



FEDERAL BUREAU OF INVESTIGATION POLICY DIRECTIVE

Lactation Support Program Policy Directive 1180D

General Information

Proponent	Human Resources Division (HRD)
Publication Date	2022-03-17
Last Updated	N/A
Supersession	<i>Nursing Mothers Program (NMP) Policy Directive (0440D)</i>

1. Authorities

- Patient Protection and Affordable Care Act (PPACA), Public Law (PL) 111–148, Section (§) 4207, "Reasonable Break Time for Nursing Mothers"
- Fair Labor Standards Act of 1938 (FLSA), Title 29 United States Code (U.S.C.) § 207(r), as amended
- Office of Personnel Management (OPM) Compensation Policy Memorandum (CPM) (CPM 2010–19), *Nursing Mothers in Federal Employment* (December 22, 2010)
- OPM *Guide for Establishing a Federal Nursing Mother's Program* (January 2013)

2. Purpose

The purpose of this policy is to ensure that the FBI's Lactation Support Program (LSP) complies with the requirements of all governing guidelines.

3. Scope

This policy applies to all FBI lactating parents, to their managers, and to designated points of contact (POC) (defined in [subsection 8.1.3](#)) for up to two years after the birth of a child.

4. Exemptions

There are no exemptions to this policy.

5. Policy Statement

5.1. Overall Coverage

5.1.1. FBI headquarters (FBIHQ) divisions, field offices (FO), and legal attachés (Legat) must implement the work-life provisions of health-care reform laws available to lactating

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parents during their working hours (1) for up to two years after the birth of a child and (2) when deemed necessary for the well-being of the child(ren), the lactating parents, or both. The FBIHQ division, field office, or Legat must consider extending this initial period when appropriate for a lactating parent's evolving situation (refer to [subsection 5.2.6.](#) for more information).

5.1.2. FBI lactating parents and their immediate supervisors (or, if there is a concern, those higher in their lines of supervision) must establish mutual understanding and reach agreement about any lactation support accommodations. Such understanding and the formal or informal agreement must include consideration of the FBI Work Life Program options and the parents' future lactation support concerns. The agreement must address participation in the lactation support program (LSP) and the lactating parents' fulfillment of the duties and responsibilities of their FBI positions. Regardless, coverage under this policy does not require formal participation in the LSP.

5.1.2.1. Consult with the program manager (PM) for the Work-Life Program in Human Resources Division's (HRD) Employee Assistance Unit (EAU) regarding options and future concerns (especially related to participation in the LSP).

5.1.2.2. Work with their supervisors and the Work-Life PM to determine how best to accommodate their lactation support needs (as defined in [subsection 8.1.6.](#)) while ensuring that they still fulfill the duties and responsibilities of their FBI positions.

5.1.2.3. Establish formal or informal lactation support plans with their immediate supervisors (or, if there is a concern, with those higher in their lines of supervision). Coverage under this policy does not require formal participation in the LSP.

5.1.3. While lactation support agreements (and any subsequent updates) may be either general or detailed, they must address the following items:

- The lactation space(s) that will be used
- The maximum time anticipated for use of the lactation space(s), for any lactation support activity(ies), including time for addressing unanticipated needs
- The break period(s) that may be used
- The type(s) of leave or other time off that may be used
- The type of administrative work schedule that will exist during the coverage period, recognizing that schedule changes must follow the [Work Schedule Policy Directive and Policy Guide \(0576DPG\)](#)
- The use (if applicable) of a telework arrangement, recognizing that accommodations will continue at the work-travel destination if official travel arises during the coverage period
- The type(s) of storage that may be used for expressed breast milk
- Cleaning or sanitizing supplies to be used

5.2. Accommodations for Lactation Support

5.2.1. All FBIHQ division, FO, and Legat supervisors must make accommodations that are reasonable regarding space, time, storage, cleaning, or sanitization for FBI personnel with lactation support needs (as defined in [subsection 8.1.6.](#)) during their work hours.

