



Texas Family-Friendly Worksite Development Initiative (TXFWD)

Invitation to Participate
Webinar



Introduction



- **Julie Stagg, MSN, RN, IBCLC, RLC**
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- **Alma Carver**
 - Texas Mother-Friendly Worksite TASP Project Director



- **Joshua Klaus**
 - Texas Mother-Friendly Worksite TASP GA



Introduce yourself!

- Type into the “Chat box” and say hello!
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Texas Metropolitan Statistical Areas(1).pdf

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Texas Family-Friendly Worksite Development Initiative (TXFWD): Invitation to Participate
Webinar ID# 237-240-787

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Agenda

- Benefits of Being a Texas Mother-Friendly Worksite
- State and Federal Laws to Support Worksite Lactation
- About the Program
 - Minimum Requirements
 - TMFW-TASP
- TXFWD Project Overview
 - Eligibility, Application & Reimbursement
- TXFWD Project Activities
- TXFWD Project Timeline
- Questions



Benefits to being a mother-friendly worksite



- Healthier moms and babies
- Increased retention, morale, productivity of employees, reduced absenteeism
- Reduced health-care costs and lower turnover



Family friendly. Worker friendly. Business friendly.



Wage and Hour Division (WHD)

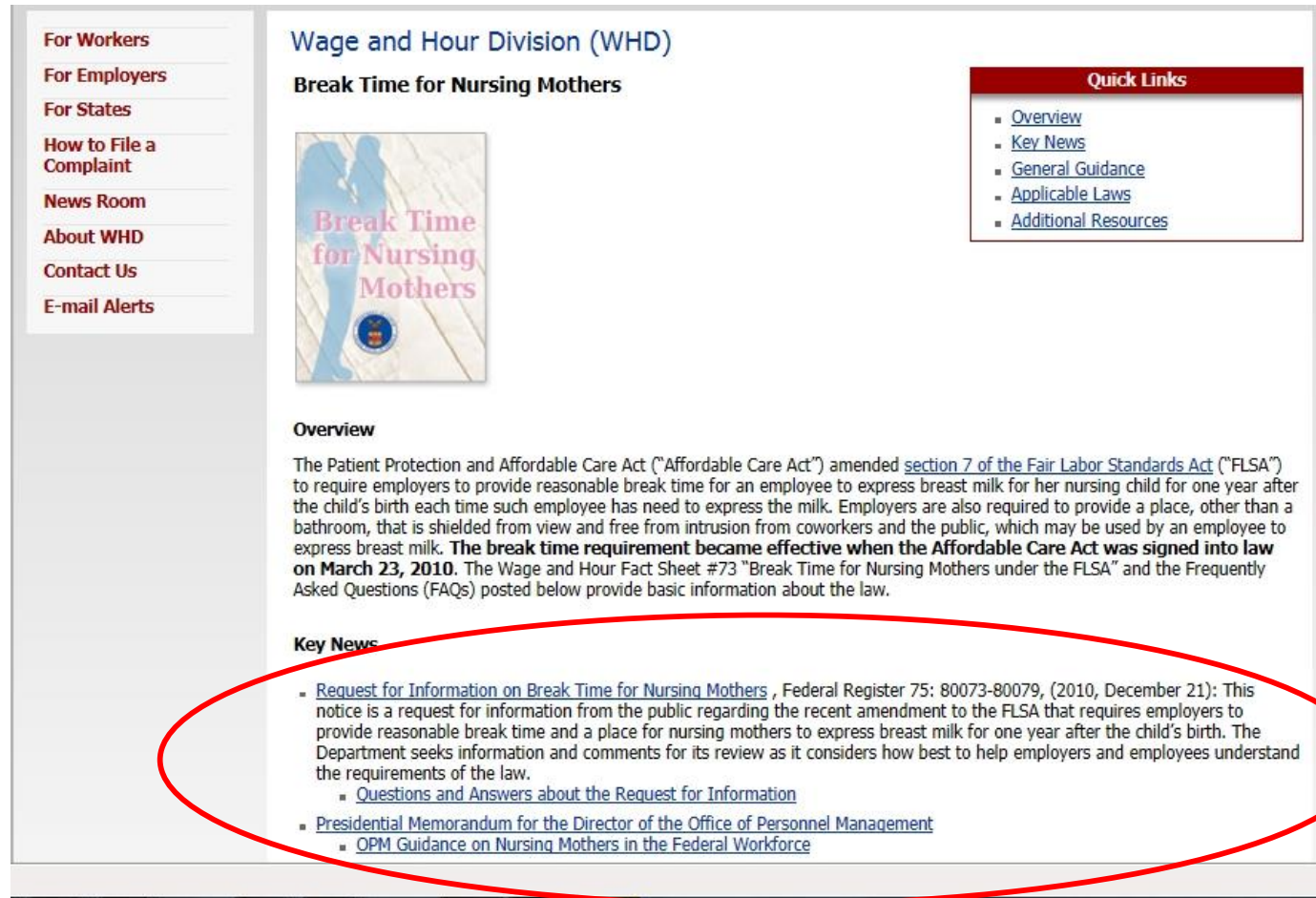
Break Time for Nursing Mothers



The Fair Labor Standards Act was amended in March 2010 to include the “Reasonable Break Time for Nursing Mothers” provision

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- <http://www.dol.gov/whd/nursingmothers/>



For Workers

For Employers

For States

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Wage and Hour Division (WHD)

Break Time for Nursing Mothers



Quick Links

- [Overview](#)
- [Key News](#)
- [General Guidance](#)
- [Applicable Laws](#)
- [Additional Resources](#)

Overview

The Patient Protection and Affordable Care Act ("Affordable Care Act") amended [section 7 of the Fair Labor Standards Act](#) ("FLSA") to require employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. **The break time requirement became effective when the Affordable Care Act was signed into law on March 23, 2010.** The Wage and Hour Fact Sheet #73 "Break Time for Nursing Mothers under the FLSA" and the Frequently Asked Questions (FAQs) posted below provide basic information about the law.

Key News

