



# State of New Hampshire

65

DEPARTMENT OF ADMINISTRATIVE SERVICES  
OFFICE OF THE COMMISSIONER  
25 Capitol Street – Room 120  
Concord, New Hampshire 03301

Charles M. Arlinghaus  
Commissioner  
(603) 271-3201

Joseph B. Bouchard  
Assistant Commissioner  
(603) 271-3204

February 9, 2018

His Excellency, Governor Christopher T. Sununu  
And the Honorable Executive Council  
State House  
Concord, NH 03301

## REQUESTED ACTION

Pursuant to RSA 21-I:14, I and RSA 541-A:1, XV, the Department of Administrative Services (DAS) requests approval of a new chapter of the Department of Administrative Services Manual of Procedures (“DAS MOP”), DAS MOP 151 (“Governor and Executive Council Policies”), effective upon Governor and Council approval, and inclusion in that chapter of a policy identified as Governor and Executive Council Policy 2018-001. The text of the proposed chapter and “Governor and Executive Council Policy 2018-001” is found in Attachment A to this request.

## EXPLANATION

RSA 21-I:14, I provides that the Commissioner of Administrative Services is to adopt a comprehensive uniform system of state financial management described in RSA 21-I:13, XV and XVI in the form of a manual, to be updated and revised as the Commissioner deems necessary, to explain procedures applicable to all executive branch state agencies, officers and employees. Topics addressed in the Manual of Procedures include, but are not limited to, those items listed in RSA 21-I:14, I (b)(1) through (12), as well as topic areas relating to agency annual or biennial reports as described in RSA 21-I:14, IX. Pursuant to RSA 21-I: 14, I(a) and RSA 541-A: 1, XV, the Manual’s provisions are not administrative “rules” that must be adopted by way of the formal rulemaking procedures of RSA 541-A, but executive branch agencies must nonetheless abide by the requirements of the MOP.

RSA 21-I: 14, I (b) (4) specifically provides that the Manual may “[t]o the extent deemed necessary by the commissioner, set forth standards, practices, procedures, policies, protocols, guidelines, specifications, instructions, directives, requirements, or descriptions of requirements related to the financial management of the state, including but not limited to . . . Governor and council actions.” In the past, the Council has approved inclusion of its general policies in the Manual. See e.g. DAS MOP 150, VII. The adoption of MOP 151 as requested here will establish one specific chapter of the Manual into which general policies of the Council may be placed. See Attachment A.

His Excellency, Governor Christopher T. Sununu  
And the Honorable Executive Council  
February 13, 2018  
Page 2 of 2

The Council recently indicated that it wishes to incorporate existing executive branch policy on sexual harassment as a policy of its own and accordingly drafted a document to that effect for inclusion in the Manual of Procedures. The Department of Administrative Services prepared a draft of a new Chapter of the Manual for inclusion of such Executive Council policies in one location and included in it the policy that it was provided (identified in Attachment A as Governor and Executive Council Policy 2018-001).

By approving this requested action, the Council would not only approve the creation of a new chapter of the Manual of Procedures (MOP 151) that is designed to house Council policies but would adopt the document entitled "Incorporating Existing Executive Branch Policy" (the policy on sexual harassment provided to DAS by the Council and identified by DAS as Governor and Executive Council Policy 2018-001) as part of the Manual.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ch Arlinghaus", written in a cursive style.

Charles M. Arlinghaus  
Commissioner

Enclosure

# DAS MANUAL OF PROCEDURES

## *EXECUTIVE AND LEGISLATIVE BRANCHES*

### MOP 151 Governor and Executive Council Policies

#### **I. Incorporation of Governor and Executive Council Policies**

- A. The following policies adopted by the Governor and Executive Council are hereby incorporated into this chapter of the Manual of Procedures:
1. Governor and Executive Council Policy 2010-001, "Audio Recording of Meetings of the Governor and Executive Council." The text of this document may be found at DAS MOP 150, VII., A. 1.
  2. Governor and Executive Council Policy 2018-001, Incorporation of Existing Executive Branch Policy on Sexual Harassment, the text of which is as follows:

**INCORPORATING EXISTING EXECUTIVE BRANCH POLICY**

**Statement of Purpose and Adoption of the State of New Hampshire Policy on Sexual Harassment:** The Executive Council is committed to creating and maintaining a work environment free from intimidation, hostility, or other offenses that might interfere with the performance of State duties. The Executive Council does not tolerate harassment or discrimination by its members and, consistent with existing New Hampshire Executive Branch policies, also prohibits acts of harassment or discrimination against volunteers, interns, employees, and members of the Executive Council and against others who come before the Executive Council. This policy applies to all Executive Councilors and interactions between or among them, as well as interactions between or among Executive Councilors and volunteers, interns, and employees of the Executive Council or between Executive Councilors and third parties who come before the Executive Council, including appointees, vendors, lobbyists, and the public.

It is the goal of the Executive Council to set an example and promote a governmental workplace that is free of sexual and other forms of harassment and discrimination without regard to whether the Executive Council must legally comply with relevant state and federal laws.

As such, the Executive Council hereby adopts the State of New Hampshire Policy on Sexual Harassment, as issued by Executive Order 2006-9, including the policy statement (I), statement of prohibited conduct (II), and retaliation prohibited (III (C)). See <https://das.nh.gov/hr/sxharas.html>

This policy as adopted is to apply to interns, employees, and members of the Executive Council with the following modifications:

**Complaints of Harassment or Discrimination:** An individual who believes that he or she has been subjected to unlawful harassment or discrimination by an Executive Councilor should report the incident to another Executive Councilor who is not involved in the alleged harassment or discrimination. In the event an individual is not comfortable reporting concerns to an Executive Councilor, a report may be made to the Attorney General or his/her designee. If the individual is an employee, volunteer, or intern of the Council, that individual may report the incident directly to the Director of the Division of Personnel.

**Investigation and Resolution of Complaints:** Reports of concerns will be promptly investigated, and investigations will be conducted with particular care to preserve the confidentiality of all persons involved to the extent possible. After investigation, appropriate action will be taken depending on the nature and severity of any proven incident. The Executive Council may be constitutionally limited with regard to formal discipline such as reprimand, censure, or expulsion. The Executive Council will take corrective action and/or counseling as necessary to stop any inappropriate behavior. To the extent an action violates the policies of any other branch of government, the complaint will be referred to the appropriate authority.

During the investigation and again upon determination that a complaint is founded, actions shall be taken to prevent further harassment from occurring. Action may include temporarily denying access by the alleged harasser to the complainant's workspace, and, if appropriate and desired by the complainant, providing additional protective services to the complainant within the State House.

**Education and Training:** Each Executive Councilor agrees to read and sign a copy of this statement and the New Hampshire Policy on Sexual Harassment. A copy of the signed document shall be retained by administrative assistant for the duration of that term.