

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

TEACHING STAFF MEMBERS  
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Post Maternal Accommodations

3421.13 POST MATERNAL ACCOMMODATIONS

The Board of Education recognizes school staff members may be returning to work shortly after their child's birth and may need to express breast milk during the workday. The Patient Protection and Affordable Care Act (PPACA) amended the Federal Fair Labor Standards Act (FLSA) to nursing mothers in positions not exempt from the FLSA to be permitted reasonable break times to express breast milk for her nursing child for one year after the child's birth. Exempt and non-exempt FLSA employees are defined in 29 C.F.R. 541 et seq.

School staff members not exempt from the FLSA will coordinate the times of their workday for such breaks with their immediate supervisor. The staff member will be required to sign-out of work when they leave their work location and begin the break and shall sign-in when they return to their work location after the break. The break shall be for a reasonable time. The non-exempt staff member will not be compensated during this break time unless the break is taken during the staff member's lunch break.

The Board of Education is not required to provide such breaks to school staff members exempt from the FLSA. However, school staff members exempt from the FLSA may take such breaks provided the staff member can coordinate such breaks so the breaks can be taken during the school staff member's duty free lunch period, duty free break period, or preparation time during their workday. The exempt staff member will be compensated during this break time provided it is taken during the school staff member's duty free lunch period, duty free break period, or preparation time during their workday.

A Principal, in consultation with the school nurse, will provide a place, other than a restroom, that is shielded from view and free from intrusion from coworkers and the public, for a nursing mother to express breast milk.

Fair Labor Standards Act – 29 U.S.C. 201 et seq.  
Patient Protection and Affordable Care Act – P.L. 111-148

First Reading: November 19, 2018

Second Reading:

Initial Adoption: