



FLSA Requires Break Time for Nursing Mothers

By Barry H. Uhrman

The Fair Labor Standards Act ("FLSA") now requires employers with 50 or more employees to give nursing mothers break time to express milk. Under the FLSA, employers are required to allow nursing mothers break time to express milk each time the mother has a need to do so. The law does not address timing; the employee is entitled to breaks as needed. Of note, the federal law only extends to the child's first birthday.

The law also now requires employers to provide nursing mothers with a private place, other than a bathroom, to express milk. The place must be shielded from view and free from intrusion by co-workers and the public.

Employers should examine how often they allow nursing mothers to break, the timing of those breaks, and the facilities they provide for nursing mothers to express milk. ♦

Jones, Skelton and Hochuli's Employment Law Practice Group will continue to keep you apprised of all future developments concerning employment law. Please feel free to contact Barry H. Uhrman [(602) 263-7328, buhrman@jshfirm.com] with any questions you may have regarding these important developments.

About The Author



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Mr. Uhrman joined Jones, Skelton & Hochuli in 2007 and concentrates his practice on employment law, complex litigation and governmental liability. He has successfully defended Title VII, ADA, ADEA and FMLA cases for Fortune 500 clients and public and private sector employers. Mr. Uhrman has extensive experience revising sexual harassment and other employment policies for employee handbooks. In addition, he has authored articles and seminar materials regarding leaves of absence under the ADA and FMLA.

Mr. Uhrman has also represented clients in other areas of employment law, with an emphasis on intellectual property and trade secrets. He has successfully defended multi-million dollar copyright infringement, defamation and trade secrets cases. Mr. Uhrman has also represented private sector employers in cases involving employment law torts, including interference with business advantage, violation of the right of publicity, and tortious interference with contractual relationships.

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