



## **INCORPORATED VILLAGE OF OCEAN BEACH**

### **LACTATION ACCOMMODATION POLICY - BREAK TIME FOR NURSING EMPLOYEES**

In accordance with New York Labor Law § 206-c, and applicable laws and regulations, the Village provides accommodations to employees who choose to express breast milk in the workplace. Employees who are returning to work following the birth of a child may, in accordance with this policy, take reasonable breaks for the purpose of expressing breast milk.

For the purpose of this policy, an “eligible employee” is any employee who returns to work following the birth of a child and who nurses such child for up to three (3) years following the child’s birth.

#### **Location to Express Breast Milk**

The lactation space provided by the Village will be a well-lit private room or other location in close proximity of the eligible employee’s workstation where they may express breast milk in private. The Village will furnish the lactation space in a comfortable manner suitable for its purpose and will ensure that at a minimum the lactation space provides the following: a lock for the door, an electrical outlet (provided the workplace is supplied with electricity), a chair, a small table or other flat surface, and access to clean running water in a location nearby the lactation space, unless to do so would impose an undue hardship on the Village.

The Village will also ensure that the eligible employee has access to a refrigerator suitable for the storage of breast milk in close proximity to the employee’s workstation. The Village is not responsible for ensuring the safekeeping of expressed breast milk stored in any workplace refrigerator. Employees are required to store all expressed breast milk in closed containers and bring milk home at the end of their workday.

If the sole purpose or function of the designated room or other location is not dedicated for use by employees to express breast milk, the room or other location will be made available to an employee when needed and will not be used for any other purpose or function while in use by the employee to express breast milk. The Village will notify all other employees as soon as practicable when a room or other location is designated for use to express breast milk.

If more than one eligible employee needs to use the lactation space at or about the same time, the employee with more seniority working for the Village will be permitted to use the space first. If the employee with less seniority is unable to wait while the room is being used, the employee with less seniority must contact Human Resources so that alternate arrangements can be made.

### Reasonable Break Time

The Village will provide an eligible employee with sufficient unpaid break time to allow the employee to express breast milk. Generally, these breaks shall be twenty (20) to thirty (30) minutes in duration, once every three (3) hours. Exempt employees will not receive a deduction from their salary for this time in accordance with federal and state wage and hour laws.

An eligible employee is also permitted to use their lunch or meal break to express breast milk. However, the Village may require an eligible employee to postpone, for a reasonable period of no more than 30 minutes, a scheduled break to express breast milk if they cannot be spared from their duties until appropriate coverage arrives. In the Village's discretion, an eligible employee may be permitted to work before or after their normal work time to make up the amount of time used during the unpaid break time(s).

Employees who work remotely are entitled to the same rights to break time for expression of breast milk as employees working in person.

If an eligible employee believes they have not been provided sufficient time to express breast milk, they should immediately inform Human Resources.

### Accommodation Request Process

Prior to returning from parental leave, the Village will send a copy of this policy to the employee (either electronically, by mail to the employee's last known address, or both) and request information from the employee regarding the need for a reasonable accommodation to express breast milk at work. The Village will work with the employee to identify a schedule and location for when and where the employee can express breast milk during work in accordance with this policy.

Employees may also independently request a reasonable accommodation by contacting Human Resources. Such request may be made orally or in writing. The employee should indicate the need for an accommodation to express breast milk in the workplace. The employee may complete the attached Lactation Accommodation request form and submit it to Human Resources.

The Village will respond to a request for a lactation accommodation in writing as quickly as possible but under no circumstances will this amount of time exceed five (5) business days.

The Village understands that an employee's needs with respect to expressing breast milk may change over time. Accordingly, an employee may request a change in any accommodation by contacting Human Resources and expressing the need for such change. The employee should identify what the proposed change is in the request to facilitate the interactive process.

### Undue Hardship

If the Village believes that the lactation accommodation requested poses an undue hardship on the Village, the Village will discuss reasonable alternatives with the employee to accommodate the employee's needs and initiate the interactive process as quickly as possible. Under all circumstances, the Village will still provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express breast milk in private. The space will meet as many of the requirements and include as many of the amenities as possible. During the time that it takes to respond to a request and/or engage in the interactive process to determine an accommodation, the Village will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs unless doing so poses an undue hardship on the Village.

### Retaliation Prohibited

The Village will not discriminate in any way against an eligible employee who chooses to express breast milk in the workplace. The Village strictly prohibits any form of discrimination, harassment or retaliation against an eligible employee requesting or obtaining leave for the purpose of expressing breast milk in the workplace. Any eligible employee who believes they have been the victim of such prohibited discrimination, harassment or retaliation must immediately report the incident to Human Resources. Any questions regarding this policy should be directed to Human Resources and will be treated as confidential to the extent practicable.

ADOPTED:

**Lactation Accommodation Request Form**

*This form is intended to be used by an employee requesting a reasonable accommodation to express breast milk in the workplace. The Village will provide employees with reasonable unpaid break time each time such employee needs to express breast milk during the workday. The purpose of this form is to gather information regarding the employee’s anticipated needs of reasonable break time to express breast milk. The Village understands that an employee’s needs in this regard may change over time and accordingly, an employee may submit a request for a different change depending on their needs at any time.*

*This form should be completed and submitted to Human Resources preferably prior to an employee’s return to work from parental leave.*

*Employees will not be subject to discrimination or retaliation for requesting an accommodation in accordance with the Village’s Break Time for Nursing Employees and Lactation Accommodation Policy.*

**TO BE COMPLETED BY REQUESTING EMPLOYEE**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Location: \_\_\_\_\_

Department: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Anticipated Break Schedule:

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_ (if “unknown”, state “unknown”)

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Other Information Relevant to Lactation Accommodation:

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**TO BE COMPLETED BY SUPERVISOR AND HUMAN RESOURCES**

Reviewed by (Name/Title): \_\_\_\_\_

Reviewed by (Name/Title): \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Response: \_\_\_\_\_

Approved as Requested: \_\_\_\_\_

Modified As Follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explanation of Modified Accommodation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Signature of Human Resources: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_