



ADMINISTRATIVE PROCEDURES

Authorized by:



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Executive Director

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Nursing Mother Program

AUTHORITY

This Administrative Procedures originally were issued by the Executive Director initially on September 20, 1995. These Procedures were last amended on April 25, 2017 by the Executive Director to reflect minor amendments.

PURPOSE & BACKGROUND

The purpose of this Practice is to establish requirements for nursing mother spaces and nursing mother breaks.

These Administrative Procedures were issued initially to implement Administrative Practice 2-18, Work Life Program. Since original initial implementation, amendments to the Procedures include:

- February 21, 2012: Amended to incorporate Federal updates to regulations mandated by the Federal Patient Protection and Affordable Care Act and to strengthen existing provisions to encourage application of the Nursing Mother program. The updated Procedures also clarify existing guidance for improved program effectiveness.
- April 25, 2017: Minor amendments were made to include updated references to relevant policies, clarify the eligibility for grants of Administrative Leave, and update the application form to provide clearer instructions.

APPLICABILITY/ELIGIBILITY

Merit and Contract employees who are nursing mothers are eligible to apply for the Nursing Mother Program. In the event that any portion of the Administrative Procedures conflicts with a Collective Bargaining Agreement, the Agreement shall prevail for members of the respective collective bargaining unit.

REFERENCES

- The Federal Patient Protection and Affordable Care Act and its amendments to the Fair Labor Standards Act
- M-NCPPC Administrative Practice 2-18, Work Life Program
- M-NCPPC Administrative Procedure 99-04, Time and Attendance
- Merit System Rules and Regulations
- M-NCPPC Administrative Practice 2-16, Contract Employment: Seasonal/Intermittent, Temporary and Term Employment

I. **OVERVIEW/PROCEDURES**

Under the Federal Patient Protection and Affordable Care Act, nursing mothers are afforded certain rights to breaks and nursing spaces for up to one year following the birth of a child. The Act requires employers to provide reasonable unpaid breaks for a nursing mother to express milk. It also requires an employer to provide a clean, private space which may be used to express milk for a nursing child (see also, the section titled Required Nursing Mother Spaces).

A. **Required Nursing Mother Spaces**

Spaces designated for use by a nursing mother must be:

1. A clean and private place, other than a bathroom, and
2. Shielded from view and free from intrusion from coworkers and members of the public.

Nursing mother spaces may be designated using an existing office/facility or created temporarily from a mixed-use space. All spaces must be designated as private for use by a nursing mother during periods when milk is to be expressed.

B. **Required Nursing Mother Breaks**

Nursing mothers may request breaks to express milk for up to one year following their child's birth. Under Federal law, nursing mothers may request a reasonable amount of break time to express milk. The law permits employees to take unpaid time (leave without pay) or use their own leave for these breaks. The frequency of breaks needed to express milk, as well as the duration of each break, will likely vary.

While federal law only requires that employers provide unpaid breaks, the M-NCPPC allows appointed, Merit, and Term contract employees, who are approved under this Program, to receive up to 30 minutes of paid Administrative Leave per day to offset break times used to express milk.

Administrative Leave:

- May not be used for any other reason other than expressing milk under the Program.
- Cannot be added to regular work hours so it results in overtime compensation.
- Cannot be scheduled in less than 15 minute increments.
- Is in lieu of any other paid break times (other than meal periods) that may otherwise be available.
- Cannot be used to extend the employee's lunch break, or shorten the scheduled start/end of the employee's workday.

II. RESPONSIBILITIES/PROCEDURES

Nursing Mother

The nursing mother is to submit to her supervisor a completed "Application for Nursing Mother Program" (attached), requesting a private space to express milk. Applications shall be submitted at least five business days prior to the expected start date of the Nursing Mother arrangement.

Supervisor

The supervisor is to review the request and determine whether the employee meets the requirements under the program. If the employee meets the parameters of the program, the supervisor shall consider the requested space and break schedule as submitted by the employee. The supervisor is encouraged to work within M-NCPPC policies regarding break times to accommodate an employee's request. The recommended nursing mother space may be an existing location designated for nursing mothers or a temporary space that has been established to accommodate the request. Spaces must meet the requirements outlined in the section titled "Overview/Procedures."

Following his/her review, the supervisor shall forward to the Department Head or designee, a copy of the employee's request, along with the supervisory recommendation to approve or deny the request. If the supervisor denies the employee's request, the supervisor must forward the employee's request along with the reason for denial.

Department Head

The Department Head or designee shall review all requests which are forwarded by the supervisor. The Department Head may concur with the supervisor's recommendation, approve the request with modifications, or deny the request. If approved, the Department Head will indicate the designated space. If denied, the Department Head will state the reason for denial.

Attachment: Application for Nursing Mother Program

APPLICATION FOR NURSING MOTHER PROGRAM**EMPLOYEE:**

Employee Name: _____ Date of Child's Birth: _____

Work Department/Division: _____

Work Location: _____ Work Phone: _____

I request consideration under the Nursing Mother Program for a private space and reasonable break times to express milk. I understand that my request may be approved for up to one year following the birth of my nursing child.

I propose the following space and, if necessary, the following scheduling time(s) the space will be needed.

I am requesting use of the following unpaid or paid leave to address nursing mother requirements.

Merit and Term Contract employees, who are approved under this program, are permitted to request up to thirty (30) minutes of Administrative Leave per day to attend to nursing mother arrangements. Employees may request this Administrative Leave in lieu of taking their own accrued leave. Eligible employees and supervisors shall refer to the Administrative Procedures Section I. B, Required Nursing Mother Breaks, for requirements on the use of this leave.

Employees may request unpaid leave or use of their own accrued paid leave, if the requested break is beyond the provided 30 minutes of Administrative Leave. Seasonal/Intermittent and Temporary employees may request the use of unpaid leave. In such cases, the employee should identify the type of Leave they wish to use to accommodate additional break needs.

If leave is being requested, please specify the order in which leave should be used and the number of hours requested per day to accommodate nursing mother needs as provided under this program.

- Number of Hours (per day):

- _____ Administrative Leave (if applicable)
- _____ Annual Leave (if applicable)
- _____ Personal Leave
- _____ Compensatory Leave
- _____ Leave Without Pay

- Please specify order of taking accrued/leave without pay (specify 1st, 2nd, 3rd, 4th as applicable):

- _____ Annual
- _____ Personal
- _____ Compensatory
- _____ Leave Without Pay

Employee's Signature: _____ **Date:** _____

To be completed by Supervisor:

- Recommend Approval of Employee's Request as Proposed
- Recommend Approval of Employee's Request with Proposed Amendments
- Recommend Denial of Employee's Request as Proposed

If employee's request is being approved with amendments or denied, please explain below. The Supervisor may recommend an available alternate nursing mother space/arrangement to assist in the approval of the employee's request. _____

Supervisor's Signature: _____ **Date:** _____

To be completed by Department Head or designee:

- Concur with Supervisor's Recommendation
- Approve Request with the Following Modification:

- Deny Request for the Following Reason(s): _____

Department Head Signature: _____ **Date:** _____