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Reminder: NYS Paid Lactation Break Requirement Effective June 19

Law and the Workplace on **June 18, 2024**

Effective June 19, 2024, the New York State Labor Law ("NYSLL") is amended to require employers to provide 30 minutes of paid break time for breast milk expression.

As we previously reported, the amendment was signed into law as part of New York State's Budget for fiscal year 2025 and provides nursing employees with paid break time for 30 minutes each time such employee has reasonable need to express breast milk for up to three years following childbirth. Employers must allow employees to use existing paid break time or meal time for lactation time needed in excess of 30 minutes.

According to the NYS Department of Labor's updated guidance, employees are entitled to as many 30 minute paid breaks as they need, though employees can take shorter breaks if they choose. Employees also may use their regular paid meal and/or break time (but are not required to do so) or can choose to take lactation breaks right before or right after their regularly scheduled meal or break times. The guidance makes clear that employers cannot require an employee to complete work tasks while expressing breast milk, however, employees may voluntarily decide to do so.

As a reminder, New York employers must maintain a written policy regarding the rights of nursing employees and provide notice to employees upon hire, annually thereafter, and upon return to work following the birth of a child. The Department of Labor's updated model policy is available on its website, here.

Covered employers are encouraged to review their lactation policies and workplace practices to ensure compliance with the new law.

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