

NURSING MOTHERS PROGRAM

A Federal Nursing Program is a coordinated workplace flexibility that supports a nursing employee to breastfeed until her child is twelve months of age. The American Academy of Pediatrics recommends breastfeeding exclusively for at least the first six months after birth and, ideally, until or after the child is twelve months of age. When working mothers receive workplace support, such as adequate private space and time to express milk, as well as support from supervisors and colleagues, they are often able to continue to successfully breastfeed their child. Section 4207 of the Patient Protection and Affordable Care Act (ACA), referencing section 7 (r) of the Fair Labor Standards Act of 1938, requires and provides guidance for workplace accommodations for employees who are nursing mothers. When exercising this authority, federal agencies should review any applicable regulations or policies and collective bargaining agreements before making determination, and use the following criteria:

(1) Provide Reasonable Break Time. For one year after a child's birth, an agency should provide nursing mothers with reasonable time to express breast milk each time the employee has a need to express milk. The amount of time that an employee needs to express milk, as well as the frequency of those breaks, will vary according to each individual's needs. However, many mothers typically need to express their milk every 2-3 hours. The FLSA does not require agencies to compensate nursing mothers for breaks taken for expressing milk. However, many agencies already provide compensated breaks that employees can use for any purpose.

(2) Provide a Private Space. Federal agencies should arrange to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public which may be used by the employee to express breast milk. While the space does not need to be exclusively dedicated to this purpose, a temporary space that meets the requirement is appropriate.