

NURSING EMPLOYEES – EXPRESS BREAST MILK POLICY

Category: Human Resource Management
Responsible Office: Human Resource Management Office

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POLICY SUMMARY

In compliance with New York State Labor Law Section 206(c) and Section 21.12 of the New York State Department of Civil Service Attendance and Leave Manual, SUNY Buffalo State shall provide reasonable unpaid break time or permit an employee to use paid break time or mealtime to allow an employee to express breast milk for her nursing child each time such employee has reasonable need to express breast milk for up to three years following childbirth. The university shall make reasonable efforts to provide a room or other location, in close proximity to the work area, well lit, shielded from view, and free from intrusion from other persons in the workplace or the public, where an employee can express milk in privacy. The room or location provided for this purpose shall not be a restroom or toilet stall.

POLICY**Using Existing Meal Periods and Paid Rest Breaks**

SUNY Buffalo State is required to permit nursing employees to express breast milk during their meal period and/or paid rest breaks if the employee elects to utilize meal periods and/or paid rest breaks for this purpose. However, an employee cannot be required to use meal periods and/or paid rest breaks for this purpose and may elect to express breast milk at other reasonable times during the work shift.

The policy does not authorize the granting of additional paid break time beyond that already provided by the employer.

Using Unpaid Break Time

Employees may elect to use unpaid break time instead of or in combination with meal periods and/or paid rest breaks. Consistent with State policy on use of leave credits, employees must be permitted to charge appropriate leave credits (credits other than sick leave) during the unpaid breaks.

While the statutory benefit is available to employees within their basic workweek as well as during any additional time worked, including overtime shifts, employees are not permitted to charge leave credits outside their basic workweek. Use of unpaid break time outside the basic workweek does not impact eligibility to earn bi-weekly leave credits.

Eligibility to Earn Leave Credits under the Attendance Rules

Employees who use unpaid break time and do not charge credits during such unpaid break time may be ineligible to earn bi-weekly leave credits.

The Attendance Rules require an employee to be in full pay status for seven separate full days out of ten in a bi-weekly pay period in order to earn bi-weekly leave credits (or a proportionate number of days for

employees scheduled to work fewer than ten days in a bi-weekly pay period). A day on which an employee takes an unpaid break for this purpose, and doesn't charge leave credits during that break, does not count as a day in full pay status for purposes of earning leave credits.

Applicability

This policy applies to all New York State employees.

Procedure

- Employees are required to make advance arrangements to utilize this benefit. Consultation with their supervisor and Human Resource Management, should occur prior to a nursing employee's return to work from maternity/childcare leave.
- Employees are not entitled to absent themselves from their workstations for this purpose without prior approval. Prior approval is normally obtained at the time the initial arrangements are made and a schedule is agreed upon. When an employee needs to change a previously agreed upon schedule, the employee must obtain approval to do so.
- Employees can be required to postpone a scheduled time to express milk for a brief period of time if they cannot be spared.
- Time required to express breast milk includes the time required for the nursing employee to reach and return from the location identified by the agency for expressing milk.
- The amount of time needed to express breast milk may vary and there is no set limit on the number of breaks provided per day. They must, however, be reasonable and approved by the supervisor.
- The benefit is available to employees within their basic workweek as well as during any additional time worked, including overtime shifts.
- An employee who wishes to avail herself of this benefit is expected to give her supervisor reasonable notice and notify Human Resource Management, so that a schedule can be arranged, and a location identified. Normally, this consultation will take place prior to a nursing employee's return to work from maternity/childcare leave. It is also expected that an employee will provide her agency notice when time for expressing breast milk is no longer required. In no event is the benefit available beyond three years from the date of birth of the child.

RELATED INFORMATION

Related Links:

[New York State Labor Law Section 206\(c\)](#)

CONTACT INFORMATION

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REVISION HISTORY

Date of change: 6/4/2024

Brief description of edit: Updated to reflect expanded accommodations per the Governor

Date of change: 03/27/2015

Brief description of edit: Adapted to standard template

APPROVAL

Approved prior to 2016