Rep. Sullivan, Sull. 1
February 11, 2019
2019-0418h
06/01

Amendment to HB 712-FN

Amend RSA 282-B:2, III-XIII as inserted by section 1 of the bill by replacing it with the following:

III. "Commissioner" means the commissioner of the department of employment security.

IV. "Department" means the department of employment security.

V. "Employer" has the same definition as relevant provisions of RSA 282-A:8, except as provided in RSA 282-A:9.

VI. "Employment" means wages paid for services by an employer that is covered by this chapter.

VII. "Family member" means a spouse or domestic partner under RSA 457, son, daughter, parent, stepparent, grandparent, or step grandparent related through birth, marriage, adoption, foster care, or legal guardianship.

VIII. "Family and medical leave" means leave from work:

(a) Because of the birth of a child of the employee, within the past 12 months; or

(b) Because of the placement of a child with the employee for adoption, legal guardianship, or fostering, within the past 12 months; or

(c) Because of a serious health condition of a family member; or

(d) Because of a serious health condition of the employee that isn't related to employment; or

(e) Because of any qualifying exigency arising from the foreign deployment with the Armed Forces, or to care for a service member with a serious injury or illness as permitted under the federal Family and Medical Leave Act, 29 U.S.C. section 2612(a)(1)

IX. "FMLI" means family and medical leave insurance.

X. "Federal Family and Medical Leave Act" means the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28.

XI. Serious health condition" means any illness covered by the federal Family and Medical Leave Act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.

XII. "Fund" means the family and medical leave insurance fund as described in RSA 282-B:4.

Amend RSA 282-B:3, I as inserted by section 1 of the bill by replacing it with the following:

I. This chapter applies to the state and nongovernmental employers beginning January 1, 2020, provided that any employer may instead exercise a business option of: participating in a self-insured plan, self-insuring, purchasing insurance, providing benefits, or any combination thereof, upon employer application and certification by the commissioner or authorized representative that the employer will provide an equivalent benefit to all of its employees. If the employer is subject to a collective bargaining agreement, this chapter shall apply to the employer upon the effective date of the first successor collective bargaining agreement following January 1, 2020 to permit the employer and the union to negotiate the premium rate share under RSA 282-B:3, II. Political subdivisions of the state may opt into this chapter upon certification by the authorized representative that this chapter's insurance benefits are at least equivalent to the benefits provided under the collective bargaining agreement, provided the applicable bargaining unit has first ratified this option. Beginning January 1, 2020, this chapter shall be a mandatory subject of bargaining for collective bargaining agreements. Employees not covered by a collective bargaining agreement in a political subdivision of the state may opt into this chapter if the political subdivision has not.

Amend RSA 282-B:10 as inserted by section 1 of the bill by replacing it with the following:

282-B:10 Sustainability Mechanism. The commissioner shall continuously monitor the solvency of the fund. Should the commissioner determine at any time that the solvency of the fund is in jeopardy, or that the fund is in excess of necessary funds, the commissioner shall provide the advisory council with data supporting such solvency determination and may prospectively, effective in a future calendar quarter, increase or reduce FMLI premiums in RSA 282-B:3, II, decrease the benefits payable in RSA 282-B:6, III, or decrease the allowable length of leave in RSA 282-B:6, I, or any combination thereof, provided such prospective changes are no greater than or less than 10 percent of those required under this chapter. If the commissioner thereafter determines such changes are no longer necessary for fund solvency the commissioner shall reverse such changes. Advance notice of any and all changes pursuant to this paragraph shall be provided to all covered employers and employees.