Lactation Support

1. **PURPOSE**
   1.1. To communicate Clemson University’s compliance with Federal and State laws as it relates to employees and student workers who need to express breast milk.
      
      1.1.1. To comply with Federal law, the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 201 et seq., and specifically, Section 7 of the FLSA (29 U.S.C. § 207), which requires employers to provide non-exempt employees/student workers a reasonable break time and location to express breast milk.
      
      1.1.2. To comply with South Carolina Lactation Support Act (S.C. Code Ann. § 41-1-130), which expands lactation support in the workplace to include both exempt and non-exempt employees/student workers (hereafter referred to as “employees/student workers”) and further articulates reasonable break time, requirements for the location provided to express breast milk, and responsibilities of employers and employees/student workers.

2. **SCOPE**
   2.1. This policy applies to employees/student workers in all colleges and divisions of the University.
      
      2.1.1. Individuals who may have direct responsibilities in relation to this policy include:
      
      2.1.1.1. Supervisors
      2.1.1.2. University Facilities
      2.1.1.3. Office of Human Resources and Office of Access and Equity representatives

3. **POLICY STATEMENT**
   3.1. **Break Time**
      
      3.1.1. Employees/student workers may request reasonable lactation breaks during work hours for the purpose to express breast milk.
      
      3.1.1.1. Supervisors must work with employees/student workers to establish reasonable, flexible, and mutually agreeable times each day that do not unduly disrupt normal business activities, instruction/class times, and/or clinical services.
      
      3.1.1.2. Employees/student workers responsible for being in a classroom at a given time must schedule lactation breaks around scheduled class time.
      
      3.1.2. Supervisors are not required to compensate employees/student workers for breaks taken for the purpose of expressing breast milk unless supervisors already provide compensation for similar breaks.
3.1.2.1. Employees/student workers must be completely relieved from duty when taking a break to express breast milk or the time taken to express breast milk must be compensated as work time.

3.2. **Location**
   3.2.1. Employees/student workers are permitted to request from their supervisor the need for a private location/wellness room.
   3.2.1.1. For assistance in securing a location to express breast milk visit the Lactation Support Network.
   3.2.2. Clemson University will make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area where employees/student workers may express breast milk in private.

3.3. Supervisors are required to work with their employees/student workers and within policy requirements to provide reasonable lactation breaks.

3.4. Employees/student workers who anticipate the need for lactation support in the workplace should initiate a request prior to the birth of a child.

3.5. Issues regarding lactation times, breaks, and/or pay should be sent to the Office of Human Resources, staffrelations@clemson.edu.

3.6. Issues regarding discrimination, harassment, and/or retaliation related to lactation support and/or accommodations for employees and/or student workers should be sent to the Office of Access and Equity, cuae@clemson.edu, or issues can be reported anonymously through the Ethics and Safety Hotline.

4. **DEFINITIONS**
   4.1. **Reasonable Lactation Break**: Reasonable lactation breaks are breaks from work permitted for employees/student workers in order to express breast milk. The breaks are impacted by individual needs and the proximity of a reasonable space for lactation. Travel time to a wellness room must be considered and may extend the length of a customary break. Supervisors may permit extensions of break time, flexible work hours and flexible scheduling of breaks.

   4.2. **Lactation/Wellness Room**: A private non-bathroom place for members of the Clemson community to engage in self-care activities, such as expressing breast milk or addressing medical, emotional, and spiritual needs. A lactation/wellness room may be a private office, it may be temporary, and it must have the following attributes: lockable with basic “in use” signage, access to a nearby clean water source and a sink, chair, table, comfortable room temperature, trash can, paper towels, adequate lighting, and an electrical outlet.

   4.3. For more definitions, please refer to the Office of Human Resources' Glossary of Terms
5. **ADDITIONAL RESOURCES**
   5.1. [Frequently Asked Questions](#)
   5.2. [Lactation Network Website](#)
   5.3. [Office of Access and Equity](#)
   5.4. [Notice of Pregnancy Accommodation Rights](#)
   5.5. [Wellness/Lactation Room Guidelines](#)

6. **RESPONSIBLE DEPARTMENT/DIVISION:**
   6.1. Office of Human Resources (864-656-2000) and Access and Equity (864-656-0620)

7. **PUBLISHED LOCATION:** [Human Resources Policies and Procedures](#)

8. **APPROVAL & REVISION HISTORY**
   8.1. President Approval: August 30, 2021
   8.2. Last Date of Revision: February 8, 2017
   8.3. Originally Issued: January 13, 2016