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Category: Human Resources
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POLICY

In accordance with Section 206-c of the New York State Labor Law, as amended, the State University of New York at Geneseo shall provide accommodations for employees to express breast milk. The College shall provide reasonable unpaid break time or permit an employee to use paid break time or mealtime to allow an employee to express breast milk each time such employee has reasonable need to express breast milk for up to three years following the birth of a child. The College shall not discriminate or retaliate in any way against an employee who chooses to express breast milk in the workplace or exercise their rights under this policy.

Upon the request of an employee who chooses to express breast milk in the workplace, the College shall designate a room or other location which shall be made available for use by such employee to express breast milk. Such room or other location shall be a place that is:

- in close proximity to the work area;
- well lit;
- shielded from view;
- free from intrusion from other persons in the workplace or the public;
- such room or other location shall provide, at minimum, a chair, a working surface, nearby access to clean running water and, if the workplace is supplied with electricity, an electrical outlet. The room or location provided for this purpose shall not be a restroom or toilet stall.

When the sole purpose or function of such room or other location is not dedicated for use by employees to express breast milk, such room or other location shall be made available to such an employee when needed and shall not be used for any other purpose or function while in use by such employee. Employers shall provide notice to all employees as soon as practicable when such room or other location has been designated for use by employees to express breast milk.

Where compliance with the requirements above are impracticable because it would impose an undue hardship by causing significant difficulty or expense the College shall make reasonable efforts to provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the

work area where an employee can express breast milk in privacy. Provided, however, nothing in this subdivision shall otherwise exempt the College from the requirements of paragraph one of this section.

The College shall extend access to refrigeration for the purposes of storing the expressed milk, as applicable to the worksite.

The College shall provide this written policy to each employee upon hire and annually thereafter, and to employees upon returning to work following the birth of a child.

Using Existing Meal Periods and Paid Rest Breaks

The College is required to permit employees to express breast milk during their meal period and/or paid rest breaks if the employee elects to use meal periods and/or paid rest breaks for this purpose. However, an employee is not required to use meal periods and/or paid rest breaks for this purpose and may elect to express breast milk at other reasonable times during the work shift. The policy does not authorize the granting of additional paid break time beyond that already provided by the employer.

Using Unpaid Break Time

Employees may elect to use the unpaid break time instead of or in combination with meal periods and/or paid rest breaks. Consistent with State policy on use of leave credits, employees must be permitted to charge appropriate leave credits (credits other than sick leave) during the unpaid breaks. Upon election of the employee, unpaid break time may run concurrently with regularly scheduled paid break or meal periods.

At the employee's request, the College shall allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk, so long as such additional time requested falls within the employer's normal work hours. However, regular unpaid meal periods unpaid lunch period) used for the purpose of expressing breast milk cannot be made up by working additional time, since they are not part of the employee's normal workday.

Employees may charge leave credits during times that occur within their basic workweek as well as during any additional time worked, including overtime shifts.

Eligibility to Earn Leave Credits under Attendance Rules

Employees who use unpaid break time and do not charge credits during such unpaid break time, may be ineligible to earn biweekly leave credits. The Attendance Rules for Classified Service staff require an employee to be in full pay status for seven separate full days out of ten in a biweekly pay period in order to earn biweekly leave credits (or a proportionate number of days for employees scheduled to work fewer than ten days in a biweekly pay period). A day on which an employee takes an unpaid break for

this purpose, and doesn't charge leave credits during that break, does not count as a day in full pay status for purposes of earning leave credits.

GUIDELINES FOR ADMINISTERING THE PROGRAM

- Employees need to make a request to access a location for the purpose of expressing breastmilk prior to their return to work from leave. Employees shall notify the employee's supervisor and the College's designated coordinator in the Office of Diversity and Equity, so appropriate arrangements can be made for a location. The Office of Diversity and Equity can be contacted at ode@geneseo.edu or by phone at 585.245.5759. Requests will be responded to within a reasonable timeframe, but not to exceed five business days from the request.
- The amount of time needed to express breast milk may vary and there is no set limit on the number of breaks provided per day. They must, however, be reasonable and approved by the supervisor.
- Time required to express breast milk includes the time required for the employee to reach and return from the location identified for expressing milk.
- Employees are not entitled to absent themselves from their workstations for this purpose without prior approval. Prior approval is normally obtained at the time the initial arrangements are made and a schedule is agreed upon. When an employee needs to change a previously agreed upon schedule, the employee must obtain approval to do so. Supervisors should be flexible when approving schedules for such purposes.
- The benefit is available to employees within their basic workweek as well as during any additional time worked, including overtime shifts.
- Employees can be required to postpone a scheduled time to express milk for a brief period of time if they cannot be spared.
- Management may not use the difficulty in arranging time or location as a means of denying employees access to this statutory benefit.

PROCEDURES

An employee who wishes to avail themselves of this benefit is expected to give their supervisor and the EEO Specialist within the Office of Diversity and Equity, reasonable notice so that a schedule can be arranged, and a location identified. Normally, this consultation will take place prior to an employee's return to work from leave. It is also expected that an employee will provide their supervisor and the EEO Specialist within the Office of Diversity and Equity when time for expressing breast milk is no longer required.