CHAPTER 67c. NURSING MOTHERS ROOM CONSTRUCTION—
STATEMENT OF POLICY

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Authority
The provisions of this Chapter 67c issued under section 2401.1 of The Administrative Code of 1929 (71 P.S. § 631.1), unless otherwise noted.

Source
The provisions of this Chapter 67c adopted December 21, 2018, effective December 22, 2018, 48 Pa.B. 7781, unless otherwise noted.

§ 67c.1. Purpose.
The Commonwealth complies with Federal and State laws, regulations and policies including but not limited to section 4207 of the Patient Protection and Affordable Care Act (42 U.S.C. §§ 18001—18122 (modifying section 207(r) of the Fair Labor Standards Act, 29 U.S.C. § 207)), which contains requirements for providing accommodations for nursing mothers, and Human Resources Policy HR-WS001, Nursing Mothers Rooms which establishes a Commonwealth-wide policy that accommodates nursing mothers who wish to express breast milk while at work. This chapter establishes standard guidelines for the construction of Nursing Mothers Rooms in Commonwealth buildings.

§ 67c.2. Scope.
(a) This chapter applies to the new construction of Commonwealth-owned buildings, new Commonwealth-leased buildings, and, where feasible, renovations of existing Commonwealth-owned buildings and Commonwealth-leased buildings. Deviations from this policy require the written approval of the Secretary of General Services or his designee. Independent agencies, State-affiliated entities, and State-related institutions are strongly encouraged to implement this policy for any owned or leased buildings not covered by this chapter.
(b) This policy will be incorporated into all Agreements for Professional Services for the design of new and renovated Commonwealth-owned buildings and into the terms of new or amended Commonwealth-leased buildings.

§ 67c.3. Definitions.
The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicates otherwise:

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Capital Projects—Those projects listed in a Capital Budget Project Itemization Act.

Commonwealth-leased buildings—Buildings leased by the Commonwealth of Pennsylvania for use and occupancy by any Commonwealth agency, board or commission over which Department of General Services (Department) maintains the authority to lease under section 2402(d) of the Administrative Code of 1929 (71 P.S. § 632(d)).

Commonwealth-owned buildings—Buildings subject to the control and supervision of the Department as set forth in section 2402(a) of the Administrative Code of 1929 (71 P.S. § 632(a)), Capital Projects administered by all Executive agencies, and Capital Projects that the Department delegates to other agencies or institutions.

Nursing Mothers Room—A private space available to nursing mothers to express breast milk.

§ 67c.4. Nursing Mothers Room Construction policy.
(a) At least one Nursing Mothers Room must be created in all new Commonwealth-owned buildings and Commonwealth-leased buildings. To the extent feasible, at least one Nursing Mothers Room must be included in all renovations of existing Commonwealth-owned buildings and Commonwealth-leased buildings.

(b) The location of Nursing Mothers Rooms will be determined in consultation with the Department based upon the operational needs of the agency or institution.

§ 67c.5. Nursing Mothers Room design requirements.
All Nursing Mothers Rooms created under this chapter must:

(1) Be in a location that complies with the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101–12213). All accessories, equipment, furniture and casework shall be provided and installed to comply with ADA requirements, including but not limited to accessibility clearances and regulations.

(2) Have a minimum square footage of 80 net useable square feet.

(3) Have a privacy latch or locking door hardware, or both so that the door can be locked from the inside.

(4) Provide visual privacy to the space by modifying or covering windows, sidelights and doors.

(5) Provide sound privacy to the space to minimize sound transmission into adjacent spaces, including using sound attenuation insulation if possible.

(6) Include a chair and table, countertop or desk. The chair must be upholstered, cushioned, have armrests, a high back and be of standard seating height.

(7) Provide at least one electrical duplex outlet next to where the individual will be seated.

(8) Contain a waste receptacle.
(9) Meet standard office level illumination and ventilation requirements.
(10) Not be a restroom, toilet stall, storage room or janitor’s closet.

§ 67c.6. Nursing Mothers Room design recommendations.
Nursing Mothers Rooms created under this chapter should:

(1) Provide a sink within the Nursing Mothers Room or be adjacent to a kitchenette, breakroom or women’s restroom with a sink installed in casework to provide the space necessary to clean equipment and containers.
(2) Contain a refrigerator.
(3) Contain additional electrical outlets throughout the room for greater flexibility in room use/furniture placement, including GFI outlets near any sink locations.
(4) Contain a paper towel and soap dispenser, or if the room does not contain a sink, a wet wipe dispenser.
(5) Contain outlets for voice/data access to allow for possible multipurpose use.
(6) Contain a mirror, preferably full-length.
(7) Include lockers or other facilities to store personal items and equipment.
(8) Contain a coat hook.
(9) Contain exterior hardware that displays the word “occupied” when the door is locked.