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**National Oceanic and Atmospheric Administration
Administrative Order 202-1108
Lactation Program Policy
Handbook**

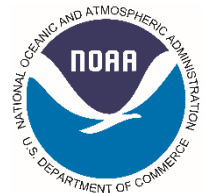


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I. BACKGROUND

As the Nation's largest employer, the Federal Government strives to be a groundbreaker in the development of wellness programs and policies that support breastfeeding. According to the American Academy of Pediatrics, it is medically recommended that mothers breastfeed their babies exclusively for at least the first six months after birth and until or after the age of twelve months.

In 2010, legislation was added to the Affordable Care Act providing appropriate workplace accommodations to employees who are nursing mothers. The new provision applied only to employees who are subject to the Fair Labor Standards Act (FLSA) overtime pay provision. However, that same year, President Obama authorized Office of Personnel Management (OPM) (5 U.S.C. 7301 – Presidential Regulations) authority to ensure consistent treatment of nursing mothers within the federal workforce. OPM directed agencies to apply the requirements of the law to all executive branch civilian employees irrespective of FLSA exemption status.

II. PURPOSE

The purpose of this Handbook is to provide guidance associated with the NOAA Administrative Order 202-1108 - NOAA Lactation Program Policy. This handbook provides details regarding the Program's:

- Staff and participant roles and responsibilities,
- Set up and use of lactation rooms, and
- Use of worksite accommodations for nursing mothers to express milk upon their return to work after maternity leave.

The NOAA is committed to a family-friendly workplace and supporting the health and well-being of employees; including new mothers returning to work. Upon their return to work, many breastfeeding mothers want to continue providing their infants breast milk. Research shows that a mother who receives workplace support, such as dedicated lactation rooms and educational resources, is much more likely to achieve her breastfeeding goals.

III. SCOPE

The guidelines of this Policy comply with the mandates of the Lactation Amendment to the Fair Labor Standards Act (FLSA) as part of the Affordable Care Act. It applies to all NOAA Line and Staff offices nationwide. Where provisions of this Policy differ from negotiated collective bargaining agreements, the provisions of the collective bargaining agreement will apply. This Policy will be applicable until canceled or superseded.

IV. REFERENCES

- Fair Labor Standards Act (FLSA)
- 5 United States Code 7301, Presidential Regulations
- P.L. 111-148, The Patient Protection and Affordable Care Act (March 23, 2010)

- U.S. Office of Personnel Management Memorandum CPM 2010-19, Nursing Mothers in Federal Employment (December 22, 2010)
- OPM Guide for Establishing a Federal Nursing Mother's Program (January 2013)
- NAO 202-1108, NOAA Lactation Program

V. ELIGIBILITY

The NOAA Lactation Program (Nursing Mothers Program) Policy applies to all NOAA Line and Staff offices nationwide. All full-time and part-time employees as well as contractors, affiliates, and visitors, are eligible to participate in the Lactation Program.

VI. ROLES AND RESPONSIBILITIES

To ensure the Nursing Mothers Program provides optimal supportive services for breastfeeding mothers by adhering to the Policy's guidelines, the roles and responsibilities of staff and participants are defined in the following list.

A. Lactation Program Manager

- Oversees the overall management of the Nursing Mothers Program
- Establishes the goals, budget, and time tables for work tasks completion
- Communicates the program provisions to NOAA leadership and supervisors and reports on program activities
- Ensures all required procedures negotiated within agreements are followed
- Maintains all program records to address potential complaints and conflicts, and courses of action to resolve them

B. Lactation Program Coordinator

- Provides subject matter expertise in lactation services
- Manages the nursing mothers Participant Agreement Forms' processing
- Notifies the appropriate Lactation Program Liaison when approved participants require access to a specific lactation room
- Develops outreach strategies to promote the Program
- Maintains the lactation rooms/space in Silver Spring, MD
- Maintains the nursing mothers' lactation room database
- Conducts semi-annual participant evaluations
- Provides recommendations to improve maintenance operations and to enhance the Program

C. Lactation Program Liaison

- Provides participants with Nursing Mothers Program registration information
- Provides participant's ID badge information to the Security Office for entry to the lactation facilities requiring badge access
- Provides key access to participants at facilities with key access rooms
- Maintains lactation rooms/space at their location
- Monitors and tracks lactation facilities' badge and/or key access expiration/renewal
- Room Liaison coordinates with facilities/maintenance to schedule room cleaning

