



Montana Operations Manual *Policy*

Category

**Human
Resources/
Employee
Benefits**

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**Department of Administration
State Human Resources Division**

Breastfeeding Policy

I. Purpose

This policy establishes the minimum requirements for implementing and maintaining a breastfeeding program that complies with federal and state regulations.

II. Scope

This policy covers all positions in Montana's executive branch except those employed by the Montana university system, the Montana State Fund, the personally appointed staff of elected officials, and any other position specifically excluded under Sections [2-18-103](#) and [-104](#), MCA.

Any collective bargaining agreement providing greater breastfeeding benefits supersedes this policy.

III. Procedures

State agencies must provide suitable space, privacy, and time for nursing mothers to breastfeed or express milk.

State agencies shall support and encourage women who wish to breastfeed by accommodating a woman's breastfeeding-related needs and ensuring adequate facilities for the expression of milk. Agency managers must provide time each instance the employee has a need to

breastfeed or express milk. Reasonable time to breastfeed or express milk must be permitted for a minimum of one year after the child's birth or longer if needed.

State agencies may adopt supplemental procedures consistent with this policy.

A. Provide Space

State agencies must provide adequate space. The space must:

1. be in reasonably close proximity to the work area;
2. be other than a restroom;
3. be clean;
4. provide privacy from both co-workers and the public; and,
5. include necessary lighting, seating, and electrical outlets for the pump apparatus.

B. Storage

State agencies are encouraged to provide storage facilities for breast milk upon the request of an employee.

C. Breastfeeding Time

If an agency provides break time, employees should, if possible, use this time to breastfeed or express milk. If break time is not provided, agency management must provide employees time to breastfeed or express milk. Agency management and the employee will attempt to establish a mutually agreeable breastfeeding or expressing milk schedule. However, agency management must provide time as needed.

1. **Employees in non-exempt positions:** Breastfeeding time exceeding the agency's standard break duration and frequency is unpaid. The employee may use annual leave or non-exempt compensatory time for this purpose in accordance with the Annual Vacation Leave policy or the Overtime and Nonexempt Compensatory Time policy.

2. **Employees in exempt positions:** Agency managers may not reduce the employee's wages for time taken to breastfeed or express milk.

D. Transporting Nursing Children in State Vehicle

Women may transport nursing children in a state vehicle while conducting state business, as provided in ARM [2.6.204](#)(1)(b)(v).

IV. Resources

- A. The Department of Administration's Health Care and Benefits Division provides information and resources on its website. This information can be found at <http://benefits.mt.gov/Live-Life-Well/Wellness-Programs/Breast-Feeding>.
- B. The U.S. Department of Labor published a fact sheet in July 2010. The following link will take you to Fact Sheet #73: Break Time for Nursing Mothers under the FLSA - <https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers>.

V. Definitions

All definitions under [2-18-101](#), MCA, apply to this policy.