



SCHOOL BOARD OF POLK COUNTY

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March 1, 2011

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SHERRIE B. NICKELL, Ed.D.
Superintendent

HRS Memo 11-023

Contact: Peg Brenner, Director of Personnel
(863) 534-0532 or x51351

TO: Associate Superintendents, Assistant Superintendents, Senior Directors, Directors, Principals, Assistant Principals, Principals' Secretaries

FROM: Dennis F. Dunn, Interim Assistant Superintendent, Human Resource Services

RE: Lactation Accommodations

Please be advised that on March 23, 2010, President Obama signed into law, an amendment to the federal Fair Labor Standards Act (FLSA) which requires employers to provide nursing mothers "reasonable break time" and appropriate accommodations to express breast milk for up to one year after the birth of their child. The School Board and the Superintendent recognize their legal responsibility to provide working conditions that comply with the nursing mother's amendment to the FLSA.

1. Definitions:

- A. *Nursing mother*: An employee with Polk County Public Schools who is nursing her child for up to one year after the birth of the child.
- B. *Reasonable break time*: An uncompensated break of up to but not more than 20 minutes.

2. Responsibilities: Recognizing that breast milk promotes optimum growth and development of infants, and because breastfeeding has been shown to be the superior form of infant nutrition, providing a multitude of health benefits to both infants and mother, and because breastfeeding employees need ongoing support at the worksite, Polk County Public Schools subscribes to the following policy. The worksite administrator is responsible for ensuring compliance with this policy.

- For up to one year following the birth of the child, any full time employee who is breastfeeding will be provided reasonable break periods to express breast milk for her newborn child. Any nursing mother who intends to exercise her right under FLSA is required to inform the work site administrator or designee that she will require up to two reasonable break times during a normal working day.

- An employee lactation room will be a private and sanitary place for breastfeeding to express milk during work hours. This room shall be shielded from view and free from intrusion from coworkers and the public. The room, where possible, will include an electrical outlet for the use of an electric breast pump, a table and comfortable chair with armrest, a refrigerator for the safe storage of breast milk, and running water for washing hands and rinsing pump parts.
- A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breast milk for her child. The time would not exceed normal time allowed for lunch and breaks. For time above and beyond the normal lunch and breaks, sick time or personal time chargeable to sick time must be used. The employee and her immediate supervisor will agree on the times for these breaks.
- Retaliation, harassment and/or discrimination in any way against an employee who chooses to express breast milk in the workplace are strictly prohibited. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense to be reported to an appropriate administrator.

The goal of this policy is to ease the transition of mothers who return to work following the birth of a child; enable mothers to breastfeed past the time off allowed by the Family and Medical Leave Act; assist mothers to attend work rather than having to take time away from work to express milk; help control healthcare costs by providing an opportunity to develop a healthier infant; ensure that women who are pregnant or considering pregnancy know that breastfeeding will be accommodated by the School Board of Polk County; and assist employees in experiencing a work-life balance.

This policy is effective immediately. All questions regarding the policy should be directed to the Human Resource Services Division, to the attention of Peg Brenner, Director of Personnel via email (peg.brenner@polk-fl.net) or via phone at (863) 534-0532.