

Employees of the School District have the right to express breast milk in the workplace.

Making a Request to Express Breast Milk at Work

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 School District for processing such requests. The School District will respond to this request for a room or other location to express breast milk in writing within five (5) days of its receipt of the request. In addition, the Superintendent of Schools or designee will meet with an employee who needs to express breast milk during the workday to establish a plan for providing the employee with breaks for this purpose.

Using Break Time for Breast Milk Expression

Employees will be permitted to use their paid break time or meal time to express breast milk. The School District will also provide employees with unpaid break time at least every three (3) hours for employees to express breast milk at the request of the employee. Unpaid breaks provided for the expression of breast milk will be at least twenty (20) minutes. Employees will be allowed to take a longer unpaid break if needed. Employees may 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.

An employee will 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 normal work hours of the School District. Employees will not be required to make up their unpaid break time. In addition, an employee may voluntarily choose to continue to work while expressing breast milk in the lactation room. Time working while expressing breast milk must be compensated.

The time requested by an employee for the purpose of expressing breast milk will be provided for up to three (3) years following childbirth.

Lactation Room Requirements

In addition to providing the necessary time during the workday, the School District will provide employees with a private room or alternative location for the purpose of breast milk expression. Space provided for breast milk expression will be close to the work area of the employee(s) using the space and will be in walking distance, and the distance to the location should not significantly extend an employee's needed break time. However, if the designated lactation room where such break will be taken is not close to an employee's work station, the provided break will be at least thirty (30) minutes.

If a separate room or space is not available for lactation, the School 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. The space provided for breast milk expression cannot be a restroom or toilet stall.

A separate space may not be available for every nursing employee. The School District may dedicate a single room or other location for breast milk expression. Should more than one (1) employee at a time require access to a lactation room, the School District may dedicate a centralized location to be used by all employees.

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 (7) feet tall to ensure the employee's privacy.

In the event the School District would suffer undue hardship in providing a space in accordance with the above requirements, the School 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 and 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 employer's business." Notwithstanding the foregoing, the School District will not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

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, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

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
- Provide a desk, small table, desk, counter, or other flat surface

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

If a refrigerator is available in the building in which the employee is assigned, the employee will be permitted to use the refrigerator to store breast milk. However, the School District is not responsible for and cannot ensure 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.

Complaints

SYOSSET CENTRAL SCHOOL DISTRICT

EXPRESSION OF BREAST MILK IN THE WORK PLACE

Policy 9550

The School District will not discriminate against an employee who chooses to express breast milk in the workplace.

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, the employee may contact the New York State Department of Labor's Division of Labor Standards at 1-888-52-LABOR, via email at LSAsk@labor.ny.gov, or by personally filing a complaint at the nearest Labor Standards office. A list of offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

In addition to such other rights the employee may have, the employee may exercise their rights under the federal PUMP Act by filing a complaint with the U.S. Department of Labor. Information concerning an employee's rights under the PUMP Act can be found at dol.gov/agencies/whd/pump-at-work.

The School 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. The School District will provide this policy in writing to all employees when they are hired and on an annual basis at the start of the school year. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

Cross Ref: 0100 Equal Opportunity

Ref: 29 USC §218d (Breastfeeding Accommodations in the Workplace)
Labor Law §206-c

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