

## **Expressing Breast Milk in the Workplace**

Section 206-c of the New York State Labor Law provides that nursing mothers shall receive reasonable unpaid break time or paid break or meal time each day in order to express breast milk for their nursing children for up to three years following childbirth. Employers are to make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer may discriminate in any way against an employee who chooses to express breast milk in the workplace.

Several guidelines have been put in place concerning this benefit:

- Employees are required to make advance arrangements to utilize this benefit. Consultation with the employee's supervisor should occur prior to a nursing mother's return to work from child care leave.
- Employees must obtain prior approval to leave their work station. Normally, a schedule would be agreed to between the employee and her supervisor at the time the initial arrangements are made.
- Employees can be required to postpone a scheduled time to express milk for a brief period of time if they cannot be spared.
- The amount of time needed to express breast milk may vary, and there is no set limit on the number of breaks per day.
- The amount of time required to express breast milk includes the time required to reach and return from the location for expressing milk.
- The benefit is available to employees within their basic workweek as well as during any additional time worked, including overtime shifts.
- An employer cannot use the difficulty in arranging a time or location as a means of denying employees access to this benefit.

When making a request to utilize this benefit, employees must specify whether they plan to use unpaid break time; paid break time (only applicable if employee is regularly scheduled for paid break time); meal time; or a combination. Unpaid break time used to express breast milk may be charged to appropriate accruals.