HB 1375 - AS INTRODUCED

2024 SESSION

24-2456
12/10

HOUSE BILL ***1375***

AN ACT relative to severance agreements requiring employees to broadly waive labor law rights.

SPONSORS: Rep. Gallager, Merr. 20

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits employers from offering severance agreements that require employees to broadly waive their rights to discuss the agreement or disparage the employer.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 severance agreements requiring employees to broadly waive labor law rights.

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

1 New Subparagraph; Public Employees; Unfair Labor Practices. Amend RSA 273-A:5, I by inserting after subparagraph (i) the following new subparagraph:

(j) To require as a condition of a severance agreement, either that the employee is broadly prohibited from disclosing the terms of the severance agreement or that broadly prohibits the employee from making statements that could disparage or harm the image of the employer.

2 New Section; Prohibited Conduct; Severance Agreements. Amend RSA 275 by inserting after section 275:38-a the following new section:

275:38-b Prohibited Conduct; Severance Agreements.

I. Notwithstanding any other provision of the law it is unlawful employment practice for an employer to require, as a condition of a severance agreement, that the employee is broadly prohibited from disclosing the terms of the severance agreement or that the employee is broadly prohibited from making statements that could disparage or harm the image of the employer.

II. Any employee who alleges a violation of rights under paragraph I may obtain a hearing with the commissioner of labor or a designee appointed by the commissioner. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross-examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. Following such hearing, the labor commissioner or the designee appointed by such commissioner shall render a judgment on such matter, and shall order, as the commissioner or his designee considers appropriate, reinstatement of the employee, the payment of back pay, fringe benefits and seniority rights, any appropriate injunctive relief, or any combination of these remedies. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. Any party aggrieved by the decision may appeal to the superior court not later than 20 days from the date thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings. In the absence of a seasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at

the request of the prevailing party, may be enforced as a judgment of the court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision.

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