

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

JUNE 25, 2024

New York State Requires Paid Lactation Breaks

Effective June 19, 2024, New York State Labor Law Section 206-c requires all private and public employers to provide 30 minutes of paid break time for employees to express breast milk when the employee has a reasonable need to express breast milk. Prior to enactment of this law, New York State employers were only required to provide reasonable unpaid break time for breast milk expression.

The New York State Department of Labor (NYSDOL) has issued [FAQs](#) on the amended law. The NYSDOL's guidance provides that break time must be permitted as often as an employee reasonably needs to express breast milk. The NYSDOL has issued a template [Policy on the Rights of Employees to Express Breast Milk in the Workplace](#) which provides:

HOW OFTEN DURING THE WORKDAY CAN I TAKE BREAKS TO PUMP BREAST MILK?

The number of paid breaks an employee will need is unique to each employee. Your employer must accommodate you whenever you reasonably need to take a break to express milk.

Employees must also be permitted to use existing paid break or mealtime if they need additional time for breast milk expression beyond the paid 30 minutes, and employers may not require employees to make up this missed work time. Employees are entitled to paid breaks for breastmilk expression for up to three years following childbirth.

Employers are required to provide all employees [notice](#) of these rights at the time of hire and then annually thereafter. Additionally, notice must be provided when an employee returns from childbirth leave.

Employees must provide reasonable advance notice of their need for lactation breaks. As a reminder, employers must continue to provide a room or other location to express breast milk once an employee submits a written request to their direct supervisor or an individual designated by the employer to process lactation room requests. Employers must respond to lactation room requests in writing within five days.

Lactation rooms must have the following:

- 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

- Provide a desk, small table, counter or other flat surface
- Ability to store pumped breast milk in a refrigerator if one is available

Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

If you have any questions about the information presented in this news alert, please contact [Laura Harshbarger](#), [Lance Willoughby-Hudson](#), any attorney in Bond's [labor and employment practice](#) or the Bond attorney with whom you are regularly in contact.

