

## Human Resources Policy

### *Nursing Mothers Rooms*

<b>HRP Number</b> HR-WS001	<b>Effective Date</b> February 14, 2018
<b>Category</b> Workforce Support	<b>Supersedes</b> None
<b>Contact</b> 717.787.8575	<b>Scheduled Review</b> February 2019

#### 1. Purpose

This Human Resources Policy is to establish in Commonwealth-wide policy the previously released 2010 Guidelines for Nursing Mother that accommodates nursing mothers who wish to express breast milk while at work by providing standard guidelines agencies are to follow in identifying and establishing Nursing Mothers Rooms, and the treatment of time spent expressing breast milk.

#### 2. Scope

This Human Resources Policy (HRP) applies to all departments, boards, commissions, and councils under the Governor's jurisdiction for human resources management. Agencies not under the Governor's jurisdiction are strongly encouraged to follow this HRP.

#### 3. Background

Section 4207 of the Patient Protection and Affordable Care Act of 2010 (PPACA) amended Section 7 of the Fair Labor Standards Act (FLSA). PPACA requires that employers are required to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk." PPACA also requires that employers provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

This Administration is committed to supporting nursing mothers, and recognizes that many agencies have already established Nursing Mothers Rooms, while others have accommodated nursing mothers on a case-by-case basis in the past. This policy is to remind agencies of the guidelines that they are to use when establishing Nursing Mothers Room to ensure compliance with the law, and to encourage agencies without

dedicated Nursing Mothers Rooms to consider establishing them. The policy also establishes that all nursing mothers are to be afforded the same treatment regardless of the age of their child.

**4. Policy**

The Secretary of the Office of Administration hereby directs Commonwealth agencies to identify and establish Nursing Mothers Rooms and treat employee time to express breast milk as follows:

- a.** A private space must be made available to nursing mothers to express breast milk. This space cannot be a restroom. The space must be free from intrusion of coworkers and the public.
- b.** Ideally, the space should provide adequate lighting, ventilation, seating, a sink and an electrical outlet. If a space meeting these exact specifications is not available, the agency may identify a space such as a vacant office or conference room that could provide the necessary privacy.
- c.** Agencies that need assistance in finding appropriate space should contact the building manager (for state owned buildings) or the Department of General Services' Bureau of Real Estate (for leased buildings).
- d.** Employees are permitted to use their 15 minute breaks and meal periods to express breast milk. Managers and supervisors should be flexible in allowing employees to adjust the break times and meal periods as needed.
- e.** In the event that an employee needs time beyond the break and meal period, managers and supervisors should approve additional annual, personal or combined leave, or regular leave without pay. Such time will not reduce entitlements to parental absences.

Nothing in this HR Policy shall be construed to impair or otherwise affect the authority by law to an executive department, agency, or the head thereof. This HR Policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents or any other person.

Should you have any questions or require additional assistance related to the implementation of this policy, please contact the Bureau of Workforce Support at 717.787.8575.

**5. Effective Date**

The Effective Date of this HR Policy is February 14, 2018.

**6. Related References**

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HR Policies are published on the Office of Administration’s public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>

**7. Publication Version Control**

It is the user’s responsibility to utilize the latest version of this publication, which appears on <http://hrm.oa.pa.gov> for Commonwealth personnel and on the Office of Administration public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>. Questions regarding this publication are to be directed to 717.787.8575.

This chart contains a history of this publication’s revisions:

Version	Date	Purpose of Revision
Original	02/14/2018	Base Document