Rep. Lovejoy, Rock. 36
October 22, 2019
2019-2786h
06/10

Amendment to HB 712-FN

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, 2021, 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, 2021 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, 2021, 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:6, I as inserted by section 1 of the bill by replacing it with the following:

I. An employee shall be limited up to 12 weeks of FMLI in any benefit year. An employee shall have had premium payments remitted as a percent of his or her wages for at least 6 months to be eligible for benefits and shall have worked in employment resulting in wages in the amount of at least 1,040 multiplied by the applicable minimum wage, in either the "base period" or "alternative base period," as those terms are defined in RSA 282-A:2.

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, 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.

Amend RSA 282-B:11 as inserted by section 1 of the bill by replacing it with the following:

282-B:11 Family and Medical Leave Insurance Program; Funding Transfer and Repayment. The state treasurer shall transfer funds from the general fund to the department of employment security for payment of the initial administrative and implementation costs associated with this chapter. In the first year the family and medical leave insurance program becomes operational, the treasurer shall transfer $3,500,000. In the second year of operation, the treasurer shall transfer $12,000,000. Within the first 5 years after the family and medical leave insurance program becomes operational, the department shall repay the general fund transfers in installments from funds deducted from the family medical leave insurance fund as follows: 10 percent in year 3, 40 percent in year 4, and 50 percent in year 5. The department shall have the option of prepaying the full amount at any time.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 2020.