

## Lactation Break and Accommodation Policy

<b>Effective Date:</b>	March 20, 2023
<b>Supersedes:</b>	NYC Lactation Room Accommodation Policy effective April 2, 2019
<b>Policy Review Date:</b>	5 years from effective date
<b>Issuing Authority:</b>	Research Foundation President
<b>Responsible Party:</b>	Vice President for Human Resources
<b>Contact Information:</b>	518.434.7080 <a href="mailto:HRA@rfsuny.org">HRA@rfsuny.org</a>

### Reason for Policy

The Research Foundation for SUNY (RF) supports the rights of nursing employees in the workplace. The RF is dedicated to making its best effort to accommodate requests from nursing employees for break time and a private space, as available, to express breast milk in the workplace.

### Statement of Policy

This policy applies to all RF breastfeeding employees working in New York State. Breast feeding employees who work in New York State have a legal right to take reasonable unpaid break time to express milk in the workplace. Accordingly, the RF will provide employees with reasonable break time for up to three years after the birth of a child each time they have a reasonable need to express milk. Requests to extend the accommodation will be reviewed on a case-by-case basis. An employee may take this time unpaid, utilize accrued leave time or work before or after a shift to make up this time. To the extent an employee requires other accommodations relating to lactation beyond break time and space, the RF will engage in a cooperative dialogue with their employees to identify appropriate accommodations that meet their needs and that do not cause an undue burden on the RF.

The RF will not discriminate in any way against an employee who chooses to express breast milk in the workplace.

### Lactation Room Requirements

The RF will also provide employees, upon request, a dedicated lactation room or an alternate location, such as a temporarily vacant or multipurpose room, and a refrigerator, or appropriate cooling device, suitable for breast milk storage, in reasonably close proximity to the employee's work area. The room will be well-lit, and will include an electrical outlet (if the workplace is supplied with electricity), a chair, a flat surface on which a breast pump and other personal items can be placed and nearby running water. The room should have a functioning lock or the RF will provide a sign warning the location is in use and not accessible to others. The room cannot be a bathroom, and it will be shielded from view and free from intrusion from co-workers and the public. If no space is available, the office that handles Human Resource matters for the Research Foundation will engage in a cooperative dialogue with the employee to determine an appropriate accommodation to enable the employee to express breastmilk at work.

### Lactation Room Accommodation Requests

RF breastfeeding employees have the right to request a lactation room and any employee who wishes to breastfeed or express milk in the workplace must notify their supervisor orally or in writing and discuss any relevant workload and scheduling. Employees should make the request to the office that handles Human Resources matters for the Research Foundation prior to returning to work from any applicable leave period if possible.

Lactation room accommodation requests will be reviewed for available nearby space. A response will be provided within a reasonable amount of time not to exceed five business days. If there are multiple employees who need to use the lactation room, a dedicated room along with a schedule for any individuals using the room will be made available.

When a lactation room or location is designated as a place to express breast milk, the office that handles Human Resources matters for the Research Foundation will notify all employees who work in proximity to that space of such designation and direct them that the room/location may not be used for any other purpose while being used to express breast milk.

**Lactation Breaks**

The required frequency and time needed for lactation breaks is impacted by individual needs and the proximity of a reasonable space for lactation. In general, approximately 20 minutes, every 3 hours is considered reasonable but can be evaluated on a case-by-case basis and employees will be allowed more time if needed, or an employee may take shorter breaks if they chose. Supervisors are expected to grant reasonable flex time scheduling to accommodate lactation needs and still allow business needs to be accomplished. An employee may use their regular paid break or meal period to pump breast milk but are not required to do so. An employee who pumps breast milk is still entitled to customarily paid regular break and meal periods.

**Responsibilities**

The following table outlines the responsibilities for compliance with this Policy:

Responsible Party	Responsibility
Employee	Requesting a lactation accommodation from their supervisor. Engage in cooperative dialogue with their supervisor and/or Campus HR to determine appropriate accommodation.
Supervisor	Engage in cooperative dialogue with the employee to determine a break schedule. Work with the office that handles Human Resources for Research Foundation employees to identify an appropriate lactation room or other location, or other reasonable accommodation request relating to lactation.
OM or designee	Ensure compliance with this policy
RF Campus Human Resources Office	Engage in a cooperative dialogue with employees who make lactation break/room accommodation requests. Work with supervisors to identify an appropriate location room or other location, and for other accommodation requests. Notify employees who work in close proximity to the room or location that has been designation for lactation that the room may not be used for any other purpose while being used to express breast milk.
VP of Human Resources	Develop and maintain the corporate policy.

**Definitions**

*Lactation Room-* Is defined under the law as a clean space, other than a restroom, that is shielded from view and free from intrusion from others, and is well-lit, and has an electrical outlet (if the workplace has electricity), a chair, a flat surface on which to place a breast pump or other personal items, and nearby access to running water. This space may be an employee’s existing workspace, as long as it does not create an undue hardship. The room may be a space available on a temporary basis for employees to pump; it does not need to permanently remain a lactation space when no employees need to use it for that purpose.

**Related Information**

**Forms**

None

**Change History**

Date	Summary of Change
March 20, 2023	Renamed Policy from "NYC Lactation Room Accommodation Policy" to "Lactation Break and Accommodation Policy", updated language for inclusivity, added employee and supervisor responsibilities, updated "Lactation Room" definition in accordance with NYC Human Rights Law and New York State Law, incorporated language regarding the cooperative dialogue, updated responsible party section.
April 2, 2019	New document on Lactation Room for breastfeeding employees pursuant to New York City Human Rights Law that became effective March 18, 2019