

MEMORANDUM

August 11, 2010

To: The College Presidents
Dean of the Law School
Dean of the School of Journalism
Dean of the School of Professional Studies
Directors of Human Resources

From: Vice Chancellor Gloriana B. Waters *G. Waters*

Re: Legislation Regarding Right of Nursing Mothers to Express Breast Milk at Work

As a result of the passage of The Patient Protection and Affordable Care Act (PPACA) in March 2010, the right of nursing mothers to express breast milk at work is protected by federal law as well as state law. Accordingly, we are updating our office's October 4, 2007 memorandum on this subject. In light of the new federal law and the New York State law passed in 2007, a nursing mother:

- (1) must be given "reasonable break time" to express breast milk for her nursing child up to three years of age. The nursing mother will be given such breaks as frequently as needed.
- (2) must be provided with a room or other location, in close proximity to the work area, other than the bathroom, that is shielded from view and free from intrusion from co-workers and the public where she can express milk in privacy. The Colleges may, at their discretion, choose to make dedicated space(s) available for this purpose.
- (3) who chooses to provide breast milk for her child may either utilize her lunch period and/or other paid break periods, if any, to express milk or take an unpaid break for such purpose. Although not expressly mentioned in either law, if an employee does not have paid break periods, another alternative would be to permit such employee to make up the time she may reasonably need to express breast milk by extending her work day. Please make certain that your Department Chairs and other supervisory personnel are made aware of the requirements of the legislation, so that appropriate accommodations may be made on a case-by-case basis, as needed. You should advise such personnel to consult with the Director of Human Resources should any difficulties arise in complying with the mandates of these laws. The legislation explicitly prohibits discrimination against an employee who chooses to express breast milk in the work place.

If you have any questions regarding the implementation of this workplace legislation, please contact Patricia Stein in the Office of Human Resources at 212-794-5768 or Kathy Raymond in the Office of Legal Affairs at 212-794-5759.

Cc. Kathy Raymond