



## DoDEA ADMINISTRATIVE INSTRUCTION 1438.02

### DoDEA NURSING MOTHERS PROGRAM

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**Originating Division:** Human Resources

**Effective:** July 23, 2019

**Releasability:** Cleared for public release. Available on the DoDEA Policy Webpage

**Approved by:** Thomas M. Brady, Director

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**Purpose:** This Issuance establishes policy and guidance, assigns responsibilities, and sets procedures for the Department of Defense Education Activity (DoDEA) Nursing Mothers Program, to provide a supportive environment for DoDEA employees to continue nursing after returning to work. This supportive environment is conducive to the employee's commitment to the organization, work productivity, greater cost efficiency, and improved family life.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

**1.1. APPLICABILITY.** This Issuance applies to the DoDEA Headquarters Organization, the DoDEA Americas Region, the DoDEA Europe Region, the DoDEA Pacific Region, and to include all schools under the DoDEA authority, and when applicable, volunteers, students, support personnel, student teachers, contractors, and sponsors/parents.

### **1.2. POLICY.**

a. DoDEA supports providing a nursing mother's program as part of its commitment to a work environment conducive to a healthier employee work/life balance and career satisfaction. This in turn encourages family health, greater productivity, and cost efficiency in support of DoDEA's mission.

b. DoDEA allows for reasonable time and providing suitable facilities for DoDEA employees who are nursing mothers for the purpose of expressing breast milk for their nursing child. The period of time allowed to participate in this program is up to one (1) year from their child's birth with prior approval of their first-level supervisor.

**1.3. INFORMATION COLLECTION.** This Issuance may result in the collection of information due to its policies and procedures. Any collection of information must follow all applicable Federal, DoD, and DoDEA regulations, policies and guidance.

## SECTION 2: RESPONSIBILITIES

### 2.1. DODEA DIRECTOR. The DoDEA Director:

- a. Establishes the DoDEA Nursing Mothers Program.
- b. Designates the DoDEA Human Resources Division (HR) Chief to implement and monitor application of this Issuance.
- c. Ensures that DoDEA provides a supportive environment to enable nursing mothers to express milk during business hours.
- d. Approves and/or delegates approving authority at the lowest administrative level to ensure that working nursing mothers have the ability to express milk and participate in the program freely.

### 2.2. DIRECTORS OF STUDENT EXCELLENCE. The Directors of Student Excellence:

- a. Implements the Nursing Mothers Program within their region.
- b. Appoints a DoDEA Regional Nursing Mothers Program coordinator.

### 2.3. DODEA DISTRICT SUPERINTENDENT. The DoDEA District Superintendents:

- a. Appoints a DoDEA District Nursing Mother's Program Coordinator.
- b. Keep informed and up-to-date on all regulations, executive orders, or other published guidance that impacts the DoDEA Nursing Mothers Program.
- c. Administer and monitor the program and assist supervisors and employees in carrying out their program responsibilities.
- d. Assess the number of DoDEA employees within the workforce that will likely use the program and resources, if made available.
- e. Communicate and publicize the program policies and procedures within their designated regions of operations.
- f. Ensure that appropriate space requirements for nursing mothers have met program requirements.
- g. Conduct an annual survey review of the program to ensure that it meets the intent of this Issuance.

### 2.4. DODEA HUMAN RESOURCES DIVISION CHIEF. The DoDEA HR Chief:

- a. Provides consolidation of data tracking from Directors of Student Excellence and serves as the DoDEA's point of contact regarding implementation of this Issuance.
- b. Appoints a DoDEA Headquarters (HQ) Support Nursing Mothers Program Coordinator.
- c. Provides advice and assistance to the DoDEA HQ and Regional Support Nursing Mothers Program Coordinators to facilitate the policies in this Issuance.

**2.5. DODEA HEADQUARTER NURSING PROGRAM COORDINATOR.** The DoDEA HQ Nursing Mothers Program Coordinator:

- a. Facilitates the policies and procedures in this Issuance, or the nursing policies of the hosting military installation activity medical support facility, with potential nursing mothers on the availability of the program and facilities.
- b. Facilitates the Activity's program annual survey review.
- c. Provides statistical data, upon request from the Office of Personnel Management (OPM).
- d. Keeps informed and up-to-date on all regulations, executive orders, or other published guidance that impacts the DoDEA Nursing Mothers Program.

**2.6. DODEA FIRST-LEVEL SUPERVISORS OR MANAGERS.** The DoDEA First-Level Supervisors or Managers:

- a. Encourage use of the DoDEA Nursing Mothers Program in support of the DoDEA employee work/life balance and wellness initiatives by providing a supportive environment to enable nursing mothers to express milk during business hours.
- b. Approve, within their authority and professional judgment, the reasonable use of break time to express milk, as needed, by a nursing mother during work hours using existing workplace flexibilities.
- c. Consult with the DoDEA Nursing Mothers Program Coordinator if problems, questions, or concerns are encountered regarding a nursing mother's participation.
- d. Validate that the designated room/area (not a restroom) is suitably free from intrusion and is private, and shielded from the view of others.

