



Legislative Alert: Fair Labor Standards Act Changes

In this week's Legislative Alert, BenefitMall would like to inform you of the changes to the Fair Labor Standards Act (FLSA), as a result of the recently enacted Patient Protection and Affordable Care Act (PPACA).

Nursing Mothers

Effective immediately, employers are required to provide a reasonable space and time for nursing mothers for one year after their child's birth. This space must be an enclosed location, other than a restroom, and protected from intrusion of the public and coworkers. Locations such as these include:

- an empty office space
- clean storage area
- conference room
- area with portable walls

Mothers must also have access to a refrigerator for the storage of breast milk, and break rooms must provide an electrical outlet.

The decision to compensate nursing mothers during these break times will be left to the states, but mothers must be allotted five to 20 minute breaks as often as necessary. For employers with less than 50 employees, this law will be waived if these breaks will cause financial or physical hazards to the other employees or the company. Many states already have a law in place for nursing mothers regarding time and space, but this is the first federal requirement.

Anti-Retaliation Provision

The FLSA has also added a nondiscrimination provision as a result of the PPACA. If an employee received premium tax credit assistance or a health plan subsidy, employers are forbidden to discriminate against that individual. Employers are also prohibited from retaliating against those employees who declined to take part in defying any part of the recently enacted PPACA, or testified about such a situation.

Please visit www.BenefitMall.com to view past Legislative Alerts in the "Newsroom" section. Or, you may visit www.HealthcareExchange.com for blog posts, polls, surveys and numerous resources. If you have any questions regarding this change, please contact your local BenefitMall Sales Team and they will be happy to assist you. Thank you for taking the time to read through these important notifications.

Sincerely,

A handwritten signature in black ink that reads 'Michael Gomes'.

Michael Gomes
Executive Vice President

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