

**Date:** April 18, 2011

**Code:** TECHNICAL LETTER  
HR/Salary 2011-05

**To:** Human Resources Officers  
Associate Vice Presidents/Deans of Faculty  
Payroll Managers

**Reference:** HR 2011-03

**From:** Evelyn Nazario   
Assistant Vice Chancellor  
Human Resources Management

**Subject:** New Break Time Regulation for Nursing Mothers

**Overview**

**Audience:** HR professionals responsible for communicating human resources policies and campus designees responsible for monitoring/supervising employee time and attendance requirements

**Action Item:** Implementation of a new Fair Labor Standards Act (FLSA) break time regulation for nursing mothers

**Affected Employee Group(s)/Unit(s):** Nursing mothers who express breast milk for their nursing child while at work

**Summary**

As communicated in [HR Letter 2011-03](#), on March 23, 2010, a new federal statute, the "Patient Protection and Affordable Care Act" (PPACA) was signed into law. One of the requirements in the Act is that employers provide break time to nursing mothers to express milk for their nursing child. This requirement amended Section 7 of the FLSA. Those in the audience listed above should review the remainder of this technical letter for more detailed information.

The purpose of this coded memo is to provide system-wide guidelines for campus administration of break times for nursing mothers who choose to express milk while at work.

**Covered Employees**

The PPAC Act provides for break times for this purpose for up to one year after the child's birth. Under federal law, the FLSA requirement of break time to express breast milk extends to nursing mothers who are not exempt from Section 7 of the FLSA, e.g., employees classified as "non-exempt."

**Break Guidelines**

- Employers must provide a "reasonable break time" to express milk. The frequency and duration of the breaks will likely vary depending on a number of factors. The time necessary to express milk includes, among other things,

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