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## **Policy on the Rights of Employees to Express Breast Milk**

The Research Foundation for Mental Hygiene, Inc. (RFMH) supports the rights of nursing employees to express breast milk while at work in accordance with NYS law.

NYS Labor Law 206-c provides all employees in New York the right to express breast milk in the workplace.

“An employer shall provide paid break time for thirty minutes and permit an employee to use paid break time or mealtime for time in excess of thirty minutes, to allow an employee to express breast milk for such employee’s nursing child each time such employee has reasonable need to express breast milk for up to three years following birth. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.”

NYS Department of Labor provides additional information on their website at: [Breast Milk Expression in the Workplace | Department of Labor \(ny.gov\)](#)

NYS Department of Labor Policy on the Rights of Employees to Express Breast Milk in the Workplace is available at the following link: [Policy on the Rights of Employees to Express Breast Milk \(ny.gov\)](#)

Upon request, any RFMH employee who chooses to express breast milk shall have a designated room or other location which shall be made available for use to express breast milk. Such room or other location shall be in a place that is in close proximity to the work area, well lit, shielded from view; and be free from intrusion from other persons in the workplace or the public. This room or tother location shall provide, at minimum, a chair, working surface, nearby access to clean running water and, an electrical outlet. This room or location for this purpose shall not be a restroom or toilet stall.

Possible additional locations might include an office or conference room, which can be used on an as needed basis, where steps can be taken to ensure the employee can express milk in privacy. The room shall be private with a sign/schedule of use of the room posted on the door. The room should have a door equipped with a functional lock. If a door with a functional lock is not available, then there must be a sign posted advising that the room or alternate space is in use and not accessible to other employees or the public.

RFMH employees working in an Office of Mental Health (OMH) facility shall work with the central coordinator located in the Center for Human Resources Management (CHRM), Bureau of Central Office Personnel Services located at 44 Holland Avenue in Albany. The coordinator will work with contacts at the various OMH locations to identify a designated lactation room in those work locations outside of 44 Holland Avenue, coordinating employee access to the designated lactation room, and reviewing requests to use an alternate space for the purpose of expressing milk on either a permanent or as needed basis. RFMH employees working at a site other than an OMH facility should contact RFMH Central Office Human Resources at 518-474-5661 for assistance in identifying a designated nursing room and to coordinate employee access to the designated nursing room or alternate site at their work location.

RFMH is not required to locate, manage, or furnish an alternate space. The employee may identify an alternate space. The alternate space must be in a location where the employee will have privacy while expressing breast milk and will not disrupt the work environment and it must be approved by the OMH Central Office Personnel Services if within an OMH Facility. If in other than a OMH Facility, this alternate space may not meet the requirements of the designated room, but it must not be open to other individuals while it is being used for the purpose of expressing breast milk. The room or alternate area will be shielded from view and free from intrusions form others in the workplace or the public.

Employees will be notified of their rights pursuant to this policy upon hire, posted on the RFMH website and before taking leave or after returning to work following the birth of a child.

### **Supervisor Obligations:**

Supervisors must be flexible in working with employees' schedules so that nursing employees can express breast milk, taking into consideration the nursing mothers' room availability for multiple users and the availability of alternate spaces that may be used for the purpose of expressing breast milk. Supervisors should be aware that schedules may change over time based on the needs of employees, and that they may need to consult with the location's coordinator or contact on an as needed basis.

Supervisors are responsible for monitoring time used by employees for the purpose of expressing breast milk and for verifying that employees charge time appropriately on their timecard, if necessary.

### **Employee Obligations:**

An employee who wishes to express breast milk in the workplace must give reasonable notice by contacting either the coordinator at CHRM at 518-474-2413 or Central Office Human Resources at 518-474-5661 and their supervisor. The employee will need to provide a start and anticipated end date for the request. Due to the need for nursing mothers' room, it is recommended that requests be made in advance, prior to returning from a maternity leave. Employees may express breast milk in the workplace on an as needed basis or over an extended period of time. When the employee no longer wishes to use the nursing mothers' room, they should contact Central Office Human Resources or their local Human Resource office. Please note, employees should return the key (if applicable) to the room when not in use.

The employee may select from the available time slots on the schedule for the nursing mothers' room and obtain a key (if applicable) from the designated individual at each location. The employee must also coordinate and receive approval from their supervisor for a schedule to express breast milk when the employee wishes to use time other than regular paid break time or meal period to express breast milk. Employees should not be absent from their workplace without prior approval from their supervisor.

An employee who wishes to express breast Milk in the workplace but chooses not to use the designated nursing mothers' room, must coordinate with Human Resources at their work location in identifying an alternate space appropriate to express breast milk and establish a schedule in advance. The employee will need to post a sign advising the room or alternate space is in use and not accessible to other employees or the public.

Employees must supply their own equipment and supplies as needed to express breast milk in the workplace, as well as any equipment and supplies necessary for maintenance.

If available access to refrigeration in the workplace exists, you are extended access to the refrigeration for the purpose of storing expressed milk. An employee may store breast milk in available refrigerators/freezers. It is the responsibility of the employee to clearly mark the containers with their name and remove the expressed milk at the end of each workday.

You may reach out to Central Office Human Resources with any questions at 518-474-5661 or via email at [payroll-hrprocessing@rfmh.org](mailto:payroll-hrprocessing@rfmh.org)