5.2.2. When there are plans for specific lactating parents to travel for work or go on temporary duty (TDY) assignments, they and their supervisors must ensure that their formal or informal lactation support plans ([subsection 5.1.](#)) can and will be implemented in

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the work-travel destinations. If lactating parents ship their stored breast milk to or from their TDY stations, they may request and receive approval for reimbursement of the shipments as miscellaneous TDY expenses.

5.2.3. Space

5.2.3.1. If the FBIHQ division, FO, or Legat has one or more lactating parents who state that they need to express their breast milk during work hours, there must be at least one dedicated lactation space. An FBI worksite is not obligated to maintain a permanent, dedicated space when there are no FBI personnel with lactation support needs during a workday.

5.2.3.2. If the FBI worksite requires the posting of a schedule for use of its dedicated lactation space to ensure privacy, the posting must be located within the space. The FBI worksite must post a sign for each dedicated lactation space that clearly identifies the space for lactation support purposes only. For more information about lactation space, refer to [subsection 8.1.5](#).

5.2.3.3. Lactating parents may use dedicated lactation spaces or other places within their FBI buildings, facilities, or worksites as lactation spaces only if those spaces meet the criteria indicated in the definition of lactation space ([subsection 8.1.5](#)) and their use does not interfere with FBI operations.

5.2.3.4. The Finance and Facilities Division (FFD) may establish a lactation space for a building, a facility, or other worksite that the FBI owns or leases if 50 or more employees work or will work at that location. For FFD's Field Operations Support Section (FOSS) responsibilities, refer to [subsection 6.6](#). For FFD's Architectural Engineering Services Unit (AESU) responsibilities, refer to [subsection 6.7](#).

5.2.4. Supplies

5.2.4.1. At the discretion of the FBIHQ division, FO, or Legat head, the FBIHQ division, FO, or Legat may purchase lactation supplies (e.g., breast pumps, bottles, and cleaning products) when funding is available and not otherwise provided. When providing dedicated lactation supplies, the FBIHQ division, FO, or Legat must make them available to lactating parents for use in a dedicated lactation space and may make the supplies available for use in other lactation spaces during the workday. If the FBIHQ division, FO, or Legat cannot and does not provide dedicated lactation supplies, then the following applies:

5.2.4.1.1. The FBIHQ division, FO, or Legat must inform lactating parents at regular intervals in writing about the lack of funding and update them if the situation changes.

5.2.4.1.2. Lactating parents must provide their own supplies to meet their lactation needs.

5.2.4.2. When FFD determines that there are sufficient funds for bulk purchases of lactation supplies, these purchases may occur. If FFD initiates a bulk purchase, local purchases by FBIHQ divisions, FOs, or Legats are prohibited. If bulk purchases occur, the Financial Analysis and Management Unit (FAMU) must promptly notify FBIHQ division, FO, and Legat designated POCs and ensure the appropriate distribution of the supplies. For more information about possible funding of bulk purchases, refer to [subsection 6.8](#).

5.2.5. Storage

5.2.5.1. If reasonably possible, dedicated refrigeration must be available to lactating parents who need to temporarily store their expressed breast milk (i.e., until the end of their workdays). If the FBIHQ division, FO, or Legat provides dedicated refrigeration, this refrigeration (e.g., refrigerator or cooler) must be located within the dedicated lactation

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space and only be used by lactating parents. If the FBIHQ division, FO, or Legat cannot and does not provide dedicated refrigeration, then the following applies:

5.2.5.1.1. The FBIHQ division, FO, or Legat must inform lactating parents about the lack of dedicated refrigeration and update them if the situation changes.

5.2.5.1.2. Lactating parents must provide for their own refrigeration.

5.2.6. Time

5.2.6.1. Overall Duration

5.2.6.1.1. Lactating parents may request an extension of their initial lactation support period (i.e., beyond the two-year maximum) to meet their evolving needs. An extension, or renewal, must not exceed one additional year.

5.2.6.1.2. Each extension granted must be in writing and provide justification for the decision and reference the expired written lactation plan or other lactation support agreement. If a written lactation plan or other lactation support agreement was established, it must be updated to recognize all related changes.

