

DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT

TRANSMITTAL SHEET

Version No. 1

Subject: Administrative

Part 301: Major Program Issues and Decisions

Chapter 7: Nursing Mothers' Program

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter provides policy and guidance to Bureau of Ocean Energy Management (BOEM) employees regarding the Nursing Mothers' Program.

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FILING INSTRUCTIONS:

REMOVE: N/A

INSERT:

<u>Part</u>	<u>Chapter</u>	<u>Pages</u>	<u>Version</u>
301	7	4	1

Bureau of Ocean Energy Management Manual

Effective Date: September 1, 2015

Version No: 1

Series: Administrative

Part 301: Major Program Issues and Decisions

Chapter 7: Nursing Mothers' Program

Originating Office: Office of Budget and Program Coordination

1. Purpose. This chapter establishes guidance to Bureau of Ocean Energy Management (BOEM) employees regarding the Nursing Mothers' Program. It must be used in conjunction with Department of the Interior (DOI) policy (Personnel Bulletin No. 11-11). It will ensure consistent treatment of all civilian employees who are nursing mothers within BOEM.

2. Background. On December 20, 2010, President Obama delegated authority to the Director of the U.S. Office of Personnel Management (OPM) to provide guidance to federal employees on workplace accommodations for employees who are nursing mothers. This delegation is in support of the Patient Protection and Affordable Care Act and in accordance with the guidance established within the boundaries of the Collective Bargaining Agreement, Article 48, paragraph F (dated 2010), that requires management to provide employees with reasonable break times to express breast milk for their nursing child for up to one year after the child's birth. This includes furnishing an area, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public.

3. Scope. All nursing mothers employed by BOEM are eligible to participate in the Nursing Mothers' Program. BOEM will provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks to express milk as well as the duration of each break will likely vary, according to the needs of the individual mother. Each office will utilize current workforce flexibilities to provide reasonable breaks for this purpose. Workforce flexibilities include adjustments to the employee's work schedule and/or use of accumulated credit hours or flexing, if available, under flexible work schedules. In addition, an employee may also be granted annual leave, leave without pay (LWOP), compensatory time off or other appropriate leave for lactation, with supervisory discretion. Each employee will reserve the nursing mothers' room via a shared scheduling system with private access to only those who are authorized in the Nursing Mothers' Program. The Nursing Mother's Room will receive regular janitorial services, maintenance checks, and safety/health inspections, as all other BOEM leased spaces.

4. Authority.

- A. OPM Memoranda CPM 2010-19 dated December 22, 2010.
- B. OPM *"Guide for Establishing a Federal Nursing Mother's Program"* dated January 2013.
- C. GSA Memorandum *"Nursing Mother Space in Federal and Leased Space"* dated February 15, 2011.
- D. Section 4207 of the Patient Protection and Affordable Care Act, Public Law 111-148, which added a new subsection (r) to section 7 of the Fair Labor Standards Act of 1938 (29 United States Code § 207).
- E. 5 U.S.C 7301 – In accordance with the authority delegated to OPM by the President on December 20, 2010.
- F. Department of the Interior Personnel Bulletin No. 11-11 dated January 10, 2011.
- G. Collective Bargaining Agreement, Article 48, paragraph F dated 2010.

5. Policy. It is the policy of BOEM to offer the Nursing Mothers' Program to all nursing mothers employed by BOEM. The policy will provide a work-life balance, engage employees, retain current BOEM employees, and recruit qualified candidates who may be expecting or who are already a nursing mother.

6. Responsibilities. It is the responsibility for BOEM management to work collaboratively with space and facilities staff to meet the minimal requirements for the nursing mothers' facilities in all BOEM office locations. Offices are not obligated to provide a nursing mothers' room if there is no nursing mother(s) at that time. If there is a nursing mother(s), a space must be created or converted where the mother (s) can express milk and must meet the minimal accommodations.

A. As required by OPM's *"Guide for Establishing a Federal Nursing Mother's Program"* and subsection (r) to section 7 of the Fair Labor Standards Act of 1938 (29 United States Code § 207) BOEM will provide the following:

- (1) A clean, private space that is free from the intrusion of others, created for the use of nursing mothers, which includes a place to sit and a flat surface other than the floor for mothers to place their breast pump and other supplies. The room will be well lit, provide electricity for the use of

the breast pump, have a comfortable temperature, and proper ventilation. The agency will also provide cleaning wipes and paper towels.

(2) A reasonable break time to express milk for up to one year after her child's birth each time such employee has need to express breast milk.

