



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Georgia and Federal Protections to Pump at Work

In 2020, Georgia's "Charlotte's Law" outlined requirements for employers regarding lactation breaks and facilities for pumping employees. This past spring, the U.S. Department of Labor (DOL) amended the Fair Labor Standards Act (FLSA) regarding pumping options through the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act. This bulletin reviews the Georgia and federal protections for pumping employees and provides guidance for nonprofit employers.

Lactation Breaks at the Workplace. Under Charlotte's Law, employers must provide reasonable break time to working individuals who desire to express breast milk at the workplace during working hours. Employees who are paid hourly must be paid their regular rate during such breaks. If the employee is salaried, the employer cannot require the pumping employee to use paid leave or reduce their salary as a result of taking a lactation break. Additionally, employers must provide pumping employees a location from where they can express privately. This location cannot be a restroom.

Lactation Breaks for Remote Workers. The Georgia law does not apply to workers who are remote. It only applies to pumping employees at the employer workplace. The federal PUMP Act, however, requires employers to provide reasonable breaks for remote pumping employees, too.

Duration of Protection. Under the PUMP Act, employers must allow expression breaks for one year. Under the Georgia law, there is no cap. Expression breaks must be provided for so long as the employee continues to express.

Notification by Employee. Under the PUMP Act, employees can file a lawsuit against their employers for FLSA violations. The pumping employee must have notified their employer if the space given was inadequate and have allowed 10 days for the employer to correct the issue.

Exemption for Employers. There is one exemption to both the Georgia law and federal law available to employers with fewer than 50 employees. An employer could be exempt if compliance would cause significant difficulty or expense when considered in relation to the business's size, financial resources, nature, or structure. Employers should consult with an attorney for guidance on whether the undue hardship exemption would apply to their nonprofit.

Employer Posting Requirement. The DOL released a new *Employee Rights Under the FLSA* poster to reflect the PUMP Act changes. Nonprofit employers should update their postings to the April 2023 version. For further guidance on required employer postings, poster links and notice requirements, see [Employer Posting Requirements](#).

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