5.2.6.2. By Occasion

5.2.6.2.1. A reasonable amount of time must be granted to lactating parents for each occasion when they need to express and store their breast milk, label and access their filled bottles, and clean or sanitize lactation supplies. This time may be in terms of frequency, number of minutes, a set of conditions, or a combination of the preceding.

5.2.7. Work-Life Flexibilities

5.2.7.1. FBIHQ divisions, FOs, and Legats must make work-life flexibilities available to accommodate lactating parents' needs. Depending on the individual lactating parent's position and circumstances, these flexibilities may include use of break periods, use of leave, use an alternative work schedule option, or a telework arrangement, as indicated in this policy and reflected in existing FBI human resources (HR) policies cited in [Section 7](#).

5.2.8. Break Periods

5.2.8.1. Consistent with FBI policies and guidance, lactating parents may use their break periods to express and store their breast milk, label and access their filled bottles, and clean or sanitize lactation supplies. Combining paid and unpaid break periods into a single block of time is prohibited. Furthermore, this policy allows for neither an extension of break periods, nor the use of additional paid break periods to address lactating parents' needs. (Refer to [subsection 5.2.9](#) for information on requesting leave.)

5.2.8.2. Exceptions to this subsection may only be obtained if the legal counsel (assistant division counsel, chief division counsel, or both) of the lactating parent's official duty station confirms that state law provides for greater protections regarding [break periods](#) than those provided in this policy. In such a case, the lactating parent's written lactation plan may allow for greater protections regarding break periods.

5.2.9. Leave

5.2.9.1. Lactating parents may request to use leave (i.e., annual leave [AL] or leave without pay [LWOP]) or other paid time off (e.g., compensatory time off) for expressing and storing their breast milk, labeling and accessing their filled bottles, and cleaning or sanitizing their lactation supplies, consistent with the [Leave Policy Guide \(1134PG\)](#).

5.3. Recordkeeping

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5.3.1. FBIHQ division, FO, or Legat designated POCs and supervisors must follow the guidance in the General Records System (GRS), Section 2.7., Item 080, and guidance issued by the Information Management Division (IMD) for electronic or paper records created regarding "nonoccupational health LSP matters" (i.e., lactation support health matters covered by this policy and unrelated to employees' FBI positions). These records must include spreadsheets or sign-in sheets for use of a dedicated lactation space and all written lactation plans. All of these records must be maintained for three years after the date that the documents are needed for business use (refer to [subsection 6.3.3.](#) for more information).

6. Roles and Responsibilities

6.1. Lactating parents must:

6.1.1. Consult with the Work-Life PM to learn about flexibilities available under this policy and to address concerns about their formal or informal lactation plans, as well as other related concerns. This consultation must occur at least 30 calendar days (or as soon as practicable) before returning to work after childbirth.

6.1.2. Notify their immediate supervisors (or those higher in the line of supervision) of their need for lactation support during workdays. To ensure recognition of needed lactation support accommodations, lactating parents must collaborate with their supervisors to create written lactation plans or other lactation support agreements. This notification must occur at least 30 calendar days (or as soon as practicable) before the lactating parent intends to return to work after childbirth.

6.1.3. Ensure, before using a dedicated lactation space, (1) that the space is available, which may involve coordinating with their designated or backup POCs or annotating a posted schedule within the dedicated lactation space, and (2) that they take reasonable break times, consistent with the [Work Schedule Policy Guide \(0576PG\)](#) and as written in their lactation plans.

6.1.4. Before considering using their workspaces as lactation spaces, ensure (directly or indirectly through their supervisors or designated backup POCs) that the workspaces are private (e.g., have lockable doors or physical partitions that provide privacy without the possibility of intrusion from other individuals).

6.1.5. Clean or sanitize FBI-dedicated lactation supplies after use. If there are no dedicated lactation supplies available at their worksites, lactating parents must provide and clean or sanitize their own lactation supplies. If there is no refrigeration available at their worksites, lactating parents must provide for storage of their expressed breast milk in a private area.

6.1.6. Remove their labeled and dated bottles, especially if they are stored in available designated refrigerators, at the end of every workday. (If some of the stored bottles are more than 48 hours old, they must properly dispose of the bottles or, if the FBIHQ division, FO, or Legat supplied the bottles, must coordinate with the designated POC for direction.)

