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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