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NYC's New Lactation Room Laws

Employers in New York City now have additional requirements for their employee lactation rooms and lactation policies.

The new laws, which went into effect March 18, 2019, expand the requirements surrounding an employer's obligation to provide a lactation room. Lactation rooms must now be in reasonable proximity to the employee's work site and contain a chair and a flat surface for placing pumping equipment and other personal items. In addition, the City law requires employers to provide:

- A refrigerator suitable for breast milk storage in reasonable proximity to the employees' work area;
- An electrical outlet in the lactation room itself; and
- Nearby access to running water.

Employers who cannot comply must be able to show an undue hardship.

Employers also must have a written policy informing employees about their right to a lactation room and the process by which an employee may request lactation-related accommodations. The policy must:

- Specify how to request a lactation room;
- Require a response from the employer within five business days;
- Implement a procedure for the use of the room by multiple employees, including contact information for any follow up required;
- State that the employer shall provide reasonable break time for an employee to express breast milk consistent with NYS Labor Law section 206-c; and
- State that if the request for a lactation room poses an undue hardship on the employer, the employer shall engage in a cooperative dialogue.

The New York City Commission on Human Rights has released model policies for the City's lactation room law available [here](#). Employers should take steps now to ensure their work area is equipped with the required accommodations. Employers should also develop their

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own policy according to the guidelines detailed by the Commission and provide employees with a compliant lactation accommodation request form.

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