6.1.7. Request the use of leave through the web-based time and attendance (WebTA) system, as they and their supervisors mutually agreed when they started receiving lactation support from the FBI in a manner consistent with the [Leave Policy Guide \(1134PG\)](#).

6.1.8. Work with their supervisors (or those higher in the line of supervision) to update their established written plans or other lactation support agreements. This update must occur if the lactating parent's needs change.

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6.1.9. Inform and work with their supervisors (or those higher in the line of supervision) to receive an extension of up to one additional year. This action must occur only if the FBI recognized their initial lactation period as two years.

6.2. Work Life PM must:

6.2.1. Provide inquiring employees, supervisors, designated POCs, and FBIHQ division, FO, and Legat heads with information about work-life options available under this policy (refer to [subsection 5.2.7.](#) for more information).

6.2.2. Provide policy guidance to employees' or supervisors' related to concerns about written lactation plans.

6.3. Supervisors must:

6.3.1. Work with lactating parents and be responsive to their needs to express and store breast milk, label and access their filled bottles, and clean or sanitize lactation supplies during workdays, establishing mutually agreed-upon written lactation plans (or other lactation support agreements). This includes helping lactating parents understand their options, based on individual circumstances, and following the FBI's policies for break times, leave, and work-life flexibilities. Supervisors must not request medical information about a parent or a parent's individual circumstances.

6.3.2. Work with lactating parents to update established written lactation plans, or other lactation support agreements, if any of their personnel has a change in lactation support needs.

6.3.3. Maintain written lactation plans and destroy them at the appropriate time, as described in [subsection 5.3.](#)

6.3.4. Approve WebTA leave requests for lactating parents when the requests are consistent with written lactation plans (or other lactation support agreements) and the [Leave Policy Guide \(1134PG\).](#)

6.3.5. Follow current health requirements, ensure that they consider available work-life options, and follow related FBI policies, consulting with HRD's Medical Operations and Readiness Unit (MORU) and EAU and checking the FBI's [Policy Library](#) as necessary. For more information on health requirements, refer to [Section 1](#) and [Section 7.](#)

6.3.6. Work with lactating parents to update written lactation plans (or other lactation support agreements) when receiving requests to extend initial lactation periods beyond two years. Supervisors must not request any medical information about parents or their individual circumstances.

6.4. FBIHQ division, FO, and Legat heads must:

6.4.1. Communicate and ensure appropriate implementation of this policy at all duty stations in their areas of responsibility (AOR), initiating corrective action if they determine that appropriate implementation has not occurred.

6.4.2. Designate a POC and, as necessary, a backup POC for coordinating lactation space for lactating parents' use, including preparation and setup of the space (for more information, refer to [subsection 8.1.5.](#))

6.4.3. Exercise due discretion in deciding whether they have sufficient funding for their FBIHQ divisions, FOs, or Legats to purchase lactation supplies (if they determine that FFD did not initiate a bulk purchase). If funding is provided, the FBIHQ division, FO, or Legat head must coordinate with FFD to ensure that purchases occur.

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6.4.4. Designate at least one refrigerator to allow for proper storage of expressed breast milk for lactating parents' use, if reasonably possible.

6.5. A designated or backup POC must:

6.5.1. Ensure that the FBIHQ division, FO, or Legat provides appropriate lactation space for lactating parents and, if possible, provide sufficient refrigeration to accommodate the storage of breast milk.

6.5.2. Ensure that lactation space(s) and dedicated refrigeration comply with governing external and internal guidelines, coordinating with the FBIHQ division, FO, or Legat head when determining that the dedicated lactation space or dedicated refrigeration may be inadequate.

6.5.3. Confirm whether FFD funded the needed lactation supplies for lactating parents. If FFD did not do so, the POC must ensure that the FBIHQ division, FO, or Legat considers funding the purchase of lactation supplies.

6.5.4. Coordinate with the FBIHQ division, FO, or Legat head to exercise due discretion in deciding whether to fund the purchase of lactation supplies.

