

**TO:** SUNY University Faculty Senate  
**FROM:** UFS Equity, Inclusion & Diversity Committee  
**RE:** Support for Lactating Persons and Lactation Space(s) on All SUNY Campuses  
  
**DATE:** 180<sup>th</sup> Plenary, October 18-20, 2018  
**LOCATION:** SUNY Binghamton  
**RESOLUTION #:** 180-02-01  
**VOTE TALLY:** For: 44; Against: 2; Abstain: 0

## **RATIONALE:**

**WHEREAS** the SUNY Board of Trustees September 10, 2015 Resolution “Diversity, Equity and Inclusion Policy” states in the Guiding Principles that “SUNY’s statutory mission makes clear its responsibility to provide the broadest possible access, fully representative of all segments of the population of New York State”; and

**WHEREAS** the SUNY Board of Trustees September 10, 2015 Resolution commits to “ensur[ing] that services are in place to support retention of faculty and students; and implement programs and strategies to establish a welcoming environment for all”; and

**WHEREAS** to ensure a welcoming environment SUNY needs to provide the opportunity and space for all lactating persons on our campuses; and

**WHEREAS** no lactating person should be forced to request such accommodation as New York State Law clearly states that it is an employer’s responsibility to provide a lactating person a clean, available space; and

**WHEREAS** some SUNY campuses have already successfully and affordably implemented accessible and inclusive lactation spaces; and

**WHEREAS** New York State Labor Law<sup>1</sup> requires employees to have access to lactation spaces within “close proximity” to their “work area.”

## **RESOLUTION:**

**THEREFORE BE IT RESOLVED** that the UFS requests the Chancellor to require all SUNY campuses to implement lactation spaces with proper accommodations<sup>2</sup> consistent with NYS labor law; and

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<sup>1</sup> NYS Labor Law Section 206-C Breastfeeding in the Workplace Accommodation Law (2007)

<sup>2</sup> Accommodations according to the law include ample lighting, comfortable seating, a desk or other flat surface, electrical outlets, a door that locks and a space that is cleaned regularly

**BE IT FURTHER RESOLVED** that all lactation spaces have specific additional amenities recommended by the New York Department of Labor and Labor Standards for these spaces including a small refrigerator and close access to a water source for cleaning and sanitizing pump parts; and

**BE IT FURTHER RESOLVED** that all SUNY employees be treated equally and not be required to clock out for the purposes of expressing breast milk; and

**BE IT FURTHER RESOLVED** that lactation spaces be accessible to all lactating persons, regardless of their gender identity, expression, or presentation; and

**BE IT FURTHER RESOLVED** that SUNY employees wishing to pump in their private office have an option to lock their door and cover their window(s), if applicable; and

**BE IT FURTHER RESOLVED** that SUNY campuses follow New York Department of Labor and Labor Standards' recommended guidelines<sup>3</sup> regarding expression of breastmilk in the workplace; and

**BE IT FURTHER RESOLVED** that a lactation coordinator<sup>4</sup> be designated to facilitate the rules and resolve disputes over the attached policies.

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<sup>3</sup> 1. Providing educational information in the lactation room or area regarding the benefits of breastfeeding and tips on expressing and storing breast milk including posters, newsletters, books, and referral information to health education programs about breastfeeding.

2. Allowing flexible work hours, job sharing, and/or part-time scheduling to accommodate employees with children of nursing age.

3. Providing an easily accessible sink to wash tubing used for pumping breast milk.

4. Allowing lactating [persons] with nursing children attending on-site day care to take breaks to breast feed in lieu of pumping.

5. Providing a listing of lactation consultants whom breastfeeding [persons] could contact for assistance.

6. Including protection for pregnant and breastfeeding [persons] in the company's sexual harassment policy.

7. Designation of a breastfeeding coordinator to allow consistent and coordinated implementation of this benefit in the workplace.

<sup>4</sup> A lactation coordinator should be a volunteer position. Ideally, It should be someone who works close to the lactation room, maintains the key, helps schedule the room, checks on its cleanliness, reports problems to janitorial staff, and helps ensure the campus is aware of the room's availability.