days taken.



What does Oklahoma law say about breastfeeding?

A 2004 law says mothers have the right to breastfeed anywhere they have the right to be. They can also be excused from jury duty.



If a mother needs help with breastfeeding, who can she

call? Anyone can call the Oklahoma Breastfeeding Hotline for free at (877) 271-6455. Anyone can also text OK2BF to 61222 for help. The hotline is open 24 hours a day, 7 days a week, 365 days a year.



Setting Up a Good Nursing Room

Lactation spaces don't need to be large or elaborate! They need to be comfortable, clean, and private. Here are some ideas for what to have in your space:



Comfortable chair.



Side table.



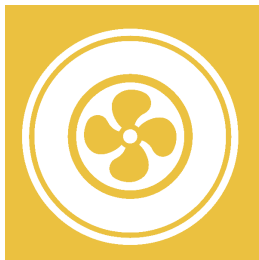
Locking door.



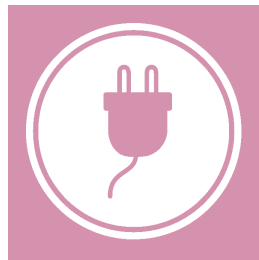
Appropriate lighting.



Mini fridge.



Small fan.



Electrical outlet.



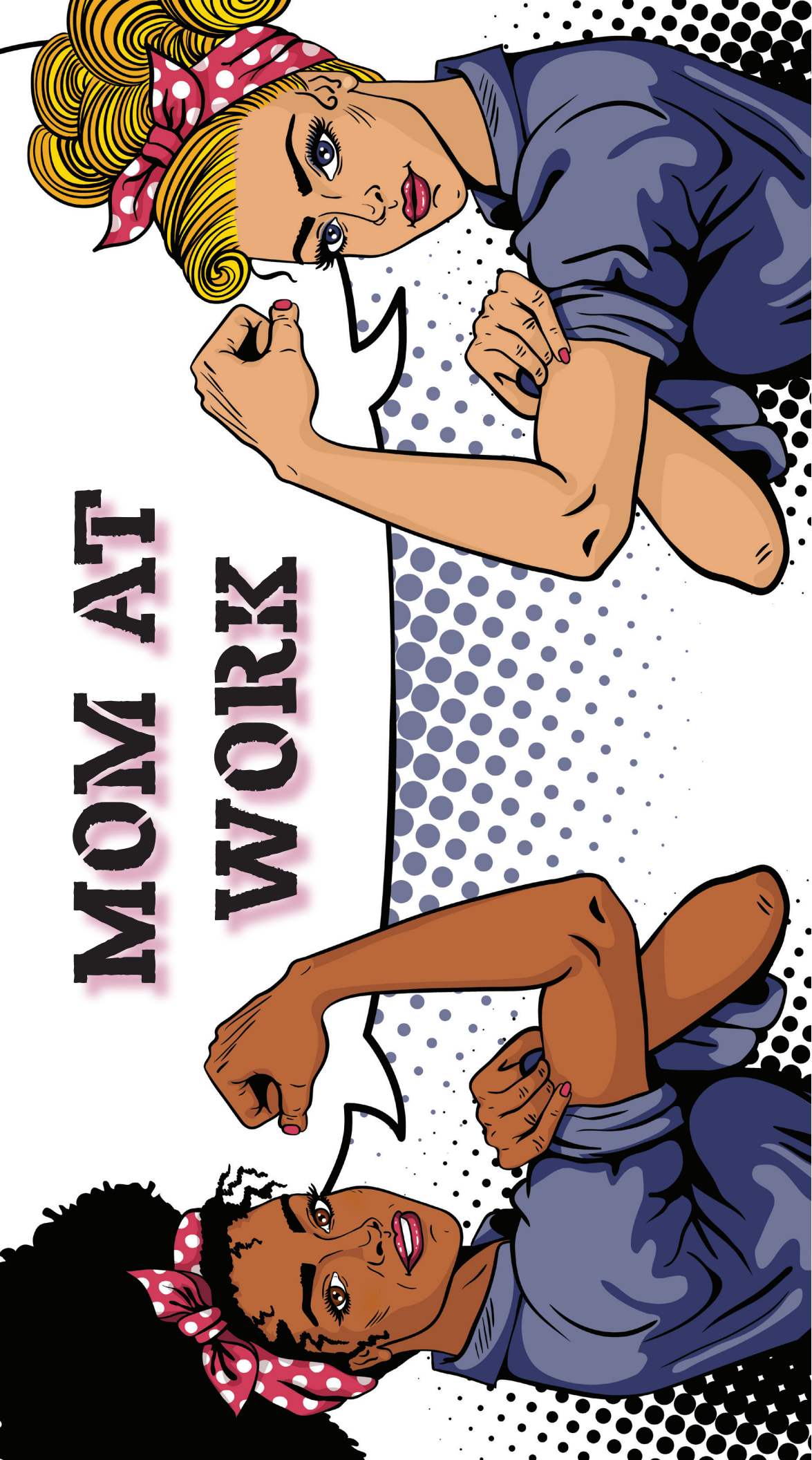
Sink or place for washing.



