

# BREAKS FOR NURSING EMPLOYEES

## [NEW YORK SUPPLEMENT]



This document supplements the Company's [Breaks for Nursing Employees](#) policy as it applies to employees who work in the state of New York. It is based on the New York Department of Labor's official [Policy on the Rights of Employees to Express Breast Milk in the Workplace](#), as tailored to the Company's business and operational practices.

### EMPLOYEE RIGHTS TO LACTATION BREAKS

Under section 206-c of the New York State Labor Law, nursing employees have the right to reasonable break time to express milk in the workplace. For up to three years following childbirth, employees will be provided reasonable break time to express breast milk at work based on the individual's unique needs – at least every three hours if requested by the employee, or more or less frequently as needed.

Exempt employees will be paid for any such break time. Non-exempt employees will receive 30 minutes of paid break time for these purposes and can use their existing meal time or paid rest break time for time needed in excess of 30 minutes, and/or they will be provided additional unpaid breaks, as requested. Additional unpaid breaks will be at least 20 minutes (or at least 30 minutes if the designated lactation room is not close to the employee's work station). Employees are allowed to take longer unpaid breaks, if needed, but they also may opt to take shorter unpaid breaks.

Employees are not required to work while expressing breast milk, but they may voluntarily choose to do so (except for non-exempt employees if using their regular rest breaks or meal periods). Time working while expressing breast milk will be compensated. Employees who take unpaid break time to express breast milk are permitted (but not required) to make up that time before or after their normal shift, provided this time falls within the Company's normal work hours.

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk as employees who perform their work in-person.

### MAKING A REQUEST FOR LACTATION BREAKS

Employees who want to express breast milk at work should provide the Company reasonable advance notice (generally before returning to the workplace if the employee is on leave) to allow time to find an appropriate location and adjust schedules, if needed.

Employees should make lactation break requests to their manager or Human Resources. The Company will respond to these requests within five business days, if not before, and will work with employees to determine the appropriate break period(s) and location.

#### Locations for Lactation Breaks

The Company will provide a clean and maintained location, other than a restroom or toilet stall, for an employee to express milk in private. The location will:

- Be close to an employee's work area (within walking distance without significantly extending the needed break time);
- Provide good natural or artificial light;
- Be private – both shielded from view and free from intrusion;
- Have accessible, clean running water nearby;
- Have an electrical outlet (if the workplace is supplied with electricity);
- Include a chair; and
- Provide a desk, small table, counter or other flat surface.

# BREAKS FOR NURSING EMPLOYEES

## [NEW YORK SUPPLEMENT] (CONT.)



To ensure privacy, any windows in lactation locations will be equipped with a curtain, blind or other covering. Where possible, the location will have a door equipped with a functional lock; otherwise, the Company will provide a sign advising the space is in use and not accessible to other employees or the public.

A list of designated lactation rooms is available on [D Tools HR](#). Employees can reserve a room through the Outlook calendar system or other process specified on the list. If more than one employee needs to use a designated location at the same time, the employee who was unable to reserve the room should contact Human Resources to determine an alternative accommodation location and/or an acceptable arrangement for future scheduling.

If there is not a designated lactation room available, the Company may arrange for the employee to use a vacant office or other available room on a temporary basis, which will not be accessible to the public or other employees while the employee is using it for breast milk expression.

If the workplace has a refrigerator, employees may use it to store breast milk. The Company is not responsible for ensuring the safekeeping of expressed milk stored in any workplace refrigerator. Employees are required to store all expressed milk in closed containers and bring milk home each day.

If providing an employee with a space that meets the above requirements would cause undue hardship (defined as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business”), the Company will still provide a room or other location – other than a restroom or toilet stall – that meets as many of the requirements as possible and that is in close proximity to the employee’s

work area where they can express breast milk in privacy. The Company will not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

### ADDRESSING VIOLATIONS / ADDITIONAL RESOURCES

The Company prohibits any harassment, discrimination or retaliation against an employee who chooses to express breast milk in the workplace or who requests or takes breaks in accordance with Company policy or state law. Employees who believe they have been harassed or discriminated against, or who are otherwise aware of a violation of this policy, should follow the procedures outlined in the [Speak Up](#) policy. These procedures include notifying a manager, Human Resources, or calling the Company Guideline.

Employees may also contact the New York State Department of Labor’s Division of Labor Standards at 1-888-525-2267 or [LSAsk@labor.ny.gov](mailto:LSAsk@labor.ny.gov), or they may visit the nearest Labor Standards office to personally file a complaint. For a list of offices, visit [dol.ny.gov/location/contact-division-labor-standards](https://dol.ny.gov/location/contact-division-labor-standards). *Complaints are confidential.*

In addition, the federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. More information is available at [dol.gov/agencies/whd/pump-at-work](https://dol.gov/agencies/whd/pump-at-work).

The Company complies with existing federal and state laws, regulations, and guidance regarding paid and unpaid break time and meal times regardless of whether the employee uses such time to express breast milk. For additional

# BREAKS FOR NURSING EMPLOYEES

## [NEW YORK SUPPLEMENT] (CONT.)



information regarding what constitutes a meal period or a break period under state and federal law, employees may consult the following resources:

- NY DOL Website on Day of Rest, Break Time, and Meal Periods: [dol.ny.gov/day-rest-and-meal-periods](https://dol.ny.gov/day-rest-and-meal-periods)
- NY DOL FAQs on Meal and Rest Periods: [dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf](https://dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf)
- U.S. DOL FLSA FAQ on Meal and Rest Periods: [dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked](https://dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked)
- U.S. DOL FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: [dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers](https://dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers)