
Date: Thursday, Oct. 5, 2023

To: Chair Testin, Vice-Chair Nass, and Members of the Senate Committee on Labor, Regulatory Reform, Veterans and Military Affairs

From: Department of Workforce Development Secretary Amy Pechacek

Written Testimony Regarding SB 430

Chair Testin, Vice-Chair Nass, and committee members, thank you for the opportunity to provide written testimony for information only on SB 430, which adds the federal labor standards enacted under the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) to Wisconsin state law. The PUMP Act requires an employer to provide reasonable break time for employees to express breast milk for their children who are at or under one year of age, in a private place other than a bathroom. This bill further requires employers to provide access to an electrical outlet, running water, and a refrigerator for the storage of breast milk; and requires an employer to treat unpaid break time taken by the employee to express breast milk as paid work time, if an employee's eligibility for employer contribution toward health care coverage is dependent on the number of worked hours.

The department appreciates the opportunity to share more information on how this legislation is consistent with DWD's mission to meet Wisconsin's diverse workforce needs, and advocate for the protection and economic advancement of all Wisconsin workers, employers, and job seekers. Given Wisconsin's historically low unemployment rate and the demographic challenges contributing to the state's worker quantity challenge, the proposed legislation would remove an employment barrier for many working women and support employers in attracting and retaining talent with minimal impact to the department's current operations.

DWD's Equal Rights Division (ERD) strives to make Wisconsin a fair and just place for all people to live and work. Education and outreach play an important role in achieving compliance with laws that prohibit discrimination in employment as well as the state's family and medical leave law.

SB 430 advances this work by increasing the accessibility and improving the equity of Wisconsin's workplaces specifically for employees who are breastfeeding. This legislation's alignment with federal law would allow ERD to educate employers about the importance of providing these accommodations to nursing employees and prevent violations of these labor standards. It also would provide employees the opportunity to file a complaint with ERD if an employer fails to provide these accommodations. Ultimately, SB 430 would allow ERD to further contribute to the protection of employees who are breastfeeding, and combat workplace discrimination.

Wisconsin's economy remains on a winning streak with an August unemployment rate of 2.9%, a record high number of jobs, historic lows in continuing unemployment insurance claims, and a labor force participation rate of 65.7%, which is 2.9 percentage points above the national rate. While these numbers are incredibly positive for Wisconsin, DWD recognizes that many employers feel anxious about their ability to fill jobs and many workers have concerns about their careers.

The reality is we're facing a labor market quantity challenge driven by demographic trends that have been building for decades. Baby Boomers are aging and retiring, and we've seen a gradual rise of employment barriers including lack of access to affordable childcare, transportation, housing, and broadband.

These challenges are not unique to Wisconsin or even our nation. However, what sets Wisconsin apart is our innovative approach to finding workforce solutions and developing homegrown talent. DWD has taken a proactive approach to these challenges by working to remove employment barriers, provide training opportunities, and connect employers with underutilized talent pools.

SB 430 aligns with DWD's efforts to remove employment barriers and support workers and job seekers in achieving their employment potential. This includes providing accommodations for workers including nursing mothers, so that they can maintain employment and build family-sustaining careers. This legislation takes a step towards making Wisconsin a more attractive place to live for working families and combatting the labor market quantity challenge.

As noted in the fiscal estimate DWD provided, the fiscal impact of this legislation on DWD's operations is minimal and anticipated to be absorbable by the department. The department does not anticipate a significant uptick in labor standard complaints because of this legislation and anticipates that any incoming complaints as a result of this legislation could be managed by current DWD staff.

Thank you for the opportunity to provide this information.

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