



Nebraska
Breastfeeding
Coalition

August Quarterly Meeting

From the comfort of your own screens

August 2, 2022 – 10am - Noon

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Agenda

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10
YEARS
STRONG

- Welcome & Introductions
 - Invitation to Leadership Team
- Financial Update
 - Invitation for Sponsorship
- Strategic Plan 2022-2025 Goals
 - Potential activities to look forward to
- Updates to the Breastfeeding Friendly Designation
- Breastfeeding Month Themes
- Presentation from Jhomahara Cook of the Department of Labor: Wage and Hours Division
 - Break Time for Nursing Mothers
- Presentation from Nebraska State Senator Danielle Conrad
 - Breastfeeding in Nebraska
- Presentation from Jessica Lee of the Center for WorkLife Law | University of California, Hastings College of the Law
 - PUMP Act: What happens now?
- Membership / Sponsorship Invitation

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Meet the Leadership Team Members

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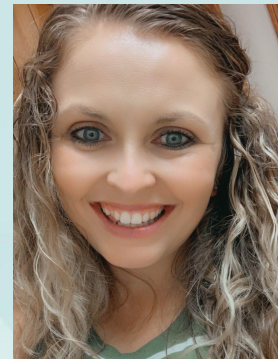
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Stephanie Bradley, CLC
Touch of Gold-
Founder/Director
Chair



Karina
Ruiz-Vargas, CLC
Spanish
Interpreter
Co-Chair



Samantha Good, RN,
CLC
Co-instructor in Rural
Breastfeeding
support group.



Melanie Horstman, IBCLC
Child Passenger Safety
Technician
Co-Owner- Nurture
Omaha, LLC



Kara Foster, MPH
Education & Training
Manager
CityMatCH



Alyson Carter, CLC
Mental Health Therapist



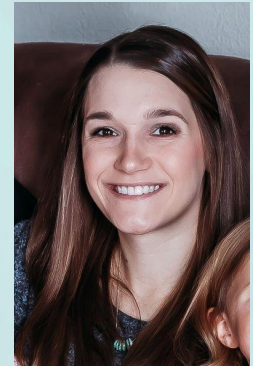
Nicole Christensen,
RD, CLC
Nebraska WIC
Program, Department
of Health and Human
Services



Johanna Babcock,
Breastfeeding Peer
Counselor (rural NE)



Gaby Valverde, RN,
CLC
Nebraska WIC
Program Manager



Molly Rempe, CLC
OB Coordinator
Broadstone Memorial
Hospital
Child Passenger Safety
Technician

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Lead the Charge

- Do you have a passion for breastfeeding support and education?
- Are you looking for a way to be more involved in normalizing breastfeeding for Nebraska?
- Can you commit to at least 2 meetings per month?
- Do you have the capacity to assist with small projects?

**Apply to join our
Leadership Team!**



Nebraska Breastfeeding Coalition
Leadership Team Applications



<https://forms.gle/7eUwdU5e2tuehTtL6>

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Financial Update

Fiscal Year: July 2021-June 2022

Current Number of Members: 109

- includes company memberships - 5 people maximum per company membership

Amount of revenue this fiscal year: \$2,375

- Primarily individual/organizational membership dues

Amount spent this fiscal year: \$17,326.70

- Primarily on Strategic Planning, promotional materials, and the Administrative Coordinator

Balance as of 6/30/22: \$24,846.55

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Invitation to Sponsor the Coalition

Community sponsorship and membership dues allow the Coalition to move strategic planning initiatives forward. If your business or organization would like to become a sponsor, please email info@nebreastfeeding.org or go to our website to learn more www.nebreastfeeding.org

Sponsoring Member

- Bronze Sponsor
- Silver Sponsor
- Gold Sponsor
- Platinum Sponsor

Covers 10 individuals

- \$500/year
- \$1000/year
- \$2500/year
- \$5000/year

Provide operational and project funding to advance the Strategic Plan

Recognition at all quarterly meetings, on Social Media and on the NE BFC website homepage

Membership Criteria

Membership of the Nebraska Breastfeeding Coalition is open to anyone who is in agreement with the mission, goals and values of the Coalition. No person or organization shall be denied membership because of race, gender, religious preference, ethnicity, sexual orientation, age, disability or any other grounds in which it is not permissible to discriminate. Members may not receive personal compensation or commissions from infant formula companies.

