

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: 180th 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 Law¹ 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 accommodations² consistent with NYS labor law; and

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

² 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 guidelines³ regarding expression of breastmilk in the workplace; and

BE IT FURTHER RESOLVED that a lactation coordinator⁴ be designated to facilitate the rules and resolve disputes over the attached policies.

³ 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.

⁴ 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.