



## PROVIDING URGENT MATERNAL PROTECTION FOR NURSING MOTHERS ACT (PUMP ACT)

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**A**s we prepare to begin a new year, the Women Committee is still battling old issues: the USPS' ongoing failure to accommodate pregnant and nursing mothers. The regulations and guidelines are clearly outlined, yet we have plants that are failing to adhere to them. The Postal Service's disregard of their obligations means that we are compelled to further inform our members of their rights.

On December 29, 2022, President Biden signed the Consolidated Appropriations Act, 2023, into law, which included the "**Providing Urgent Maternal Protection for Nursing Mothers Act**" which is also known as the PUMP Act. The "PUMP Act" allows nursing employees to receive break time to pump in a private place, other than a bathroom, during a reasonable break time. This right is available for up to one year after the child's birth. The Fair Labor Standards Act requires employers to provide nursing mothers **reasonable break time** when the employee has a need to pump breast milk. The frequency, duration, and timing of the needed breaks will vary depending on the individual mother. The USPS and employees must be flexible in case the pumping schedule has to be adjusted.

It's important to note, the PUMP Act **does not require that employees be compensated for break time needed to pump**, unless otherwise required by federal or state or municipal ordinance. If the employer provides paid break time, which the USPS does, and the nursing employee chooses to use that time to pump, the employee must be compensated in the same way that other employees are compensated for break. But once again, the employee must be given reasonable break time to pump.

The employer must ensure the employee's **privacy** while breast pumping. The nursing employee must be provided a

functional space that is shielded from view and free from intrusion by co-workers or the public. **This space cannot be a bathroom. The space must contain a place for the nursing employee to sit, and a flat surface, not the floor, on which to place the pump. Employees must be able to safely store milk while at work, such as an insulated food container, personal cooler, or refrigerator.** Electricity should also be available for a mother who is utilizing an electric pump. Access to a sink near the space provided to pump so that the employee can wash their hands and clean the pumping equipment.

If the Postal Service is not following these requirements, employees have avenues to report violations of the law. Employees who have experienced violations of the PUMP Act or the retaliation provisions of the FLSA may file a complaint with the U.S. Department of Labor Wage and Hour Division (WHD) by calling the toll-free number 1-866-487-9243 or by visiting [www.dol.gov/whd](http://www.dol.gov/whd).

An employee will then be directed to the nearest WHD office for assistance, and WHD will investigate. It is illegal for an employer to fire or discriminate against an employee for filing a complaint.

If your facility has failed to meet the mandated requirements, speak to your local Union representatives. It's important that the rights of our pregnant and nursing mothers are protected. If needed, fill out the PS Form 1767- Report of Hazard, Unsafe Condition or Practice". The room should be clean and have the necessity mandated by DOL. The room should not be a bathroom. The nursing mother and the pumped milk should be protected from exposure to bacteria in the pump room. If the USPS is failing to clean and disinfect the area, file a grievance and report the unsafe conditions. The right to a safe, clean, and private area to pump breast milk is a right for our nursing mothers and their children.

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