



## THE CITY UNIVERSITY OF NEW YORK

### LACTATION ROOM POLICY

#### 1. OVERVIEW

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with applicable law, CUNY supports the rights of employees and students who are nursing mothers. CUNY is dedicated to accommodating the needs of nursing mothers for break time and a private space to express breast milk on campus. This lactation policy incorporates the new lactation laws in New York City, Int. No 879-A and Int. No. 905-A, effective March 18, 2019 and supersedes the CUNY Lactation Guidelines promulgated on March 23, 2015.

#### 2. SCOPE

This policy applies to all CUNY employees and students.

#### 3. POLICY STATEMENT

CUNY is required to provide its employees reasonable break time for up to three years after they give birth to express milk. An employee may do this by utilizing her paid break or meal periods, or taking unpaid break periods. The employee may also discuss with her supervisor whether it is possible to make up some or all of the lost time by extending her workday.

CUNY must also provide an employee, upon request, a room or other location, in reasonably close proximity to her work area, where she can express milk in private. The room must (a) not be a bathroom (b) be shielded from view and free from intrusion from co-workers and the public (c) have nearby access to a sink with running water and paper towels (d) be in close proximity to a refrigerator and (e) contain a table, electrical outlet and a chair.

While CUNY understands that space at the colleges is limited, the colleges should seek to identify a dedicated space for this purpose or, if no space is so dedicated, provide space upon request. If the college is unable to identify a dedicated space and the designated “lactation room” in a particular instance has multiple uses, the room cannot be used for any other purpose while an employee is expressing milk. In the unlikely event that the college determines that it would cause undue hardship to provide a lactation room for an employee, the college must engage in a cooperative dialogue (interactive process) with the employee regarding other

possible workplace accommodations. When an employee requests the use of a lactation room, the CUNY college or unit must comply with the request within five days.

For students, a dedicated room for lactation should be provided based on availability, on a first-come, first-served basis. If the college has no such dedicated room, the college should work the student to see if it is possible to identify a space where the student can express milk.

Discrimination or retaliation against an employee who chooses to express milk in the workplace is prohibited. Students who exercise their rights to express milk pursuant to these guidelines are also protected from discrimination or retaliation. Employees who wish to make a complaint of discrimination or retaliation should contact the Chief Diversity Officer at their campus; students wishing to make such a complaint should contact the campus Title IX Coordinator.



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### PROCEDURES FOR IMPLEMENTING THE CUNY LACTATION ROOM POLICY

#### 1. OVERVIEW

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with applicable law, CUNY supports the rights of employees and students who are nursing mothers. CUNY is dedicated to accommodating the needs of nursing mothers for break time and a private space to express breast milk on campus. These procedures are effective March 18, 2019 and supersede the procedures located in the CUNY Lactation Guidelines promulgated on March 23, 2015.

#### 2. PROCEDURES FOR EMPLOYEES

Requests for time off to express milk: Employees should discuss their requests with their supervisors. Such requests can be made orally or in writing. Employees may request reasonable unpaid break time and/or use their paid breaks or meal times for this purpose. The employee may also ask her supervisor whether it would be possible for some or all of the time used to express milk to be made up at the beginning or end of the work day.

Requests for lactation rooms: Employees should check with their campus human resources office to determine if a lactation room has been designated at their campus. In the absence of a designated lactation room, employees should discuss with campus human resources office the identification of an appropriate space that complies with the lactation room specifications detailed in the lactation room policy. After an employee requests the use of a lactation room, the CUNY college/unit must respond to the request within five days. Once a space has been identified, the employee should ensure that their human resources office has the necessary information regarding the duration and hours that the employee will be using the room.

#### 3. PROCEDURES FOR STUDENTS

Students should consult the campus website or the campus office of student affairs to determine if dedicated lactation rooms have been established on campus. Students will have access to lactation rooms based on availability and on a first-come, first-served basis. If no

dedicated space has been identified, the office of student affairs will see if it is possible to identify a space in which students can express milk.

Students are expected to explain the need for any required classroom absences to their instructors, and to work with their instructors to make up any missed work.

#### 4. RESPONSIBILITIES OF SUPERVISORS

Supervisors should grant reasonable requests for unpaid break time and/or the use of paid breaks or mealtimes for lactation, whether they are submitted orally or in writing. The employee should be able to tell their supervisor approximately when she will need breaks and how long it will take. However, supervisors should be prepared to be flexible. Supervisors should also make their best efforts to comply with reasonable requests by an employee to make up some or all of the time used to express milk at the beginning or end of the work day.

All supervisors, including department chairs, should be aware of the requirements of these guidelines so that appropriate accommodation can be made on a case-by-case basis as needed. Supervisors should consult with the Director of Human Resources on their campus should any difficulties arise in complying with these guidelines.

#### 5. RESPONSIBILITIES OF INSTRUCTORS

Instructors are responsible for complying with reasonable requests from lactating students regarding academic adjustments in accordance with these guidelines. For example, instructors should (1) provide students with reasonable time or time away from the classroom to accommodate their lactation schedule; (2) ensure students do not incur an academic penalty for any such breaks they may require; (3) ensure students have the ability to make up any work missed during these breaks.

#### 6. RESPONSIBILITIES OF THE COLLEGE

In the absence of a designated lactation room, the Director of Human Resources or a designee should work with the employee and appropriate college offices (such as the facilities office) to identify an appropriate space that complies with the lactation room specifications set forth in these guidelines. The Director of Human Resources or a designee must respond to and resolve all employee requests for use of a lactation room within five days of the request. On the rare occasion that two or more employees request to use the lactation room at the same time, the Director of Human Resources is responsible for finding more than one space that meets the requirements for a lactation room, and for deciding which employee will use which room, based on an evaluation of the circumstances. In the unlikely event that the Director of Human Resources determines that it would cause undue hardship to provide a lactation room for an employee, the Director of Human Resources must engage in a cooperative dialogue (interactive process) with the employee regarding other possible workplace accommodations.

The campus facilities/space planning office, or its equivalent, should make every effort to identify appropriate space for lactating mothers as set forth in these guidelines. The Director of Human Resources or a designee must provide CUNY lactation room policy and procedures for implementing the CUNY lactation room policy to all new employees upon hiring. The Office of Student Affairs is responsible for assisting students who wish to use a dedicated lactation room or, if no dedicated room exists, working with the student and other college offices to see if it is possible to identify another space where a student can express milk. The Office of Student Affairs should address, to the extent possible, any questions and concerns brought by students covered by this policy.