



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
HEADQUARTERS, KANSAS NATIONAL GUARD  
2722 SOUTHWEST TOPEKA BOULEVARD  
TOPEKA, KS 66611-1263

NGKS/TAG

09 April 2021

MEMORANDUM FOR DISTRIBUTION

SUBJECT: TAG Policy #44, Breastfeeding and Lactation Support Policy

1. References:

- a. Public Law (PL) 111-148, Patient Protection and Affordable Care Act, §4207
- b. U.S. Office of Personnel Management Memo, December 2010, Memorandum for Heads of Executive Departments and Agencies, *Nursing Mothers in Federal Employment*
- c. Office of the Under Secretary of Defense Memo, 01 Nov 2016, *Department-Wide Policy for Nursing and Lactation Rooms*
- d. DoD Unified Facilities Criteria (UFC) 1-200-01, 20 June 2018, *DoD Building Code (General Building Requirements)*, Chapter 3, paragraph 3-2.2
- e. SAF/MR Memo, 14 August 2020, *Air Force Guidance Memorandum (AFGM) Establishing Requirement of Lactation Rooms for Nursing Mothers*
- f. AR 600-20, 20 July 2020, *Army Command Policy*
- g. KSA 65-1, 248 "Breastfeeding; where.", March 2016, as amended.

2. Applicability: This policy is applicable to all Title 32 Active Guard Reserve, Title 32 Technicians, Title 10 personnel attached to the Kansas National Guard, Title 5 National Guard employees and State personnel assigned to the Kansas Adjutant General's Department including the Kansas Army National Guard and Kansas Air National Guard Service members.

3. Policy: The Kansas Adjutant General's Department is committed to creating and sustaining an inclusive work environment supportive of our employees and Service members. Furthermore, Kansas Adjutant General's Department recognizes the importance of breastfeeding and supports employees and Service members who choose to nurse or express milk upon their return to work.

4. Employees and Service members are encouraged to notify their chain of command or supervisor their intent to breastfeed or express milk. This notification should be timely to allow for adequate time to ensure the identification and preparation of appropriate accommodations. All employees and Service members are responsible for supplying their own equipment and supplies for milk expression.

5. Commanders and supervisors are responsible for meeting legal and regulatory requirements outlined in this policy and their respective Service specific guidance. Commanders and supervisors are encouraged to draft a written lactation support plan outlining the room

location(s), time allowed to adequately express, a workplace hazard consultation, emergency or unusual situation plan, and storage for each employee or Service member.

6. Breastfeeding or nursing employees and Service members returning to work shall receive:

a. A place to express. All commanders and facility managers, or appropriate personnel, are directed to take immediate action to identify space, other than a bathroom, that is shielded and free from intrusion from coworkers and the public. This space may serve as a temporary location, but at a minimum must be clean and toxin free; have a flat surface or table (not the floor); a place to sit; access to a safe source of hot and cold water; contain electrical outlets; adequate temperature control; a trash can and general cleaning supplies; adjustable lighting; and clothing hooks. Leaders and supervisor should also consider access to refrigeration separate from public food use when determining a location. All leaders, building managers and supervisors are encouraged to review their Service specific guidance for additional requirements and recommendations.

b. Storage. Units are encouraged to identify alternative sources of storing in refrigeration not used to store food. Employees or Service members may utilize their own controlled storage or personal coolers. Units may utilize general funds to purchase refrigeration capabilities in accordance with fiscal laws and regulations.

7. Employees and Service members will be afforded reasonable break time to express for up to one (1) year from childbirth. Employees and service members are allowed to express during work hours using their normal breaks and meal times. Commanders and supervisors will ensure employees or Service members have adequate time to express milk but must be aware that each situation is unique. The time required to express breast milk varies and depends on several factors, including the age of the infant, amount of milk produced, quality of the pump, and distance the pumping location is from the workplace, as well as how conveniently located the water source is from the pump location. Employees and Service members may be requested to balance the mission schedule and times for expression.

8. Employees and Service members will receive compensation in accordance with Federal and State laws. Typically, all employees or Service members nursing or breastfeeding will be compensated for breaks taken to express milk unless the time needed to express milk is beyond their normal break times.

9. Austere environments. Field training and exercises often pose unique barriers to expression. Commanders and supervisors should ensure Service members and employees have a clean, private space, specifically not a restroom or latrine, in which to express. With the consent of all users, more than one nursing employee or Service member may utilize the lactation room at one time.

a. Commanders and supervisors will work with the supporting medical office to determine whether storage and/or transportation will be feasible. If the employee or Service member cannot transport expressed milk to garrison or home station, the commander or supervisor will permit the same time and space to express and discard expressed breast milk with the intent to maintain physiological capability for lactation. Lastly, commanders and supervisors will discuss the

potential risks and benefits of storing expressed milk in an austere environment with their respective medical provider.

