

New York City Releases Model Lactation Room Policies

Monday, March 25, 2019

[As we previously reported](#), pursuant to a recent amendment to the New York City Human Rights Law, covered employers must now develop and implement a written policy regarding the provision of a lactation room, to be distributed to all new employees upon hire. Among other requirements, the policy must include a statement that employees have the right to request a lactation room, as well as identify a process by which employees can make such a request.

To that end, the New York City Commission on Human Rights (NYCCHR) has launched a new [website](#) on Lactation Accommodations that includes, among other things, model policies and a model request form that may be used by employers to satisfy their requirements under the new law. The website also includes FAQs on the new requirements, as well as a [“What NYC Employers Need to Know”](#) document, which provide information about the rights and basic needs of employees who need to pump and/or express breast milk.

The following policies are available for download:

- A policy for workplaces with dedicated lactation room(s);
- A policy for workplaces with a multi-purpose room, other than a restroom, that may be used as a lactation room; and
- A policy for workplaces with no available space for a lactation room.

The model policies include a notice and discussion obligation that is not expressly set forth in the law. It would obligate employers to resend the policy to employees before their return from parental leave to request information regarding their need for a reasonable accommodation to express breast milk at work. The policies also make clear that while employers have up to five business days to respond to a request for a lactation accommodation, they should respond “as quickly as possible.”

Employers are not required to adopt the City’s model policies and request form. The documents, however, are indicative of what the agency will find acceptable and compliant in the event of a complaint or investigation. As always, Proskauer attorneys are available to answer questions regarding these new developments.

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