

LACTATION POLICY

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I. PURPOSE

The Metropolitan Transportation Authority is committed to facilitating employees' ability to express breast milk while at work for up to three (3) years after the birth of a child. The MTA is further committed to prohibiting discrimination in the workplace against any employee who chooses to express breast milk in the work place.

II. OBJECTIVE

The objective of this Policy Directive is to ensure that the MTA is in full compliance with the New York State Department of Labor Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place. In accordance with those Guidelines, the MTA will provide reasonable unpaid break time or permit employees to use paid break or meal time each day to allow an employee to express breast milk for their nursing child for up to three (3) years following childbirth, and will make reasonable efforts to provide a room or other location where an employee can express milk in privacy. The guidelines are a supporting document Exhibit A.

III. SCOPE

This Policy Directive applies to all employees, represented and non-represented, of the Metropolitan Transportation Authority, including its current and any future subsidiary or affiliated entities (collectively known as "MTA Agencies" or "MTA"). For represented employees, in the event of a conflict between this Policy Directive and a collective bargaining agreement, the terms of the collective bargaining agreement shall govern. This Policy Directive shall not be read as giving represented employees any seniority or other preferential treatment with respect to job assignments or locations unless otherwise provided in a collective bargaining agreement.

IV. DEFINITIONS

Lactation Room: A clean room or other location, but not a restroom or toilet stall, at an MTA site that is designated for the purpose of expressing breast milk. A Lactation Room should contain a chair, and a small table, desk, counter, or other flat surface. When feasible, the Lactation Room will be well lit; free from intrusion and shielded from the view of others; contain at least one electrical outlet, a surface to place a pump and other personal items; be near a clean water supply; and have the ability to be locked from the inside. If a door with a functional lock is not available, a sign should be posted advising that the room is not accessible to other employees or the public. If a cubicle must be used as a Lactation Room, it will need to be fully enclosed with a partition and not otherwise accessible to the public or other employees while it is in use for expression purposes. The cubicle walls shall be at least seven feet tall to ensure the nursing employee's privacy. If the MTA is unable to provide a room solely dedicated for lactation purposes, another available

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room or location will be provided.

Close Proximity: Close Proximity refers to when an employee can walk between the employee's work location and a Lactation Room without appreciably lengthening the employee's requested break time. If employees routinely work in the field ("field-based employees"), they may use available lactation facilities in close proximity to their location in the field, if available.

Reasonable Break Time: Generally, reasonable break time refers to unpaid time while not performing work duties sufficient to allow an employee to express breast milk, which shall generally be no less than twenty (20) minutes. If no Lactation Room is in close proximity to the employee's work location despite the MTA's reasonable efforts to provide such a Lactation Room, the unpaid time while not performing work duties generally shall be no less than thirty (30) minutes. Employees may elect to take shorter unpaid breaks.

Field-Based Employees: Those employees who do not ordinarily work in an office environment or other fixed physical location. Field-based employees are generally expected to clock in at a fixed location, but their regular job duties routinely take them to one or more remote locations over the course of their working day.

V. POLICY

- A. Employees may take Reasonable Break Time to express breast milk once every three (3) hours, or less frequently as needed, for up to three (3) years following the birth of a child. Reasonable Break Time may be postponed for up to thirty (30) minutes if necessary to secure appropriate coverage of the employee's duties. Employees may elect to express breast milk during any regular paid break(s) or mealtime instead of taking Reasonable Break Time, but they are not required to do so. Non-represented employees may reasonably adjust their work hours to make up their Reasonable Break Time with their supervisors' permission.
- B. MTA will make reasonable efforts to provide Lactation Rooms in close proximity to employees in office and other fixed facilities and in close proximity to locations where field-based employees would be expected to stop over the course of their ordinary working day (e.g., clocking-in locations, break rooms, and locker rooms).
- C. Supervisors (working with Labor Relations and People/Human Resources, as appropriate) have discretion to make reasonable arrangements for employees' breaks, including those employees that are required to clock in and out and may be a distance from a time clock during their breaks.
- D. Employees may express breast milk in any available Lactation Room that is in close proximity to the employee's work location. Field-based employees may use available lactation facilities in close proximity to their location in the field, if available.

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- E. Employees must cooperate with the MTA's efforts to establish suitable Lactation Rooms and provide Reasonable Break Time for the purpose of expressing breast milk.
- F. Employees may utilize MTA refrigerators (if they are available) to store expressed breast milk, but the MTA is not responsible for ensuring the safekeeping of expressed breast milk in any refrigerator on its premises.
- G. Expressed breast milk must be stored in closed containers regardless of the method of storage and employees must take their expressed breast milk home each day.
- H. Employees wishing to use a Lactation Room and/or take Reasonable Break Time must notify their supervisor or an Agency-designated Lactation Room Coordinator at least fourteen (14) working days in advance, ideally prior to the employee returning to work following the birth of a child. Requests to take Reasonable Break Time should include a proposed break schedule.
- I. Discrimination, harassment, or retaliation against employees because they request to express breast milk during the workday, or because they file a complaint of discrimination, harassment, or retaliation concerning such activity is strictly prohibited. Allegations of discrimination, harassment, or retaliation in violation of this Policy Directive should be reported to the Chief People Officer or designee and then forwarded to EEO, if appropriate. All allegations will be investigated promptly and may result in appropriate discipline, up to and including termination.

VI. ESSENTIAL FUNCTIONS

- A. Each Agencies Deputy Chief People Officer shall designate one or more Lactation Room coordinators to assist employees with identifying and scheduling the use of Lactation Rooms, including providing a list of available Lactation Rooms.
- B. Lactation Room coordinators are responsible for developing appropriate ways to manage access to Lactation Rooms and ensure privacy to those using the rooms.
- C. Managers/supervisors are responsible for ensuring compliance with this Policy, and should raise any concerns about availability/time spent under this Policy with their Human Resources/People Business Partner before addressing with the employee.
- D. Employees are responsible for keeping track of their time spent under this Policy, including communicating with their manager/supervisor concerning their availability and whether they need to make up time.

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VII. WAIVER

- A. Unless otherwise indicated in this Policy Directive, the Chief People Officer with the concurrence of the MTA Chief Ethics, Risk & Compliance Officer may grant a waiver to the provisions in this Policy Directive in the best interest of the MTA. Such waiver must be in writing and based on a written request from the employee's Agency Head or their designee.

VIII. POLICY LIFECYCLE

- A. This Policy Directive supersedes and replaces all previous memoranda and policies regarding Lactation and the Expression of Milk in the Work Place.
- B. As with all MTA policies, this Policy Directive does not constitute a contract, express or implied, and the MTA reserves the right to modify or rescind this Policy Directive at its sole discretion at any time.
- C. This Policy Directive will be reviewed every three (3) years and revised, as necessary.

IX. EXHIBITS

Supporting Document – Exhibit A - New York State Department of Labor's Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place