



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

**STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR**

Executive Order 2019-08

An order promulgating an Infants in the Workplace Policy for the Executive Branch

WHEREAS, research shows that allowing a parent and infant to remain together in the earliest stage of life supports critical bonding, healthy infant brain development, and parental well-being; and

WHEREAS, allowing eligible employees to bring infants into the workplace benefits both the employer and the employee parent/guardian in that it allows for more continuity of work, decreases time loss, supports a positive work-life balance, and increases employee engagement and job satisfaction; and

WHEREAS, on average, child care costs for an infant are 61% more than costs for a preschooler¹; and

WHEREAS, policies allowing eligible employees to bring infants into the workplace have been successfully implemented in the states of Arizona and Vermont; and

WHEREAS, New Hampshire state employees can benefit from a policy that allows eligible employees to bring their infant children between the ages of six weeks and six months to work.

NOW THEREFORE, I, CHRISTOPHER T. SUNUNU, GOVERNOR of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution, do hereby promulgate an Infants in the Workplace Policy for the State of New Hampshire Executive Branch (policy attached as Exhibit A to this Order).

Given under my hand and seal at the Executive Chambers in Concord, this 9th day of December, in the year of Our Lord, two thousand and nineteen, and the independence of the United States of America, two hundred and forty-three.

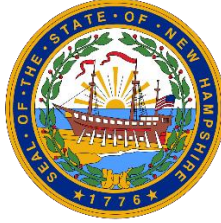

GOVERNOR OF NEW HAMPSHIRE

¹ <https://www.americanprogress.org/issues/early-childhood/reports/2018/11/15/460970/understanding-true-cost-child-care-infants-toddlers/>

EXHIBIT A

EXECUTIVE BRANCH INFANTS IN THE WORKPLACE POLICY

ATTACHED



New Hampshire's Infants-In-the-Workplace Policy

BACKGROUND, PURPOSE AND POLICY STATEMENT:

This program provides employees who need or wish to return to the workplace following the birth, adoption, or foster placement of an infant the option of bringing their infants to work for the first six months of the infant's life.

This key policy benefits families and employers. It provides parents an option to remain in the workforce, improves employee retention, optimizes parent-infant bonding and breastfeeding, and improves the health of parent and baby. The attachment of an infant to their parents plays a critical role in feelings of security and trust and affects social and communication skills throughout childhood and into adulthood. Having an infant in close proximity to a parent can play an important role in ensuring the baby's individual needs are accurately interpreted and met.

The purpose of this policy is to set forth and clarify in detail a program of the State of New Hampshire to allow state employees working in state agencies/departments that have elected to participate, the option of bringing their infant children into the workplace. Under this policy, eligible parents and legal guardians of infants between the ages of six (6) weeks and six (6) months old may bring their child to work, so long as:

- The state agency/department has elected to participate
- The employee receives prior written authorization from their Agency's Human Resource Officer
- The employee has completed an individualized plan for the infant and shares that plan with their agency's Human Resource Officer
- There is no safety hazard or concern to the parent or the infant; and
- There is limited disruption in the workplace.

This policy sets forth and addresses the three (3) key components of the New Hampshire's Infant-in-the-Workplace Initiative:

- The logistics of a successful program;
- The facilities and operational requirements of the program; and
- The limitations and expectations of the program

Further, this policy is designed to:

- Clarify the economic case for why the program is beneficial to both the State of New Hampshire, as employer and to state employees with infants; and
- Ensure that employees and their infants participating in the program are safe and that employees are productive at work.

DEFINITIONS

Human Resource Officer: the state employee tasked with overseeing Human Resource systems, handling employee relations, ensuring compliance with regulations, and designing training programs within a state agency or department.

Infant: a child who is between the ages of (6) weeks and six (6) months of age.

Parent: a classified, unclassified, or nonclassified employee of the State of New Hampshire Executive Branch, who is a mother, father, biological or otherwise, foster parent, or legal guardian to an infant as defined in this policy. Unless legally appointed or otherwise given special permission by the applicable agency's human resource officer, a grandparent, brother, sister, aunt, uncle, any other family member and guardian ad litem do not qualify as a "parent."

Care Provider: is a state employee selected by the Parent who meets the requirements of this policy and agrees to provide infrequent care for the infant when necessary due to the temporary unavailability of the Parent. The Care Provider may not be a direct or an indirect subordinate of the Parent.

Program: the State of New Hampshire's New Hampshire's Infant-in-the-Workplace Initiative established and governed by this policy.

POLICY:

A. New Hampshire's Infant-in-the-Workplace Initiative is designed to accommodate an employee's participation in the program while accounting for work time appropriately.

Participation in the program is restricted to Parents (as defined in this policy) in those Agencies/Departments that have elected to participate in the program.

The Program allows Parents to provide care for their Infant while performing job duties. In coordination with their agency's Human Resource Officer, the Parent may use earned paid time off to accommodate excessive loss of productivity.

B. Prior approval must be obtained from the employee's agency's Human Resource Officer in the following manner.

Parent: Employees wishing to participate as a Parent must submit the signed Parent Agreement and Parent's Liability Waiver to the agency's Human Resource Officer at

least thirty (30) days prior to the first anticipated day of participation in the Program.

The agreements must be approved by the Parent's agency's Human Resource Officer prior to bringing the Infant into the workplace. If the Parent's job responsibilities or work conditions change, the agreement must be updated and reviewed.

