



The City
University
of
New York

205 E. 42nd Street
New York, NY 10017

March 23, 2015

MEMORANDUM

To: CUNY Faculty, Staff and Students

From: Frederick P. Schaffer, General Counsel & Senior Vice Chancellor for Legal Affairs
Frank D. Sanchez, Vice Chancellor for Student Affairs *FAS*
Gloriana B. Waters, Vice Chancellor for Human Resources Management *GW*

Re: CUNY Lactation Guidelines

Policy Statement

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with state and federal law¹, CUNY supports the rights of nursing mothers at school and in the workplace. CUNY is dedicated to making its best effort to accommodate requests from nursing mothers for break time and a private space to express breast milk on campus. This memo supercedes the August 11, 2010 memo from Vice Chancellor Gloriana B. Walters concerning legislation regarding the right of nursing mothers to express milk at work, provides new guidance on lactation at CUNY, and expressly permits students to use lactation rooms.

CUNY is required to provide its employees reasonable break time for up to three years after they give birth to express milk. An employee may do this by utilizing her paid break or meal periods, or taking unpaid break periods, with the option of making up the time by extending her workday. CUNY must also provide an employee, upon request, a room or other location, in reasonably close proximity to the work area, where she can express milk in privacy. The room must (a) not be a bathroom, (b) be shielded from view, and (c) be free from intrusion from co-workers and the public. While CUNY understands that space at the colleges is at a premium, the colleges should seek to identify a dedicated space for this purpose or, if no space is so dedicated, provide space upon request.

These rooms will be made available to students based on availability, on a first-come, first-served basis.

Responsibilities of Employees

¹ CUNY is required by the Patient Protection and Affordable Care Act, as well as New York State Labor Law, to provide certain protections and benefits to employees who are nursing mothers.

Requests for time off to express milk: Employees should discuss their requests with their supervisors. Employees may request reasonable unpaid break time and/or use their paid breaks or meal times for this purpose. Time used to express milk may be made up at the beginning or end of the work day.

Requests for lactation rooms: Employees should check with their campus human resources office if a lactation room has been designated at their campus. In the absence of a designated lactation room, employees should discuss the identification of an appropriate space with their supervisor. The room must be clean, private, and comfortable, have an electrical outlet, a chair, and a table, and have nearby access to a sink with running water and paper towels.

Responsibilities of Supervisors

Supervisors should grant reasonable requests for unpaid break time and/or the use of paid breaks or mealtimes for lactation. Time used to express milk may be made up at the beginning or end of the day. The employee should be able to tell their supervisor approximately what time she will need breaks and how long it will take. However, supervisors should be prepared to be flexible.

In the absence of a designated lactation room, supervisors should work together with the employee, as well as their campus's human resources, facilities management, or other appropriate offices, to identify an appropriate space. The room must be clean, private, and comfortable, have an electrical outlet, a chair, and a table, and have nearby access to a sink with running water and paper towels.

Department chairs and other supervisors should be aware of the requirements of this policy so that appropriate accommodation can be made on a case-by-case basis as needed. Supervisors should consult with the Director of Human Resources on their campus should any difficulties arise in complying with this policy. Federal and state law explicitly prohibit discrimination against an employee who chooses to express milk in the workplace.

Responsibilities of Students

Students should consult the campus website or human resources office to determine if dedicated lactation rooms have been established on campus. If no dedicated space has been identified, the policy will identify whom to contact to identify a space in which students can express milk. The room must be clean, private, and comfortable, have an electrical outlet, chair, and a table, and have nearby access to a sink with running water and paper towels.

Students will have access to lactation rooms based on availability and on a first-come, first-served basis, and may need to schedule access ahead of time, depending on employee use. Students are expected to work with their instructors and/or advisors to make up any missed work.

Responsibilities of Colleges

Colleges should customize the attached sample college guidelines and post them on their website. The website should also identify any dedicated lactation rooms that have been established on campus. Although CUNY recognizes that space at many colleges is limited, it encourages colleges to use the

opportunity of customizing the sample guidelines to explore the possibility of designating a space as a lactation room.

If you have any questions regarding the implementation of these guidelines, please contact Michael Collins, University Director of Recruitment and Diversity, at (646) 664-3299 or Michael.Collins@CUNY.edu, or Stacey Creem at (646) 664-9233 or Stacey.Creem@CUNY.edu in the Office of General Counsel. For information concerning the location of a campus lactation room, please contact the campus's Office of Human Resources.