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Strategic Plan 2022-2025

- Focus Areas

- Clarifying the mission
- Diversity, equity, and inclusion
- Expanding our outreach and capacity
- Increasing representation
- Intentional advocacy

If you're interested in joining a workgroup or have ideas on how to advance the mission, email info@nebreastfeeding.org

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Strategic Plan

Primary Goals and Activities

Goal #1

Improve the lactation workforce through diversification and professional support in Nebraska by 2025.

- Statewide Mentorship Program for IBCLC Candidates
- Scholarship opportunities through the Coalition
- Continuing Education provided through Coalition Meetings and other events

Goal #2

Increase NE BFC visibility and reach among Nebraska community partners by 2025.

- Greater involvement in Community events and activities
- Improvements to the Breastfeeding Friendly Establishment application and renewal process

Goal #3

Increase NE BFC network advocacy efforts by 2025 for relevant policies and practices at the local, State, and National levels that promote breastfeeding in Nebraska.

- Greater involvement in the promotion of breastfeeding initiatives in legislation, health system policy, and community advocacy

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Breastfeeding Friendly Designation Updates

Supporting breastfeeding mothers in the workplace is not only the law but is one way for businesses to embrace wellness, impact health care costs, lower absenteeism, and be seen as a family-friendly business for potential and current employees.

- Applying is free for all businesses and organizations
- Designation is re-evaluated annually
- Member sites will receive:
 - Printed materials supporting breastfeeding in the workplace
 - A dated Nebraska Breastfeeding Coalition Breastfeeding Friendly window cling for display purposes
 - NE BFC branded items for their lactation rooms (TBD)
- Current member sites will be contacted by the end of 2022 regarding their renewal

Breastfeeding Awareness Month 2022

- National Breastfeeding Month
 - The U.S. Breastfeeding Committee 2022 Theme is Together We Do Great Things! The USBC vision of thriving families and communities cannot be achieved by any one person, or by just one organization.
 - (learn more at www.usbreastfeeding.org)
- World Breastfeeding Week (August 1-7)
 - The World Alliance for Breastfeeding Awareness 2022 Theme is Step Up for Breastfeeding and the Warm Chain Campaign
 - (learn more at www.worldbreastfeedingweek.org)

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Cultural Breastfeeding Awareness Themes 2022

- Week 2: Indigenous Milk Medicine Week (August 8-14)
 - Theme: Strengthening Our Traditions From Birth and Beyond
 - learn more on Facebook: Indigenous Milk Medicine Collective
- Week 3: Asian American Native Hawaiian and Pacific Islander Breastfeeding Week (August 15-21)
 - Theme: Telling Our Own Stories. Elevating Our Voices.
 - learn more on Facebook: Asian & Pacific Islander Breastfeeding Task Force
- Week 4: Black Breastfeeding Week (August 25-31)
 - Theme: BBW 2022: 10 Years, A New Foundation
 - learn more at www.blackbreastfeedingweek.org

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Nebraska Breastfeeding Month 2022

- A Governor's Proclamation is a ceremonial document and declaration on behalf of the entire state. These documents influence policy discussions, public awareness, and offer exciting opportunities to further engage the public and elected Representatives on issues of significance.
- We are please to share that in conjunction with the U.S. Breastfeeding Committee's Nationwide campaign, we did obtain our first proclamation declaring August as Nebraska Breastfeeding Month.
 - view/ read the proclamation on our website:
www.nebreastfeeding.org

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To receive L-CERPS

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- be registered prior to the event,
- attend the entire activity, and
- complete and submit the evaluation survey that will be emailed to you.

Please put your **first and last name in the chat box** for attendance!

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Jhomahara Cook

Community Outreach & Resource Planning Specialist

United States Department of Labor: Wage and Hour
Division



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BREAK TIME FOR NURSING MOTHERS UNDER THE FAIR LABOR STANDARDS ACT



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UNITED STATES DEPARTMENT OF LABOR

dol.gov/agencies/whd
1-866-487-9243

DISCLAIMER

This presentation is intended as general information only and does not carry the force of legal opinion. The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modifications of these pages. Therefore, we make no express or implied guarantees. The *Federal Register* and the *Code of Federal Regulations* remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.