D. Nursing Mother

- Registers for the Nursing Mother's Program
- Completes the Participant Agreement Form (Appendix A)
- Completes the Room Amenities Waiver Form (Appendix B)
- Communicates their intentions to participate in the Nursing Mothers Program prior to their return from maternity leave
- Works with supervisor to establish a mutually agreeable break schedule for lactation room use

E. Supervisor

- Establishes a mutually agreeable break schedule for lactation room use
- Provides consistent and equitable treatment in observance of Policy guidelines

VII. GENERAL PROVISIONS

A. Access to Lactation Rooms: NOAA provides lactation rooms for its employees, contractors, affiliates, and visitors on official business with the NOAA. Access to lactation rooms is limited to the:

- Program Manager,
- Program Coordinator,
- Program Liaison(s),
- Nursing mothers, and
- Facilities and custodial staff

The NOAA Nursing Mothers Program Manager will arrange all other access.

All NOAA facilities with multipurpose spaces utilized as lactation rooms will be equipped with parameters such as doors that lock from the inside and/or a sign that clearly indicates when the space is in use by nursing mothers.

For employees and others who are authorized to gain access to the lactation rooms, they must follow the procedures below. It is recommended that prior to returning to work from maternity leave, a prospective participant officially requests access from the Lactation Program Coordinator.

1. Each participant must register for the Nursing Mothers Program. This will provide the Lactation Coordinator with her contact information so she will be provided with program resources and updates. Registration also helps program staff assess the need for additional lactation spaces, hospital-grade breast pumps, and support services. Specific names of participants will not be released as part of any reporting data.
2. Once registered, the participant will be emailed the Lactation Room Guidelines to review and be required to complete the Participant Agreement Form and the Room Amenities Waiver Form, if applicable. The NOAA Nursing Mothers Program Coordinator will notify the appropriate Lactation Program Liaison for access to a specific lactation facility as needed. The Lactation Program Liaison will work with

security personnel to update the user's ID badge to grant them entry to the lactation facilities requiring badge access. Access will be provided for 18 months upon signing the Participant Agreement Form. Extensions will be considered upon written request from participants.

3. The Lactation Program Liaison for each location will inform the prospective participant when badge/key access is granted.

A visitor on the Silver Spring Metro Campus may request access through her NOAA host at least 2 days prior to her visit. The NOAA host will email nursingmothers@noaa.gov at least one day prior to the visitor's access request date.

B. Lactation Rooms Facilities: A lactation room is a private, secure, and clean facility where nursing mothers can express breast milk while at work. Because the Policy does not require a space to be exclusively dedicated for the purpose of the Nursing Mothers Program, NOAA facilities with a multipurpose space identified as a lactation room must implement established procedures for Program participants. When the space is needed by a nursing mother, Line and Staff Offices must implement those procedures in accordance to this Policy. The NOAA must provide nursing mothers with a private temporary space that is:

- Not a bathroom,
- Shielded from view by others,
- Protects physical intrusion by co-workers and/or the public (e.g., doors that lock from the inside and a sign that clearly indicates the space is in use),
- Within a 5-minute travel time from the nursing mother's assigned work area, and
- Available when the nursing mother is likely to need the space.

Nursing and lactation space size must be a minimum of 5' x 7' and must be equipped with the following:

- A comfortable chair (not a rocker and preferably upholstered with arms and back support)
- A flat surface, such as a table next to the chair (at least 24" x 24" to accommodate a standard breast pump)
- An electric outlet near the chair and table
- A light controlled from inside the room
- A trash can
- Anti-microbial wipes
- Paper towels
- A partition or a temporary separator to shield for privacy if the space is being used by more than one nursing mother simultaneously
- A sink with running water located in the lactation room or nearby proximity
- When possible, access to a dedicated refrigerator to store milk with freezer section to freeze ice packs
- Recommended telephone service and network connections within the room to increase worker safety and productivity
- Adequate HVAC services to provide year-round comfortable room temperature

- C. Break Times' Scheduling: In keeping with the Fair Labor Standards Act (<https://www.dol.gov/whd/regs/compliance/whdfs73.htm>), nursing mothers will be allowed reasonable break times to express milk throughout the workday; each time the employee has a need to express milk. When possible, breaks should be scheduled during normal breaks, meal times, and/or when workflow allows. Supervisors should keep in mind that the frequency and duration of breaks vary from mother-to-mother depending on their physical needs. There may be occasions when a nursing mother will need to handle nursing and lactation responsibilities at times that are not optimally convenient for the office. Supervisors are responsible for creating a supportive environment for nursing mothers so they can adequately manage their nursing and lactation responsibilities.

