



**The College at Brockport
State University of New**

Category:

Office of Human Resources

Responsible Office:

Payroll

Policy Title:

Nursing Mothers- Express Breast Milk

Policy:

The College shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The College shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy.

Using Existing Meal Periods and Paid Rest Breaks

The College is required to permit nursing mothers 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 the 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.

Upon election of the employee, an employer shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the employer's normal work hours.

However, regular unpaid meal periods used for the purpose of expressing breast milk cannot be made up, by working additional time, since they are not part of the employee's normal work day.

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 biweekly 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 biweekly leave credits.

The Attendance Rules require an employee to be in full pay status for seven separate full days out of ten in a biweekly pay period in order to earn biweekly leave credits (or a proportionate number of days for employees scheduled to work fewer than ten days in a biweekly 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.

Procedure:

- Employees are required to make advance arrangements to utilize this benefit. Consultation with their supervisor and Debbie Thompson, policy coordinator should occur prior to a nursing mother's return to work from child care leave.
- Employees are not entitled to absent themselves from their work stations 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 mother 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.

Forms:

Employee Requests

An employee who wishes to avail herself of this benefit is expected to give her supervisor reasonable notice and Debbie Looney, policy coordinator, so that a schedule can be arranged and a location identified. Normally, this consultation will take place prior to a nursing

mother's return to work from child care 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.