6.5.5. Provide clear information to FBIHQ division, FO, and Legat personnel about the location of lactation space(s) and provide updates if changes occur.

6.5.6. Maintain information about the use of FBIHQ division, FO, or Legat lactation space(s) to provide timely responses to lactating parents' requests to use these spaces. This includes ensuring as much privacy as possible and consistency with governing recordkeeping guidelines, as indicated by [subsection 5.3](#).

6.5.7. Follow health requirements and remain aware of work-life options, consulting with HRD's MORU and checking the FBI's [Policy Library](#) as necessary. For more information on health requirements, refer to [Section 1](#) and [Section 7](#).

6.6. FFD's FOSS must:

6.6.1. Establish a written construction plan, as appropriate, for each FBI facility to include a lactation space if at least 50 employees work or will work at the facility.

6.6.2. Coordinate with and advise FFD's AESU regarding the construction plan, ensuring inclusion of a lactation space, if appropriate.

6.6.3. Serve as an advisor regarding facilities work by the Criminal Justice Information Services (CJIS) Division regarding its complex of buildings and structures.

6.7. FFD's AESU, Real Property Management Section (RPMS) must:

6.7.1. Ensure that new construction for FBI facilities duly considers the establishment of lactation space(s), based on facilities plans developed by FOSS.

6.7.2. Coordinate with FOSS when implementing construction plans that include the establishment of lactation space(s) and ensure that the spaces comply with this policy.

6.8. FFD's FAMU, Budget Section (BS) must:

6.8.1. Determine if sufficient funds exist to make bulk purchases of lactation supplies for use by lactating parents.

6.8.2. Provide the funding needed for bulk purchases, as feasible and appropriate, in coordination with FOSS and AESU.

6.9. The CJIS Division's Facilities Management Unit (FMU), Resources Management Section (RMS) must:

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6.9.1. Ensure that construction plans for the CJIS complex and implementation of these plans consider the establishment of lactation space(s) and comply with FFD's lactation space standards through coordination with FOSS. FMU must also ensure such spaces comply with this policy.

6.10. The CJIS Division's Financial Management Unit (FIN), RMS must:

6.10.1. Operate consistently with the provisions in the subsection 5.2.4, regarding the funding of bulk purchases of lactation supplies for CJIS's lactating parents.

6.10.2. Coordinate with FFD's FAMU to verify the appropriateness of local bulk purchasing.

7. References

- PPACA, PL 111-148 § 4207
- FLSA of 1938, 29 U.S.C. § 207(r), as amended
- Treasury and Government Appropriations Act of 2002, PL 107-67 § 631
- Department of Labor (DOL), Wage and Hour Division, Fact Sheet #73, *Break Time for Nursing Mothers under the FLSA*
- DOL Wage and Hour Division Web site (<http://www.wagehour.dol.gov>)
- Department of Justice (DOJ), Work Life Program [redacted] b7E
- OPM, Guide to Telework in the Federal Government (<https://www.telework.gov/guidance-legislation/telework-guidance/telework-guide/guide-to-telework-in-the-federal-government.pdf>)
- CPM 2010-19, Nursing Mothers in the Federal Government, "Frequently Asked Questions: Break Time and Space for Nursing Mothers" (<http://www.CHCOG.gov/transmittals/transmittaldetails.aspx?transmittalID=3281#faq>)
- OPM Guide for Establishing a Federal Nursing Mother's Program Web site (<https://www.opm.gov/policy-data-oversight/worklife/reference-materials/nursing-mother-guide.pdf>)
- [Leave Policy Guide \(1134PG\)](#)
- [Telework Policy Guide \(1017PG\)](#)
- [Collateral Duty Policy Directive \(0240D\)](#)
- [Work Schedule Directive and Policy Guide \(0576DPG\)](#)
- [Lactation Support Program Plan Template and reference sheet](#)
- [Work Life Program HRLink Site](#)
- [FBI Work Life Program](#) [redacted] b7E

8. Definitions and Acronyms

8.1. Definitions

8.1.1. Break period: the paid (i.e., mid-morning and mid-afternoon) time or unpaid (i.e., lunch or other meal) time that interrupts a basic workday

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8.1.2. Cleaning: removing dirt, dust, crumbs, and germs from surfaces or objects, usually with soap (or detergent) and water to physically clear off the surfaces and objects, which may not necessarily kill the germs but does reduce the number of germs to help minimize the spread of infection.

