

POLICY

Break Time and Workplace Accommodations for Lactating Employees

ISSUED ON 06/19/2024

This Policy Applies To : All regular full-time, part-time, time as reported (TAR) and temporary staff (including Strong Staffing employees), faculty, residents, fellows, postdoctoral appointees and student employees (undergraduate students and graduate students not paid a stipend or fellowship in furtherance of their degree) employed by the University.

I. Policy

- a. The University of Rochester is committed to supporting the health and well-being of our employees. For up to three years after the birth of a child, any employee, as listed above, who is breastfeeding or chest feeding are entitled to receive reasonable paid break time or to use paid break time to express milk at work. In our commitment to this effort and in compliance with state and federal law ^[1], the University supports the expression of milk by employees and prohibits the discrimination and harassment of breastfeeding or chest feeding employees who exercise their rights under this policy.

II. Guidelines

- a. All employees will be provided reasonable break time to express milk during the workday. Each break will generally be 30 minutes. Employees can elect to take shorter unpaid breaks for this purpose. The frequency of breaks may vary but may be requested each time an employee has a reasonable need to express milk. Paid break time may run concurrently with regularly scheduled paid break or meal periods if elected by the employee. Employees may also use existing paid break time or meal time if they need to extend the break beyond thirty minutes. An employee may be required to postpone scheduled unpaid break time for no more than thirty minutes if there is an operational need to arrange for coverage.

- b. All employees needing to express milk during the work day will be provided a clean, private place (not in a bathroom or bathroom stall) in close proximity to the employee's work area. Close proximity means in walking distance that does not appreciably impact the length of the break. Departments may assign a designated lactation room, conference room or other temporary space, provided the room is not accessible to the public or other employees while employee is expressing milk. Where a separate room is not available a cubicle may be used, provided the cubicle is fully enclosed with a partition, is at least seven feet tall and is not otherwise accessible to others while in use. Each location used for the expression of milk shall be well lit, contain at a minimum a chair, small flat surface (i.e. table, desk, counter, etc.) with access to an outlet and a sink; if the work location has a refrigerator the employee must be allowed to store expressed human milk in that refrigerator. See link to University designated [Lactation Rooms \(https://www.rochester.edu/human-resources/benefits/programs-perks/family-care/#breastfeeding-lactation\)](https://www.rochester.edu/human-resources/benefits/programs-perks/family-care/#breastfeeding-lactation)

- c. Employees needing break time to express milk are required to make such requests to their supervisors in advance, preferably prior to the employee's return from work following the birth of a child. Such request will be responded to within 5 business days.
- d. No employee shall be discriminated against for requesting to express milk in the workplace.

III. Procedures

- a. Recording paid break periods: If the break time is separate from other paid break periods the employee should consult their supervisor to coordinate time needed for expressing milk. If the employee is using their unpaid meal period, a meal override will be required by the timekeeper for all or part of the meal period, and an exception log entry should be documented.
- b. Employees may request breaks for expressing milk to their supervisors through verbal or written means. If a department has a formal request process the employee should use this process to make their request.
- c. Supervisor's must respond to the employee request within 5 business days. Supervisors may not deny such requests, but may engage in discussions with the requesting employee to provide a reasonable schedule and location for the employee.
- d. Employees or supervisors who have any concerns related to such requests should reach out to their HR Business Partner for assistance.

[1] New York Labor Law, Sec. 206-c, Fair Labor Standards Act and Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP) for Nursing Mothers Act (P.L. 117-328)

ABOUT THIS POLICY

Policy Applies To

Faculty, Hourly Staff, Postdocs, Residents and Fellows, Salaried, Staff, STRONG Staffing, Student Employees

Policy Number

174

Issuing Authority

Human Resources

Responsible Officer

Daniel Salamone

Contact Information

daniel.salamone@rochester.edu (mailto: daniel.salamone@rochester.edu)

ADDITIONAL RESOURCES

Office of Human Resources Parental and Maternity Leave

(<https://www.rochester.edu/human-resources/benefits/leave-disability/short-term-disability/parental-and-maternity-leave/>)

Your Rights as an Employee to Express Breastmilk at Work (<https://dol.ny.gov/system/files/documents/2024/06/p690-your-rights-as-an-employee-to-express-breast-milk-at-work-.pdf>)

Lactation Locations at the University (<https://www.rochester.edu/human-resources/benefits/programs-perks/family-care/#breastfeeding-lactation>)