



## Expressing Breast Milk in the Workplace

### Definitions

<b>Term</b>	<b>Definition</b>
College	The State University of New York at Potsdam.
Employee	A public employee working for The College, a Research Foundation employee associated with The College, or a PACES employee associated with The College.
Undue Hardship	The statute as causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the College's business.

### Basis for the Policy

New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

### Policy

The College shall provide thirty (30) minutes of paid break time to express breast milk when the employee has a reasonable need to express breast milk. Employees are permitted to use existing paid break or mealtime if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. The College shall provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and the College will provide reasonable break times based on the individual. The College shall not discriminate in any way against an employee who chooses to express breast milk in the workplace. No employee shall be required to work before or after their normal shift to make up for any time used as paid break time to express breast milk. While the College cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so. Paid breaks provided for the expression of breast milk must be 30 minutes. Employees are permitted to use regular break or mealtime to take a longer paid break if needed. Employees may also opt to take shorter paid breaks. Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

### Making a Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they must give the College reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the College time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to Human Resources. Human Resources will respond to the request by email within five business days.

Upon request of an employee who chooses to express breast milk in the workplace, the College shall designate a room or other location which shall be made available for use by such employee to express breast milk. Such room or other location shall be a place that is: (i) in close proximity to the work area; (ii) well lit; (iii) shielded from view; and (iv) free from intrusion from other people in the workplace or the public. Such room or other location shall provide, at minimum, a chair, a working surface, nearby access to clean running water and, if the workplace is supplied with electricity, an electrical outlet. The room or location provided by the College for this purpose shall not be a restroom or toilet stall. The College will ensure that the room is maintained and cleaned. If there is a refrigerator available employees may use it to store expressed milk however the College is not responsible for ensuring safekeeping of the expressed milk. When storing expressed milk, employees must use containers with a closing lid and bring it home each evening.

There does not need to be a separate space for every nursing employee. The College may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, the College may dedicate a centralized location to be used by all employees.

There is an accessible room to express breast milk in the Lougheed Learning Commons on the first floor. Employees may access this room with their campus ID.

In the rare instance that there is not a separate room or space available for lactation, the College may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression. As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy. To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, the College will provide a sign advising the space is in use and not accessible to other employees or the public.

When the College can demonstrate undue hardship in providing a space with the above requirements, the College must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. However, the College will not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

### **Additional Resources for Employees**

[New York State Department of Labor](#)

[US Department of Labor - Wage and Hour Division](#)

**Responsible Parties**

<b>Role</b>	<b>Individual/Group</b>	<b>Contact Info</b>
Comply with	All Employees	N/A
Policy Executor(s)	Human Resources	Melissa Proulx Associate Vice President 315-267-2086 <a href="mailto:proulxme@potdam.edu">proulxme@potdam.edu</a>

**Change History**

<b>Date</b>	<b>Change History</b>
August 20, 2024	Updated policy to meet NYS requirements.
June 7, 2023	Updated policy to meet NYS requirements