

Employers Must Provide Breaks for Nursing Mothers

The Patient Protection and Affordable Care Act, or as it is more commonly known, "the Healthcare Reform Act of 2010," amends the Fair Labor Standards Act ("FLSA") to require employers to provide reasonable unpaid breaks to nursing mothers for one year after the nursing child's birth. This break is to allow the nursing employee to express breast milk for her child.

This law goes into effect immediately.

Additionally, it also requires employers to provide a private place, other than a bathroom, where an employee can express breast milk. The place must be shielded from view and free from intrusion from coworkers and the public. Small employers (defined as less than 50 employees) may be exempt if such accommodation would cause the employer significant difficulty or expense.

Some states (including Tennessee) already have statutes in place addressing this issue. If such a statute provides additional benefits to an employee (for example requiring the employee to be paid during the break time), the employer must comply with the more generous state law.

In Tennessee, the law provides that "An employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for that employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer shall not be required to provide break time under this section if to do so would unduly disrupt the operations of the employer."

Stay tuned for more alerts concerning the various dimensions of this landmark legislation which will affect employers!

If you have any questions relating to this alert or any other employment law matter, please feel free to contact any member of the [Labor and Employment Department](#) at Miller & Martin. Additionally, you may also contact any member of our [Health Care Practice Group](#) at Miller & Martin about any aspect of the Healthcare Reform Act of 2010.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.

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