

**ODH Directive 6  
NURSING MOTHERS**

**Reference:** Fair Labor Standards Act (FLSA), 29 U.S.C. 207(r)

1. **Purpose.** The purpose of this directive is to establish a policy in compliance with the DAS Directive and provisions of the Fair Labor Standards Act in order to provide ongoing support to nursing mothers by allowing nursing mothers to take reasonable unpaid break time to express breast milk. The Office of Human Resources is responsible for drafting this directive.
2. **Policy.** Breastfeeding results in numerous benefits to the mother, infant and the employer. Benefits such as lower absenteeism rates and savings in health care costs are good for the mother, infant and the employer. Therefore, ODH is committed to providing space and encouraging reasonable break time for nursing employees to express breast milk during work hours.
3. **Applicability.** This directive applies to all ODH employees who have identified themselves as nursing mothers. Nursing mothers will be entitled to express milk at work for up to one year after the birth of the child.

This directive applies to all ODH facilities throughout the state.

4. **ODH's responsibility.** Each ODH facility will provide a private room with no windows which may be used as a "lactation area" for nursing employees as needed. The lactation area may be used for other purposes, such as meetings; however it must be made available as needed by a nursing mother. Finally, the lactation area must not be in a restroom. The lactation area will provide the following:
  - A. A locking door.
  - B. A "do not disturb" sign.
  - C. An electrical outlet.
  - D. A table or flat surface which will support a breast pump.
  - E. A comfortable seat.

The lactation area will be within a reasonable walking distance from the employee's work area. Similarly, if the lactation area itself does not have a sink, one will be located within reasonable walking distance from the room.

ODH does not guarantee the provision of lactation supplies. If ODH's budget allows, the facility may provide hospital grade pumps for use by employees and/or a small refrigerator solely for the use of storing breast milk. All other supplies must be provided by the employee.

ODH Human Resources will coordinate nursing mothers' schedules to ensure room availability. Nursing mothers may wish to coordinate with each other for room use as well as cost sharing for other needed supplies.

**5. Procedure for nursing mothers.** Employees wishing to express breast milk during work hours must notify their supervisor and/or Human Resources of the following:

- A. The desire to express milk during work hours.
- B. The date of birth of the child.
- C. The times of the desired breaks.
- D. How the employee will account for the time to express (i.e., use paid break time if available, lunch hours or other unpaid time).
- E. Any changes in the need or times needed to express milk.

**6. Definition of "reasonable break time".** What is *reasonable* is based on each mother's physical needs and will likely vary. Therefore, it is the supervisor's responsibility to ensure adequate coverage to meet ODH's business needs while accommodating a nursing mother's request. It is the employee's responsibility to continue to work with her supervisor to determine an appropriate break schedule keeping in mind the operational needs of ODH.

Nursing mothers are encouraged to use paid break times or their lunch hours to express milk. However, if an employee has a need in addition to the above breaks, and the operational needs of the area are met, the employee may take unpaid time to express milk.

**7. Authority.** This directive is promulgated by the Director of Health pursuant to Ohio Revised Code sections 121.02, 121.07, 3701.03 and 3701.04 which authorize the Director to create, promulgate and enforce rules for the safe, efficient, economic and proper operation of the agency.

Approved:   
Theodore E. Wymyslo, M.D.  
Director

Date: 7/20/11

**Table of Effective Changes**

Version	Effective Date	Superseded/Modified	Significant Changes
6	8/1/2011	NA	First Issuance