



March 2019

## Effective Soon: NYC Employers Must Provide Lactation Rooms and Related Written Policies

By Carolyn D. Richmond, Glenn S. Grindlinger, and Matthew C. Berger

New York City businesses with 15 or more employees are reminded that by March 17, they must be ready to provide a lactation room upon request and should have a written lactation room policy in place.

As detailed in our [November 1, 2018 Alert](#), the New York City Council in October 2018 passed a package of bills relating to maternal health and family care that included two bills amending the New York City Human Rights Law. Mayor Bill DeBlasio signed these bills into law, creating specific lactation room and related policy requirements.

By March 17, 2019, employers in New York City with 15 or more employees must provide to employees, upon request, a lactation room, which is defined as:

[A] sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water.

The lactation room must be in reasonable proximity to the nursing employee's work area and the employer must also provide employees with a refrigerator suitable for breast milk storage in reasonable proximity to such employee's work area. If providing a lactation room would pose an undue hardship on the

employer, the employer must engage in "a cooperative dialogue" with the employees who would otherwise be entitled to the room.

Additionally, relevant employers in New York City must establish and distribute to all current and new employees a written policy describing their employees' right to request a lactation room and the process by which an employee can request use of a lactation room.

Employers should contact counsel as soon as possible to review their current policies and assist with drafting a new lactation room policy compliant with the new law prior to March 17, 2019.

For more information about this Alert, please contact Carolyn D. Richmond at 212.878.7983 or [crichmond@foxrothschild.com](mailto:crichmond@foxrothschild.com), Glenn S. Grindlinger at 212.905.2305 or [ggrindlinger@foxrothschild.com](mailto:ggrindlinger@foxrothschild.com), or any other member of Fox Rothschild LLP's Labor & Employment Department.