

RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK IN THE WORKPLACE

Statement of Policy

The Patchogue-Medford Union Free School District will accommodate requests from employees who need to express breast milk during the workday, in accordance with the terms and conditions of this Policy and applicable law.

To Whom the Policy Applies

This Policy covers all employees needing to express breast milk during the workday.

Distribution

The District will provide a copy of the New York State Department of Labor's Policy on the Rights of Employees to Express Breast Milk in the Workplace to each employee upon hire and annually thereafter, and to employees upon returning to work following the birth of a child.

Using Break Time for Breast Milk Expression

The District will provide reasonable unpaid break time for employees to express breast milk. In addition, employees must also be permitted to use their paid break time or mealtime to express breast milk. This time must be provided for up to three years following childbirth. The District will provide unpaid break time at least every three hours if requested by the employee. However, the number of unpaid breaks an employee will need to express breast milk is unique to each employee and the District will provide reasonable break times based on the individual. The District is prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employee must be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the District's normal work hours. However, an employee is not required to make up their unpaid break time.

Unpaid breaks provided for the expression of breast milk must be at least twenty minutes. However, if the designated lactation room where such break will be taken is not close to an employee's workstation, the provided break must be at least thirty minutes. An employee must be allowed to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid breaks.

Employees who work remotely have the same rights to unpaid 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 provide the District reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the District the time to find an appropriate location and adjust schedules if needed.

Rights of Employees to Express Breast Milk in the Workplace (Continued)

Making a Request to Express Breast Milk at Work (Continued)

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 their direct supervisor or individual designated by the District for processing requests. The District will respond to this request for a room or other location to express breast milk in writing within five days.

The District will notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

Location Room Requirements

In addition to providing the necessary time during the workday, the District will provide a private room or alternative location for the purpose of breast milk expression. **The space provided for breast milk expression cannot be a restroom or toilet stall.**

The room or other location must:

- Be close to an employee's work area;
- Provide good natural or artificial light;
- Be private – both shielded from view and free from intrusion;
- Have accessible, clean running water nearby;
- Have an electrical outlet (if the workplace is supplied with electricity);
- Include a chair; and
- Provide a desk, small table, counter or other flat surface

There does not need to be a separate space for every nursing employee. The District 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 District may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be within walking distance, and the distance to the location should not significantly extend an employee's needed break time.

If there is not a separate room or space available for lactation, the District 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 District will utilize a sign advising the space is in use and not accessible to other employees or the public.

Rights of Employees to Express Breast Milk in the Workplace (Continued)
Location Room Requirements (Continued)

If the workplace has a refrigerator, the District will allow employees to use it to store breast milk. However, the District is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk will be maintained and clean at all times.

If the District can demonstrate undue hardship in providing a space with the above requirements, the District will 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.

Undue hardship is defined as causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the District's business. However, the District will not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

Ref: New York State Labor Law, § 206-c
Fair Labor Standards Act, 29 U.S.C. § 201, et seq.

Adopted:
January 22, 2024