

Summary: Rest Periods for Expression of Breastmilk Final Wage and Hour Rules (ORS 653.077) for Oregon House Bill 2372

This is an overview of final rules relating to the new law requiring employer support for working breastfeeding Mothers. For detailed instructions specific to schools and unions go to the final rules published on the Oregon Bureau of Labor and Industry (BOLI) web site.

Contact information for BOLI Wage and Hour Section		
Eugene	1400 Executive Pkwy Suite 200 Eugene, OR 97401	541-686-7623
Medford	119 N Oakdale Ave Medford, OR 97501	541-776-6270
Portland	800 NE Oregon St Suite 1045 Portland, OR 97232	971-673-0761, option 2
	TTY - Portland	971-673-0766
Salem	3865 Wolverine St NE; E-1 Salem, OR 97305-1268 Representantes hispanohablantes están disponibles en Portland, Salem, y Medford.	503-378-3292

This new wage and hour law:

1. Went into effect January 1, 2008
2. Is being implemented by Bureau of Labor and Industries, Wage and Hour Section. BOLI has published the final administrative rules and:
 - Will notify and educate employers
 - Will convene an advisory group to recommend when exceptions would apply.
 - Will administer sanctions of up to \$1,000 for each violation.
3. Applies to employers with 25 or more employees, even if they are located at different work sites.
4. Does not apply if it would cause the employer undue hardship.

Employers shall:

1. Provide **unpaid rest periods** for milk expression for women with children up to 18 months of age or younger.
2. Provide at least one 30 minute break per four hours work.
3. Count pumping time for the purpose of determining eligibility for health insurance.

4. Provide a **private location** for expressing breastmilk. The location:
 - Will be concealed from view and without intrusion from other employees.
 - Shall not be a toilet stall or public restroom.
 - May be an area adjacent to the restroom if private.
 - Can be an empty or unused office, conference room or storage area.
 - Can be the employees workspace if private; not a cubicle.
 - Can be an onsite childcare center where breastfeeding is allowed.
 - Shall be near the employees work area.

Employees shall:

1. Provide reasonable notice to the employer that she intends to express breastmilk.
2. Take rest periods to express milk at the same time as rest or meal periods that are normally provided if possible.
3. Make up extra time above normal break time. If time is not made up, the employer is not required to compensate the employee for the extra break time.

Reason for legislation:

1. Breastfeeding is a significant public health initiative. Medical and nutrition experts recommend that mothers:
 - Breastfeed exclusively for the first six months, no other food or formula.
 - After six months breastfeed along with other foods.
 - Continue breastfeeding for **at least** 12 months or longer.
2. Oregon has the highest rates for breastfeeding initiation.
3. Six months breastfeeding rates are very low, **exclusive** breastfeeding for six months is even lower. Exclusive breastfeeding provides the most protection against illness and health problems.
4. Breastfeeding is effective primary prevention. Children who are not breastfed have higher rates of many health conditions like infections, allergies, asthma, diabetes and childhood obesity. Women who breastfeed return to their pre-pregnancy weight more quickly and are less likely to have breast cancer, ovarian cancer and osteoporosis.
5. Over 57% of working women return to work by the time their child is 3 months old.
6. Employment can be a significant barrier for a breastfeeding mother.