



September 6, 2023

OFFICERS

SUBJECT: Guidance for Nursing Mothers in the Workplace

This memorandum provides guidance on provisions of the Fair Labor Standards Act (FLSA) that covers a nursing mother's right to express breast milk while at work.

Upon request, employers are required to provide reasonable break time to nursing mothers each time such employee has a need to pump breast milk at work for one year after the child's birth. Employers may not deny a covered employee a necessary break to pump. This requirement applies to all nursing employees, whether they are FLSA exempt or FLSA nonexempt. Such breaks are generally off-the-clock for FLSA nonexempt employees as long as they are fully relieved of duty during the entirety of the break. FLSA nonexempt employees may choose to use their normal paid breaks to pump, in which case they would be compensated for the break in the same way that other employees are compensated for the break.

In addition, employees are entitled to a functional space to pump breast milk at work, other than a bathroom, that is available as needed, shielded from view, and free from intrusion from co-workers and the public. This includes, providing access for employees who perform work away from postal sites.¹

The Postal Service prohibits retaliation against employees for exercising their rights (e.g., seeking to pump at work, filing complaints with the Department of Labor (DOL), cooperating with DOL investigations). Nursing mothers who feel they have not been afforded their full ability to pump breast milk at work can contact their Human Resources, Manager. They may also file a written or oral complaint with the DOL.

The DOL Wage and Hour Division (WHD) Publication 1088, *Employee Rights under the Fair Labor Standards Act*, dated April 2023, reflects current pump at work requirements. This publication must be posted and remain posted in all postal facilities in conspicuous places visible to employees.

Offices must discard and recycle all previous versions of Publication 1088 and display the April 2023 version by September 29, 2023. The updated version is attached.

¹ While this memo addresses Postal obligations under the FLSA, there is a separate duty to provide reasonable accommodation to nursing mothers under the Pregnant Workers Fairness Act. Requests for accommodation beyond the obligations discussed here, for example for breaks beyond one year, should be referred to the appropriate RAC. See USPS Policy on Accommodation of Pregnant Women and Nursing Mothers.

If you should need further guidance on these matters, please contact the Field Human Resources Director for your respective Area. Please share this memo throughout all levels of your management teams to ensure all supervisory and managerial employees are aware of the Postal Service's responsibilities for nursing mothers in the workplace.



Simon Storey

Attachment

cc: Directors, Field Human Resources