

RIGHTS OF NURSING EMPLOYEES TO EXPRESS BREAST MILK

I. Statement of Policy

In accordance with applicable laws and regulations set in place by New York State, the Waterville Central School District (the District) shall provide thirty (30) minutes of paid breaks each time an employee has reasonable need to express breast milk for up to three (3) years following childbirth.

An employee may also use other paid break time(s) or mealtime as available under District policies or collective bargaining agreements, to express breast milk if the employee is in need of additional time beyond thirty (30) minutes.

II. Definition

For the purposes of this Policy, '*privacy*' means that the room or other location shall not be open to other individuals. To further ensure privacy, the District shall ensure that the door of the designated room/location is equipped with a functioning lock; if such room/location does not have a functional lock, then the District will place a sign advising the room/location is in use.

III. Request by Employee

- A. If an employee of the District requests a break to express breast milk, the Board of Education (the Board) shall designate the Superintendent or designee to designate a location to be made available for the employee.
- B. Such request shall be in writing and made by an employee in advance to the Superintendent or designee. The written request can be sent through email, text message, written correspondence or any chat-based app regularly used by the organization for correspondence that allows for the retention of messages.
- C. The District must provide a response to the employee within five (5) days.

IV. Designated Location Requirements

- A. The designated room or other location shall be:
 - 1. in close proximity to the work area;
 - 2. well lit;
 - 3. shielded from view; and

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4. free from intrusion from other individuals.
- B. The designated location/room shall include:
1. a chair;
 2. a working surface;
 3. nearby access to clean running water;
 4. an electrical outlet; and
 5. have a functional lock.
- B. The room will not be a restroom or a toilet stall within a restroom.
- C. Access to refrigeration for the storage of breast milk shall be provided to the requesting employee(s).
- V. Complaints
- If an employee of the District is subjected to any conduct that they believe violates this policy, a report should be made to the Superintendent or designee immediately after such conduct has occurred. An investigation will be conducted pursuant to this, and any other applicable, Board Policy.
- VI. Notification by District
- A. The District shall provide notice to all employees when a location/room has been designated for the use of expressing breast milk.
- B. The District shall distribute this Policy and a copy of the [New York State Department of Labor Policy on Breast Milk Expression in the Workplace](#) to employees annually, upon hire, and whenever an employee returns to work following the birth of a child.

Waterville Central School District

Legal Ref: NYS Labor Law § 206-c; Fair Labor Standards Act (FLSA); Title VII of the Civil Rights Acts of 1964, as amended by the Pregnancy Discrimination Act (PDA); Pregnant Workers Fairness Act

Adopted: 08/30/23

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