

**TOWN OF CLAYTON
LACTATION POLICY
Revised 6-26-2024**

Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Workplace

Lactation Policy:

The Town of Clayton will accommodate the needs of lactating mothers to express breastmilk during the workday, in accordance with all applicable laws including Section 206-c of the New York State Labor Law and the federal PUMP Act.

Lactation Accommodation Provisions

Reasonable Time to Express Milk at Work

Employees shall be provided thirty (30) minutes of paid break time to express milk while at work for up to three years following the birth of a child. Employees should use usual break and meal periods for expressing milk if additional time for breast milk expression beyond the thirty (30) minutes is necessary. If additional time is needed beyond the provided breaks, employees may use personal leave or may make up the time during the department's normal hours of operation. Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in person. The Town recognizes that the employee's lactation accommodation needs may change over time.

Employees may request a change to their existing lactation accommodation at any time by contacting the Town Supervisor's Office.

A Private Area for Milk Expression

Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk. The room will:

- Be in close proximity to the employee's workstation when possible.
- Have a door equipped with a functional lock or, if this is not possible, the room will have a sign advising that the room or location is in use and not accessible to other employees or the public.
- Be well lit.
- Ensure privacy by covering any windows with a curtain, blind, or other covering.
- Contain at a minimum a chair and a small table, counter, or other flat surface and an electrical outlet.
- Ideally, have nearby access to clean running water and refrigeration.

No employee shall be discriminated against for breastfeeding or expressing milk during the work period, and reasonable efforts will be made to assist employees in meeting their infant feeding goals while at work.

This policy shall be communicated to all current employees and included in new employee orientation training. Any act found to be intentional that invades a nursing mother's privacy shall be treated as a disciplinary offense and reported to the appropriate manager.

Employer Responsibilities

The Town of Clayton will:

- Maintain the general cleanliness (sweeping, vacuuming, dusting, and emptying of garbage) of the room or location set aside for the use of employees expressing breast milk at work.
- Notify employees returning to work following the birth of a child of their rights to express breastmilk at work. This notice will be provided individually to affected employees and to all employees generally through inclusion in the employee handbook.
- Respond to lactation accommodation promptly, and no later than five (5) business days after receipt of the request.
- If the Town of Clayton believes that the lactation accommodation requested poses an undue hardship on the Town, we 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 Town 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.

Employee Responsibilities

Breastfeeding employees utilizing lactation support services will:

- Notify the Town Supervisor's office of the need for lactation accommodation, preferably prior to their return to work following the birth of the child. This will allow supervisors the opportunity to establish a location and work out scheduling issues.
- Maintain the designated area by wiping surfaces with microbial wipes so the area is clean for the next user.
- Ensure the safekeeping of expressed breast milk stored in any refrigerator on the premises. Breast milk can be stored in a general company refrigerator, in a refrigerator provided in the lactation room, or in the employee's personal cooler. Employees who choose to store breast milk in a Town refrigerator are required to label their breast milk and take it home at the end of their shift each day.

Employee Rights

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor's Division of Labor Standards at 1-888-52-LABOR or LSAsk@labor.ny.gov, or they may visit their website at dol.ny.gov/breast-milk-expression-workplace to file a complaint.