



## **Lactation Support in the Workplace Policy**

Skidmore College will accommodate requests from employees who need to express breast milk during the workday, in accordance with the terms and conditions of this Policy. This Policy covers full-time, part-time, and temporary employees needing to express breast milk during the workday (hereinafter, “covered employees”). This Policy is designed to comply with all applicable laws, including the Fair Labor Standards Act (FLSA) and New York Labor Law § 206-c.

### **Amount and Frequency of Time Needed**

The College will provide a covered employee with reasonable unpaid break or mealtime, or the opportunity to use their available paid break time, to express breast milk. A covered non-exempt employee may work before or after their normal scheduled hours to make up the amount of time used during an unpaid break to express breast milk, provided that the additional work time requested falls within the department’s normal work hours. The duration of a break can vary depending on the personal needs of the covered employee. This shall generally be no less than twenty (20) minutes, and generally no more than thirty (30) minutes depending on the proximity of the designated location for expressing breast milk. The number of breaks that a covered employee will need to take for expression purposes varies depending on the amount of time the employee is separated from the nursing infant and the employee’s physical needs. The College shall provide break time at least once every three hours if requested by the employee.

### **Space and Facilities**

A “lactation room,” as defined under this Policy, means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion, and that includes at minimum:

1. An electrical outlet;
2. A chair;
3. A surface on which to place a breast pump and other personal items; and
4. Nearby access to running water.

Each lactation room shall be well lit at all times through either natural or artificial light. If the room has a window, it shall be covered with a curtain, blind, or other covering to ensure privacy. The College must maintain the safety and cleanliness of a lactation room set aside for the use of employees expressing breast milk at work and ensure such room is free of hazardous materials. To ensure privacy, the room should have a door equipped with a functional lock. If a door with a functional lock is not available, a sign shall be posted advising that the room is in use and not accessible to other employees or the public.

A lactation room shall be in reasonable and close proximity to the employee's work area (i.e., within a walking distance that does not appreciably lengthen the break time). Employees must be able to safely store milk while at work, such as in an insulated food container, personal cooler, or refrigerator. The College is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage and to bring such milk home each evening.

A private or vacant office or other available room may be used as a lactation room, provided that the room/location accords to the standards set forth in this Policy. If a room designated to serve as a lactation room is also used for another purpose, the sole function of the room shall be as a lactation room while the employee is using the room to express breast milk. When an employee is using the room to express milk, the College shall provide notice to other employees that the room is given preference for use as a lactation room.

### **Process of Requesting the Use of a Lactation Room**

Covered employees have a right to request a lactation room. The process for requesting break time to use a lactation room to express milk is as follows:

1. Covered employees may make a request to their supervisor or Human Resources (HR).
2. When considering the employee's request, the employee's supervisor and HR shall consult as necessary and appropriate. The supervisor will respond to the covered employee's request within a reasonable amount of time not to exceed five (5) business days.
3. When two or more covered employees need to use the room at the same time, the employee(s) should contact HR, who will determine the process for the use of the room. HR will discuss options with the employees to determine what arrangement will address each of the employee's needs. Options may include: finding an alternative clean space free from intrusion; sharing the space among multiple users; or creating a schedule for use. Any accommodation will ensure each employee is afforded a reasonable amount of time to pump.

If the covered employee's request to use a lactation room poses an undue hardship, Skidmore's Assistant Director for Employment, Compliance and Workforce Diversity (ADEWD) must provide a written response to the employee and engage in a cooperative dialogue with the covered employee, in accordance with applicable law.

### **Anti-discrimination**

Supervisors and co-workers are reminded to respect and be sensitive to an employee's choice to nurse, as well as to their other efforts to do what they consider best for their child. It is unlawful to discriminate in any way against an employee who chooses to express milk in the workplace. Employees who believe they have been subject to discrimination should report the discrimination immediately in accordance with the procedure set forth in the College's [Anti-Harassment Policies](#).

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