

**OPERATING PROCEDURE NO. 20-74  
EMPLOYEE LACTATION ACCOMODATION**

**Effective Date:** July 1, 2019 approved by Mitchell Katz, MD President and CEO



**Responsible Department:** Human Resources

**Sub-Department(s):** Legal Affairs

**Regulatory Requirement(s):** New York State Labor Law, Section 206-C; New York City Administrative Code, Local Law 185 and Local Law 186

**Required Date of Review:** July 1, 2021

**I. PURPOSE:**

To set forth the policy and guidance to provide lactation rooms and implement policy to handle lactation-related accommodation requests at NYC Health + Hospitals (hereafter "Health + Hospitals") facility/business units.

**II. SCOPE:**

This policy and procedure is applicable to all Health + Hospitals staff, including employees, affiliates, students and volunteers, who elect to express milk in the workplace.

**III. POLICY:**

1. Staff returning to work after the birth of a child have the right to take unpaid breaks to express milk, in either twenty or thirty minute increments, depending on the location of the lactation room and other individual factors.
  - a. Generally, during an 8-hour shift, staff members may require two to three breaks of 15-30 minutes pumping time, plus additional time it takes to travel to/from the pumping location.
  - b. A staff member who uses their break time to express breast milk will be compensated to the same extent and in the same way that other similarly situated staff members are compensated for break time.
  - c. Staff is not required to use a particular type of pump or method of expression.
2. Each business unit shall provide a lactation room. The lactation room must be a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion. The lactation room must meet the following criteria:
  - a. An electrical outlet
  - b. A chair
  - c. A surface on which to place a breast pump and other personal items
  - d. Nearby access to running water
  - e. Within reasonable proximity to the employee's workspace

- f. A refrigerator suitable for breast milk storage shall also be in close proximity to the staff member's workspace
3. Staff who prefer not to use a private lactation space and prefer to pump at their workspace shall be permitted to do this so long as it does not create an undue hardship.
  - a. Discomfort expressed by coworker generally does not rise to the level of undue hardship.
  - b. Staff are not required to work while pumping, however, if the staff member works while pumping, they will be paid at their regular rate for that time.
4. A business unit may elect to use a multi-purpose space as the lactation room, however, while the room is being used by the staff expressing milk, it shall be restricted solely to that use.
  - a. Proper signage shall be posted to ensure that the space is free from intrusion and shielded from view of others while being used as a lactation room.
  - b. The staff who need the room for pumping will be given priority use of the room and their pumping needs will determine the availability of the room for other purposes.
  - c. The multi-purpose room shall have the ability to be locked from the inside so that the employee pumping can do so without intrusion.
  - d. If the multi-purpose room is unavailable for use as a lactation room when an employee needs it, the business unit will provide an alternative space for temporary use as a lactation room.

#### **IV. PROCEDURE:**

1. Staff must direct any request for a lactation-related accommodation to the attention of the Office of Equal Employment Opportunity. The request shall include the following information:
  - a. Staff first and last name
  - b. Employee ID
  - c. Contact telephone number
  - d. Current business unit
  - e. Current department
  - f. Anticipated first date of use
  - g. Anticipated scheduled time of usage
  - h. Other related information
2. Lactation accommodation needs may change over time. Staff may request changes to their existing lactation accommodation at any point.
3. In the event a staff member works at a Health + Hospitals location where it poses an undue hardship to provide a dedicated lactation room, the Office of Equal Employment Opportunity will engage in an a cooperative dialogue with requesting staff member in an effort to provide a reasonable accommodation.

4. In the rare instance that a job is incompatible with breastfeeding or pumping, a temporary reassignment or transfer to another position may be necessary. This may include job duties normally exposed to chemicals, radiation, or other toxins to avoid exposure during the time an employee is breastfeeding. This related dialogue to identify appropriate accommodations to meet an employee's needs will occur under the direction of the Office of Equal Employment Opportunity.
5. When more than one individual needs to use the designated lactation room, the Office of Equal Employment Opportunity will discuss various options with all staff who use the lactation room to determine what arrangement addresses each individual's needs such that all staff have access to the lactation room amenities. Options may include:
  - a. finding an alternative clean space free from intrusion;
  - b. sharing the space among multiple users; or
  - c. Recommending a schedule for use.

## **V. RESPONSIBILITIES:**

1. Human Resources Leaves Administration:
  - a. Prior to an employee returning from parental or child care leave, HRSS Leaves Administration will provide information to the direct employee regarding the process to request a reasonable accommodation to express breast milk at work.
  - b. Communicate and make available to all staff this Operating Procedure through the Employee Resources Center.
2. Staff Member:
  - a. Responsible for requesting a lactation accommodation by contacting the Office of Equal Employment Opportunity directly.
3. Office of Equal Employment Opportunity:
  - a. Responds to a request for a lactation accommodation within ten (10) business days.
4. Local Facilities:
  - a. The local facilities are responsible for maintaining the respective lactation spaces including, but not limited, to:
    - Ensuring spaces can be locked from the inside
    - Furniture is safe and functional
    - Refrigerators are clean and functioning