

Legislative Update MAY 2023*

Disclaimer: This Legislative Update contains general information compiled as a service for MVSHRM members. MVSHRM cannot accept responsibility for any errors or omissions or any liability resulting from the use or misuse of any such information. For specific legal advice, please contact counsel. Thank you for your understanding.

NEW YORK EMPLOYERS MUST ACCOMMODATE NURSING PARENTS AT WORK

In addition to break times, New York State employers are required to provide accommodations for nursing parents who need to express (*i.e.*, pump) breast milk in the workplace. Effective June 7, 2023, Labor Law §206-c requires all employers to provide a private room or alternative location, other than a bathroom, for breast milk expression. At minimum, the room or other location must:

- Be close to an employee's work area;
- Provide good natural or artificial light;
- Be private – both shielded from view and free from intrusion;
- Have accessible, clean running water nearby;
- Have an electrical outlet (if the workplace is supplied with electricity);
- Include a chair; and
- Provide a desk, small table, desk, counter, or other flat surface.

Additionally, all employers must permit employees to use reasonable unpaid break time to express breast milk in the workplace. Breaks must be provided at least every three hours if requested by the employee, and must be at least 20 minutes in length.

This law also requires employers to provide a written policy to employees about the rights they have with regard to expressing breast milk in the workplace. A policy prepared by the NYS Department of Labor can be found here: <https://dol.ny.gov/system/files/documents/2023/06/p705-policy-on-the-rights-of-employees-to-express-breast-milk-in-the-workplace-single.pdf>.

Information for employers prepared by the NYS Department of Labor can be found here: <https://dol.ny.gov/system/files/documents/2023/06/p691-to-pump-breast-milk-at-work-information-for-employers.pdf>

Information for employees prepared by the NYS Department of Labor can be found here: <https://dol.ny.gov/system/files/documents/2023/06/p690-your-rights-as-an-employee-to-express-breast-milk-at-work-.pdf>

Source: New York State Department of Labor

* MVSHRM's May 2023 Legislative Update is edited by Joseph A. DeTraglia, Esq., a labor and employment attorney with the Utica, New York law firm Joseph A. DeTraglia, Esq., P.C., who serves as MVSHRM's Legislative Committee Chairperson and as a Past President of the Oneida County Bar Association. He can be reached at 315-790-8822 or at JD@DeTragliaLawFirm.com.