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BREAK TIME FOR NURSING MOTHERS



Section 7 of the FLSA was amended by the Affordable Care Act to provide nursing employees with:

- Reasonable break time to express breast milk
- A place, other than a bathroom, that may be used to express milk
- For up to 1 year after the child's birth

Effective March 23, 2010



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ELIGIBLE EMPLOYEES



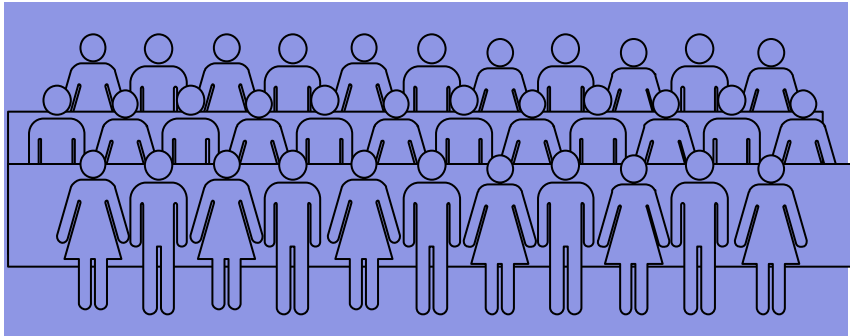
- Employees who work for a covered employer
- Employees who are covered on an individual basis
- Employees who are covered by Section 7 of the FLSA (generally, employees entitled to overtime pay)



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EMPLOYER COVERAGE



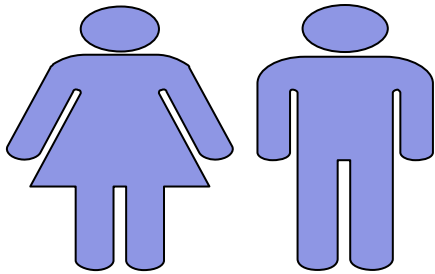
- Enterprise coverage:
 - At least two (2) employees
 - At least \$500,000 a year in business
- If an employer is covered, all the employees of the employer are entitled to FLSA protections, unless the employee falls within one of the FLSA's exemptions



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INDIVIDUAL COVERAGE



Even if the employer is not a covered enterprise, individual employees may be covered and entitled to FLSA protections if they are engaged in interstate commerce

Activities that constitute engaging in interstate commerce may include making telephone calls to other states; typing letters to send to other states; processing credit card transactions; or traveling to other states



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EXEMPTIONS FROM BREAK TIME FOR NURSING MOTHERS REQUIREMENTS



The most common of the overtime pay exemptions that apply to the nursing mothers break time requirement is the “white collar” exemption, which applies to certain:

- Executive Employees
- Administrative Employees
- Professional Employees



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REASONABLE BREAK TIME



Section 7(r) of the FLSA requires employers to provide:

“Reasonable break time”

“Each time such employee has need to express the milk”

For one year after the child’s birth



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REASONABLE BREAK TIME CONT.,



The Act does not concretely define “reasonable break time.”



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COMPENSATION FOR BREAK TIME



- Employers are not required to provide compensated break time.
- As with other breaks under the FLSA, the employee must be completely relieved from duty, or the break time must be compensated as work time
- If an employer already provides paid break time and if an employee chooses to use that time to express breast milk, she must be compensated for that time just as other employees would be compensated for break time



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SPACE REQUIREMENTS



An employer shall provide:

- A place, other than a bathroom
- Shielded from view
- Free from intrusion from coworkers and the public
- That may be used by an employee to express breast milk

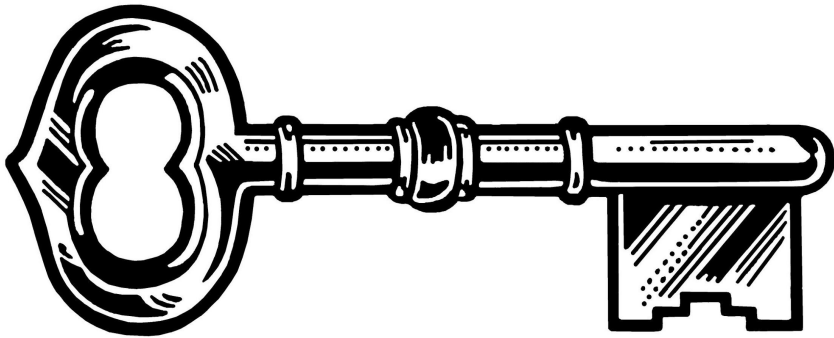
An employer may temporarily designate a space or make a space available when needed by the employee; the location must be functional as a space for expressing milk



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ADDITIONAL ISSUES TO CONSIDER



- Securing space from intrusion
- Dual use rooms
- Storage of milk and pumps
- Notice