Working nursing mothers must be paid for short breaks (20 minutes or less) lawfully allowed for all employees. If the nursing mother is a non-exempt (hourly) employee and her breaks exceed 20 minutes, her supervisor should make a good faith effort to permit the nursing mother to make up the time. If no reasonable opportunity exists for a non-exempt nursing mother to make up time, a break time in excess of 20 minutes will not be paid. Nursing mothers who are exempt under the FLSA will not have pay docked for taking a break to express milk.

- D. Equipment and Supplies: Some NOAA lactation rooms are equipped with electronic breast pumps, associated supplies, dedicated refrigerators for storage of breast milk, microwaves, and a sink. A more detailed listing is outlined in the Lactation Room Guidelines provided to interested nursing mothers. All participants utilizing the shared electronic breast pumps must purchase a personal adaptor kit, which includes all of the parts that come into contact with the mother or her milk and must not be shared. According to Lactation Room Guidelines, each nursing mother must remove her kit material and prepare the pump and area for use by the next nursing mother. She must wipe the pump connection with anti-microbial wipes and ensure the area has been cleaned sufficiently for the next mother's use. Electric breast pumps must be used in accordance with the manufacturer's operating instructions.
- E. Breast Milk Storage and Removal: Before and after expressing breast milk, each mother must wash her hands. Likewise, all expressed breast milk must be labeled with her name, date, and time. Breast milk can be safely stored in a shared refrigerator with other food and beverages or, if available, in a dedicated lactation refrigerator. Under certain work conditions, or because of a personal preference, a participant might choose to store her milk in a personal cooler with ice packs at their workspace. The NOAA will not be responsible for the security and integrity of breast milk placed in a shared or dedicated lactation refrigerator. At the conclusion of the workday, each participant shall remove her stored breast milk from the refrigerator. The Nursing Mothers Lactation Program Coordinator or Liaison will discard any breast milk left in the refrigerator at the end of the workweek.
- F. Clean Up: Each lactation room will be supplied with a sink or nearby sink, paper towels, and soap. Nursing mothers are responsible for cleaning up their breast milk spillage and discarding or removing any materials she used during her time there. Clients may dispose of any paper towels used for spills in the "regular" wastebasket or trash container as this material is not considered hazardous waste.

VIII. INQUIRIES

Employees who have comments, concerns, or questions regarding the NOAA Lactation Program, or a nursing mother who believes she has been denied appropriate accommodations, should contact the Lactation Program Manager at (301) 628-1846.

IX. ADDITIONAL POLICY INFORMATION

Contact the NOAA Office of Human Capital Services, Human Capital Policy Division.

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Appendix A. Lactation Room Guidelines

The NOAA is dedicated to the health and well-being of its employees. The NOAA serves to offer the emotional support and worksite assistance nursing mothers need as they transition back into the workplace.

Lactation Rooms

The NOAA's Nursing Mothers Program has established lactation rooms across NOAA to further support the needs of working mothers.

A designated room or space will typically feature the following:

- The ability to secure a room by locking it from the inside
- A table
- A comfortable chair
- A trash can
- An electrical outlet
- Sink with hand soap
- Paper towels
- Access to breastfeeding information and educational resources

Some NOAA offices will also provide a hospital-grade electric breast pump, refrigerator, and microwave for sterilization. All mothers are required to sign a waiver to use the refrigerator and breast pump, as these amenities are not required by law, and therefore are not considered obligations of the Agency.

Access to Rooms

The NOAA provides lactation rooms for NOAA employees, contractors, visitors, and affiliates on official business. Access to lactation rooms will be limited to nursing mothers, the Program Manager, Program Coordinator, Lactation Program Liaisons, nursing mothers, facilities and custodial staff. All other access must be arranged through the NOAA Nursing Mothers Program Coordinator.

For employees and contractors to gain access to the lactation rooms, they must follow the procedures below. It is recommended that a prospective participant request access prior to returning to work.

