

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 67c]

Nursing Mothers Room Construction

The Department of General Services (Department), under the authority of section 2401.1 of The Administrative Code of 1929 (71 P.S. § 631.1) adds Chapter 67c (relating to nursing mothers room construction—statement of policy) to read as set forth in Annex A.

Section 2401.1(1) of The Administrative Code of 1929 provides the Department with the powers and duties as to new construction, alteration and repairs over \$25,000 base cost. Section 2401.1(2) of The Administrative Code of 1929 provides the Department with the exclusive authority over all construction of capital public improvement projects passed in a Commonwealth Capital Budget or other legislation, and defines public improvement projects to include public buildings for the use of the Commonwealth, State arsenals, armories military reserves, State airports, State institutions of every kind and character, and State-related educational institutions. Section 2401.1(3) of The Administrative Code of 1929 provides the Department with exclusive authority over all Commonwealth repair projects which cost in excess of \$25,000 funded by appropriations in the operating budget. Section 2401.1(5) of The Administrative Code of 1929 authorizes the Department to carry out all construction activities which cost in excess of \$25,000 including all aspects of project management, design and construction, such as preplanning and estimating, legal and administrative services, planning, actual construction, repair and alteration or addition to existing facilities. Section 2401.1(9) of The Administrative Code of 1929 requires the Department to formulate and establish minimum specifications and standards for construction, room design, materials and utilities for all projects to be constructed by or the construction of which is subsidized in whole or in part by the Commonwealth and to be used by any department, board, agency, commission, or State-supported institution, agency or project.

Section 2402(d) of The Administrative Code of 1929 provides the Department with the powers and duties to contract in writing for and rent proper and adequate offices, rooms or other accommodations outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings.

Based on the powers and duties in sections 2401.1 and 2402 of The Administrative Code of 1929, the Department is adding Chapter 67c, which establishes guidelines for the design and implementation of Nursing Mothers Rooms, which are private spaces available to nursing mothers to express breast milk.

Chapter 67c applies to the new construction of Commonwealth-owned buildings and new Commonwealth-leased buildings, and, where feasible, renovations of existing Commonwealth-owned and leased buildings. The policy in Chapter 67c 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 leased Commonwealth buildings.

Chapter 67c requires at least one Nursing Mothers Room to be created in all new Commonwealth-owned and leased buildings. To the extent feasible, at least one Nursing Mothers Room must be included in all renovations of existing Commonwealth-owned and leased buildings.

Fiscal Impact

This statement of policy will result in an additional cost of approximately \$20,000 per Nursing Mothers Room for all new construction or renovation projects of Commonwealth-owned buildings subject to the policy in Chapter 67c, a rent increase of \$2,000 annually per Nursing Mothers Room for all new construction of Commonwealth-leased buildings subject to this statement of policy, and a rent increase of \$1,477 annually for renovations of existing Commonwealth-leased buildings subject to this Policy.

Paperwork Requirements

This statement of policy will not result in an increase in paperwork for individuals or entities.

Effective Date

This statement of policy is effective upon final publication in the *Pennsylvania Bulletin*.

Contact Person

Specific questions regarding information in this statement of policy may be directed to Mary W. Fox, Assistant Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, 401 North Street, Harrisburg, PA 17120.

CURTIS M. TOPPER,
Secretary

(Editor's Note: Title 4 of the Pennsylvania Code is amended by adding statements of policy in §§ 67c.1—67c.6 to read as set forth in Annex A. This statement of policy is effective upon publication in the Pennsylvania Bulletin.)

Fiscal Note: 8-31. (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

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

Sec.

- 67c.1. Purpose.
- 67c.2. Scope.
- 67c.3. Definitions.
- 67c.4. Nursing Mothers Room construction policy.
- 67c.5. Nursing Mothers Room design requirements.
- 67c.6. Nursing Mothers Room design recommendations.

§ 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 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:

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

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.

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 maintains the authority to lease under Section 2402(d) of the Administrative Code of 1929 (71 P.S. § 632(d)).

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

§ 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 (ADA). 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.

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