



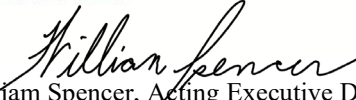
ADMINISTRATIVE PROCEDURES

Authorized by:

No. 95-05

Original issue: 07/01/1996

Last amended: 10/29/2024


William Spencer, Acting Executive Director

NURSING MOTHER PROGRAM

AUTHORITY

This Administrative Procedures were originally issued by the Executive Director on September 20, 1995. These Procedures were last amended by the Executive Director on October 29, 2024.

APPLICATION

These Administrative Procedures apply 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 Procedures conflicts with a Collective Bargaining Agreement, the Agreement shall prevail for members of the respective collective bargaining unit.

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: 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.

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

OVERVIEW/PROCEDURES

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).

I. Required Spaces

Spaces designated for use by a Nursing Mother must be:

- A. Clean and private, other than a bathroom, and
- B. 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.

II. 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.

- A. **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.

- B. **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.

RESPONSIBILITIES

- I. 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.
- II. 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 “Overview/Procedures,” Section I. Required Nursing Mother 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 time card.
- III. 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.

Attachment: *Notification of Need for the Nursing Mother Program*



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOTIFICATION OF NEED FOR NURSING MOTHER PROGRAM

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

Work Department/Division: _____

Work Location: _____ Work Phone: _____

I hereby provide notification of my need 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.

My preferred location(s) to use for expressing milk are as follows:

I propose the following scheduling time(s) be provided for the purposes of expressing milk to my newborn infant. I will keep my supervisor apprised of any significant need to change this schedule that may arise due to my own health conditions and/or that of my child.

Merit and Term Contract employees, who are using this program, are permitted up to one-hour 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 as well as meal breaks and other normal breaks which are otherwise allowed if the requested break is beyond the provided one-hour of Administrative Leave. Seasonal/Intermittent and Temporary employees may request the use of unpaid leave as well as meal breaks and other normal breaks which are otherwise allowed.

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

To be completed by Supervisor:

The Supervisor may recommend an available alternative nursing mother space/arrangement to assist or better accommodate the needs of the employee: _____

Supervisor's Signature (acknowledging receipt of the notification):

Date: _____

The supervisor must forward the form to the Department Head (or designee) and place a copy in the employee's departmental personnel file. Supervisors must monitor the employee's use of any leave for lactation and ensure the employees' time card is accurately coded. If for any reason the designated space becomes unsuitable the supervisor must locate a suitable alternative space that meets the requirements of Procedures 95-05, Nursing Mother Program.