

HB 1599 – AS INTRODUCED

2014 SESSION

14-2148
06/10

HOUSE BILL **1599**

AN ACT relative to employment protection for victims of domestic violence.

SPONSORS: Rep. P. Sullivan, Hills 10

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill permits victims of domestic violence to take leave from employment to seek medical or psychological care, to relocate, or to participate in civil or criminal proceedings related to the domestic violence.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to employment protection for victims of domestic violence.

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

1 1 New Subdivision; Leave from Employment for Victims of Family Violence. Amend RSA 275 by
2 inserting after section 70 the following new subdivision:

3 Leave from Employment for Victims of Family Violence

4 275:71 Definitions. In this subdivision:

5 I. “Employer” means an individual, a partnership, an association, or a corporation, doing
6 business in or operating within the state who has 3 or more employees.

7 II. “Employee” means any person engaged in service to an employer in the business of the
8 employer.

9 III. “Family violence” means an incident resulting in physical harm, bodily injury or assault,
10 or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or
11 assault, including, but not limited to, stalking or a pattern of threatening, between family or
12 household members. Verbal abuse or argument shall not constitute family violence unless there is
13 present danger and the likelihood that physical violence will occur.

14 IV. “Leave” means paid or unpaid leave which may include, but it not limited to,
15 compensatory time, vacation time, personal days off, or other time off.

16 275:72 Leave from Employment.

17 I. An employer shall permit any employee who is a victim of family violence to take paid or
18 unpaid leave during any calendar year in which such leave is reasonably necessary:

19 (a) To seek medical care or psychological or other counseling for physical or psychological
20 injury or disability for the victim.

21 (b) To obtain services from a victim services organization on behalf of the victim.

22 (c) To relocate due to such family violence.

23 (d) To participate in any civil or criminal proceeding related to or resulting from such
24 family violence.

25 II. An employer may limit unpaid leave under this section to 12 days during any calendar
26 year. Such leave shall not affect any other leave provided under state or federal law.

27 III. If an employee’s need to use leave under this section is foreseeable, an employer may
28 require advance notice, not to exceed 7 days prior to the date such leave is to begin, of the intention
29 to use such leave. If an employee’s need for such leave is not foreseeable, an employer may require
30 an employee to give notice of such intention as soon as practicable.

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1 IV. Upon an employer's request, an employee who takes leave pursuant to this section shall
2 provide the employer a signed written statement certifying that the leave is for a purpose authorized
3 under this section. The employer may also request that the employee provide a police or court record
4 related to the family violence or a signed written statement that the employee is a victim of family
5 violence, provided such statement is from an employee or agent of a victim services organization, an
6 attorney or a licensed medical professional or other licensed professional from whom the employee
7 has sought assistance with respect to the family violence. Nothing in this section shall be construed
8 to:

9 (a) Prevent employers from providing more leave than is required under this section;

10 (b) Diminish any rights provided to any employee under the terms of the employee's
11 employment or a collective bargaining agreement; or

12 (c) Preempt or override the terms of any collective bargaining agreement effective prior
13 to January 1, 2015.

14 V. Nothing in this section shall be construed to require an employer to provide paid leave if:

15 (a) The employee is not entitled to paid leave pursuant to the terms and conditions of the
16 employee's employment; or

17 (b) Such paid leave exceeds the maximum amount of leave due the employee during any
18 calendar year, provided the employee shall be entitled to unpaid leave under this section if paid
19 leave is exhausted or not provided.

20 VI. Any written statement or police or court record provided to an employer pursuant to
21 paragraph IV shall be maintained as confidential by the employer and shall not be further disclosed
22 by the employer except as required by federal or state law or as necessary to protect the employee's
23 safety in the workplace, provided the employee is given notice prior to the disclosure.

24 VII. If an employer discharges, penalizes, threatens, or otherwise coerces an employee in
25 violation of this section, the employee, not later than 180 days from the occurrence of such action,
26 may bring a civil action for damages and for an order requiring the employee's reinstatement or
27 otherwise rescinding such action. If the employee prevails, the employee shall be allowed a
28 reasonable attorney's fee to be fixed by the court.

29 2 Effective Date. This act shall take effect January 1, 2015.