Alternate childcare arrangements must be in place prior to participation in the program, in the event that the program proves not to work for the Parent or Infant. Additionally, day care or other arrangements must be in place by the time the Infant reaches six (6) months of age.

Parents currently involved in corrective or disciplinary action may not be eligible and employees who have not completed their six months' of their probation period are not eligible to participate.

Care Provider: Employees wishing to participate as a Care Provider must complete and sign a Care Provider Agreement, agreeing to the Care Provider's duties and responsibilities and a Waiver of Liability, in favor of the State of New Hampshire.

The Care Provider's Agreement must be approved by the Care Provider's agency's Human Resource Officer. If the Care Provider's job responsibilities or work conditions change, the agreement must be updated and reviewed. Factors including funding restrictions for grant funded positions must be taken into account.

The Care Provider is not entitled to additional time off from the workday or eligible to receive overtime pay as a result of being a Care Provider.

A Care Provider may not simultaneously participate in the program as a Parent bringing his or her infant to work and as a Care Provider for another Parent's child. Care Providers may not be a subordinate employee to the Parent. Employees currently involved in corrective or disciplinary action may not be eligible and employees who have not completed their six months' probation period are not eligible to participate.

C. The Parent or Care Provider's participation in the Program is at the sole discretion of the employer and may be ended at any time.

- 1.) Approval to participate: The employer reserves the right to deny a parent's participation in the Program. The agency's Human Resource Officer are to consider whether the Parent is appropriate for participation in the Program based upon their job performance history and record of workplace conduct. The Human Resource Officer, in consultation with the Commissioner of their respective Department or agency, is to consider whether the job description and work responsibilities of the Parent are appropriate for participation in the Program. Should the employer deny a Parent's participation in the program, they

must provide the Parent with a written explanation giving the reasons for the denial.

Participation in the program will only be considered for those working in a safe and suitable setting.

- 2.) Agreement termination: The employer, through the agency's Human Resource Officer with the approval of the Commissioner shall have the right to terminate an employee's participation in the Program as a Parent or Care Provider at any time, upon written notice explaining the reasons for the termination five (5) business days prior to the termination.

A Parent or Care Provider may terminate their participation in the Program at any time. Participation in the Program shall automatically end upon the Infant attaining the age of six (6) months.

- 3.) Appeal of a denial or termination: The Parent may appeal his/her denial to participate or termination in the Program.

Appeals shall be presented in writing within five (5) business days to the Commissioner of the respective Departments or agencies. The Commissioner shall make a determination within five (5) business days and the Commissioner's decision shall be final.

D. Habitually disruptive or sick infants are not permitted in the workplace:

The Parent must be sensitive to the needs of others, maintain acceptable work performance and ensure that the presence of the Infant does not create habitual disturbances in the workplace.

If an Infant becomes noticeably fussy, loud, or uncontrollable for a prolonged period of time, or exhibits behavior that causes a distraction in the workplace or prevents the parent and/or other employees from accomplishing their work, the parent must find an alternate private area to calm the infant. If a Parent must leave the work area to address the situation, all otherwise applicable Personnel Policies and/or applicable Collective Bargaining Agreement(s) regarding the use of paid leave or unworked time must be followed.

For purposes of this Policy, Infants shall not be permitted in the workplace when they are ill. If the Infant becomes sick during the day, the Infant must be taken home.

Any complaints regarding habitually disruptive infants must be made in writing, signed by the individual making the complaint and submitted to the Parent's immediate supervisor and agency Human Resource Officer. The employee, supervisor, and agency Human Resource Officer shall meet to discuss the complaint and determine how

resolution may be accomplished. If problems arise that cannot be resolved, the Parent understands that their participation in the program may be ended.

E. Parents participating in the Program are required to comply with current New Hampshire statutes and regulations governing child immunizations and school attendance with respect to their Infants, but only with respect to those immunizations recommended for Infants six (6) weeks to six (6) months of age.

Current recommended immunization schedules are published by the CDC and are available at www.cdc.gov/vaccines. Infants should be vaccinated no later than seven (7) days following the ACIP recommended ages for vaccination.

Proof of compliance with this policy shall be provided to the agency's Human Resource Officer.

F. The Infants shall be located primarily at the parent's workstation.

The Infant shall not be brought to meetings unless approved in advance by the agency's Human Resource Officer and the meeting organizer. Meeting attendees should be notified in advance in the Infant will be present and any accommodations for the infant must not materially or permanently impact the meeting space.

Each Parent must provide the necessary furniture and equipment suitable for the Infant's needs and make sure the equipment is not disruptive. All furniture and/or equipment provided by a Parent must meet current applicable United States Product Safety Commission standards.

Diaper changes and disposal must take place only in a restroom. The employer will provide at least one diaper changing station in their facility. Parents must provide their own sealed diaper container for disposal of diapers, and such contained may be disposed in trash receptacles located in facility rest rooms for ultimate disposal by maintenance personnel.

Parents shall not travel with the Infant while driving or riding in a state-owned or leased vehicle or while conducting state business.

G. Supervisors must allow lactating mothers flexible schedules to breastfeed and/or express milk:

Parents participating in the Program who are breastfeeding their Infants will be provided with reasonable time to breastfeed their Infants and with a reasonable accommodation to provide appropriate private space for breastfeeding, consistent with applicable state and federal laws.

H. The Collective Bargaining Agreement (CBA) supersedes specific provisions of this policy.

For employees covered by a CBA, the applicable CBA supersedes this policy in the event of any conflict.