**2.7. NURSING MOTHER.** The nursing mother:

- a. Informs the DoDEA First-Level Supervisor or Manager of their desire to participate in the DoDEA Nursing Mothers Program and enroll in the program. This will allow the DoDEA First-Level Supervisor or Manager or designated personnel time to ensure that a specific room is identified, if not already established.

b. Coordinates an appropriate time to express milk, as needed, with the DoDEA First-Line Supervisor or Manager using existing workplace flexibilities.

c. Confirms the designated room/area space (not a restroom) is suitably free from intrusion and is private, and shielded from the view of others.

d. Responsible for providing the required equipment for expressing and properly storing milk (e.g., breast pump and labeled container).

## SECTION 3: PROGRAM GUIDELINES

### 3.1. PARTICIPATION.

- a. Enrollment in the DoDEA Nursing Mothers Program is initiated by the nursing mother.
- b. The nursing mother:
  - (1) Reads and completes DoDEA Form 1438, “Participant’s Nursing Program Agreement.”
  - (2) Provides a signed copy of the DoDEA Form 1438, “DoDEA Participant’s Nursing Program Agreement” to the DoDEA First-Level Supervisor or Manager.
  - (3) Notifies the DoDEA First- Level Supervisor or Manager via email of her desire to terminate participation in the program and include the expected termination date.
- c. Coordinates with the DoDEA First- Level Supervisor or Manager to arrange for coverage during lactation period, when necessary.

### 3.2. USE OF LACTATION TIME.

- a. In accordance with Section 207 of Title 29, United State Code, DoDEA employees are entitled to the reasonable use of time for expressing milk. The time used by a nursing mother to express milk must be accounted for either through nonpaid lunchtime, reasonable breaks, or leave.
- b. Should concerns over participation arise which requires immediate attention, the DoDEA employee should raise the issue with her DoDEA First-Level Supervisor or Manager for resolution. The DoDEA First-Level Supervisor or Manager should make a reasonable effort to address the issues within one (1) workday of notification of the issue. In the event it is not resolved, the DoDEA employee may contact their DoDEA Nursing Mothers Coordinator for guidance on how best to resolve the issue.
- c. The frequency and duration to express milk may vary according to the needs of the individual mother. Therefore, the nursing mother’s request for a reasonable amount of time should not be denied. DoDEA First-Level Supervisors or Managers should consult with the DoDEA Nursing Mothers Program Coordinator if problems, questions, or concerns are encountered. The DoDEA Nursing Mothers Program Coordinator will refer supervisors to their servicing DoDEA Labor Management and Employee Relations Office when concerns cannot be resolved.
- d. Lactation time cannot be used to shorten the approved workday. A lactation time may not be scheduled at the beginning or end of the workday to facilitate late arrival or early departure.

e. Nursing mothers are responsible for requesting, in advance if possible, a reasonable amount of lactation time. Should workload or staffing requirements prevent the DoDEA First-Level Supervisor or Manager from releasing the nursing mother at the requested time, she should be released at the earliest opportunity after the request was made.

### **3.3. COVERAGE OF LACTATION TIME.**

a. DoDEA managers should allow nursing mothers reasonable time to be taken while in a duty status. Appropriate work coverage will be arranged if necessary (e.g., coverage of a classroom). Any questions or concerns on reasonable break time should be directed to the appropriate DoDEA Nursing Mothers Program Coordinator.

b. DoDEA First-Level Supervisor or Manager may approve requests for changes to a work schedule (switching to AWS, CWS, or FWS when applicable) for a nursing mother who needs time off to express milk during normal working hours. Management may also permit nursing mothers to use, when applicable, the workforce flexibilities to include annual leave, LWOP, the earning and use of compensatory time off, and credit hours if desired by the nursing mother.

c. Additionally, participation in the DoDEA Nursing Mothers Program will not affect the eligibility to remain on her current AWS, Flexible Work Schedule (FWS), or a Compressed Work Schedule (CWS), and the ability to earn or use credit hours or compensatory time off, if desired by the nursing mother.

### **3.4. NURSING ROOM.**

a. The designated nursing room (i.e., lactation room) will be a clean, comfortable environment, and large enough for a nursing mother to sit and use their equipment comfortably. If the space is temporary and not a dedicated space for the nursing mother's use, the room must be available to the nursing mother when needed.

b. Designated nursing rooms should be cleaned by the custodial staff on a daily basis to help prevent the spread of communicable disease(s) and blood-borne pathogens. However, it is also the responsibility of the nursing mother to clean up any spills of breast milk and toss any trash produced while using a designated nursing room. Cleaning supplies (e.g., paper towels, cleaning wipes, and a cleaning fluid) to destroy bacteria will be provided by the contracted cleaning crew, school, or activity. Failure by a nursing mother to maintain a clean space may result in loss of the benefit to participate in the DoDEA Nursing Mothers Program.

c. The designated nursing room should, at a minimum, have the following:

- (1) A non-bathroom space to express breast milk.
- (2) A private space shielded from view and free from intrusion of co-workers and the public.
- (3) Flat surface or table (not the floor).



