



Committee Meeting: Policy & Governance Committee	Date: November 16, 2018
Committee Chair: Kathleen Masiello	
New or Edited: New	

**POLICY NAME:** Employee Breastfeeding/Lactation Policy

**POLICY TYPE:** Managerial

**SUBMITTED BY:** Maria Carroll, Director of Human Resources

**ISSUE OR STATEMENT OF PURPOSE:**

As part of our family-friendly policies and benefits, SUNY Erie supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

In 2018 SUNY Erie was recognized by the Erie County Department of Health as a “breastfeeding-friendly workplace,” a requirement of this designation is memorializing and distributing our policy on expressing breast milk at work.

SUNY Erie Community College acknowledges the worksite accommodation law in the U.S. Patient Protection and Affordable Care Act enacted in March 2010, which amends the Fair Labor Standards Act (FLSA), and Section 206-c of the New York State Labor Law.

**NEW OR EDITED POLICY:** New.

No employee shall be harassed or discriminated against for breastfeeding or expressing breast milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work.

The lactation accommodation provisions are a reasonable time to express breast milk at work, a private area for breast milk expression and mutual adherence to employer/employee responsibilities. These accommodations are clarified below.

Any act found to be intentional that invades a nursing mother’s privacy or impedes her right to express breast milk at work shall be treated as a disciplinary offense and reported to the appropriate manager.

This policy shall be communicated to all current employees and included in new employee orientation training.



**POLICY NAME:** Employee Breastfeeding/Lactation Policy **Continued**

**Lactation Accommodation Provisions:**

- **Reasonable Time to Express Milk at Work**

Employees shall be provided reasonable time to express milk while at work for up to three years following the child's birth, each time the employee has need to express milk.

Employees may use usual break and meal periods for expressing milk. If additional time is needed to express milk, employees may use accrued leave, leave without pay, or may make up the time (e.g. flex) if such an arrangement is pre-approved with their supervisor(s). All breaks must be appropriately recorded in the employee's weekly time entries.

- **A Private Area for Milk Expression**

Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk.

The room will:

- Be in close proximity to the employee's work station, when possible
- Have a door equipped with a functional lock or, if this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public
- Be well lit
- Ensure privacy by covering any windows with a curtain, blind, or other covering
- Contain, at a minimum, a chair and a small table, counter, or other flat surface and an electrical outlet.
- Ideally, be situated nearby access to clean water

Each campus health office is the designated lactation space that meets the criteria outlined above for employees who do not have a private office suitable for expressing milk. An employee who will need to utilize this space should contact the campus nurse prior to their return to work from maternity leave to discuss use of the space and scheduling needs.

**Employer Responsibilities:**

SUNY Erie will:

- Maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.
- Notify employees returning to work following the birth of a child of their rights under New York State Labor Law 206-c and the national worksite lactation accommodation law in the U.S. Patient Affordable Care Act. This notice may either be provided individually to affected employees or to all employees generally through posting in a central location.



**POLICY NAME:** Employee Breastfeeding/Lactation Policy **Continued**

**Employee Responsibilities:**

Breastfeeding employees utilizing lactation support services will:

- Give supervisors advance notice of the need for lactation accommodations, preferably prior to their return to work following the birth of the child. This will allow supervisors the opportunity to work out logistical/scheduling issues.
- Maintain the designated area by wiping the pump (if provided) and surfaces with microbial wipes so the area is clean for the next user.
- Insure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler. Any breast milk stored in a shared refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

**DOES IT SUPERCEDE A POLICY/WHICH ONE:** N/A

**POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:**

Policy & Governance Committee recommends the Board of Trustees accept the Managerial policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Employee Breastfeeding/Lactation Policy.

**POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT:** Trustee Len Lenihan, Trustee Kathleen Masiello, Executive Vice President for Administration and Finance Penelope Howard, VP Human Resources, Equity and Inclusion Tracey Cleveland, Director of Human Resources Maria Carroll, Vice President of Enrollment Management Steven Smith, Director of Registrar Paul Lamanna, Dean of Liberal Arts and Sciences Joanne Colmerauer, Dean of Liberal Arts and Sciences Jamie Smith and College Senate Representative Michael Delaney

**DATE OF BOARD ACCEPTANCE:** December 13, 2018

**POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:**

Following Trustee acceptance, this Managerial policy will be included in the SUNY Erie Community College Managerial Policy Manual.

**INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:**

Catholic Charities and sample policy from Society of Human Resources Management.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of November 16, 2018.