

# UPDATE – NYSDOL PUBLISHES MODEL LACTATION ACCOMMODATION POLICY

*Hodgson Russ Labor & Employment Alert*  
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As we previously [reported](#), New York State recently amended Section 206-c of the New York Labor Law (“Section 206-c”) to expand protections for employees who wish to express breast milk while at work. The amended law, which took effect on June 7, 2023, requires employers to provide a reasonable break “each time [an] employee has a reasonable need to express breastmilk” for up to three years following the birth of a child, and expands upon employer’s obligations to provide a room or other location for expressing breast milk.

The expanded Section 206-c also requires employers to adopt a written policy, developed by the New Department of Labor (“NYSDOL”), regarding the rights of employees to express breast milk in the workplace. Shortly before the amendments took effect, NYSDOL issued a model written policy, which is available [here](#).

The model policy tracks the statutory requirements, inasmuch as it: (1) informs employees of their right to reasonable break time under Section 206-c; (2) specifies the means by which the employee may request a room or other location to express breast milk (and provides detailed information regarding the requirements for the room or other location); and (3) requires the employer to respond to each such request within a reasonable period not to exceed five business days. The model also includes information not mandated by the statute, including an employee’s right to file complaints about alleged violations of Section 206-c, contact information that can be used to file such a complaint, and reference to federal protections for employees who wish to express breast milk.

NYSDOL’s model policy states that it is “the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.” Employers should carefully review the model and consider whether to adopt it or develop their own policy that meets the model’s minimum standard. Employers must provide their adopted policy to each employee upon hire, annually thereafter, and upon return to work following the birth of a child.

Employers with employees in New York City should also be sure to comply with the New York City Human Rights Law, which contains heightened obligations with respect to employees who wish to express breast milk.

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If you have any questions about your obligations as an employer under Section 206-c, please contact [John M. Godwin](#) (716.848.1357), [Charles H. Kaplan](#) (646.218.7513), [Kinsey A. O'Brien](#) (716.848.1287), or any other member of our [Labor & Employment Practice](#).

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