

INFANTS IN THE WORKPLACE

Number 13.13

Effective Date: February 1, 2019

Supersedes: N/A

Applicable to: All exempt, classified and temporary employees of the State of Vermont Executive Branch, who are parents, as defined in this policy, of infant children between six (6) weeks and six (6) months of age.

Issued By: Department of Human Resources

Approved by: Susanne Young, Secretary of Administration 

BACKGROUND, PURPOSE AND POLICY STATEMENT

The purpose of this policy is to set forth with clarity and in detail a program of the State of Vermont to allow state employees working in those agencies/departments that have elected to participate, the option of bringing their infant children into the workplace. This program provides the opportunity for employees who need or wish to return to work after the birth, adoption, or foster placement of infants. 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. 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. 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 employee receives prior written authorization from his/her supervisor, Appointing Authority, the Commissioner of the Department of Human Resources, or his/her designee; and the Commissioner of the Department of Buildings and General Services or his/her designee.
- 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 Infants in the Workplace program:

- The logistics for 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 business case for why the program is beneficial to both the State of Vermont, 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 while at work.

DEFINITIONS

Appointing Authority is the officer, board, or person authorized by statute, or lawfully-delegated authority to appoint and dismiss employees of the State of Vermont.

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.

Commissioner/DHR is the Commissioner of the State of Vermont Department of Human Resources or his/her designee for purposes of this policy.

Commissioner/BGS is the Commissioner of the State of Vermont Department of Buildings and General Services; or his/her designee for the purposes of this policy.

Infant is a parent's dependent who is between six (6) weeks and six (6) months of age.

Parent is an exempt, classified or temporary employee of the State of Vermont Executive Branch, who is a mother, father, biological or otherwise, or legal guardian to an infant as defined in this policy. Unless legally appointed, a grandparent, brother, sister, aunt, uncle, any other family member and guardian *ad litem* do not qualify as a "parent".

Program is the State of Vermont's Infants in the Workplace program established and governed by this policy.

Supervisor is the state employee having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline the parent or responsibility to direct the parent or to adjust the parent's grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

POLICY

A. Infants in the Workplace 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 Supervisors, the Parent or Care Provider may flex their work hours or use earned paid time off to accommodate excessive loss of productivity.

B. Prior approval must be obtained from the employee's Supervisor, the Appointing Authority, the Commissioner/DHR and the Commissioner/BGS, in the following manner.

Procedure for Application for Participation in the Program

1. Parent

Employees wishing to participate as a Parent must submit the signed Parent Agreement, Care Provider Agreement, Parent's Liability Waiver and Care Provider's Liability Waiver to the Parent's Supervisor 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 Supervisor, the Appointing Authority, the Commissioner/DHR and the Commissioner/BGS, 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.

2. 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 Vermont.

The Care Provider's agreement must be approved by Care Provider's supervisor and the Appointing Authority. If the Care Provider's job responsibilities or work conditions change, the agreement must be updated and reviewed.

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

1. Approval to participate

The employer expressly reserves the right to deny an employee's participation in the Program. The Supervisor and the Appointing Authority are to consider whether the Parent and the Care Provider are appropriate for participation in the

Program based upon their job performance history and record of workplace conduct. The Commissioner/DHR is to consider whether the job description and work responsibilities of the Parent and the Care Provider are appropriate for participation in the Program. The Commissioner/BGS is to consider if the requesting Parent's and/or Care Provider's work conditions are suitable for participation in the Program. Participation in the Program will only be considered for those working in a safe and suitable setting.

The employer's determination as to the Parent and Care Provider's participation in the Program shall be made within fourteen (14) days of the submission of completed application documents by the Parent. In the event that the Parent is approved for participation in the Program, but the Care Provider is not approved, the Parent shall be permitted to propose an alternate Care Provider.

The Parent and the Supervisor shall meet as needed to assess the effectiveness of the agreement.

2. Agreement termination

The employer, through the Supervisor with the approval of the Appointing Authority shall have the right to terminate with or without cause an employee's participation in the Program as Parent or Care Provider, upon reasonable notice, at any time. Termination of a Parent or Care Provider's participation in the Program may, under certain circumstances, be implemented without any prior notice.

A Parent or a 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 or if younger than six (6) months and has reached a developmental milestone that no longer allows the infant to remain at the workplace without being disruptive to the work environment.

3. Appeal of a denial or termination

The Parent may appeal his/her or the care provider's denial to participate or termination of participation in the Program.

Appeals shall be presented in writing within five (5) business days to the Commissioner/DHR. The Commissioner/DHR shall make a determination within five (5) business days and the Commissioner/DHR's decision shall be final.

D. Sick or disruptive infants are not permitted in the workplace.

For purposes of this Policy, Infants shall not be permitted in the workplace when they are ill. The provisions of the State of Vermont, Agency of Human Services, Department of Children and Families Child Care Licensing Regulations adopted pursuant to 33 V.S.A. § 105(b), governing exclusion of children from licensed Child Care Facilities, specifically Sec. 5.3.3 of the Regulations and Appendix A thereto, shall apply to Program participants. Other situations that may require the Parent to remove the Infant from the workplace or from the Program are:

- The Infant causes prolonged distractions; or
- The Infant prevents the parent or their care provider from accomplishing work.

If a Parent must leave work 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.

E. Parents participating in the Program are required to comply with current Vermont statutes and regulations governing child immunizations and school attendance with respect 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.

Referenced Vermont statutes and regulations are 18 V.S.A. § 1121 *et. seq.* and Agency of Human Services, Department of Health Regulations adopted pursuant thereto.

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

The Infant should not be brought to meetings unless approved in advance by the Supervisor and the meeting organizer. Meeting attendees should be notified in advance if the Infant will be present.

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.

A facility manager from the Department of Buildings and General Services shall inspect the Parent's workstation to ensure the workstation with the Infant's furniture and equipment in place does not present a safety hazard.

Diaper changes and disposal must take place only in a restroom. The employer, through the Department of Buildings and General Services, will provide diaper changing stations. Parents must provide their own sealed diaper container for disposal of diapers, and such containers may be disposed of in trash receptacles located in facility rest rooms for ultimate disposal by BGS 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.

This policy facilitates breastfeeding which, research shows, improves lifelong health. 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 Vermont's labor law, 21 V.S.A Sec. 305.

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.

Approved:



Susanne Young
Secretary of Administration

1/28/19
Date