

# Tender Care Medical Services, Inc.

## POLICY & PROCEDURES

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Title: Nursing Mothers

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Original Issue Date: 10/01/2025

Number: HR- C.5

Page: 1 of 2

Review Date:

Revision Date:

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Originating Department: Human Resources    Approved By: 

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### **PURPOSE:**

To establish a policy that allows an employee a reasonable break time and an appropriate workplace location to express their breast milk for their child.

### **ELIGIBILITY:**

This policy applies to employees who have requested a workplace break and/or a workplace location to express their breast milk, up to a year after their child's birth.

Federal law applies to this policy. See U.S. Department of Labor Sheet #73, <http://www.dol.gov/whd/regs/compliance/whdfs73.htm>.

### **POLICY:**

Upon request, an employee shall be granted a reasonable break time and an appropriate place at work, with access to a clean, safe water source and a sink, to express breast milk for their child. The lactating employee shall have access to running water for washing hands and rinsing breast pump parts.

The break is not for a set period of time, and it should be long enough to ensure the employee has sufficient time to express the necessary milk.

When possible, a break request shall be scheduled to coincide with the employee's regular break or meal period. However, the break time to express milk does not have to coincide with the employee's regular meal or break period and it is not limited to the length of the regular break or meal period.

Any break shall take place at a workplace location that allows the employee a private, accessible area, other than a bathroom, that is shielded from view and free from intrusion from co-workers, and the public for purposes of expressing breast milk each time such employee has need to express milk. The location can be a designated space for lactation. If this is not practical or possible, a small vacant area can be used so long as it is not accessible or visible to the public while an employee is using the room to express breast milk.

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Employees may store their expressed breast milk in their own personal coolers with ice packs or in the shared break room refrigerator space, if available.

## **FAIR LABOR STANDARDS ACT (FLSA):**

An employer is generally not required but may provide a paid break for expressing breast milk that lasts 15 minutes or longer.

Whether a qualifying break is compensated or not compensated is determined under the FLSA rules for other types of Breaks/Rest Periods. <https://www.dol.gov/agencies/whd/fact-sheet/22-flsa-hours-worked>.

An exempt employee whose salary is paid on a Salary Basis is unaffected by a qualifying break.

For a Non-Exempt (hourly employee), Breaks/Rest Periods of 15 minutes or less are paid working time. And for any Breaks/Rest Periods that extend to 20 minutes or more to be unpaid, the employee must be completely relieved of duty.

The employee shall not “swipe in/swipe out” for a break to express milk; the employees’ usual “swipe in/swipe out” practices remain unchanged.