

# New York University

## UNIVERSITY POLICIES

**Title:** Lactation Policy – New York, District of Columbia, and California  
**Effective Date:** January 1, 2021  
**Supersedes:** March 18, 2019  
**Issuing Authority:** Executive Vice President  
**Responsible Officer:** Human Resources

### **Statement of Policy**

New York University in New York, Washington, D.C., and California (collectively, “NYU” or the “University”) will accommodate requests from employees who need to express breast milk during the workday, in accordance with the terms and conditions of this Policy. This Policy is designed to comply with all applicable laws, including the Fair Labor Standards Act (FLSA); New York Labor Law § 206-c and the New York City Human Rights Law; the D.C. Human Rights Act; and California Labor Code §§ 1030-1034, as applicable.

### **To Whom the Policy Applies**

This Policy covers full-time, part-time, and temporary employees needing to express breast milk during the workday (hereinafter, “covered employees”).

### **Policy and Procedures**

#### **Amount and Frequency of Time Needed**

The University will provide a covered employee with reasonable unpaid break time, or the opportunity to use her available paid break time or meal time, to express breast milk (for NYU-NY employees, pursuant to Section 206-c of the New York Labor Law). *Note:* A covered non-exempt employee may work before or after her normal shift to make up the amount of time used during an unpaid break to express breast milk, provided that the additional work time requested falls within the department’s normal work hours.

The duration of a break can vary depending on the personal needs of the covered employee. 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 that a covered 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**

A “lactation room,” as defined under this Policy, means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion, and that includes at minimum:

1. An electrical outlet;
2. A chair;
3. A surface on which to place a breast pump and other personal items; and
4. Nearby access to running water.

Each lactation room 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. The University must maintain the safety and cleanliness of a lactation room set aside for the use of employees expressing breast milk at work and ensure such room is free of hazardous materials. To ensure privacy, the room should have a door equipped with a functional lock. If a door with a functional lock is not available, a sign shall be posted advising that the room is in use and not accessible to other employees or the public.

A lactation room, and a refrigerator suitable for breast milk storage, shall be in reasonable and close proximity to such employee’ work area (i.e., within a walking distance that does not appreciably lengthen the break time). 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.

***Lactation Rooms.*** NYU-NY has dedicated lactation rooms on campus that accord to the standards set forth in this Policy. 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](#).

Another room or location (such as a vacant office or other available room) also may be used as a lactation room, provided that the room/location otherwise accords to the standards set forth in this Policy. As a last resort, a cubicle may be made available as a lactation room, provided that the cubicle is fully enclosed with a partition, with walls at least seven feet tall, and otherwise accords to the standards set forth in this Policy.

If a room designated to serve as a lactation room is also used for another purpose, the sole function of the room shall be as a lactation room while the employee is using the room to express breast milk. When an employee is using the room to express milk, the University shall provide notice to other employees that the room is given preference for use as a lactation room.

## **Process of Requesting the Use of a Lactation Room**

Covered employees have a right to request a lactation room. The process for requesting break time to use a lactation room to express milk is as follows:

1. Covered employees may make a request to their Human Resources (HR) Officer/Business Partner (“HRO”). A contact list for HROs for each School and Department is available at <http://www.nyu.edu/employees/hr-at-your-service/the-role-of-universityhrandlocalhr/local-hr-officers.html>.
2. When considering the employee’s request, the HRO shall consult with the employee’s supervisor as necessary and appropriate. (For employees of NYU-DC, the HRO also shall consult with the Site Director as necessary and appropriate, and for employees of NYU-CA, the HRO also shall consult with the Program Director as necessary and appropriate.) The HRO will respond to the covered employee’s request within a reasonable amount of time not to exceed five (5) business days.
3. When two or more covered employees need to use the room at the same time, the employee(s) also should contact their HRO, who will determine the process for the use of the room. The HRO will discuss options with the employees to determine what arrangement will address each of the employee’s needs. Options may include: finding an alternative clean space free from intrusion; sharing the space among multiple users; or creating a schedule for use. Any accommodation will ensure each employee is afforded a reasonable amount of time to pump.

If the covered employee’s request to use a lactation room poses an undue hardship, NYU’s Office of Equal Opportunity (OEO) must provide a written response to the employee and engage in a cooperative dialogue with the covered employee, in accordance with applicable law.

### **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.<sup>1</sup>

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<sup>1</sup> In accordance with the disclosure requirements of applicable California law, employees of NYU in California may file a complaint with the California Labor Commissioner for any violation of applicable law regarding lactation accommodations.