



# Texas Family-Friendly Worksite Development Initiative (TXFWD)

Invitation to Participate  
Webinar



# Introduction



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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.*

# Federal Law



Wage and Hour Division (WHD)

**Break Time for Nursing Mothers**

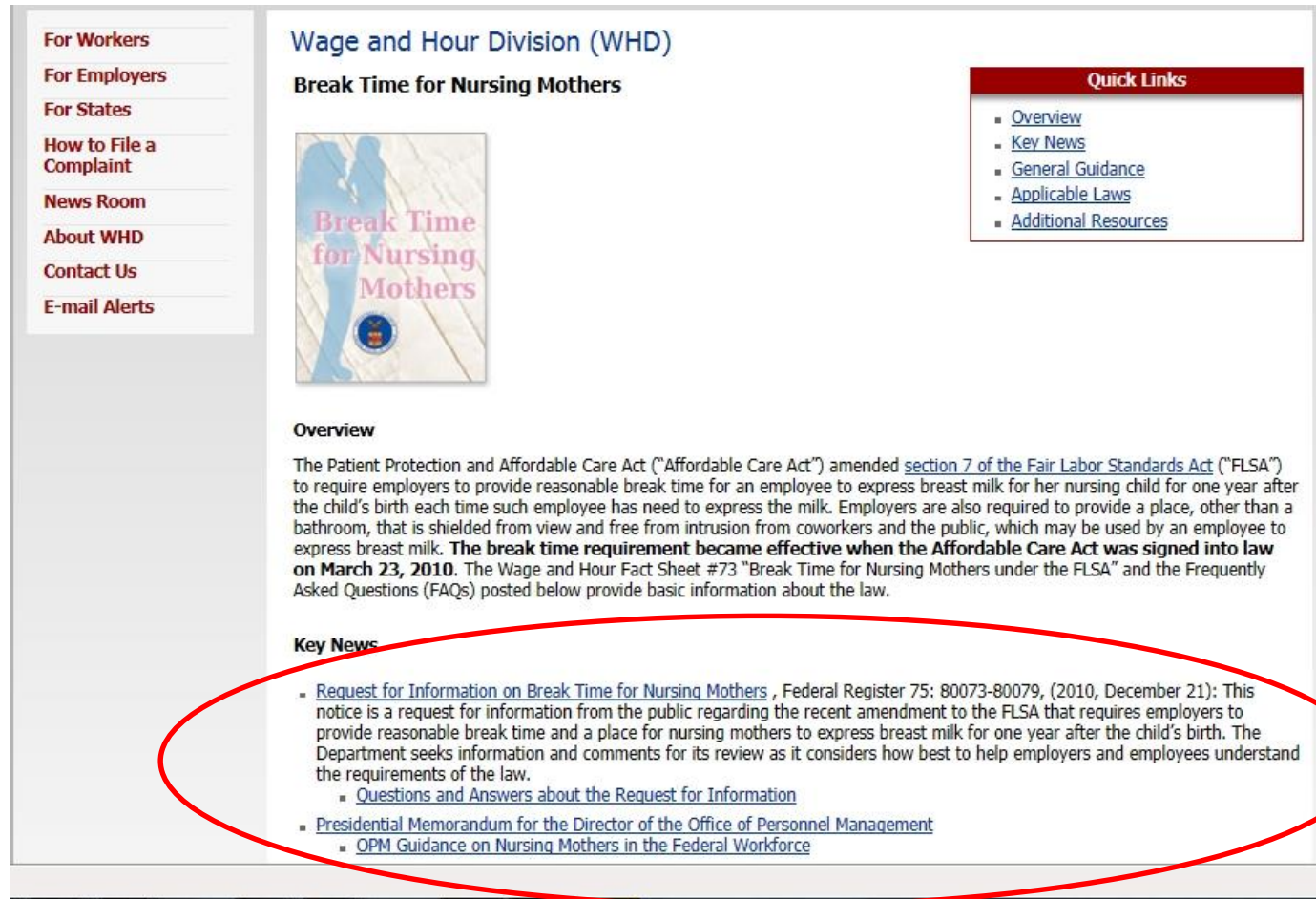


The Fair Labor Standards Act was amended in March 2010 to include the “Reasonable Break Time for Nursing Mothers” provision

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# Federal Law


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



For Workers  
For Employers  
For States  
How to File a Complaint  
News Room  
About WHD  
Contact Us  
E-mail Alerts

## 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](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](http://www.eeoc.gov/laws/types/pregnancy_guidance.cfm). The page 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", followed by a list of links: "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/html/GV.619.htm>

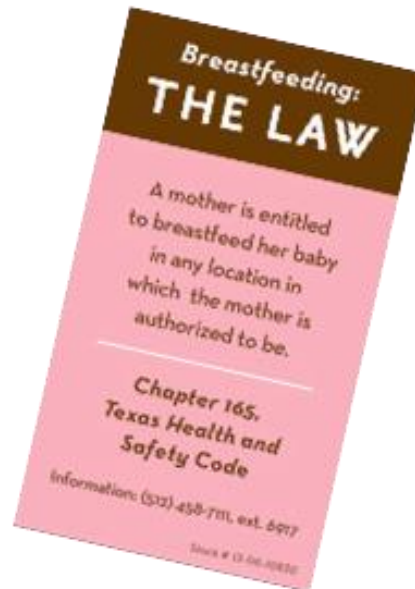


- A policy...must state public employer shall:
  - (1) provide reasonable amount break time for employee to express breast milk each time employee has need to express milk; and
  - (2) provide place, other than multiple user bathroom, that is shielded from view and free from intrusion from other employees 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](http://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

