

Lactation Break and Accommodation Policy

Effective Date:	January 7, 2025
Supersedes:	NYC Lactation Room Accommodation Policy effective April 2, 2019
Policy Review Date:	To be reviewed every 5 years from effective date
Issuing Authority:	Research Foundation President
Policy Owner:	Vice President for Human Resources
Contact Information:	518.434.7080 HRA@rfsuny.org

Reason for Policy

The Research Foundation for SUNY (RF) supports the rights of employees who express breastmilk 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 employees working in New York State who express breastmilk in the workplace. Breastfeeding employees who work in New York State have a legal right to take reasonable break time to express milk in the workplace. Accordingly, the RF will provide employees with reasonable break time and appropriate space 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 beyond the three-year period will be reviewed on a case-by-case basis. 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 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/Breast Milk Storage Location

The RF will provide employees, upon request, a dedicated lactation room or an alternate space, 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 space 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 space 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 local office that handles Research Foundation Human Resources 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 employees who have a need to express breastmilk in the workplace must request a lactation room or other location, and notify their supervisor (orally or in writing) and discuss any relevant workload and scheduling. Employees should make the request to the local office that handles Research Foundation Human Resources

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 local office that handles Research Foundation Human Resources 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 RF will provide employees who wish to express breastmilk in the workplace with paid break time, for up to 30 minutes each time an employee has a reasonable need to express breastmilk for up to three years following the birth of a child, as outlined in the [NYS Policy on the Rights of Employees to Express Breast Milk in the Workplace](#). The required frequency and time needed for lactation breaks is impacted by individual needs and the proximity of a reasonable space for lactation. These breaks are in addition to, and do not replace, regularly scheduled/existing paid break and meal times. Employees may choose to take a 30-minute paid lactation break immediately before or after their existing, regularly-scheduled break or meal time. Supervisors may not force an employee to extend their workday beyond the employee's regularly scheduled hours because the employee took lactation breaks during the day, and also cannot require an employee to make up the paid break time or to work while the employee is expressing breastmilk. An employee is not required to perform any work during lactation breaks.

Requests for lactation breaks beyond three years following the birth of a child will be reviewed on a case-by-case basis.

Should an employee need longer than 30 minutes, they may use regular break or mealtime, or appropriate paid time off. If the employee requests to adjust their work schedule due to a longer break, they should contact their supervisor.

Discrimination or retaliation against an employee who exercises their rights under this policy is prohibited.

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 local Research Foundation HR office to determine an appropriate accommodation.
Supervisor	Engage in cooperative dialogue with the employee. Work with the local office that handles Research Foundation Human Resources 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.

Responsible Party	Responsibility
Local Research Foundation Human Resources Office	Engage in a cooperative dialogue with employees who make accommodation requests to express breastmilk in the workplace. 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

[Meal Periods and Work Breaks Policy](#)

Forms

None

Change History

Date	Summary of Change
January 7, 2025	Updating policy to include paid break time in accordance with New York State Law which went into effect on June 19, 2024, incorporating a link to the NYS Policy on the Rights of Employees to Express Breast Milk, removing references to unpaid break time, and minor language updates.
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.

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.