

## **POLICY STATEMENT**

Clemson University promotes a family-friendly work and study environment for mothers and their infants. Clemson University aims to provide a supportive and flexible environment for employees and students as they transition back to work or their studies after the birth of a child. Clemson provides time during the workday for lactating mothers to express breast milk and will make reasonable efforts to provide a private room or other location for such activity.

## **REASON FOR POLICY**

The policy is in accordance with the workplace breastfeeding support provision in the Patient Protection and Affordable Care Act (Section 4207), which states that “employers shall provide reasonable, unpaid break time and a private, non-bathroom place for an employee to express breast milk for her nursing child for one year after the child’s birth,” and current South Carolina state law (SC Code §63-5-40), which states that a woman may breastfeed her child in any location where the mother and her child are authorized to be. Supportive lactation policies and practices in the workplace benefit nursing mothers and their babies.

## **ENTITIES AFFECTED BY THIS POLICY**

This policy applies to all colleges and divisions of the University

## **WHO SHOULD READ THIS POLICY**

- Members of the University community
- Supervisors
- Clemson University’s Custodial Management Team
- OHR and Access and Equity representatives

## **WEB ADDRESS FOR THIS POLICY**

[http://workgroups.clemson.edu/FIN5337\\_HR\\_POLY\\_PROC\\_MANUAL/disclaimer.php](http://workgroups.clemson.edu/FIN5337_HR_POLY_PROC_MANUAL/disclaimer.php)

**CONTACTS**

<b>Subject Matter</b>	<b>Contact</b>	<b>Telephone</b>	<b>E-mail/Web Address</b>
Policy Clarification and Interpretation	OHR	(864) 656-2000	clemson.edu/employment
General Breastfeeding Information	The Sullivan Center	(864) 656-3076	clemson.edu/wellness
Lactation Network Website	Creative Services	(864) 656-2467	clemson.edu/campus-life/lactation-network/
Room Cleanliness	Custodial Mgt Team	(864) 656-0241 (5 a.m. – 1 p.m.) (864) 656-4950 (1 p.m. – 5 a.m.)	
Wellness Room Locations	Access and Equity	(864) 656-3181	clemson.edu/access

**RESPONSIBILITIES**

<b>Responsible Party</b>	<b>List of Responsibilities</b>
<b>Access and Equity (the Office of)</b>	<ul style="list-style-type: none"> <li>• Assist OHR with policy compliance, training and communication</li> <li>• Contact Facilities Management when a wellness room is added/removed.</li> <li>• Assist supervisors with locating/creating suitable wellness rooms.</li> </ul>
<b>Creative Services</b>	<ul style="list-style-type: none"> <li>• Maintain a website for lactation support, including wellness room specifications and locations.</li> </ul>
<b>Employee/Student Worker</b>	<ul style="list-style-type: none"> <li>• Communicate to the supervisor the need for lactation breaks and a wellness room.</li> <li>• Request reasonable lactation breaks during work hours.</li> <li>• Maintain the cleanliness of the wellness room after each use.</li> <li>• Report cleanliness issues to Clemson’s Custodial Management team.</li> </ul>
<b>Facilities Management</b>	<ul style="list-style-type: none"> <li>• Clean wellness rooms weekly.</li> <li>• Respond to reported cleanliness issues in wellness rooms.</li> </ul>
<b>Human Resources (the Office of)</b>	<ul style="list-style-type: none"> <li>• Facilitate policy compliance, training and communication.</li> <li>• Respond to allegations of non-compliance.</li> </ul>
<b>Student</b>	<ul style="list-style-type: none"> <li>• Maintain the cleanliness of the wellness room after each use.</li> <li>• Report cleanliness issues to Clemson’s Custodial Management Team.</li> </ul>
<b>Supervisor</b>	<ul style="list-style-type: none"> <li>• Within policy requirements, accommodate an employee/student worker’s lactation support needs.</li> <li>• Locate or create a suitable wellness room.</li> <li>• Notify Access and Equity when a wellness room is added/removed.</li> </ul>

## **PRINCIPLES**

As part of Clemson's goal to provide employees, student workers and students with work/life balance, the University strives to offer flexible opportunities for new mothers to nurse and/or express breast milk during the work/school day and clean, private space in which to do so.

## **PROCEDURES**

### Wellness Rooms

In accordance with federal law, Clemson University provides private, non-bathroom spaces for nursing mothers to express breast milk during work.

A list of active wellness rooms is to be maintained on the Lactation Network website. Clemson will attempt to provide additional wellness rooms as needed. The nursing mother's supervisor should notify Access and Equity when a wellness room is added or removed. In turn, Access and Equity will 1) notify Creative Services to update the list of available rooms and 2) notify Facilities Management to update the cleaning schedule.

Members of the University community who anticipate lactation support needs are encouraged to visit the Lactation Network website prior to the birth of a child to become familiar with the available wellness rooms.

Private office space may serve an employee as a wellness room. Private wellness rooms are not listed on the Lactation Network website for wellness rooms, and their maintenance is the responsibility of the employee.

### Lactation Breaks

#### **Employees and Student Workers**

An employee/student worker may request reasonable lactation breaks during work hours for the purpose of breastfeeding or expressing breast milk for her nursing child for one year after the child's birth. Supervisors and employees/student workers should work together 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. Any employee or student worker responsible for being in a classroom at a given time must schedule lactation breaks around scheduled class time.

Supervisors are not required under the Fair Labor Standards Act (FLSA) to compensate nursing mothers for breaks taken for the purpose of expressing breast milk. However, where supervisors already provide compensated breaks, an employee/student worker who uses the break time to express milk must be compensated in the same way that others are compensated for break time. In addition, the FLSA's general requirement that an employee/student worker must be completely relieved from duty or the time must be compensated as work time applies.

Employees/student workers are encouraged to communicate to the supervisor the need for time and/or a private location/wellness room for breast milk expression prior to the birth of a child, so accommodations can be made. Supervisors are encouraged to work with their employees/student workers and within policy requirements to accommodate nursing mothers and provide reasonable lactation breaks for up to one year after the birth of a child.

**Students**

Students planning to breastfeed or express milk must do so around their scheduled class times. Faculty members are not required to excuse tardiness or absence due to lactation needs. Students may use University wellness rooms when available and are encouraged to visit the Lactation Network website prior to the birth of a child to become familiar with the available wellness rooms. Student coverage extends to off-campus locations when wellness rooms are available.

**DEFINITIONS**

<b>Term</b>	<b>Definition</b>
<b>Employee</b>	Any individual being compensated by Clemson University in exchange for performing specific job duties in a position not designated as a student position.
<b>Reasonable Lactation Break</b>	Reasonable lactation breaks are breaks from work permitted for a nursing mother for one year after the child’s birth 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.
<b>Student Worker</b>	An individual enrolled as a student (undergraduate or graduate) at Clemson University and employed by the University in a student position.
<b>Wellness Room</b>	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 needs. A wellness room may be a private office, it may be temporary, and it must have the following attributes: clean, adequate lighting, electric outlet, and access to a clean water source and a sink.

**RELATED RESOURCES**

<b>University Policies and Documents</b>
<a href="#">Designation and Maintenance of Wellness Rooms Toolkit</a> <a href="#">Lactation Network Website</a>

*The language used in this document does not create an employment contract between the employee and the agency. The document does not create any contractual rights or entitlements. The agency reserves the right to revise the content of this document, in whole or in part. No promises or assurances, whether written or oral, which are contrary or inconsistent with the terms of this paragraph create any contract of employment.*