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SUBJECT: Design for Nursing Mothers in Federal Employment

CATEGORY: Directive and Policy

1. **Purpose.** This ECB continues the requirements to support nursing mothers in Federal employment set forth previously in UFC 1-200-01 DoD Building Code (General Building Requirements).

2. **References.**

a. Unified Facilities Criteria (UFC) 1-200-01, DoD Building Code (General Building Requirements) Change 2, 01 November 2018

<https://wbdg.org/ffc/dod/unified-facilities-criteria-ufc/ufc-1-200-01>

b. Guide for Establishing a Federal Nursing Mother's Program, OPM, January 2013
<https://www.opm.gov/policy-data-oversight/worklife/reference-materials/nursing-mother-guide.pdf>

3. **Background.** Section 4207 of the Patient Protection and Affordable Care Act (ACA) revises the Fair Labor Standards Act (FLSA) by requiring employers to provide nursing mothers with 1) reasonable break times to express milk for one year after her child's birth each time such employee has need to express breast milk; and 2) a private space, other than a bathroom, that is shielded from view and free from intrusion of others, to express breast milk. This legislation has significant impact on worksite accommodations for nursing mothers in Federal Employment.

4. **Applicability.** This applies to the design and construction of new and renovated Government-owned facilities for the Department of Defense (DoD). It is applicable to all methods of project delivery and levels of construction. For facilities supporting military operations.

5. **Guidance.** Per Reference a., paragraph 3-2.2 Nursing Mothers in Federal Employment: "For facilities that are places of employment, provide a private space for nursing mothers as recommended by OPM Memorandum for Heads of Executive Departments and Agencies, as detailed in the Guide for Establishing a Federal Nursing Mother's Program. This space may not be a bathroom, and must be shielded from view and free from intrusion of others. A nursing mother's space must be functional, with a private space with a place to sit and a flat surface, other than the floor, to place the breast pump and other personal supplies. Although there are no size or permanency requirements, this space must provide access to electricity for the use of a breast pump, as well as good lighting, a comfortable temperature, and proper ventilation; and be near a source of hot and cold running water. In addition, comply with any command-specific policy applicable to this requirement or applicable to the establishment of a working mothers program within the facility."

6. Implementation.

a. Multi-user flexibility: large facilities should include at least one space for every six women anticipated to be nursing in any given year based on the facility's typical population and demographics. In order to provide flexible access to the nursing mother's space, the space can be subdivided and partitioned for multiple units. Each unit should be equipped with a counter, a comfortable chair, coat hooks, electrical outlets (over the counter) and curtains for privacy. Outside of these units, there should be a common area for shared amenities, such as a sink, paper towel dispenser, trash can, mirror, bulletin board, etc., separated from public areas with a door.

b. In addition to the mandatory requirements from the law, OPM recommends the following Best Practices in their Guide for Establishing a Federal Nursing Mother's Program (Reference b.):

- (1) A room that locks from the inside (which still allows entry from Emergency Response Personnel) or other way to prevent intrusion while in use.
- (2) A sink with hot and cold running water with high neck faucet
- (3) A refrigerator with a freezer section provided for the storage of breast milk
- (4) Comfortable seating (e.g. ergonomic chairs, recliners)
- (5) Soft lighting and a calming décor, including natural lighting, if possible
- (6) A microwave for the sterilization of materials and supplies
- (7) A full-length mirror to allow mothers to check/adjust their clothing before leaving the nursing mother's room
- (8) A clock
- (9) Hooks to hang mothers' outer garments, bags of attachment kits, etc.

7. **Update.** This guidance reflects changes that have already been incorporated into the referenced UFC. Future revisions will occur as normally scheduled and facilitated by the Discipline Working Group.

8. **Points of Contact.** HQUSACE point of contact for this ECB is Eric Mucklow, CECW-EC, eric.mucklow@usace.army.mil.

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