Calming art or pictures.

How can schools pay for lactation spaces? Consider bond, building, or general funds. Also consider reaching out to your PTA, community partners, or your local OEA affiliate for sponsorship of items.

MOM AT WORK



Privacy, Please: Working Mom at Work.

Please do not knock or enter.



How to Support Your Nursing Colleagues



Advocate for a lactation space, especially one that is comfortable, clean, and private.



Be flexible with your schedule. Offer to cover her classroom or other duties such as field trips, extracurriculars like clubs, or before- or after-school events.



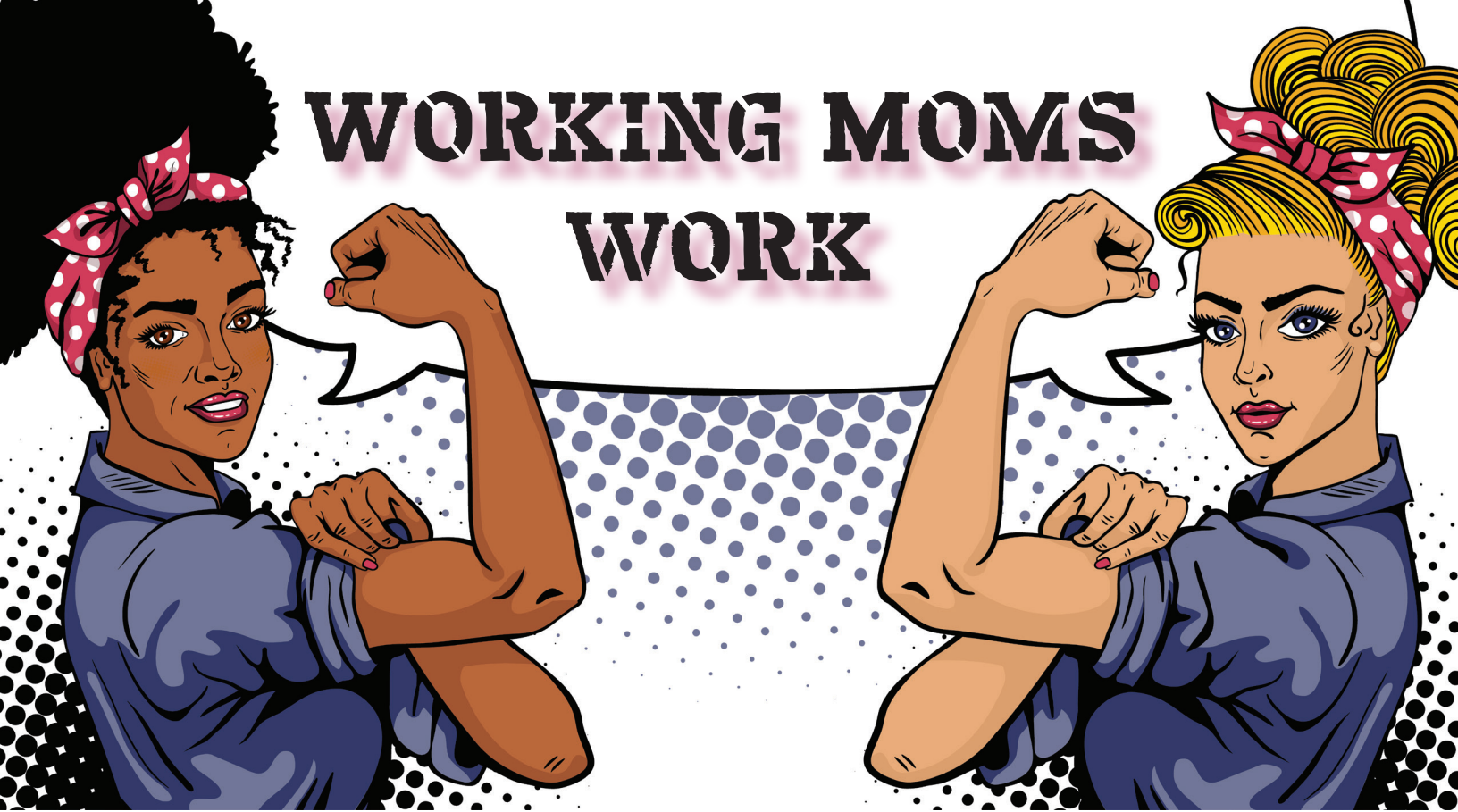
Educate other colleagues about breastfeeding benefits for both parent and infant.



