

3.27 – Support for Nursing Mothers v060119

PART 1: PURPOSE

This rule establishes NMSU's policy with regard to facilitating the ability of mothers to nurse their child(ren), including the use a breast pump in the workplace, as required by New Mexico law (NMSA 1978, § 28-20-1 and § 28-20-2). The rule also provides procedural guidance, limitations on NMSU's responsibilities relating to nursing support, and contact information for the Office of Institutional Equity, which provides additional guidance on a case by case basis.

PART 2: SUPPORT FOR NURSING MOTHERS

- A. **Employee Break Times:** NMSU works with employees to provide flexible break times as needed for nursing mothers, to facilitate their ability to nurse or to express milk.
- B. **Employee Privacy:** NMSU provides employees with space for nursing or use of a breast pump that is:
 - 1. clean and private;
 - 2. near the employee's workspace; and
 - 3. not a bathroom.
- C. **Right to Nurse:** Outside of the workplace, NMSU recognizes the right of any nursing mother to breastfeed her child in any location, public or private, where the mother is otherwise authorized to be present.
- D. **Student Support:** Students are entitled to nurse or express milk when necessary. Students may make arrangements directly with professors or contact OIE for support in making arrangements relating to the need to nurse or express milk, including finding private locations with electrical outlets, making up classwork missed due to the need to nurse or pump, or for protection from adverse treatment or harassment based on the student's breastfeeding, lactation or pumping.

PART 3: GUIDELINES

- A. **Coordination:** Nursing mothers should meet with their supervisors to discuss their needs; including, frequency and timing of breaks to nurse/express milk, and to develop a schedule that is flexible to meet the nursing needs of the employee and the needs of the work unit. Supervisors will work with nursing mothers to identify a mutually acceptable location for the breaks, which meets the legal requirements listed above.
- B. **Customary Break Time:** NMSU provides its employees up to an hour meal break for an 8-hour work period and a fifteen minute break during each 4-hour work period (ARP 7.01, Part 11). If a nursing mother requires more time than policy allows to nurse or express milk, she will work with her supervisor to arrange for such time to be granted. A supervisor may require a nursing mother to use paid leave for break time greater than the 15-minute break provided in policy, but

supervisors are encouraged to be flexible and reasonable when creating break schedules for nursing mothers.

- C. **OIE Guidance:** Employees and/or supervisors are encouraged to consult with the Office of Institutional Equity (OIE) for guidance and support when identifying appropriate locations or to create a break schedule for nursing or expressing milk. Please contact the Office of Institutional Equity at equity@nmsu.edu or call 575-646-3635 if you have questions.

- D. **Limits on NMSU Responsibility:** NMSU will not be liable for providing storage or refrigeration of breast milk, payment for the nursing mother's break time outside of established employee breaks, or payment of overtime while a nursing mother is nursing or using a breast pump.