- [Request for Information on Break Time for Nursing Mothers](#), Federal Register 75: 80073-80079, (2010, December 21): This notice is a request for information from the public regarding the recent amendment to the FLSA that requires employers to provide reasonable break time and a place for nursing mothers to express breast milk for one year after the child's birth. The Department seeks information and comments for its review as it considers how best to help employers and employees understand the requirements of the law.
 - [Questions and Answers about the Request for Information](#)
- [Presidential Memorandum for the Director of the Office of Personnel Management](#)
 - [OPM Guidance on Nursing Mothers in the Federal Workforce](#)

Equal Employment Opportunity Commission



- http://www.eeoc.gov/laws/types/pregnancy_guidance.cfm

The screenshot shows a web browser window with the URL http://www.eeoc.gov/laws/types/pregnancy_guidance.cfm. The page header features the EEOC logo and the text "U.S. Equal Employment Opportunity Commission". A navigation menu includes "Home", "About EEOC", "Employees & Applicants", "Employers", "Federal Agencies", and "Contact Us". A left sidebar lists categories: "Laws, Regulations, Guidance & MOUs", "Overview", "Laws", "Regulations", "Guidance", "Memoranda of Understanding", "Discrimination by Type", and "Prohibited Practices". The main content area shows a breadcrumb trail: "Home > Laws, Regulations & Guidance > Types of Discrimination". The title is "Policy Guidance Related to Pregnancy Discrimination". A list of links includes: "Enforcement Guidance: Pregnancy Discrimination And Related Issues", "Questions and Answers about the EEOC's Enforcement Guidance on Pregnancy Discrimination and Related Issues", "Fact Sheet for Small Businesses: Pregnancy Discrimination", "The Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964", and "Employer Best Practices for Workers with Caregiving Responsibilities".



Sec. 619.003. POLICY ON EXPRESSING BREAST MILK.

- (a) Public employer shall develop written policy on expression of breast milk by employees under this chapter
- (b) Policy developed under Subsection (a) must state public employer shall:
 - (1) support the practice of expressing breast milk; and
 - (2) make reasonable accommodations for needs of employees who express breast milk



State Law—Govt. Code Ch. 619 (Sept 2015)



- Public Employer: county, municipality, or political subdivision of state, including school district;
- or board, commission, office, department, or agency in executive, judicial, or legislative branch of state government, including institution of higher education