- (4) Place to sit.
  - (5) Access to electricity (a transformer will be provided by the Activity, if needed).
  - (6) A lockable door is preferred. If the facility does not have locking doors, displaying a “Do Not Disturb” sign is necessary.
  - (7) Depending on the allocated space, the room should be clearly labeled “Nursing Mothers Room.”
  - (8) A trash can.
  - (9) A separation wall, temporary separator, or door that can be used for privacy if the space is being used by more than one (1) nursing mother at the same time.
  - (10) A refrigerator in proximity to the “Nursing Mothers Room.”
  - (11) A reservation system (sign-up sheet, dry-erase board, or an electronic calendar) which can be maintained by whoever is responsible for the designated nursing mother’s room.
  - (12) A copy of this Issuance detailing the DoDEA Nursing Mothers Program.
  - (13) Cleaning Supplies.
- d. These should be provided whenever possible or available:
- (1) Sink with hot and cold running water.
  - (2) Soft and/or natural lighting.
  - (3) Calming décor.
  - (4) Comfortable temperature.
- e. The designated nursing room should be inspected and approved by the building manager to ensure compliance with the minimum requirements for a designated nursing room.

**3.5. RESPONSIBILITIES OF NURSING MOTHERS.** Nursing mothers are responsible for following the appropriate procedures of this policy in relation to the program use of the room and storage of milk.

**a. Use of the “Nursing Mothers Room.”**

(1) The nursing mother is responsible to maintain the cleanliness of the “Nursing Mothers Room” (i.e., lactation room). See Section 3.4.b., of this Issuance for specific responsibility.

(2) The nursing mother is responsible for locking the door of the lactation room while expressing milk or placing a “Do Not Disturb” sign if the door does not lock.

(3) Schedule the lactation room using the locally established procedures in accordance with this Issuance.

**b. Storage of Expressed Milk.**

(1) The nursing mother will store all expressed milk in closed and labeled containers with their name and the date the breast milk was expressed (if stored in a shared space). The stored milk must be taken home daily. Any non-conforming products stored in the refrigerator may be disposed of without notification.

(2) The nursing mother assumes all responsibility for the safety of the milk, including improper storage, refrigeration, and tampering.

## GLOSSARY

### G.1. ACRONYMS.

AWS	Alternate Work Schedule
CWS	Compressed Work schedule
FWS	Flexible Work Schedule
HQ	Headquarters
HR	Human Resources Division
LWOP	Leave Without Pay
OPM	Office of Personnel Management

**G.2. DEFINITIONS.** Unless otherwise noted, these terms and their definitions are for the purpose of this Issuance.

**designated nursing room.** The room will be large enough for an employee to use appropriate equipment necessary to express milk. Space can be temporary and not a dedicated space for nursing mother's use but available when needed. Restrooms are not considered an appropriate space for nursing. The space needs to be private which is shielded from view and intrusion of coworkers and the public.

**expressing milk.** Squeezing milk out of the breast so it can be stored and fed to the baby at a later time.

**nursing mother.** A DoDEA employee who is a mother breast feeding her child and who has enrolled in the DoDEA Nursing Mothers Program.

**reasonable amount of lactation time.** The frequency and duration of breaks to express milk may vary among nursing mothers; this should be taken into consideration by DoDEA First-Level Supervisor or Manager.

## **REFERENCES**

- United States Office of Personnel Management (OPM) Guide, “Guide for Establishing a Federal Nursing Mother’s Program,” January 2013
- United States Office of Personnel Management (OPM) Memorandum, “Nursing Mothers in Federal Employment,” December 22, 2010
- United States Code, Title 29, Section 207

## APPENDIX

### APPENDIX 1: INTERNAL CONTROL EVALUATION CHECKLIST

CHECKLIST ITEM	YES/NO
Has the participating nursing mother completed DoDEA Form 1438, “ DoDEA Participant’s Nursing Program Agreement”?	
Does the DoDEA First-level Supervisor or Manager have all signed DoDEA Form 1438, DoDEA Participant’s Nursing Program” on file for all participants?	
Does the designated nursing room (i.e. lactation room) meet all of the requirements outlined in this Issuance?	
Has the DoDEA First-Level Supervisor or Manager and nursing mother made all arrangements for coordination of coverage for the lactation period?	
Does a reservation system for scheduling the nursing room exist? Are all participants signing up for time?	
Is the nursing mothers maintaining the cleanliness of the room? Are actions taken when appropriate?	
Are the nursing mothers following the procedures and policy of this Issuance for storing the breast milk?	
Are nursing mothers notifying DoDEA First-Level Supervisor or Manager via email to terminate participation in program when appropriate?	