

Summary of NH SB.1 (as passed Senate)
An Act Relative to Family and Medical Leave

Current Bill Status

- Bill was reported out of House Committee on Labor, Industrial and Rehabilitative Services on 3/7/2019.
- Committee reported that the bill ought to pass on a vote of 12-7.
- Bill is not yet calendared for action by the NH House of Representatives.

Bill Provisions

- *Covered Employers:*
 - Applies to state and private employers beginning on January 1, 2020.
 - Political subdivisions of the state may opt-in if the benefits under the program are at least as generous as the benefits provided pursuant to a relevant collective bargaining agreement and the bargaining unit has ratified the decision to opt-in.
 - If employer is subject to collective bargaining agreement, law applies to employer on effective date of first bargaining agreement that begins after January 1, 2020.
 - Employees of a political subdivision who are not members of a bargaining unit may opt-in to the program even if their employer has not.
 - Businesses may opt-out of the state plan by providing coverage through self-insurance, private insurance, employee benefits, or a combination of those.
- *Covered Family Members:*
 - Spouse of domestic partner, child, parent, step-parent, grandparent, or step-grandparent
- *Covered Reasons for Leave:*
 - Birth of child;
 - Adoption or placement for guardianship or foster care;
 - Serious health condition of family member;
 - Serious health condition of employee; or
 - Qualifying exigency related to military service that is covered by FMLA.
- *Contribution Rate:*
 - Contribution rate is 0.5 percent of each employee's wages for each week of the preceding calendar quarter.
 - Employers that do not opt to provide their own coverage pay contributions every calendar quarter.
 - Employers may pay some or all the contributions on their own or may withhold the contributions from employees' wages.

- *Leave Benefits:*
 - Eligible employees may take up to 12 weeks of leave in a year.
 - Benefits are equal to 60% of an employee's average weekly wage from his or her highest earning quarter in his or her base period (4 out of last 5 completed calendar quarters)
 - Maximum weekly benefit is \$896.75.
 - Minimum weekly benefit is \$125.00.
- *Notice and Application:*
 - Employees must apply for benefits and provide notice of a leave to their employers at least 30 days before the leave will begin, except when the date of the leave changes, or leave becomes necessary, due to unforeseeable circumstances.
 - Claims determinations must be made within 3 days of application.
- *Job Protection:*
 - Employees of employers with 20 or more employees are entitled to be restored to their jobs at the conclusion of their leave.
- *Eligibility:*
 - Submitted contributions for at least 6 months, and
 - Earned wages equal to at least \$7,540.00 (1,040 x NH minimum wage (\$7.25))
- *Administration:*
 - Process for handling claims, violations, appeals, and overpayments is the same as NH Unemployment Insurance law.
 - **Department of Employment Security is required to attempt to find a third-party administrator for the program.**
 - Initial RFP must be issued by July 30, 2019.
 - Proposal can only be selected if it is able to meet the statutory requirements at less cost than if the Department administered the program.
- *Funding:*
 - If the solvency of the Family and Medical Leave Insurance Fund is in jeopardy Commissioner may, beginning with a future calendar quarter, temporarily increase or reduce premiums, decrease length of leave, or decrease the amount of weekly benefits, provided that the changed amounts are no more than 10 percent more or less than the statutory amounts.
- *Reporting and Future Legislation:*
 - Unemployment Compensation and Family and Medical Leave Insurance Advisory Council will review the Program, and Commissioner shall report back to the General Court after 2 years regarding rate adjustment and other fiscal recommendations.