



Lactation Accommodation Policy

New York Law School (“NYLS” or “the Law School”) provides accommodations to employees who pump breast milk during work hours. This includes the following lactation accommodation policy administered by the Office of Human Resources. NYLS will provide this policy to all current employees and all new employees at the start of their employment, every year thereafter, and to all employees upon their return to work following the birth of a child.

In accordance with the New York City Human Rights Law, NYLS provides reasonable accommodations for employees’ pregnancy, childbirth, or related medical conditions, including accommodations for lactation needs. NYLS also provides reasonable accommodations for employees’ lactation needs consistent with Section 206-c of the New York State Labor Law and under the federal PUMP for Nursing Mothers Act (“PUMP Act”), as applicable.

Before returning from parental leave, an employee may elect to discuss with the Law School whether the employee needs a reasonable accommodation to express breast milk at work.

NYLS will not tolerate discrimination or harassment against any employee based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to Co-Title IX Coordinator Nina Jody, 212-431-2344, njody@nyls.edu; Co-Title IX Coordinator Florence Hutner, 212-431-2876, fhutner@nyls.edu; or Chief Compliance Officer Michael Siller, 212-431-2100, x-4408, msiller@nyls.edu.

Use of Lactation Room

- The Law School’s dedicated lactation rooms are located at C426 and W200. These rooms are available for faculty, staff, and students.
- The lactation rooms are clean; well-lit; free from intrusion and shielded from view of others; contain at least one electrical outlet, a surface to place a pump and other personal items, and a chair; are near running water (i.e., for washing hands and/or cleaning breast pump parts); and can be locked from the inside.
- When more than one employee needs to use each of the designated lactation rooms, NYLS will discuss various options with all employees who use the lactation rooms to determine what arrangement addresses each employee’s needs such that each employee has access to the lactation rooms’ amenities. Options may include: finding an alternative clean space free from intrusion; sharing the spaces among multiple users; or creating a schedule for use. Any accommodation will ensure each employee is afforded a reasonable amount of time to pump.
- Even if the lactation rooms are available, an employee who wishes to pump at their usual workspace will be permitted to do so, so long as it does not create an undue hardship for the Law School.
- Refrigerators are available for employees to store breast milk. However, NYLS is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

Reasonable Time to Express Breast Milk

- NYLS will provide thirty (30) minutes of paid break time for each time an employee needs to express breast milk during working hours for three (3) years following the birth of a child. If an employee needs more than thirty (30) minutes, they may use other paid break or meal time. NYLS will not unreasonably limit the amount of time or the frequency that an employee expresses breast milk. The Law School will speak with the employee to determine a schedule of breaks that reasonably accommodates the pumping needs of the individual employee.
- An employee who uses their break time to express breast milk will be compensated to the same extent and in the same way that other employees are compensated for break time.
- NYLS does not require the employee to work while pumping.

Lactation Accommodation Request Process

- Before an employee returns from parental leave, the Law School will resend this written policy to the employee via email. The employee may then elect to respond with information regarding the need for a reasonable accommodation to express breast milk at work.
- Employees may also independently request a lactation accommodation by contacting the Office of Human Resources in writing at HumanResources@nyls.edu. The written request should indicate that the employee will need accommodations for expressing breast milk at work.
- The Office of Human Resources will respond to a request for a lactation accommodation as quickly as possible. Under no circumstances will this amount of time exceed five (5) business days. During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, NYLS will provide a temporary accommodation to the employee if needed so that the employee can pump in a manner that meets the employee's immediate needs, unless doing so poses an undue hardship for the Law School.
- The Law School recognizes that employees' lactation accommodation needs may change over time. Employees may request changes to their existing lactation accommodation at any point.

Undue Hardship

If NYLS believes that the lactation accommodation requested poses an undue hardship on the Law School, the Law School will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue as quickly as possible, but absolutely no later than five (5) business days from the date of the request. The conversation between the Law School and the employee will be in good faith, may occur orally or in writing, and will conclude with a final written determination of the accommodation granted or denied. This process gives the employee an opportunity to have an open discussion with NYLS about their needs, and the Law School has an opportunity to hear the employee and work with the employee to come up with an appropriate accommodation for that employee.

- For example, if NYLS believes the length of time an employee needs to pump is an undue hardship for the Law School to accommodate, the Law School will engage in a cooperative dialogue with the employee to determine if there is an accommodation, such as an adjusted pumping schedule, or more frequent pumping breaks for shorter periods of time, that addresses the Law School's concerns and the employee's needs.
- During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, NYLS 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.

Additional Resources

The Law School will not discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has exercised their rights under applicable law.

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that the employer is in violation of this policy, the employee should contact the New York State Department of Labor's Division of Labor Standards via telephone at 1-888-52-LABOR, via email at LSAsk@labor.ny.gov, or by visiting the nearest Labor Standards office to personally file a complaint. A list of offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

Under the federal PUMP Act, any covered workers not provided with reasonable breaks and adequate space each time the employee needs to express breastmilk 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. For more information, please visit dol.gov/agencies/whd/pump-at-work.

Use of Lactation Rooms by Students

This Policy applies to NYLS employees only. However, NYLS students who need to pump breast milk while on campus may coordinate access to the Law School's dedicated lactation rooms by contacting the Office of Student Life in writing at studentlife@nyls.edu.