B. While the minimal requirements have been identified as those above, BOEM, in its effort to meet the needs of our employees and increase workplace satisfaction, will advocate to provide a program that goes beyond the standard requirements in-order to promote a state of the art program. To that end, BOEM will work to provide the following to maximum extent practicable and within the constraints of our facilities:

(1) Signage for when the room is in use to ensure the nursing mothers' privacy.

(2) Hand sanitizer, and any other sanitizing supplies to clean equipment.

(3) Small refrigerator to store expressed milk.

(4) Full length mirror to adjust clothing.

(5) Bulletin board or magnetic board (or equivalent) with appropriate supplies to hang baby pictures or other inspirational items. *Items must be removed after each nursing session when there are multiple mothers using the space, or when the room is converted back into a common space.*

(6) Internet access and phone (with hands free capabilities) for nursing mothers who wish (but who are not required) to multitask; that is, pump and work at the same time.

(7) Waste Bin.

(8) Clock.

(9) Utility sink to clean equipment, wash hands, etc. after use.

(10) Small microwave to clean and sterilize non-metallic, microwavable equipment.

(11) Ergonomic chairs.

(12) Lockers, closet, cabinet or other storage area for breast pumps, cleaning supplies, etc.

(13) Adjustable thermostat in the room.

(14) Privacy curtain for more than one mother nursing at a time.

(15) Educational library for nursing mothers.

7. References. For more information on the Family Medical Leave Act and flexible work schedules, please refer to the DOI Personnel Bulletin No: 11-11 and the BOEM Manual Chapters - Attendance and Leave (370.630). Additional references are listed below:

Fact Sheet on Break Time for Nursing Mothers under the FLSA, U.S. Department of Labor

Break Time for Nursing Mothers, U.S. Department of Labor

Frequently Asked Questions – Break Time for Nursing Mothers, U.S. Department of Labor

Reasonable Break Time for Nursing Mothers: Request for Information from the public, Federal Register Notices, Vol. 75, No. 244, December 21, 2010

Federal Break Time for Nursing Mothers, U.S. Department of Health and Human Services

Government in Action on Breastfeeding, U.S. Department of Health and Human Services



**BUREAU OF OCEAN ENERGY MANAGEMENT
DOCUMENT TRACKING CONTROL SLIP**

Date: 10/28/2015

DCN: OEM0000333		ES No:
Orig Office: OBPC	Input Date: 08/25/2015	Addressee: OBPC-C, Office of Budget and Program Coordination-Chief
Due Date: 09/28/2015	Signature Level: DD	
Subject: BOEM Manual - Nursing Mothers Program		

COMPLETED

Comments:

Task Codes:

- | | | |
|-------------------------|--------------------------------|---------------------------|
| 0 - Prepare Draft Reply | 6 - Revise | 12 - Email Draft Reply |
| 1 - Prepare Reply | 7 - Obtain Additional Comments | 13 - Advance Read |
| 2 - Appropriate Action | 8 - Other - See Comments | 14 - File |
| 3 - Surname | 9 - Mail/Distribute | 15 - For Your Information |
| 4 - Signature | 10 - Finalize | 16 - Surname through DTS |
| 5 - Review/Comment | 11 - Simultaneous Surnames | 17 - Required ES Review |

Routing:

Assigned To	Task	Assigned Date	Due Date	Completed Date
OBPC	2 - Appropriate Action	08/25/2015		08/25/2015
OBPC-PC-C tamara richardson	3 - Surname	08/27/2015		08/27/2015
OBPC-PC-C tamara richardson	3 - Surname	08/25/2015	09/28/2015	08/25/2015
BSEE-OA-MGMT	3 - Surname	09/24/2015	09/30/2015	09/30/2015
BSEE-OA Scott Mabry	3 - Surname	09/09/2015		10/13/2015
BSEE-OA-RECORDS Susan Fawcett	3 - Surname	09/09/2015		09/25/2015
DIR-ODM	30 - Prepare Final Draft Hardcopy	10/28/2015	<i>Cruick</i>	10/28/2015
OBPC-C James Anderson	3 - Surname <i>James Anderson</i>	10/28/2015		10/28/15
DDIR-SpA Lee Benner	3 - Surname <i>Lee Benner</i>			10/28/15
DIR-COS Emily Lindow	3 - Surname		<i>Emily Lindow</i>	11/2/15
DIR-SrA Celina Cunningham	3 - Surname		<i>CE</i>	11.3.15
DDIR Walter Cruickshank	3 - Surname <i>Walter Cruickshank</i>			11-3-15