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UNDUE HARDSHIP DEFENSE

- An employer that employs fewer than 50 employees is not required to provide break time and **space if it would pose an undue hardship**
- Number of employees is determined by counting employees at all worksites, regardless of location or part-time status
- Undue hardship is defined as “causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business”



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INTERACTION WITH STATE LAWS

- The federal provision explicitly states that it does not preempt a state law that provides “greater protections” to employees than those provided by the federal law.
- Over 20 states have laws related to breastfeeding or expressing milk in the workplace



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ENFORCEMENT POLICY



- If employee is discharged or in any manner discriminated against because she has filed a complaint, the employee may file a retaliation complaint with the Department or may file a private action under the FLSA for retaliation seeking reinstatement, lost wages, and other appropriate remedies
- If employer does not comply, the Department could file suit to seek injunctive relief under the FLSA, including reinstatement and lost wages if appropriate



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RESOURCES AND TOOLKITS

National Conference of State Legislatures Compilation of State Breastfeeding Laws:

<https://www.ncsl.org/research/health/breastfeeding-state-laws.aspx>

Surgeon General's Call to Action to Support Breastfeeding:

<https://www.cdc.gov/breastfeeding/resources/calltoaction>

Guide for Establishing a Federal Nursing Mother's Program:

<https://www.opm.gov/policy-data-oversight/worklife/reference-materials/nursing-mother-guide.pdf>



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ADDITIONAL RESOURCES

United States Breastfeeding Committee (*federal and non-federal partners maintains a state directory of organizations*):

<http://www.usbreastfeeding.org/>

International Lactation Consultant Association (*maintains a workplace lactation directory to find local consultants to help set up workplace lactation programs*)

<https://ilca.org/>

Note: These resources provide general guidance on workplace lactation and do not address the FLSA requirement to provide breaks for nursing mothers. WHD does not endorse these organizations or guarantee the accuracy of the information they provide.



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ADDITIONAL RESOURCES AND TOOLKITS

Employer Solutions:

<https://www.womenshealth.gov/supporting-nursing-moms-work>

CDC Workplace Lactation Support Program Toolkit:

<https://www.cdc.gov/breastfeeding/index.htm>

EEOC Enforcement Guidance on Disparate Treatment:

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-unlawful-disparate-treatment-workers-caregiving-responsibilities>
Disparate Treatment of Workers' Caregiving Responsibilities



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ENFORCEMENT RESOURCES

- The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) administers and enforces the FLSA
- Information on Break Time for Nursing Mothers can be found online at:
- <https://www.dol.gov/agencies/whd/nursing-mothers>

Voice Phone:
1-866-487-9243
(1-866-4US-WAGE)



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UPCOMING OUTREACH EVENT



Working Mothers: What to Expect from Your Employer When You're Expecting

The U.S. Department of Labor's Wage and Hour Division and Women's Bureau will host representatives from the Equal Employment Opportunity Commission to present a series of webinars on workplace protections for new and expecting mothers.

You are invited to attend the first event in this series.

Wednesday, August 10, 2022

1:00 p.m. to 2:30 p.m. EDT



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Links Shared in the Chat

<https://www.dol.gov/agencies/whd/events/08102022/working-mothers-what-expect-your-employer-when-youre-expecting>

<https://www.dol.gov/agencies/wb/events/08312022/know-your-rights-fmla-and-nursing-workers>



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[dol.gov/agencies/whd](https://www.dol.gov/agencies/whd)
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Danielle Conrad

Nebraska State Senator



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Legal Framework & Emerging Issues to Support Breastfeeding in Nebraska

State Senator Danielle Conrad, J.D.

August 2022



Selected State Laws

- *Jury Service: Neb. Rev. Stat. §25-1650 (2003) states that a nursing mother is excused from jury duty until she is no longer nursing her child and that she may be required to file a qualification form supported by a certificate from her physician requesting exemption.*

Broad Public Right: Neb. Rev. Stat. § 20-170 (2011, 2017) specifies that a mother may breastfeed her child in any public or private location where the mother is otherwise authorized to be. The law also requires schools to have a written policy related to accommodating breastfeeding students in schools with private, and hygienic spaces to express breast milk during the school day.

State level PWFA Update: Neb. Rev. Stat. § 48-1102 (2015) defines reasonable accommodation to include break time and appropriate facilities for breast-feeding or expressing breast milk.

