

HB 1094 - AS INTRODUCED

2022 SESSION

22-2544

04/05

HOUSE BILL ***1094***

AN ACT relative to employee work schedules and rest periods.

SPONSORS: Rep. Read, Rock. 17

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires employers with 10 or more employees in this state or 2 or more locations in this state to schedule a rest period between certain employment shifts and provide employees with advance notice of the work schedule.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to employee work schedules and rest periods.

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

1 1 New Section; Labor; Advance Notice of Work Schedule. Amend RSA 275 by inserting after
2 section 30-a the following new section:

3 275:30-b Advance Notice of Work Schedule.

4 I. An employer with 10 or more employees in this state or 2 or more locations in this state
5 shall provide an employee with a work schedule in writing at least 7 calendar days before the first
6 day of the work schedule. The employer shall notify an employee at the time of hiring of the
7 requirement under this section.

8 II. The employer shall post the written work schedule in a conspicuous and accessible
9 location, in English and in at least one other language, if not English, that the employer typically
10 uses to communicate with employees.

11 III. The employer shall provide a written work schedule that runs through the last date of
12 the posted work schedule in effect at the time of delivery to:

13 (a) A new employee on or before the employee's first day of work; or

14 (b) An existing employee on the employee's first day of work after a leave of absence.

15 IV. The written work schedule shall include all work shifts and on-call shifts for the work
16 period.

17 V. If the employer requests changes to the written work schedule after the advance notice
18 required in this section:

19 (a) The employer shall provide the employee with timely notice of the change by in-
20 person conversation, telephone call, electronic mail, text message or other accessible electronic or
21 written format; and

22 (b) The employee may decline any work shifts not included in the employee's written
23 work schedule.

24 VI. At any time after the advance notice of written work schedule required in this section,
25 an employee may request in writing that the employer add the employee to one or more work shifts
26 or on-call work shifts. Any changes to the employee's written work schedule resulting from such
27 employee-requested work schedule changes are not subject to the advance notice requirements of
28 this section.

29 2 Labor; Day of Rest. Amend RSA 275:33 to read as follows:

30 275:33 Day of Rest; ***Rest Between Shifts.***

1 ***I.*** No employer shall operate any such business on Sunday unless ~~[he or she]~~ ***the employer***
2 has posted ~~[and made available to employees]~~ ***in a conspicuous place on the premises*** a schedule
3 containing a list of employees who are required or allowed to work on Sunday and designating the
4 day of rest for each. ***The employer shall promptly file a copy of such schedule and every***
5 ***change therein with the labor commissioner.*** No employee shall be required to work on the day
6 of rest designated for him *or her*. ***Whoever violates this section shall be fined \$50.***

7 ***II.(a)*** ***No employer with 10 or more employees in this state or 2 or more locations in***
8 ***this state shall schedule or require an employee to work during the following rest periods,***
9 ***unless the employee requests or consents to work such hours:***

10 ***(1)*** ***The first 10 hours following the end of the previous calendar day's work***
11 ***shift or on-call shift; or***

12 ***(2)*** ***The first 10 hours following the end of a work shift or on-call shift that***
13 ***spanned 2 calendar days.***

14 ***(b)*** ***An employer shall compensate an employee for each hour or portion of an***
15 ***hour that the employee works during a rest period described in subparagraph (a) at one***
16 ***and one-half times the employee's regular rate of pay.***

17 ***(c)*** ***An employer shall notify an employee of the provisions of this section on the***
18 ***employee's first day of work.***

19 3 Effective Date. This act shall take effect 60 days after its passage.