

## **1 - 14 13 WORKPLACE LACTATION POLICY**

<b>HUMAN RESOURCES</b>	<b>SUBJECT:</b> Workplace Lactation Policy
<b>POLICY AND PROCEDURE MANUAL</b>	
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### **GENERAL POLICY:**

Montefiore Einstein Advanced Care provides accommodations to Associates who express milk during work hours. Montefiore Einstein Advanced Care is aware of the positive health effects of breastfeeding on both mother and child. Consistent with that knowledge and its goal of promoting a culture of health and wellness, Montefiore Einstein Advanced Care provides a lactation-friendly environment and supports Associates who continue to breastfeed and express milk after returning to work. Montefiore Einstein Advanced Care's policy adheres to Section 7 of the Fair Labor Standards Act, as amended by The Patient Protection and Affordable Health Care Act of 2010, and New York State law.

All Associates are responsible for providing a respectful and supportive atmosphere for Associates who express breast milk in the workplace. Montefiore Einstein Advanced Care will not tolerate discrimination against or harassment of Associates who express breast milk in the workplace or who have made a request to do so. Associates who engage in discriminatory or harassing behavior will be disciplined, up to and including termination. Any discrimination, harassment, or violation of this policy can be reported as set forth in HR Policy VI-6, Non-Discrimination and Anti-Harassment (including Sexual Harassment).

A private room and reasonable amount of break time should be provided to Associates to express milk, in accordance with the following guidelines.

### **Lactation Breaks**

Montefiore Einstein Advanced Care will provide reasonable break time for an Associate to express breast milk. Associates are permitted to express milk during their normal breaks and meal periods (see Section 206-c of the New York State Labor Law; HR Policy IV-7, Rest Periods). If an Associate requires alternative or

additional break time (beyond that provided for in our Rest Period policy) to express milk, the Associate should inform their Manager so that arrangements for other reasonable break times can be made. Montefiore Einstein Advanced Care will not unreasonably limit the amount of time or the frequency that an Associate expresses breast milk. Associates can contact Human Resources with any concerns regarding lactation breaks.

#### **Lactation Areas, Request Form and Process**

Associates have the right to request a lactation room. A private room or space, shielded from view and free from intrusion, should be designated and made available for Associates to express milk. Bathrooms, open air cubicles, closets, and shared spaces should not be designated for this purpose. Designated lactation rooms have been established and equipped with an electrical outlet for personal electric breast pump usage, a table, chair(s), trash can, a sink close by for hand washing and rinsing out containers and breast pump parts, and a refrigerator for storage of expressed milk.

Associates must complete a Request for Access and Authorization Form and return it to Human Resources to request access and to be authorized to use a designated lactation room. Associates should submit this Form before their return to work to allow sufficient time for processing. The location of the designated lactation room is contained in the attached Request for Access and Authorization Form.

Associates are individually responsible for keeping the lactation rooms clean and ready for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur. Associates should not leave any personal items, including their personal breast pumps, in the suite when not being personally utilized.

If an Associate works in a location that is not in reasonable proximity to a designated lactation room, they are to engage in a discussion with their Manager to locate a suitable room for their lactation needs. If Associates prefer, and where it does not create an undue hardship for Montefiore Einstein Advanced Care, they may express milk in their own private office or other suitable locations as agreed upon by their Manager. If a suitable location to express milk is not agreed upon after discussion with their Manager, the Associate can contact Human Resources

If the number of Associates that need to use a dedicated lactation room at the same time exceeds the capacity of the lactation room, the affected Associate(s) can inform Human Resources or their Manager of that situation to explore alternative accommodations. Montefiore Einstein Advanced Care will discuss various options with all Associates who use the lactation room to determine what arrangement addresses each Associate's needs such that each Associate has access to a lactation room. 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 Associate is afforded a reasonable amount of time to express breast milk.

#### **Response to Requests**

Montefiore Einstein Advanced Care, including Managers, is to respond to a request for a lactation room or accommodation within a reasonable amount of time not to exceed five business days.

If Montefiore Einstein Advanced Care believes that the request for a lactation room/space or the length of time an Associate needs to pump poses an undue hardship on Montefiore Einstein Advanced Care, Montefiore Einstein Advanced Care shall engage in an interactive dialogue, which can be written or oral, concerning the Associate's accommodation needs; potential accommodations that may address the Associate's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such

potential accommodations may pose for Montefiore Einstein Advanced Care. At the conclusion of the interactive process, Associates will be notified in writing in a Grant or Denial of Reasonable Accommodation Request Form whether the request has been granted, denied or an alternative accommodation will be provided. Human Resources or the Associate's Manager will complete the Grant or Denial of Reasonable Accommodation Request Form. The Associate is to sign the form to indicate receipt of the form and a copy kept in the Associate's departmental file. The template Grant or Denial of Reasonable Accommodation Request Form is available on the Montefiore Einstein Advanced Care Intranet.

Human Resources must approve any denial of a request for accommodation.

See also Human Resources Policy VI-8: Non-Discrimination Against and Accommodation of Individuals with Disabilities (including Pregnancy) for Montefiore Einstein Advanced Care's policy regarding accommodation requests for pregnancy, childbirth, or related medical conditions.

### **Breastfeeding Equipment**

Associates are required to provide their own breast pumps for use in expressing milk during work hours.

### **Breast Milk Storage**

Associates are personally responsible for the storage of their expressed milk. Where provided, milk may be stored in refrigerators provided by Montefiore Einstein Advanced Care and must be clearly labeled with the Associate's name. To ensure the safety of the stored breast milk, it is recommended that the container used to store the milk be sealed in a plastic bag to avoid leakage or contamination. Associates may also bring in small ice chests for storing breast milk.

*All Montefiore Einstein Advanced Care Human Resources policies and practices are guidelines and may be changed, modified or discontinued at any time by Montefiore Einstein Advanced Care's Executive Director or designee, with or without notice. Exceptions do not invalidate the basic policy.*