

HB 1178-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0783h

11Apr2024... 1256h

2024 SESSION

24-2213

12/10

HOUSE BILL

1178-FN

AN ACT relative to an employee's unused earned time.

SPONSORS: Rep. M. Cahill, Rock. 10; Rep. M. Pearson, Rock. 34; Rep. McLean, Hills. 15; Rep. Grassie, Straf. 8; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires an employer to pay an employee for unused earned time.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to an employee's unused earned time.

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

1 1 New Section; Day's Work; Days of Rest; Unused Earned Time. Amend RSA 275 by inserting
2 after section 35 the following new section:

3 275:35-a Unused Earned Time.

4 I. An employer that employs 15 or more employees and offers paid earned time to such
5 employees shall comply with the following:

6 (a) Inform employees in writing of any policy regarding accrual or use of unused earned
7 time and any limits on accrual or use. In the absence of an accrual system, earned time shall be paid
8 on a prorated basis.

9 (b) Provide a means through which earned time requests and approvals are processed.

10 (c) Provide employees with an accounting of earned time used and unused earned time
11 remaining.

12 (d) RSA 275:43, V-a.

13 II. For the purpose of this section, the terms "earned time," "vacation" or "vacation time,"
14 and "paid time off" have the same meaning .

15 2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after
16 paragraph V the following new paragraph:

17 V-a. Notwithstanding RSA 275:43, V, if an employee is separated from an employer, as
18 defined in RSA 275:35-a, I, because the employer's business closed, changed ownership or due to a
19 layoff with no reasonable assurance of the employee being able to return to said employer, up to 30
20 days of unused paid time off such as vacation, holiday, and personal time, but not sick days, whether
21 earned by accrual or awarded in some other manner shall be considered wages pursuant to RSA
22 275:42, III and due upon separation from employment pursuant to RSA 275:44.

23 (a) When an employer does not delineate the types of paid time off awarded to an
24 employee, as described in RSA 275:43, I, the entire balance of unused paid time off shall be prorated
25 upon separation from employment.

26 (b) In lieu of payment for unused paid time off an employee described in RSA 275:43, V-
27 a, I may agree in writing that their unused paid time off can be carried forward and transferred to
28 their subsequent employer following a change in ownership.

29 3 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2213
Amended 4/17/24

HB 1178-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1256h)

AN ACT relative to an employee's unused earned time.

FISCAL IMPACT: ☐ State ☐ County ☐ Local ☒ None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None