Includes 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



- “Mother-Friendly” opportunity
- Metro/Micropolitan Statistical Areas (MSA,  $\mu$ SA)
- Customized technical assistance and support



*Family friendly. Worker friendly. Business friendly.*

# Eligibility and Application



Eligible participants:

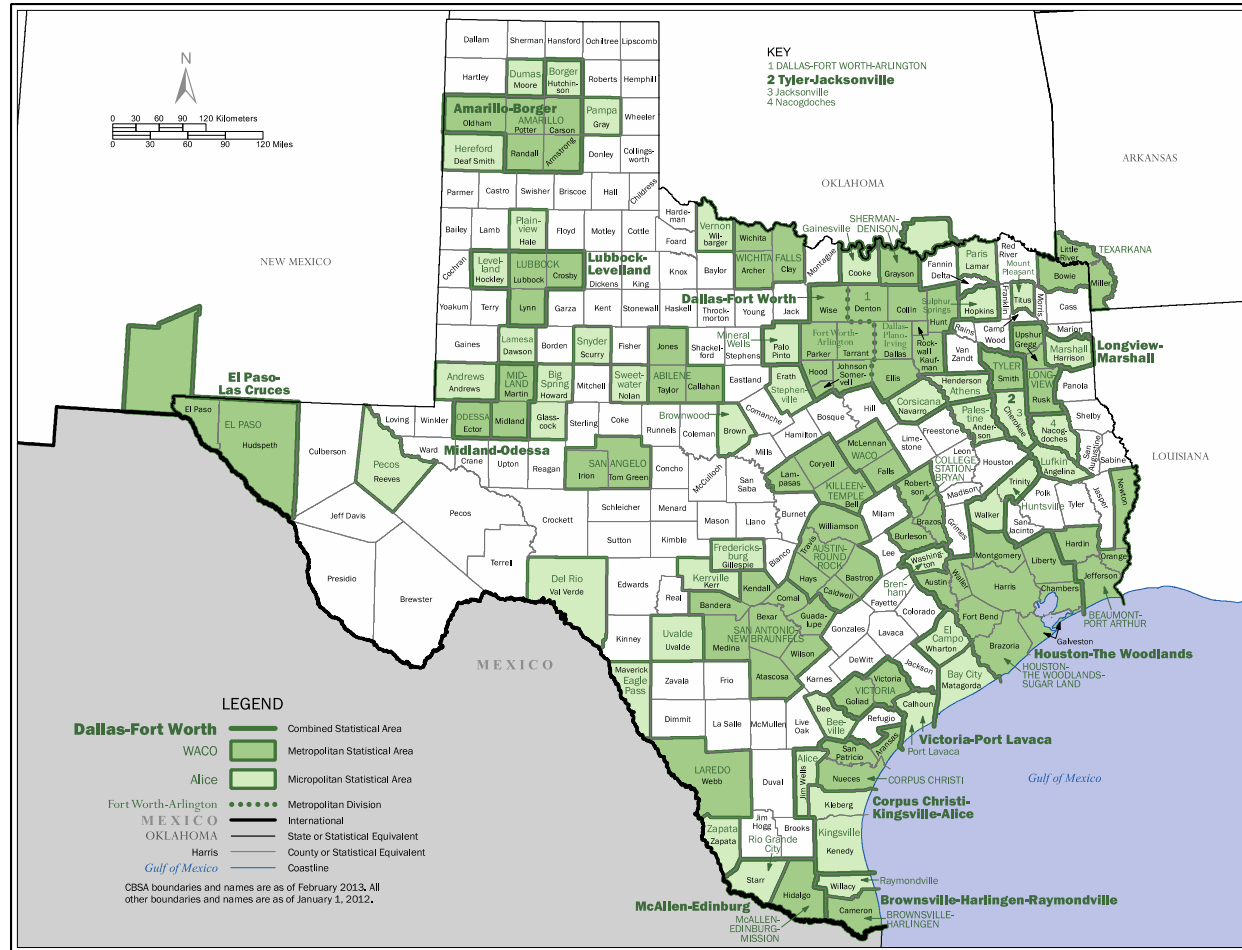
(MSA,  $\mu$ SA)

All county and municipal/  
local governments

(entities)  
geographically  
located within a  
Texas Metropolitan  
Statistical Area

(MSA) or a  
Micropolitan  
Statistical Area  
( $\mu$ SA)

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



# Eligibility Slide



- Preference given to MSA and  $\mu$ SA entities not yet designated through Texas Mother-Friendly Worksite Program
  - Consideration for MSA and  $\mu$ SA designated 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/ $\mu$ SA entities that complete Project Period Activities
- Collaboration within counties encouraged



# Next Steps

- June 9
  - Complete online survey to demonstrate intent to participate
- June 19
  - TMFW-TASP will email all chosen employers and request a Letter of Commitment (LOC) to participate
- June 30
  - Participants return signed LOC via email to [motherfriendlyworksites@uth.tmc.edu](mailto:motherfriendlyworksites@uth.tmc.edu)
- mid-July (TBD)
  - First project webinar for participating MSA entities will take place (dates to be announced)



# Thank You!



# Questions?

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**Texas Department of State Health Services**

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