

HR/LR Memo # 2014-4

## Reasonable Break Time for Nursing Mothers

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### GENERAL GUIDANCE AND INFORMATION

Federal and State laws both provide break time for nursing mothers to express breast milk. Employers must provide the following to nursing mothers:

1. Reasonable break time to an employee who needs to express breast milk for their nursing child.
  - a. The break can be uncompensated if the employee is completely relieved of duty during the break. However, the time must be compensated if the covered employee uses their compensated break time to express breast milk.
  - b. The employee may use available accrued sick leave for any otherwise uncompensated break time taken to express breast milk.
  - c. The employee may alter or balance their work schedule to express breast milk if the employee provides advance notice to their supervisor and if the employee would otherwise be allowed to alter or balance their work schedule for routine medical appointments or otherwise non-incapacitating medical conditions.
2. A room or other location, other than a bathroom or toilet stall, that is shielded from view and free from intrusion, for an employee to express breast milk. This area must be near the work area and must include access to an electrical outlet.

Agencies must allow such breaks following the birth of a child for as long as needed by the employee.

### Statutory and Other References

[Minn. Stat. § 181.939](#), Nursing Mothers

[29 U.S.C. 207 \(7\)\(r\)](#), Break Time for Nursing Mothers

EEOC Enforcement Guidance: Pregnancy Discrimination and Related Issues (June 25, 2015), [§ I.A.4.b.](#)

### CONTACTS

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