



EMPLOYEE GUIDE TO Taking Parental Leave and Returning to Work



Welcome!

Returning to work after the birth of a baby can be hard on parents and caregivers as well as the baby. This guide will help you plan for taking parental leave and returning to work, and give you tools to help you keep providing breast milk for your baby.

In this guide, employees can find:

- Resources to learn about taking leave from work
- Information on state and federal laws that protect the right to parental leave and breastfeeding
- Tools to help talk to your employer
 - › Sample letter to your employer
 - › Sample schedule to make time for breastfeeding
 - › Checklist to help guide you step-by-step



TEXAS
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Planning to Take Leave

The amount of total time you can take off from work will depend on federal and state laws, your employer's policies, and your financial situation for taking unpaid leave. New parents often combine paid leave (such as sick and vacation days) with unpaid leave (like Family Medical Leave and flex options).

Employees of Texas State Agencies receive eight weeks of paid leave for mothers and birthing parents, and four weeks for fathers and non-birthing parents (effective September 1, 2023). For non-State Agency employees, the federal Family Medical Leave Act (FMLA) provides up to 12 weeks of job-protected, unpaid leave for eligible employees. Some employers offer paid parental leave even though it's not required by law, so it's important to ask about your employer's parental leave policies when you find out you're pregnant.



Transitioning Back to Work

Returning to work isn't easy, but having a plan helps you be more prepared. The American Academy of Pediatrics (AAP) recommends breast milk as the sole source of nutrition for your baby for about six months, and to keep breastfeeding for as long as both mother and baby desire.

For most new moms, breastfeeding only before and after work is not enough time to keep up their milk supply. To make enough breast milk for your baby, you will need to breastfeed or use a breast pump about three times in an eight-hour workday. You will then breastfeed or pump for your baby when you are home. For more information on meeting your breastfeeding goals when you return to work, visit the Back to Work section on [BreastmilkCounts.com](https://www.breastmilkcounts.com).



What is FMLA?

The Family Medical Leave Act (FMLA) allows employees to take up to 12 weeks of unpaid leave in a year for reasons like caring for a newborn or a sick family member. Employers must keep your health insurance active and give you your job back when you return from leave.

Am I covered under FMLA?

FMLA doesn't cover all employees. You must work for a covered employer, be employed for a certain amount of time, have worked a certain number of hours, and work in an area with enough employees.

More information is available from the U.S. Department of Labor's Fact Sheet #28: The Family and Medical Leave Act of 1993: [dol.gov/agencies/whd/fact-sheets/28-fmla](https://www.dol.gov/agencies/whd/fact-sheets/28-fmla)

How do I use FMLA?

You don't have to specifically ask for FMLA leave, but you do need to give your employer information about your intent to take time off to care for your baby, so they know the leave may be covered by FMLA. Talk to your employer as soon as possible to let them know you need to use FMLA leave. If your employer provides paid parental leave you may use it at the same time as FMLA leave.

What is Short-Term Disability?

Short-term disability is a part of some private health insurance plans. It may pay a part of your salary when you are on leave from work for illness, injury, or childbirth. Check if your health insurance plan covers short-term disability, or if you need to ask about this option.

May I use sick or vacation time?

Many new parents use their vacation or sick time to ensure that some of their leave time is paid. Check with your supervisor or human resources contact early to see if you can use the paid time off already available to you. Be sure to ask if you need to submit any paperwork to make it official.



When should I go back to work?

This decision is different for everyone. Spending time with your new baby helps your body to heal, allows bonding time, eases the adjustments to schedule changes, and helps you get breastfeeding off to the best possible start. You will want to think about your financial needs and the flexibility of your employer.

Can I work part-time when I go back?

Some employers allow employees to return to the same or similar job part-time. Some employers also allow job-sharing, where two part-time employees share a full-time position.

If these are not options for you, consider gradually returning to work. Some new parents work shorter or fewer days per week than their usual schedule, slowly increasing the length or number of days worked. This may cut the total time you can be on full leave and help to ease back into a normal work schedule. This option can help you to balance work and common changes new parents face, including breastfeeding.

What other types of flexible scheduling exist?

Sometimes, an employee will work extra hours four days a week to take the fifth day off. Talk to your supervisor to decide if this, or other flexible options, are a possibility for you.

Another option might be to return to work in the middle of your work week. Having a short first week will help you and your baby adjust.

Can I work from home?

Remote work, also known as teleworking or work from home, is an option for some employees. If you think this would work well for you, talk to your supervisor.

How can I request a flexible work schedule?

You will need to make a formal request for flexible work options. Use the sample letter in this guide to help you or ask your employer about the best way to start the conversation.



State and Federal Breastfeeding Laws

Fair Labor Standards Act (FLSA)

The FLSA requires employers to give break time for non-exempt employees to express breast milk for up to one year after the child's birth. The law does not say how often or for how long the breaks should be, only that they must be given each time an employee needs to express breast milk.

Employers must provide a private place, other than a bathroom, for this purpose. You can learn more about the FLSA on the U.S. Department of Labor website here:

[dol.gov/agencies/whd/pump-at-work](https://www.dol.gov/agencies/whd/pump-at-work)

The PUMP Act

The PUMP for Nursing Mothers Act, part of the Consolidated Appropriations Act 2023, ensures almost all employees receive break time and a private space to pump at work, including those previously not covered by the FLSA.

<https://www.dol.gov/sites/dolgov/files/WHD/flsa/PUMP-consolidated-appropriations-act.pdf>

Equal Employment Opportunity guidelines for workers with care giving responsibilities

The Equal Employment Opportunity Commission (EEOC) provides guidance on dealing with unfair treatment of employees who are caregivers:

[eeoc.gov/laws/guidance/enforcement-guidance-unlawful-disparate-treatment-workers-caregiving-responsibilities](https://www.eeoc.gov/laws/guidance/enforcement-guidance-unlawful-disparate-treatment-workers-caregiving-responsibilities)

Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) helps employees whose pregnancy, childbirth, or medical conditions (like breastfeeding) make it harder to do their jobs. This law allows them to ask their employer for support.

You can learn more about the PWFA here:

[eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act](https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act)

Texas Government Code, Chapter 619

Texas public employers must provide a policy that supports breastfeeding including a private place for pumping and break time to do so. The law also prohibits employers from suspending, firing, or discriminating against employees who use these rights.

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.619.htm>

Texas Health and Safety Code, Chapter 165, Breastfeeding

Texas has the Texas Mother-Friendly Worksite designation for businesses that support breastfeeding and develop lactation support policy. The policy should cover work schedule flexibility, private non-bathroom spaces to breastfeed or pump, access to a clean, safe water source, and hygienic storage. It should be shared regularly with all employees. This law also says that a mother can breastfeed or express breast milk for her baby wherever she is allowed.

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.165.htm>



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