NURSING MOTHERS IN THE WORKPLACE POLICY – NEW YORK & DISTRICT OF COLUMBIA

In accordance with the Fair Labor Standards Act (FLSA), New York Labor Law § 206-c and the D.C. Human Rights Act, as applicable, other applicable regulations and guidelines, and the terms and conditions of this Policy, New York University in New York and Washington, D.C. (collectively, “NYU” or the “University”) will accommodate requests from employees who are nursing mothers to express breast milk during the workday.

Requests for time off to express milk

An employee in NYU-NY may make a request to his or her Human Resources (HR) Officer/Business Partner (“HRO”) (and an employee in NYU-DC may make a request to his or her Site Director) for reasonable unpaid break time or to use her paid break time or meal time each day to express milk for her nursing child for up to three years following childbirth (hereinafter, “break time”). When considering the employee’s request, the HRO/Site Director shall consult the employee’s supervisor as appropriate and necessary.

Upon election of the employee: (i) unpaid break time may run concurrently with regularly scheduled paid break or meal periods; or (ii) the employee may work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the University’s normal work hours. (This benefit is available to the employee during her basic work week and any overtime or additional hours worked.)

Amount and frequency of time needed

The duration of a break can vary depending on the personal needs of the working mother. Generally, each break shall be no less than twenty to thirty minutes. Employees can elect to take shorter breaks for this purpose.

The number of breaks an employee will need to take for expression purposes varies depending on the amount of time the employee is separated from the nursing infant and the employee’s physical needs. The University shall provide break time at least once every three hours if requested by the employee.

Space and facilities

The University provides places that are shielded from view and free from intrusion from coworkers and the public that an employee may use to express breast milk. Any room or location provided for the expression of breast milk must be in close proximity to the work area of the employee(s) using it for that purpose. Close proximity means the room or location must be in walking distance and the distance to the location should not appreciably lengthen the break time.
Nursing Mothers Rooms (NYU-NY). NYU-NY has private, dedicated nursing mothers rooms on campus. A valid NYU ID card must be presented for access, and some rooms require a reservation in advance. The room listing (and scheduling requirements) are available here.

Other Rooms/Locations (NYU-NY & NYU-D.C.). In accordance with the standards set forth in this Policy, another room or location (other than a bathroom/restroom/toilet stall) also may be dedicated for the expression of breast milk and a schedule established to accommodate the needs of multiple employees needing access thereto. Where an employee is unable to access or use a dedicated lactation room or other location, a vacant office or other available room may be used on a temporary basis for the expression of breast milk, provided the room is not accessible to the public or other employees while the employee is using the room for expression purposes. As a last resort, a cubicle may be made available for use by employees expressing breast milk, provided the cubicle is fully enclosed with a partition and is not otherwise accessible to the public or other employees while it is in use for expression purposes. (The cubicle walls shall be at least seven feet tall to ensure the nursing employee’s privacy.)

Minimum Standards & Expectations. Each room or other location used for the expression of breast milk under this Policy shall be well lit at all times through either natural or artificial light. If the room has a window, it shall be covered with a curtain, blind, or other covering to ensure privacy for the employee as she is expressing breast milk. The room shall contain, at a minimum, a chair and small table, desk, counter, or other flat surface. The University must maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work. In addition, the University should make efforts to provide an outlet, clean water supply, and access to refrigeration for the purposes of storing the expressed milk.

To ensure privacy, the room or location should have a door equipped with a functional lock. If a door with a functional lock is not available (in the case of a fully enclosed cubicle) as a last resort the University shall utilize a sign advising the room or location is in use and not accessible to other employees or the public.

The University is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage and to bring such milk home with her each evening.

Anti-discrimination

It is unlawful to discriminate in any way against an employee who chooses to express milk in the workplace. Supervisors and co-workers are reminded to respect and be sensitive to an employee's choice to nurse, as well as to her other efforts to do what she considers best for her child.