



ADMINISTRATIVE PROCEDURE 95-05

William Spencer
Acting Executive Director

Originally Issued: 07/01/1996

Last Amended: 10/29/2024

NURSING MOTHER PROGRAM

I. AUTHORITY

This Administrative Procedure was originally issued by the Executive Director on September 20, 1995. This Procedure was last amended by the Executive Director on October 29, 2024.

II. APPLICATION

This Administrative Procedure applies to all employees, including Commissioners, represented and non-represented Merit System employees, contract employees, and appointed officials. In the event that any portion of the Administrative Procedure conflicts with a Collective Bargaining Agreement, the Agreement shall prevail for members of the respective collective bargaining unit.

III. PURPOSE/BACKGROUND

The purpose of this Procedure is to establish requirements for nursing mother spaces and nursing mother breaks. This Administrative Procedure was issued initially to implement Administrative Practice 2-18, Work Life Program. Since original initial implementation, amendments to the Procedure 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 Procedure also clarify existing guidance for improved program effectiveness.
- April 25, 2017: Amended to include updated references to relevant policies, clarify the eligibility for grants of Administrative Leave, and update the application form to provide clearer instructions.
- October 29, 2024: Amended to recognize the federal Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) of 2022, which requires that nursing mothers be provided reasonable unpaid break time to express milk to their new born child in a private, clean space each time they need to express milk; and increase the amount of paid administrative leave provided to Merit System and Term contract employees to express milk each day from 30 minutes to one hour.

IV. REFERENCES

- The Federal Patient Protection and Affordable Care Act and its amendments to the Fair Labor Standards Act
- Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) of 2022
- Administrative Practice 2-18, Work Life Program
- Administrative Procedure 19-02, Attendance, and Completion and Approval of Time Cards
- Merit System Rules and Regulations
- Administrative Practice 2-16, Contract Employment: Seasonal/Intermittent, Temporary and Term Employment

V. PROCEDURE

Under the federal Patient Protection and Affordable Care Act (ACA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act), nursing mothers are afforded certain rights to breaks and nursing spaces. The ACA and PUMP Act require employers to provide reasonable unpaid breaks for a nursing mother to express milk for up to one year following the birth of a child each time the employee needs to express milk. The PUMP Act also expands coverage to more types of employees, including both exempt and non-exempt workers. Both Acts require employers to provide a clean, private space, other than a bathroom, which may be used to express milk for a nursing child (see also, the section titled Required Nursing Mother Spaces).

A. REQUIRED SPACES

Spaces designated for use by a Nursing Mother must be:

1. Clean and private, 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 BREAKS

Pursuant to federal law, for up to one year following their child's birth, nursing mothers may request a reasonable amount of break time to express milk each time the mother has need. 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, depend on the needs of the mother and nursing child.

1. **Merit System and Term contract employees only** may request up to **one hour** of paid administrative leave each day to express milk. These employees must use accrued paid leave or leave-without-pay for additional needed time.
2. **Seasonal/Intermittent and Temporary contract employees** must use unpaid break time to express milk.

These break times are in addition to any existing break, such as lunch breaks. While mothers may use their normally scheduled breaks for expressing milk, they are not required to do so.

C. RESPONSIBILITIES

1. **The Nursing Mother** is responsible for submitting to her supervisor, a completed “Notification of Need for Nursing Mother Program” (attached), for a private space to express milk. Notifications shall be submitted at least five business days prior to the expected start date of the Nursing Mother arrangement.
2. **The Supervisor** is responsible for:
 - a. Reviewing the notification and determining whether the employee meets the requirements under the program. If the employee meets the parameters of the program, the supervisor shall 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 “Procedure,” Section A. Required Spaces.”
 - b. Following their review, forwarding a copy of the employee’s notification to the Department Head or designee, along with any recommendations pertaining to an alternative space for lactation. The form shall be filed in the employee’s Departmental personnel file.
 - c. Monitoring the employee’s use of break times for lactation purposes and ensuring the accuracy of the employee’s timecard.
3. **The Department Head** or designee shall review all nursing mother program notifications which are forwarded by the supervisor to ensure compliance with this policy

Note: Neither supervisors nor Department Heads may deny a nursing mother’s need for a reasonable amount of break time to express milk for up to one year following the birth of the child.

**APPENDIX A: NOTIFICATION OF NEED FOR THE NURSING MOTHER
PROGRAM FORM**