

Department of the Interior
Bureau of Ocean Energy Management Manual

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Part 301: Major Program Issues and Decisions

Chapter 7: Lactation Program

Originating Office: Office of Budget and Administration

BOEMM 301.7

7.1 **Purpose and Scope.** This chapter establishes the Bureau of Ocean Energy Management (BOEM) policy regarding the Lactation Program to ensure consistent treatment of all employees who are nursing parents within BOEM. All lactating employees employed by BOEM are eligible to participate in the program with respect to facilities located in a BOEM office that is their duty station.

7.2 **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 lactating parents. 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 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.

7.3 **Authority.**

A. 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 (U.S.C.) § 207).

B. 5 U.S.C. § 7301 – In accordance with the authority delegated to OPM by the President on December 20, 2010.

C. OPM Compensation Policy Memoranda 2010-19 “Nursing Mothers in Federal Employment” dated December 22, 2010.

D. OPM “Guide for Establishing a Federal Nursing Mother’s Program” dated January 2013.

E. General Services Administration Memorandum “Nursing Mother Space in Federal and Leased Space” dated February 15, 2011.

F. Federal Travel Regulation GSA Bulletin FTR 22-03 “Applicability of Federal Travel Regulation Part 301-13 to Employees who are Nursing” dated October 20, 2021.

G. Department of Interior Personnel Bulletin 11-11, “Providing Nursing Mothers Reasonable Break Time for Lactation” dated January 10, 2011.

H. BOEM Manual 370.630 Attendance and Leave.

7.4 Policy. It is the policy of BOEM to offer the Lactation Program to all nursing parents employed by BOEM. While the priority will be given to lactating employees who are employed by BOEM at a given duty station, this policy may be extended to cover BOEM employees in Temporary Duty status, contractors, and other visitors at BOEM’s discretion. This policy will provide a work-life balance, engage employees, retain current BOEM employees, and recruit qualified candidates who may be expecting a child or who are already lactating.

BOEM supervisors will provide a reasonable amount of break time to express milk as frequently as needed by the lactating parent. 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 parent. Employees must keep their supervisor informed about their initial and ongoing need to use the Lactation Program. 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 request annual leave, leave without pay, compensatory time off or other appropriate leave for lactation, with supervisory discretion.

Each employee must work with their local Support Services staff to reserve the lactation room via a shared scheduling system with private access to only those who are in the Lactation Program. The lactation room will receive regular janitorial services, maintenance checks, and safety/health inspections, as with all other BOEM leased spaces.

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

A. Minimal accommodations. The minimal accommodations for all BOEM locations:

(1) Private space, other than a bathroom, conference room, or office, that is shielded from view and free from intrusion of others, in order to express milk.

- (2) A room that has a locking capability but still allows entry to emergency response personnel.
- (3) Signage for when the room is in use to ensure the lactating parent's privacy.
- (4) Place to sit, other than a floor, and a flat surface on which to place the lactating parents' supplies.
- (5) Electrical outlets for lactating parents to plug in a breast pump if required.
- (6) Rooms should be clean, well lit, have a comfortable temperature, and proper ventilation.
- (7) Hand sanitizer, cleaning wipes, paper towels, and any other sanitizing supplies to clean equipment should be provided. Employees are expected to sanitize the space after each use.
- (8) Waste bin.

B. Optional accommodations. Locations wanting to enhance their facility beyond the minimal requirements may opt to include any of the following:

- (1) Refrigerator to store expressed milk. Although optional, BOEM should make a concerted effort to provide a dedicated refrigerator for this purpose.
- (2) Mirror.
- (3) Bulletin board or magnetic board (or equivalent) with appropriate supplies to hang pictures or other inspirational items. Items must be removed after each session when there are multiple parents using the space, or when the room is converted back into a common space.
- (4) Internet access and phone (with hands free capabilities) for lactating parents who wish (but who are not required) to multitask; that is, pump and work at the same time.
- (5) Clock.
- (6) Utility sink to clean equipment, wash hands, etc. after use.
- (7) Small microwave to clean and sterilize non-metallic, microwavable equipment.
- (8) Ergonomic chairs.

- etc.
- (9) Lockers, closet, cabinet or other storage area for lactating parent supplies,
 - (10) Adjustable thermostat in the room.
 - (11) Privacy curtain for more than one parent lactating at a time.
 - (12) Educational library.