

To: Faculty, Staff and Students

From: Office of Equal Opportunity & Diversity Management

Date: April 19, 2019

Re: Lactation Room Policy

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with applicable law, Kingsborough Community College (KCC) supports the rights of nursing mothers at school and in the workplace. KCC is dedicated to accommodating the needs of nursing mothers for break time and a private space to express breast milk on campus. This lactation policy incorporates the new lactation laws in New York City, Int. No. 879-A and Int. No. 905-A, effective March 18, 2019 and supersedes the CUNY Lactation Guidelines promulgated on March 23, 2015. **This policy applies to all CUNY employees and students.**

CUNY is required to provide its employees reasonable break time for up to three years after they give birth to express milk. An employee may exercise her right under this policy by utilizing her paid break or meal periods, or taking unpaid break periods. The employee may also discuss with her supervisor whether it is possible to make up some or all of the lost time by extending her workday. CUNY must provide an employee, upon request, a room or other location, in reasonably close proximity to her work area, where she can express milk in private. At a minimum, the room must include an electrical outlet, a chair, a surface on which a breast pump and other personal items can be placed, nearby access to sink with running water, paper towels and be in close proximity to a refrigerator. Int. No. 879-A requires employers to provide a "lactation room" for employees who need to express breastmilk. The "lactation room" must be a sanitary place, other than a restroom, where employees can express breastmilk "shielded from view and free from intrusion."

KCC has established the following as lactation rooms/spaces:

- **Health Center A-108** **Monday – Thursday 8:00am – 10:00pm**
Friday 8:00am – 9:30pm
Saturday – Sunday 9:00am – 3:00pm
718 – 368 – 5684

- **Women’s Center M-382** **Monday – Friday 9:00am – 5:00pm**
718 – 368 – 4700

These spaces are available to employees and to students, based on availability.

Procedures for Employees

Requests for time off to express milk: Employees should discuss their requests with their supervisors. Such requests can be made orally or in writing. Employees may request reasonable unpaid break time and/or use their paid breaks or meals for this purpose. The employee may also ask her supervisor whether it would be possible for some or all of the time used to express milk to be made up at the beginning or end of the work day. After an employee requests the use of the lactation room/space, the employee should ensure that Human Resources has the necessary information regarding the duration and hours that the employee will be using the lactation room/space.

If an employee requires assistance in requesting time off to express milk, the employee should contact **Human Resources at 718 – 368 – 5436**. In the unlikely event that the designated spaces are not available, employees are advised to contact **Human Resources**, is responsible for finding more than one space that meets the requirements for a lactation room/space, and for deciding which employee will use which room, based on an evaluation of the circumstances.

Responsibilities of Supervisors

Supervisors should grant reasonable requests from employees for unpaid break time and/or the use of paid breaks or mealtimes for lactation, whether requests are submitted orally or in writing. The supervisor must give a written response within five business days. The employee should tell the supervisor approximately when she will need breaks and how long it will take. However, supervisors should be prepared to be flexible. Supervisors should also make their best efforts to comply with reasonable requests by an employee to make up some or all of the time used to express milk at the beginning or end of the work day. All supervisors, including department chairs, should be aware of the requirements of these guidelines so that appropriate accommodation can be made on a case-by-case basis as needed. Supervisors should consult with **Human Resources** should any difficulties arise in complying with these guidelines.

Procedures for Students

Access to lactation spaces: Student will access to the lactation spaces based on availability and on a first-come, first-served basis.

Requests for time away from class to express milk: Students are expected to explain the need for any required classroom absences to their instructors, and to work with their instructors to make up any missed work.

If a student requires assistance in accessing the lactation room/spaces, they should contact the **Office of Student Affairs at 718 – 368 – 5563**.

Responsibilities of Instructors

Instructors are responsible for complying with reasonable requests from lactating students regarding academic adjustments in accordance with these guidelines. For example, instructors should (1) provide students with reasonable time or time away from the classroom to accommodate their lactation schedule; (2) ensure students do not incur an academic penalty for any such breaks they may require; (3) ensure students have the ability to make up any work missed during these breaks. Pregnant and parenting student are protected from discrimination pursuant to Title IX.

Responsibilities of KCC

Kingsborough Community College (KCC) fully supports the rights of nursing mothers at school and in the workplace; and as such, has designated two locations for use of lactating mothers. In the unlikely event that the employee is having difficulty accessing the lactation room/space, **Human Resources** must engage in a cooperative dialogue (interactive process) with the employee regarding other possible workplace accommodations. If a student requires assistance, the **Office of Student Affairs** should address, to the extent possible, any questions or concerns brought by student covered by this policy.

Filing a complaint

Discrimination or retaliation against an employee who chooses to express milk in the workplace is prohibited. Students who exercise their rights to express milk pursuant to these guidelines are also protected from discrimination and retaliation. Employees who wish to make a complaint of discrimination or retaliation should contact the **Chief Diversity Officer at 718 - 368 - 6896** and students who wish to make a complaint of discrimination or retaliation should contact the **Title IX Coordinator at 718 - 368 - 6896**. Complaints or inquiries can also be sent via email to AskOEO@kbcc.cuny.edu and/or Title IX Inquiries@kbcc.cuny.edu.