10. Discrimination and harassment of employees or Service members, who choose to breastfeed or express milk, in any form is unacceptable and will not be tolerated. Any employee or Service member who believes they have been discriminated against or harassed for such activity they should immediately report their concerns to the Kansas Adjutant General's State Human Resource Office at (785) 646-0566 or the Kansas National Guard Equal Opportunity Office at (785) 646-0028, (785) 646-0027, (785) 646-0026, or (785) 646-0025.

11. The following personnel are available to assist commanders and supervisors in drafting a lactation plan for their personnel:

- a. KSARNG Occupational Health Nurse at (785) 646-0530.
- b. Wing Public Health at (785) 861-4319 (190ARW) or (316) 759-7364 (184W)
- c. State Human Resource Office (State Employees) at (785) 646-0566.

12. The point of contact for questions regarding this policy is the State Equal Employment Manager (EEO Director) at (785) 646-0025.



DAVID A. WEISHAAR, Major General, KSNG  
The Adjutant General

Attachment:

NGKS/TAG Mother-Friendly Workplace Breastfeeding Support Plan, Example

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TOPEKA, KS 66611-1263

OFFICE SYMBOL

XX Month 202X

MEMORANDUM FOR RECORD

SUBJECT: "Mother-Friendly" Workplace Breastfeeding and Lactation Support Plan

1. References:

a. KSNG TAG Policy #44, XX Month XX, *Breastfeeding and Lactation Support Policy*

2. This memo is outlined the workplace support plan for \_\_\_\_\_. This plan affirms the employee's/Service member's intent to return to work and continue to Breastfeed/Express breast milk for at least one (1) year.

3. In accordance with Section 4207 of the Patient Protection and Affordable Care Act (Act), the Fair Labor Standards Act of 1938 (FLSA) and the Office of Personnel Management (OPM) Guide for Establishing a Federal Nursing Mother's Program, the above employee/Service member am entitled to the following:

a. Reasonable break times in order to express breast milk. It is stated in the OPM guidance that "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 mother."

(1) Pumping employees/Service members will be authorized up to \_\_\_\_ minutes (instead of usual 15 minute paid break periods) in order to express milk. For any time needed beyond these usual paid breaks, the employee will work with the supervisor to come to a mutually amenable agreement for scheduling.

(2) Possible alternative scheduling options, in accordance with the Collective Bargaining Agreement, include but are not limited to shortening her lunch period, starting her shift early or leaving later, using accrued leave, leave without pay or compensatory time off if applicable.

b. The employee/Service member understand that during my 8-hour shift, any time required in addition to my two (2) paid 25 minute breaks and \_\_\_\_ minute lunch may be unpaid (break/lunch times may be divided as the employee/Service member sees fit in agreement with their Supervisor).

(1) The Department of Labor also states that the employee (or Service member) must be completely relieved from duty or else the time must be compensated as work time.

(2) Listed below are is the proposed schedule which is flexible, 15-20 minutes, before or after the time as breast milk production is a physiological function that is dependent on consistent breast emptying in order to maintain my breast milk supply for the child.

(a) Morning break: \_\_\_\_\_

- (b) Lunch break: \_\_\_\_\_
- (c) Afternoon break: \_\_\_\_\_
- (d) Additional unpaid break times: \_\_\_\_\_

c. A place, other than a bathroom, with an electrical outlet and comfortable seating, that is shielded from view and free from intrusion from coworkers and the public, which may be used to express breast milk.

(1) The employee/Service member may use the [list specific room numbers and locations] for breast milk expression. An alternative area available from [0730-1600, Monday-Friday], is [list specific room numbers and locations].

(2) If these rooms are too remote from the work area, supervisors and Employees/Service members will work together to identify a mixed-use space for the lactating mother closer to the work area. In addition, the Employee/Service member may choose to use her private office or other space, identified in consultation with her supervisor. This space is listed below:

[list specific room numbers and locations].

d. The employee/Service member will plan to store breast milk collection bags/bottles in a properly labeled separate storage container in the employee refrigerator or personal cooler and will take milk home at the end of each day. Units are encouraged to identify alternative sources of storing in refrigeration not used to store food. \_\_\_\_\_ (employee/Service member initial)

e. The employee/Service member am responsible for maintaining the cleanliness of the room for breast milk expression, the breast pump and employee refrigerator should any spills occur. \_\_\_\_\_ (employee/Service member initial)

3. Additional coordinating instructions: [list any enmities not provided in KSNG TAG policy XX, austere environment information, support medical office recommendation on storage/transportation of breast milk]

4. This memo will be signed by both the Employee/Service member and their Immediate Rating Supervisor and a copy will be placed in the Employee/Service member Personnel File for future reference.

Print name: \_\_\_\_\_ Grade: \_\_\_\_\_  
(Employee/Service member)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_ Grade: \_\_\_\_\_  
(Supervisor)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_