


March 15, 2019

MEMORANDUM

To: Human Resources Directors
Chief Student Affairs Officers
Chief Diversity Officers
Title IX Coordinators

From: Margaret Egan 
Interim Vice Chancellor for Human Resources Management

Christopher Rosa 
Interim Vice Chancellor for Student Affairs

Re: New York City Lactation Room Laws Going Into Effect on March 18, 2019

Introduction:

New lactation laws in New York City, Int. No 879-A and Int. No. 905-A, going into effect on March 18, 2019 describe minimum requirements for lactation rooms, mandate that employers develop a written lactation room policy, require notice of this policy to all employees, and require that employees make lactation rooms available to employees upon request. As such, colleges should post CUNY lactation room policy and procedures for implementing the CUNY lactation room policy, along with (i) information regarding any dedicated lactation rooms that have been established on campus; (ii) information regarding the individuals or offices that employees should contact to use a lactation room or other private space to express milk; and iii) information for students about how to request lactation accommodation. In addition, all new employees must be provided a copy of CUNY lactation room policy and procedures for implementing the CUNY lactation room policy upon hire.

Further, CUNY's March 23, 2015 Lactation Guidelines (to be superseded by this update) expressly permits students to use lactation rooms. These revised lactation room policy and procedures for implementing the CUNY lactation room policy provide additional guidance regarding student use.

Int. No 879-A and Int. No. 905-A:

i. Minimum Standards For Lactation Rooms

Int. No. 879-A requires employers to provide a “lactation room” for employees who need to express breastmilk. The lactation room must be a sanitary place, other than a restroom, where employees can express breastmilk “shielded from view and free from intrusion.” At a minimum, the room must include an electrical outlet, a chair, a surface on which a breast pump and other personal items can be placed, and nearby access to running water. In addition, both the lactation room and a refrigerator suitable for breast milk storage should be in reasonable proximity to the breastfeeding employee(s)’ work area.

While the lactation room may be an existing room that is used for other purposes, its sole function must be as a lactation room while an employee is using it to express breastmilk. If an employee is using the room to express milk, the employer is required to notify other employees that the room is given preference for use as a lactation room.

ii. Procedures for requesting lactation-related accommodations

Int. No. 905-A requires that employers implement a written lactation policy and provide a copy to all new hires. As such, the colleges should apprise employees about the existence of a lactation room and also about the process for requesting lactation-related accommodations. Pursuant to Int. No. 879-A, the process for requesting the use of a lactation room must:

1. Specify the means by which an employee may submit such a request
2. Require the employer to respond within a “reasonable” amount of time, not to exceed five business days
3. Provide a procedure to follow when two or more individuals need to use the room at the same time, including contact information for any required follow up
4. State that the employer shall provide reasonable break time for an employee to express breast milk pursuant to Section 206-c of the New York Labor Law; and
5. State that if the request for a lactation room poses an undue hardship on the employer, the employer shall engage in a cooperative dialogue.

If providing a lactation room poses an “undue hardship” for an employer, the employer must engage in a cooperative dialogue with the breastfeeding employee. This dialogue, whether orally or in writing, is intended to determine what alternative accommodation(s) might be available. The cooperative dialogue process should result in a written final determination given to the employee identifying any accommodation(s) that were granted or denied.

If you have questions about the CUNY lactation room policy and procedures for implementing the CUNY lactation room policy and requesting lactation room access, please contact:

Pinar Ozgu, The Office of Human Resources Management at pinar.ozgu@cuny.edu

Rodney Pepe-Souvenir, The Office of Student Affairs at Rodney.Pepe-Souvenir@cuny.edu

Encl: CUNY Lactation Policy
CUNY Procedures for Implementing the CUNY Lactation Policy

Cc: The Office of General Counsel
The Office of Labor Relations
The Office of Facilities Management
Chief Academic Officers