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.619.htm>

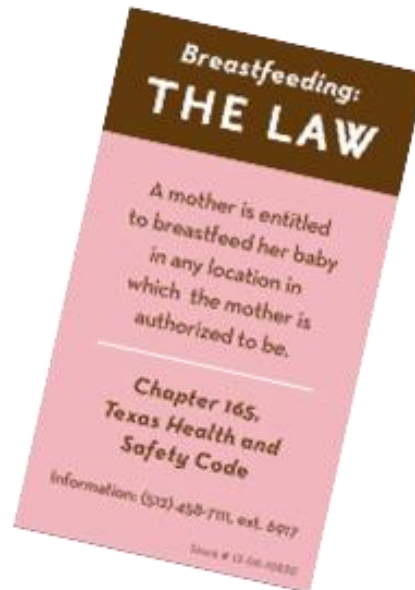


- A policy...must state public employer shall:
 - (1) provide reasonable amount break time for employee to express breast milk each time employee has need to express milk; and
 - (2) provide place, other than multiple user bathroom, that is shielded from view and free from intrusion from other employees and public where employee can express breast milk
- Prohibits discrimination for asserting right
- No cause of action created

Texas Health and Safety Code 165- Breastfeeding (est. 1995)



- Affirms a woman's right to breastfeed in any location in which she "is authorized to be"
- "Mother-Friendly" Business Designation



A Texas Mother-Friendly Worksite



Adheres to the definition of a mother-friendly business

A worksite that actively promotes and supports breastfeeding by its employees and that maintains a written worksite lactation support policy that is regularly communicated to employees.

www.TexasMotherFriendly.org

MFW Minimum Requirements



Written employee lactation support policy providing:

- Flexible scheduling for milk expression breaks
- Accessible, private space other than bathroom
- Accessible, clean water source
- Hygienic milk storage
- Communicates written lactation policy to employees



DSHS TMFW Program

Funds the TMFW-TASP to offer...

- Tools & resources to help businesses build, evaluate, maintain, and market workplace lactation support programs
- Assistance in developing workplace lactation support policy



About TXFWD



- DSHS MFW & TMFW-TASP partnership
- “Mother-Friendly” opportunity
- MSA entities
- Customized technical assistance and support



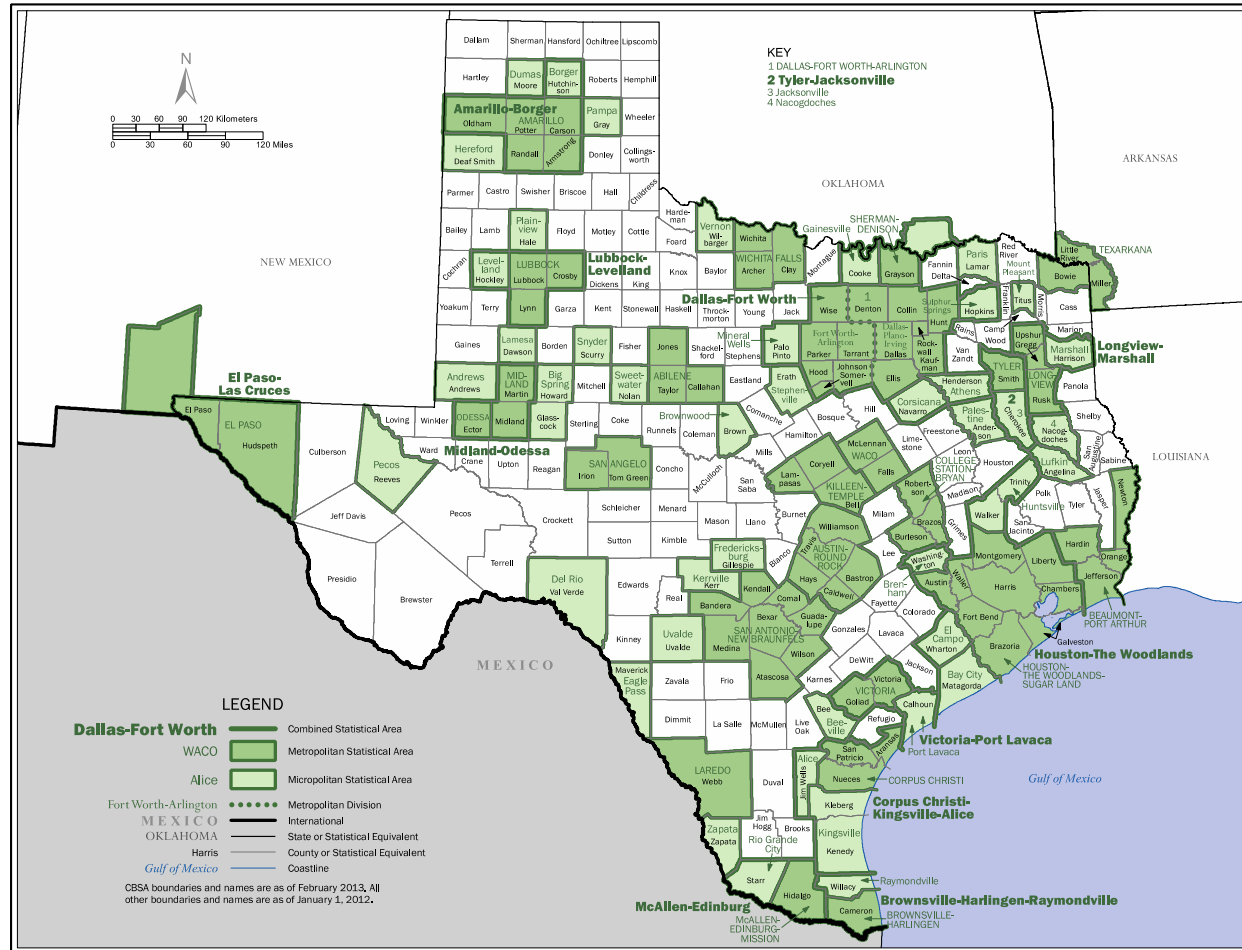
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Eligibility and Application

Eligible participants: MSAs

- MSA “principal city” municipalities
- MSA municipalities with populations $\geq 50,000$
- Smaller MSA entities (i.e. MSA municipalities with population $< 50,000$)

U.S. DEPARTMENT OF COMMERCE, Economics and Statistics Administration, U.S. Census Bureau



Eligibility Slide

- Preference given to MSA entities not yet designated through Texas Mother-Friendly Worksite Program
 - Consideration for MSA entities that choose to pursue a higher level of designation (i.e. Silver or Gold)



Project Period Activities

- Participants will commit to complete the following activities during the project period:
 - Form planning team
 - Hold 2+ team meetings
 - Conduct employee needs assessment
 - Draft worksite lactation policy
 - Develop supplies and materials plan
 - Develop work plan for completion of policy approval and implementation process
 - Participate in monthly webinars with other participating employers



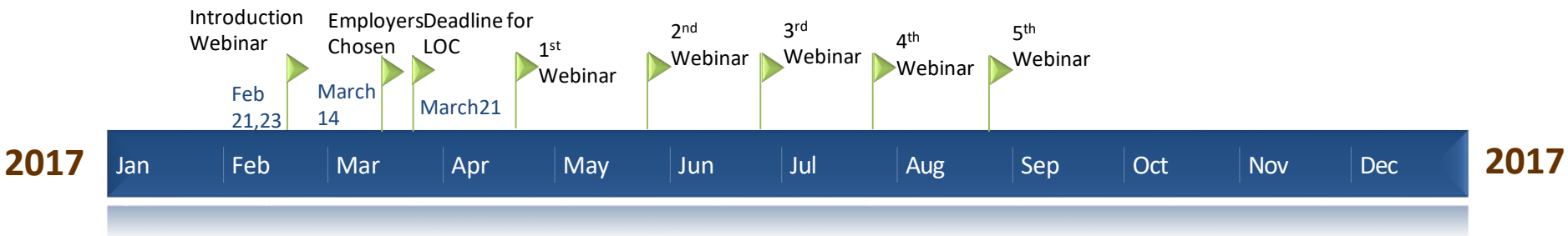
Reimbursement



- Limited material assistance (e.g. cost reimbursement) to participating MSA entities that complete Project Period Activities
- Collaboration within counties encouraged



TMFW Deliverable Timeline



Enrollment period Feb 21 – March 10

Active project period April 26 – Aug 30

Project period: **March 1, 2017—August 30, 2017**
 TA available to participants throughout project period



Next Steps

- March 10
 - Complete online survey to demonstrate intent to participate
- March 14
 - TMFW-TASP will email all chosen employers and request a Letter of Commitment (LOC) to participate
- March 21, 2017
 - Participants return signed LOC via email to motherfriendlyworksites@uth.tmc.edu
- Late April
 - First project webinar for participating MSA entities will take place (dates to be announced)



Thank You!



Questions?

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