



Effective Date: January 1, 2012

Category: Human Resources

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## **POLICY**

In accordance with Section 206-c of the New York State Labor Law, the State University of New York at Geneseo shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow her to express breast milk for her nursing child for up to three years following child birth. The College shall make reasonable efforts to provide a room or other location (other than a bathroom), in close proximity to the work area, where an employee can express milk in privacy. The room or other location shall not be accessible to the public or other employees at the time a nursing employee is using the room for this purpose. Geneseo shall not discriminate in any way against any employee who chooses to express breast milk in the workplace.

In no event is the benefit available beyond three years from the date of birth of the child.

### **Using Existing Meal Periods and Paid Rest Breaks**

The College is required to permit nursing mothers 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, an employer shall allow the employee to work before or after her 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 work day.

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 BENEFIT**

- Employees need to make advance arrangements to utilize this benefit. Consultation with their supervisor and Stacy Colt, Agency Coordinator for NYS Labor Law Section 206-c should occur prior to a nursing mother's return to work from child care leave.
- 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 nursing mother to reach and return from the location identified by the agency for expressing milk.
- Employees are not entitled to absent themselves from their work stations 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 herself of this benefit is expected to give her supervisor and Stacy Colt, Agency Coordinator for NYS Labor Law 206-c, reasonable notice so that a schedule can be arranged and a location identified. Normally, this consultation will take place prior to a nursing mother's return to work from child care leave. It is also expected that an employee will provide her supervisor and the agency coordinator notice when time for expressing breast milk is no longer required. The Agency Coordinator, Stacy Colt, Human Resources, can be reached at 585-245-5616.