1. Each participant must register for the Nursing Mothers Program. Doing so will provide the Lactation Coordinator with her contact information to provide her new resources and program updates. Registration also helps the NOAA assess the need for additional lactation spaces, hospital-grade breast pumps, and support services. Specific names of participants will never be released as part of any reporting.
2. Once registered, the nursing mother will be emailed the Lactation Room Guidelines to review and asked to complete the Participant Agreement Form and the Room Amenities Waiver Form, when applicable. The NOAA Nursing Mothers Program Coordinator will

notify the appropriate Lactation Program Liaison if the participant requests access to a specific location. The Lactation Program Liaison will work with security personnel to update the participant's ID badge to grant them entry to the lactation facilities requiring badge access. Access will be provided for 18 months upon signing the Participant Agreement Form.

3. The Lactation Program Liaison for that location will inform the prospective participant once badge access is granted.

A visitor on the Silver Spring Metro Campus may request access through her NOAA host. The NOAA host must email nursingmothers@noaa.gov one or two days prior to the visit to request access.

General Cleaning Procedures

When using the lactation rooms to express milk, the participants must:

- Wash her hands before expressing breast milk,
- Inspect and clean the pumping station surfaces (e.g., table, chair, pump) thoroughly before each use,
- Clean up any spills with paper towels, and disinfect the affected area with an anti-microbial wipe (provided in room),
- Put used paper towels and anti-microbial wipes in trash can, and
- Wash her hands after cleaning up.

In addition, the room must be cleaned daily by the custodial staff, who will be responsible for emptying the trash can(s), cleaning the sink (if included in room), and restocking paper towels and hand soap.

It is recommended that program participants review the Material Data Safety Sheet on anti-microbial wipes posted in the lactation room.

Multi-user Hospital-Grade Breast Pumps Usage

Multi-user hospital-grade breast pumps are provided by some NOAA offices for quick and efficient pumping. To use the NOAA-provided pumps, a participant must:

- Review the manufacturer's instructions to operate the pump properly,
- Sign the Room Amenities Waiver Form,
- Purchase personal adaptor kit, which includes all the parts that come into contact with the mother or the mother's milk. This equipment must not be shared with anyone else due to the potential risks of spreading diseases to other mothers and their children - participants are responsible for following cleaning and sterilization procedures for their personal adaptor kits found in the kit's manual,
- Clean the pump before using by:
 - o First ensuring the unit is unplugged and,
 - o After unplugging the unit, inspecting and cleaning the pump outside and inside surfaces (diaphragms and around the diaphragms) with an anti-microbial wipe (provided in the room).

- Use the pump according to the manufacturer's instructions,
- If the participant has any concerns regarding the pump or notices any problems prior to use, she is encouraged to contact the Lactation Program Liaison before attempting to operate the pump. If the participant encounters problems with the pump during use, she must stop using the pump immediately and contact the Lactation Program Liaison,
- Depending on location, participants may be responsible for restocking anti-microbial wipes, as needed, for cleaning equipment stored in the room, and
- Participants are not permitted to remove the pumps from the lactation rooms, and are not allowed to take the pumps to their work areas, home, or keep them all day or overnight. A participant may use her own pump.

Milk Storage and Transport

If there is an established lactation room with a dedicated refrigerator, the refrigerator is for the limited purpose of storing expressed breast milk during the workday. To use a lactation room refrigerator, a participant must:

- Review the Centers for Disease Control and Prevention information regarding the proper handling and storage of human milk,
- Sign the Room Amenities Waiver Form,
- Label stored milk with the mother's name, date and time,
- Store labeled milk in a second box-like container which separates the stored breast milk from other participants' milk (this container must be labeled with the mother's name and preferred contact number), and
- Remove stored breast milk from the refrigerator at the end of each workday.

Labels and marking pens are available in the lactation room. The participant is responsible for removing all of their stored breast milk by the end of each day whether she chooses to use a dedicated refrigerator or a personal cooler. Storage and transport of expressed breast milk is the personal responsibility of the mother.

Room Problems

Participants are responsible for notifying the Lactation Program Liaison of any problems they encounter with the room and its amenities.

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Appendix B. Lactation Room Agreement

General Room Use Agreement

I, _____, have received and reviewed information on the NOAA Nursing Mothers Program (the Program), including its purpose, content, guidelines, and procedures. I have read, understand, and agree to abide by all the provisions of the NOAA Nursing Mothers Program Lactation Room Users Guide (the Guidelines).

I certify that I have had the opportunity to ask questions and have had all of them answered to my satisfaction.

Out of respect for the other program participants who need to access the lactation room, I agree not to share my access with anyone else. I will only use the room while nursing or pumping, and I will secure the door after each use.

I agree to follow the Program's cleaning procedures before and after each use as described in the Guidelines. I understand it is my responsibility to inspect and clean the pumping station surfaces thoroughly before and after each use.

