

Amendment to HB 378-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Section; Day's Work; Days of Rest; Unused Earned Time. Amend RSA 275 by inserting
4 after section 35 the following new section:

5 275:35-a Unused Earned Time. An employer that employs 15 or more employees and offers paid
6 earned time to such employees shall comply with the following:

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

10 II. Provide a means through which earned time requests and approvals are processed.

11 III. Provide employees with an accounting of earned time used and unused earned time
12 remaining.

13 IV. RSA 275:43, V-a.

14 2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after
15 paragraph V the following new paragraph:

16 V-a. Notwithstanding RSA 275:43, V, if an employee is separated from an employer, as
17 defined in RSA 275:35-a, I, solely because the employer's business closed, changed ownership or due
18 to reduction in force preventing the employee's use of said earned time, up to 30 days of unused time
19 other than sick days, whether earned by accrual or awarded in some other manner shall be
20 considered wages pursuant to RSA 275:42, III and due upon separation from employment pursuant
21 to RSA 275:44.

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

25 (b) When an employer frontloads the time, they shall prorate the annual amount as a
26 basis for determining the balance remaining at separation.

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

30 3 Effective Date. This act shall take effect January 1, 2026.