



Nursing Mothers: Frequently Asked Questions

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Q: My employee is required to travel frequently as part of her job. Should I recommend she consider formula feeding?

A: Absolutely not. The choice to formula feed vs. breast-feed is an intensely personal and important decision for parents. As an employer, you should find ways to encourage, not discourage making breast-feeding work, after all it is a temporary circumstance and your city's family friendly policies will go a long way in making your employees happier and more productive.

Q: Am I required to eliminate travel from my nursing employee's schedule?

A: No. However, if travel is able to be modified without an undue hardship on the employer, you should consider working with the nursing mother to limit overnight or excessive travel while nursing. For some nursing mothers, travel will be feasible, for others it might be more difficult. Have the dialogue with the employee to determine what the best course of action is.

Q: Can we require the nursing mother to use her normal breaks to nurse?

A: While you cannot require your employee to forgo regular breaks (if provided to other employees), Tennessee state law says you can require the nursing mom to take them back-to-back, which provides for less interruption and only one period away from the workstation rather than two.

Q: What is considered excessive under the new regulations?

A: This is not defined in the regulations and it is important to note every nursing mother will have different needs as their baby's needs change. That nursing breaks are generally unpaid will likely serve as an incentive for employees to express milk efficiently and report back to work.

Q: How do I keep track of nursing breaks?

A: This is up to the employer to track on a per employee basis. If you provide breaks to all employees, you should not count nursing breaks as a regular break, because employees cannot be required to use their regularly provided breaks for nursing.

Q: Can I require nursing moms to sign in and out of a room for nursing breaks?

A: Yes. Some employers have a designated nursing room and employees sign in and out of the space through a central human resources office. This allows a central place for the storage of the key and ensures that the room is not used for other purposes that may prevent or impede a nursing mother from expressing milk.

Q: We have no space available to create a nursing room. Can I allow the employee to use my office until we make other arrangements?

A: Yes, but this means your office needs to be available whenever the employee needs to express milk. However, if you are required by law to provide space for your nursing mothers, it is advisable you work on a solution such as moving as soon as your lease agreement or rental agreement is up. If this is not a feasible solution, you may want to consider allowing the employee to work remotely until adequate nursing space is available. Another option would be to convert someone's office into a nursing room and move the employee in the office into another space.

Q: Is our city required to provide a refrigerator or freezer for the storage of expressed breast milk?

A: No. At this point, the legislation does not require an employer to provide a storage unit such as a refrigerator or freezer for the storage of breast milk. However, if your city can provide such an accommodation, it would go a long way in making nursing easier for families.

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