I agree to follow the Program's collection, labeling, and storage Guidelines for my expressed breast milk.

I accept the responsibility to remove all my stored breast milk by the end of each day, and I agree that the storage and transport of my expressed breast milk is my own personal responsibility.

I understand I am not permitted to remove any amenities from the lactation room.

I understand that, if my office makes available, I have courtesy access to, and use of, an electric breast pump and a refrigerator dedicated exclusively to the daily storage of expressed breast milk. I understand the use of these amenities is contingent upon my signing the Room Amenities Waiver. I also understand that it is my responsibility to provide and care for containers, necessary kits, tubing, or other accessories to collect and store my breast milk.

I understand that the Lactation Room Agreement is valid for 18 months, and acknowledge that if I wish to continue in the Program longer than 18 months, I must request an extension for further lactation room use. I understand that failure to comply with any of these provisions will be reported to the Nursing Mothers Program Coordinator.

I will / will not (circle one) be using the NOAA-supplied breast pump.

I will / will not (circle one) be storing my milk in the NOAA Lactation Room refrigerator.

Name _____
(Please Print)

Signature _____ Date _____

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Appendix C. Lactation Room Amenities Waiver

Having indicated my desire to use the NOAA-supplied breast pump and/or refrigerator above, I certify I was provided and have read the following materials:

- the manufacturer's instructions regarding the use of the NOAA-provided breast pumps
- the Centers for Disease Control and Prevention information regarding the proper handling and storage of human milk
- the NOAA Nursing Mothers Program Lactation Room Users Guide sections on the general cleaning procedures, breast pump usage, and milk storage and transport.

Having indicated my desire to use the NOAA-supplied breast pump, I agree to follow the NOAA Nursing Mothers Program procedures regarding access to, and use of, the pump, and I agree to use the pump according to the manufacturer's instructions. Furthermore, I understand that in order to use the pump, I must purchase my own personal adaptor kit, which must not be shared because of the potential risks of spreading diseases to other mothers and their children. I also understand it is my responsibility to inspect and clean the pump surface thoroughly before and after each use.

I agree that if I encounter any problems with the breast pump, or if I have any concerns about the pump's operation, I will contact the Lactation Program Liaison before attempting to use the pump. If I encounter problems with the pump during use, I will stop using the pump and contact the Lactation Program Liaison.

By using the NOAA-supplied pump, I agree to these terms and I have complete understanding that I am responsible for appropriate use of the pump. I understand I will be responsible for any damages to, or loss of, pump (at cost), or replacement of any parts if necessary, resulting from my misuse of the pump. Furthermore, I agree and understand the NOAA and its employees or contractors will not be held responsible for any adverse event or physical injury allegedly attributable or related to my use of the Lactation Rooms and their amenities, including but not limited to, the breast pumps and refrigerators.

I acknowledge and agree the NOAA will keep this waiver on file for 10 years from the signature date.

Accordingly, being duly informed, I hereby provide the following waivers:

Waiver of Claim for Injury to Mother:

I _____ hereby waive my rights to bring a legal action against the United States or its agents for any personal injury arising as a result of my voluntary use of the Lactation Room amenities (breast pump and/or refrigerator).

Waiver of Claim for Injury to Child:

THE UNDERSIGNED PARENTS OR LEGAL GUARDIAN(S) HAVE READ AND VOLUNTARILY SIGNED THE MINOR'S RELEASE AND WAIVER AND RELEASE OF LIABILITY AGREEMENT AND FURTHER AGREE THAT NO ORAL REPRESENTATIONS, STATEMENTS, OR INDUCEMENTS APART FROM THE FOREGOING WRITTEN AGREEMENT HAS BEEN MADE.

If only one parent signs, that person is attesting that they are the sole and legal guardian of the minor person(s) and that no other adult has any legal custody of the minor(s).

I (the breast feeding mother) _____ do hereby waive my rights to bring a legal action against the United States or its agents on behalf of my child or children for any personal injury arising as a result of my voluntary use of the Lactation Room amenities (breast pump and/or refrigerator).

Signature: _____ Date: _____

I (the father or other custodial parent or legal guardian) _____ do hereby waive my rights to bring a legal action against the United States or its agents on behalf of my child or children for any personal injury arising as a result of the breast feeding mother's voluntary use of the Lactation Room amenities (breast pump and/or refrigerator).

Signature: _____ Date: _____