If you were a parent who was able to nurse, share resources that were helpful during your breastfeeding journey.



Encourage, encourage, encourage!



We support nursing parents in our school.
When we support working moms, everyone wins ...



Increases
retention.



Decreases
absenteeism.



Cuts health
care costs.



Boosts job
satisfaction.



Improves
productivity.

Need a private place to pump?
Use our site's lactation area:



Need support in breastfeeding?
Contact the free Oklahoma
Breastfeeding Hotline any time!

Call: (877) 271-6455
Text: OK2BF to 61222

*Adobe Reader® users will need to print the form after filling it out electronically, then submit the form by fax, mail, or by emailing a scanned application.



Application for Recognition Oklahoma Breastfeeding Friendly Worksite



Our worksite meets or exceeds the following minimum criteria required for recognition as an Oklahoma Breastfeeding Friendly Worksite (**all criteria in this section must be checked**).

- ☐ Flexible break times for expression of milk
- ☐ A comfortable location allowing privacy for pumping, other than a toilet stall
- ☐ Access to a nearby clean water source and a sink for washing hands and rinsing out any breast pump equipment
- ☐ Written policy supporting breastfeeding that includes the above minimum requirements and a description of how all staff are informed of this policy
(Please attach your written policy)

Additional options (3 necessary for designation as a Gold Star Employer – Please check all that apply)

- ☐ Access to a refrigerator for safe storage of milk
- ☐ Prenatal breastfeeding education
- ☐ Counseling by a lactation consultant as needed for women to breastfeed successfully
- ☐ Referrals to public/private community resources for special situations
- ☐ Education for all employees on the benefits of breastfeeding and company services available to support breastfeeding women
- ☐ Hospital-grade breast pump available for employee use

Worksite Name

Contact Person's name and e-mail

Address

City, State

Zip

Date

Phone

Ext.

- ☐ If approved for Recognition as an Oklahoma Breastfeeding Friendly Worksite, I grant permission to include the name of our worksite on the Oklahoma State Department of Health Breastfeeding Information & Support website.

The recognition period is for five years initially, with the option to renew by checklist confirmation.

Authorized Business Representative

Title

Please fax, mail, or email a scanned completed application to:

Oklahoma State Department of Health

Maternal & Child Health Service

(405) 426-8113 • Fax: (405) 900-7580

Nancy Bacon, MS, RDN/LD

nancyb@health.ok.gov

MCH Nutrition Consultant

123 Robert S. Kerr Ave., Suite 1702

Oklahoma City, OK 73102-6406



Oklahoma Breastfeeding Resources



Coalition of Oklahoma Breastfeeding Advocates

www.okbreastfeeding.org
940 NE 13th St., Garrison Tower 1220
Oklahoma City, OK 73104
(405) 297-5683, Ext. 105



Oklahoma Breastfeeding Resource Center

obr.c.ouhsc.edu
920 Stanton L Young Blvd., WP 2230
Oklahoma City, OK 73104
(405) 271-6162



La Leche League of Oklahoma

www.lllok.org
LLLOKLeaders@LLLLOK.org
(405) 655-5998



Oklahoma Mothers' Milk Bank

okmilkbank.org
940 NE 13th St., Garrison Tower 1220
Oklahoma City, OK 73104
(405) 297-5683



Oklahoma Breastfeeding Hotline

Call: 1-877-271-MILK (6455)
Text: OK2BF to 61222
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