Decriminalization: Neb. Rev. Stat. § 28-806 (2019) states that it is not a violation for an individual to breastfeed a child in a public place.

Don't Forget About Local & Federal Laws!

- The Lincoln Municipal Code has protections that apply to employers of any size in the city of Lincoln and all city contractors.
 - To file a discrimination complaint if your employer is in the city of Lincoln: lincoln.ne.gov/city/attorn/human/complaint.htm
- The Omaha Municipal Code prohibits discrimination because of sex for employers with six or more employees.
 - To file a discrimination complaint if your employer is in the city of Omaha: humanrights.cityofomaha.org/civil-rights/filing-acharge



Emerging Issues

- Rights of Incarcerated Women
- PUMP ACT
- PWFA
- Mothers Room- NE State Capital
- Additional Resources:
<https://www.aclunebraska.org/en/news/breastfeeding-rights-are-civil-rights>



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Jessica Lee

Senior Staff Attorney | Director, Pregnant
Scholar Initiative

Center for WorkLife Law - University of
California, Hastings College of the Law



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Jessica Lee - notes

Click link if you want to sign up to get involved!

<https://thepregnantscholar.org/lactating-student-advocacy-sign-up/>

Lactation is a sex related condition - requires accomodations!

There are still many groups falling through the cracks. Solution is the PUMP Act!
no more distinctions based on employment type - accommodations are the same.
One national law that covers everyone!

Passed out of House of Representatives and then sat. Senate committee passed PUMP
act unanimously then sat. It is now waiting for a vote. Held up on negotiations on
transportation employees.

Need senate vote in next couple months!

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Jessica Lee - notes

Get involved in helping bring awareness to the PUMP Act!

<https://docs.google.com/document/d/1IjjFR7Bz89PMIbi4DDIAOJe-IKxfz4GeIMpby-0FMWM/edit>

Just a little pressure coming from the right place can make the difference! You can make a difference!

9 Million of childbearing age that are currently left out. Please take action - it can change everything!

What can we do?

Organizations - Write letters in a public way, oped, letter to the editor - why we need PUMP Act. Jessica can help write this!

Need in next 3 weeks!!

Individual - handful of calls would be helpful!! Need more people talking about the PUMP Act. Formula crisis ongoing, for many people there is no plan B. (202) 224-6551 Script in toolkit above! Can leave a message after hours!

Social Media - raise awareness to call friends and family to take action!

If you can't take everyone action, please take one!!

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Senator Conrad comment in chat: You can always call or email sen fischer office and visit with her staff, folks will be back for august recess so might consider asking for a meeting :) including the upcoming federal fly in, and Letters to the editor or op eds are always awesome!

Jessica Lee - notes

Senator Fischer has been a part of the negotiations, so good contact person. If you can contact both Senator offices then please do!

<https://www.fischer.senate.gov/public/?p=email-deb>

<https://www.sasse.senate.gov/public/index.cfm/email-ben>

Jessica is willing to help draft a letter for why this is still important!

NE having a law already is great, but it is not comprehensive. NE families still need this law. No one should have to choose between work and feeding their baby!!

Toolkit here:

<https://docs.google.com/document/d/1IjjFR7Bz89PMIbi4DDIAOJe-1Kxfz4GeIMpby-0FMWM/edit>

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We have highest rate of working parents in NE.

leejessica@uchastings.edu

Jessica Lee - notes

Feel free to reach out to me directly for anything PUMP related. We also have helplines for lactating parents facing discrimination and non-accommodation--for employees:

<https://pregnantatwork.org/gethelp/> and for students:

<https://thepregnantscholar.org/contactus/>

leejessica@uchastings.edu

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- complete and submit the evaluation survey that will be emailed to you.

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Evaluation

We want to hear from all of you!

Evaluation link:

Evaluation is required to be completed by people wanting LCERPS.

Everyone is welcome to respond with general comments on the event and give feedback for future events.

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Help us make a difference!

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Join Our Mission

Become a member or renew today!

nebreastfeeding.org

Membership Benefits

- Regular communication on Nebraska Breastfeeding Coalition Activities
- Use of Coalition materials
- Opportunity to contribute to Coalition activities
- Professional/Networking affiliations
- Opportunities to attend sponsored conferences

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Future Quarterly Meetings

2022 Meeting Dates

~~February 1, 2022~~

~~May 3, 2022~~

~~August 2, 2022~~

November 1, 2022

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Nebraska Breastfeeding Coalition

www.nebreastfeeding.org