

THE CITY UNIVERSITY OF NEW YORK

Right of Nursing Mothers to Express Breast Milk at Work

On August 28, 2007, Governor Eliot Spitzer signed into law legislation requiring employers to permit nursing mothers to express breast milk at work for a period of up to three years following child-birth. Governor Spitzer stated that "Employers know the merit of retaining valuable employees, and this modest accommodation allows mothers who choose to breast feed to continue their invaluable contribution to the economy without fearing for their job." The legislation, which is an amendment to the New York State Labor Law and is effective immediately, provides as follows:

An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

The Colleges, accordingly, must permit a woman who chooses to provide breast milk for her child to either utilize her lunch period and/or other paid break periods, if any, to express milk or take an unpaid break for such purpose. Although not expressly mentioned in the statute, if an employee does not have paid break periods, another alternative would be to permit such employee to make up the time she may reasonably need to express breast milk by extending her work day.

The Colleges are also required to make reasonable efforts to make a room or other space available, near the work area, where an employee can express milk in privacy. The Colleges may, at their discretion, choose to make dedicated space(s) available for this purpose.

Please make certain that your Department Chairs and other supervisory personnel are made aware of the requirements of this legislation, so that appropriate accommodations may be made on a case-by-case basis, as needed. You should advise such personnel to consult with the office of the Labor Designee or Director of Human Resources should any difficulties arise in complying with the mandates of this law. The legislation explicitly prohibits discrimination against an employee who chooses to express breast milk in the work place. If you have any questions regarding the implementation of this workplace legislation, please feel free to call Laura Blank, Esq., of the Office of Faculty and Staff Relations, at (212) 794-5347, or Kathy Raymond, Esq., of the Office of Legal Affairs, at (212) 794-5759.