8.1.3. Designated point of contact: an FBI employee whom the FBIHQ division, FO, or Legat head assigns to perform the collateral duties and responsibilities associated with enabling lactation support for the FBIHQ division's, FO's, or Legat's lactating parents.

8.1.3.1. At an FBIHQ division, the designated POC can be a nurse in HRD's MORU, the administrative unit chief (UC) or the UCs' designee, or the employee's supervisor.

8.1.3.2. At an FO, the designated POC can be the FO's regional nurse, the administrative officer (AO) or the AO's designee, or the employee's supervisor.

8.1.3.3. At a Legat, the designated POC can be an assistant legal attaché (ALAT), the administrative specialist (AS), or the employee's supervisor.

8.1.4. Lactation period: the prolonged range of time during which a lactating parent may express breast milk in association with the birth of a child.

8.1.5. Lactation space: a quiet, relaxed atmosphere close to the work area, other than the bathroom or a place designated for sick individuals, that shields FBI employees from view and is free from intrusion from other individuals to allow lactating parents to express breast milk. The space may be either private or have a physical partition that provides privacy, but if it is an FBI-dedicated space, the space must have a sign that clearly identifies its use for lactation support purposes only.

8.1.6. Lactation support: help for lactating parents covered by this policy to meet their needs associated with expressing and storing their breast milk, labeling and accessing their filled bottles, and cleaning or sanitizing lactation supplies during their work hours. This assistance includes discussing and developing a written lactation plan or other lactation support agreement and preparing, maintaining, and scheduling the use of a lactation space.

8.1.7. Lactating parent: an FBI employee or other FBI personnel (e.g., contractors, detailees, taskforce officers) who needs to express breast milk, label and access their filled bottles, and clean or sanitize lactation supplies for the child(ren) after birth, for the parent's well-being, or both. Visitors to FBI space(s) are not considered lactating parents in relation to this policy.

8.1.8. Reasonable: what is deemed acceptable and appropriate to accommodate the lactation support needs of the lactating parent at the worksite, based on known facts and consistent with common standards.

8.1.9. Sanitizing: lowering the number of germs to a safe level depending on public health standards or requirements for the worksite.

8.2. Acronyms

AESU	Architectural Engineering Services Unit [FFD]
ALAT	assistant legal attaché
AO	administrative officer
AOR	area of responsibility
AS	administrative specialist

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BU	Benefits Unit [HRD]
BS	Budget Section [FFD]
CJIS	Criminal Justice Information Services [division]
CPM	Compensation Policy Memorandum
DOJ	Department of Justice
DOL	Department of Labor
DPG	directive and policy guide
EAU	Employee Assistance Unit [HRD]
FAMU	Financial Analysis and Management Unit [FFD]
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FFD	Finance and Facilities Division
FIN	Financial Management Unit [CJIS]
FLSA	Fair Labor Standards Act
FMU	Facilities Management Unit [CJIS]
FOSS	Field Operations Support Section [FFD]
FO	field office
GRS	General Records System
HR	human resources
HRD	Human Resources Division
IMD	Information Management Division
Legat	legal attaché
LSP	Lactation Support Program
MORU	Medical Operations and Readiness Unit [HRD]
OPM	Office of Personnel Management
PG	policy guide

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PL	Public Law
POC	point of contact
PPACA	Patient Protection and Affordable Care Act
RMS	Resources Management Section [CJIS]
RPMS	Real Property Management Section [FFD]
TDY	temporary duty
UC	unit chief
UNET	unclassified network
U.S.C.	United States Code
WebTA	web-based time and attendance

Approvals

Sponsoring Executive Approval

Name	Title
Spencer L. Evans	Acting Assistant Director Human Resources Division

Final Approval

Name	Title
Jennifer L. Moore	Acting Executive Assistant Director Human Resources Branch