

HB 200 – AS AMENDED BY THE HOUSE

20Feb2013... 0263h

2013 SESSION

13-0670
08/05

HOUSE BILL **200**

AN ACT relative to an employer's burden of proof in unemployment compensation hearings.

SPONSORS: Rep. Steven Smith, Sull 11

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires employers to provide corroborating testimony, documentation, or physical evidence of misconduct when alleging an employee was dismissed for misconduct.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to an employer's burden of proof in unemployment compensation hearings.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Unemployment Compensation; Procedure During Appeals. Amend RSA 282-A:56 to read as
2 follows:

3 282-A:56 Procedure. A hearing shall be conducted in such a manner as to ensure a fair and
4 impartial hearing to the interested parties. The appeal tribunal shall hear the appeal de novo and
5 shall not be bound by prior findings or determinations of the department of employment security
6 although the records of said department shall be part of the evidence to be considered by the
7 tribunal. An appeal shall be filed and presented and the hearing conducted in accordance with rules
8 adopted by the commissioner. Such rules need not conform to common law or statutory rules of
9 evidence or other technical rules of procedure. The place and time of a hearing shall be determined
10 by the commissioner. In no case shall a hearing proceed unless the chairman is present. With the
11 agreement of all the parties the appeal tribunal may, without holding a hearing, remand a
12 determination for redetermination pursuant to RSA 282-A:46 for the purpose of correcting obvious
13 department error. ***If the employer alleges he or she dismissed the employee because of the
14 employee's misconduct, the employer or the employer's agent or representative shall appear
15 and shall present proof of such misconduct.***

16 2 Effective Date. This act shall take effect 60 days after its passage.