

**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**NOAA Office of General Counsel and NOAA Attorneys Guild**  
**Regarding Implementation of the**  
**NOAA Lactation Program Policy NAO 202-1108**

This memorandum of understanding between the NOAA Office of General Counsel (NOAA GC) and the NOAA Attorneys Guild (Union) implements NOAA Administrative Order 202-1108 NOAA Lactation Program Policy, including the Lactation Program Policy Handbook, for all bargaining unit employees within the NOAA Office of General Counsel.

The NOAA Office of General Counsel supports the return to work of nursing mothers and is committed to creating a supportive office environment for nursing mothers, providing private space in which to express breast milk, and providing consistent, equitable treatment for nursing mothers so they can adequately manage their nursing needs during the workday. All employees within the NOAA Office of General Counsel are expected to assist in providing a supportive atmosphere for nursing mothers. The term “nursing mother” includes full-time and part-time employees, contractors, affiliates, and visitors.

Each NOAA GC Section office will identify a space that will serve as the office’s lactation room. The identified lactation room can be a dedicated permanent lactation room located in the NOAA GC Section office or in the building in which the office is located. The identified lactation room can be a multipurpose room within the NOAA GC Section office that will serve as a temporary lactation room when requested for that purpose. Regardless of the lactation room identified by the NOAA GC Section office, a nursing mother always has the option to use her private, walled office to express breast milk.

In order to be identified as a lactation room, the room must be a private space (not a bathroom) that is shielded from view, secure, and free from intrusion by others and must have the following features and equipment:

- The capability to be locked from the inside and no person other than the nursing mother, the office’s Lactation Liaison, and custodial staff can have the ability to access it;
- A “Please Do Not Disturb” sign that a nursing mother may place outside the space when in use;
- A comfortable chair;
- A small table or flat surface at least 24” x 24” to accommodate a standard breast pump;
- An electrical outlet near the chair and table/flat surface;
- A trash can;
- A light source controlled from inside the room and that can only be turned off by the nursing mother (such as a lamp or an overhead light that is not affected by automatic building switches that turn off overhead lights);
- Adequate HVAC services to provide year-round comfortable room temperature;
- A refrigerator, either located in the lactation room, in the NOAA GC Section office, or nearby;
- A sink with running water, either located in the lactation room, in the NOAA GC Section office, or nearby;
- A microwave, either located in the lactation room, in the NOAA GC Section office, or nearby; and

- A partition, or partitions, to shield for privacy if the room has the capability of being used by more than one nursing mother simultaneously.

Any space that does not meet these requirements cannot serve as the office's lactation room.

Each NOAA GC Section office will identify an employee who will be that office's Lactation Liaison. A nursing mother should notify her Section Chief or Deputy Section Chief, as well as her office's Lactation Liaison, as soon as possible if she would like to use her private office or the identified lactation room to express breast milk. Early notification will allow for the completion of any preparations that are necessary prior to the nursing mother's return to work. Once notified, the Lactation Liaison will ensure the nursing mother has access to, and can use, the following supplies:

- Paper towels;
- Anti-microbial wipes;
- Markers/pens and labels for labeling expressed breast milk; and
- Hand soap or alcohol-based hand sanitizer that contains at least 60% alcohol.

The nursing mother will keep the Lactation Liaison informed of when supplies are running low and need to be replenished. The nursing mother will notify the Lactation Liaison when she no longer has need to use the identified lactation room.

Each NOAA GC Section office may provide additional features, equipment, or supplies as circumstances and budgets allow and as long as the required features, equipment, and supplies are not compromised.

A multipurpose room identified by the NOAA GC Section office as its temporary lactation room cannot be used for any other purpose during the time it is being used as a temporary lactation room because it must be available to a nursing mother whenever she needs to express breast milk. A nursing mother is responsible for keeping the identified lactation room neat and cleaning up any spills.

NOAA GC will provide nursing mothers with reasonable break times to express breast milk whenever needed throughout the workday. A reasonable break time will include the time needed to travel to the lactation room, set up and prepare a breast pump for use, pump breast milk, clean the area and pack up a breast pump, label and store expressed breast milk, and travel back to the nursing mother's office or work station. NOAA GC also recognizes that the frequency and duration of time necessary to express breast milk may vary depending on the needs of the nursing mother and will take these needs into consideration in providing nursing mothers with reasonable break times to express breast milk.

A nursing mother must complete and submit to the Lactation Liaison the Lactation Room Agreement and Amenities Waiver form attached to this MOU as Appendix A when the nursing mother wishes to use her office or other space within the office as a temporary lactation room, or use the refrigerator located in the NOAA GC Section office or nearby to store expressed breast milk. A nursing mother who uses the NOAA GC Section office refrigerator to store expressed breast milk agrees to label the milk with her name and the date the milk was expressed, and to not store expressed breast milk in the refrigerator longer than four days from when the breast milk was expressed.

Signed by:

---

Lauren Smoker

On behalf of NWSEO, NOAA Attorneys Guild

---

John Luce

On behalf of NOAA General Counsel Management

**Appendix A Lactation Room Amenities Waiver**

Having indicated my desire to use the NOAA-supplied refrigerator for the storage of breast milk, I certify that I was provided and have read the Centers for Disease Control and Prevention information regarding the proper handling and storage of breast milk.

Furthermore, I agree and understand that NOAA and its employees or contractors will not be held responsible for any adverse event or physical injury allegedly attributable or related to my use of an identified lactation room as described in the NOAA Office of General Counsel Memorandum of Understanding for the NOAA GC Lactation Policy, and/or the refrigerator supplied by NOAA.

I agree the Lactation Room Amenities Waiver is valid for 18 months, and acknowledge that if I wish to continue longer than 18 months, I will request an extension for further lactation room use. I understand that failure to comply with any of these provisions will be reviewed by the Nursing Mother’s Program Manager.

I acknowledge and agree that NOAA will keep this waiver on file for 10 years from the signature date.

Accordingly, being duly informed, I hereby provide the following waivers:

**Waiver of Claim for Injury to Mother:**

I, \_\_\_\_\_, hereby waive my rights to bring a legal action against the United States or its agents for any personal injury arising as a result of my voluntary use of a temporary lactation room, lactation room amenities, or the NOAA-supplied refrigerator.

**Waiver of Claim for Injury to Child:**

THE UNDERSIGNED PARENTS OR LEGAL GUARDIAN(S) HAVE READ AND VONUNTARILY SIGNED THE MINOR’S RELEASE AND WAIVER AND RELEASE OF LIABILITY AGREEMENT AND FURTHER AGREE THAT NO ORAL REPRESENTATIONS, STATEMENTS, OR INDUCMENTS APART FROM THE FOREGOING WRITTEN AGREEMENT HAS BEEN MADE.

**If only one parent signs, that person is attesting that they are the sole and legal guardian of the minor person(s) and that no other adult has any legal custody of the minor(s).**

I (the breast feeding mother) \_\_\_\_\_ do hereby waive my rights to bring a legal action against the United States or its agents on behalf of my child or children for any personal injury arising as a result of my voluntary use of a temporary lactation room, lactation room amenities, or the NOAA-supplied refrigerator.

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

I (the father or other custodial parent or legal guardian) \_\_\_\_\_ do hereby waive my rights to bring a legal action against the United States or its agents on behalf of my child or children for any personal injury arising as a result of the breast feeding mother’s voluntary use of a temporary lactation room, lactation room amenities, or the NOAA-supplied refrigerator.

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