



Legal Update Article

## New York State Department of Labor Issues Updated Materials on Workplace Lactation Rights

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The New York State Department of Labor has issued revised materials, including an updated mandatory model policy, ahead of the June 19, 2024, effective date for the transition of workplace lactation breaks from unpaid to paid in New York.

### Background

Since June 7, 2023, employers in New York State have been required to issue to all employees a mandatory lactation policy released by the Department of Labor. The policy covers various requirements, including, but not limited to, provision of accommodations and reasonable break times to express breast milk.

Previously, under [New York State's Nursing Mothers in the Workplace Act](#) (New York Labor Law § 206-c), New York State required employers to 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 the employee's nursing child for up to three years following childbirth.

The recently enacted [New York State budget for fiscal year 2024](#) converted this unpaid break time for purposes of expressing breast milk into *paid* time. Accordingly, effective June 19, 2024, employers must provide 30 minutes of *paid* break time for expressing breast milk for the employee's nursing child.

## Revised Materials

The New York State Department of Labor has posted revised materials, including an updated mandatory model policy: [New York State Department of Labor's Policy on the Rights of Employees to Express Breast Milk in the Workplace](#).

The primary change covers inclusion of reference to paid break times that requires employers to provide a new notice to employees. Employers must provide the written policy to each employee upon hire and annually thereafter and to employees returning to work following the birth of a child.

## Takeaways for New York Employers

New York State employers must ensure they (1) provide paid break times to employees for expression of breast milk and (2) issue the revised notice when required.

Further, employers should consider how to coordinate the updated New York State Department of Labor's mandatory lactation policy within existing company policies addressing lactation accommodations.

Please contact a Jackson Lewis attorney with any questions.

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