

Sen. Soucy, Dist 18
Sen. Feltes, Dist 15
June 4, 2020
2020-1349s
01/10

Amendment to HB 1166

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to unemployment compensation, certain sanitary protections for COVID-19,
4 extending the federal Family and Medical Leave Act for certain COVID-19
5 protections, and waiving cost sharing for testing and treatment for COVID-19.
6

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

8

9 1 New Subparagraph; Unemployment Compensation; Self-Employment Assistance Program.

10 Amend RSA 282-A:31-h, V by inserting after subparagraph (e) the following new subparagraph:

11 (f) The requirements of this chapter not met due to a participant's quarantine for
12 coronavirus or COVID-19, or for COVID-19 related reasons, as directed by a medical provider shall
13 not be applicable to the participant.

14 2 New Subparagraph; Unemployment Compensation; Benefit Eligibility Conditions. Amend
15 RSA 282-A:31, I by inserting after subparagraph (i) the following new subparagraph:

16 (j) Subparagraphs (a) through (g) shall not apply to an individual in quarantine for
17 coronavirus, or COVID-19, as directed by a medical provider or government direction, or for COVID-
18 19 related reasons, and subparagraphs (h) and (i) shall be suspended until July 1, 2021.

19 3 New Paragraph; Unemployment Compensation; Disqualification for Benefits. Amend RSA
20 282-A:32 by inserting after paragraph IV the following new paragraph:

21 V. Individuals impacted by COVID-19 shall not be disqualified for benefits pursuant to
22 provisions in paragraphs I and II and such unemployment insurance benefits coverage shall include,
23 at a minimum, situations where:

24 (a) An employer or employing unit temporarily shuts down due to coronavirus, or
25 COVID-19, with the expectation that the individual will return when business resumes;

26 (b) An individual is quarantined by a medical professional or under government
27 direction, and the employer has instructed the individual to return to work after the quarantine is
28 over or has not provided clear instruction to do so; and

29 (c) An individual is quarantined by a medical professional or under government
30 direction, or leaves employment due to a reasonable risk of exposure or infection, including self-
31 quarantine, or to care for a family member, and either does not intend to return to the employer or
32 the employer will not allow the individual to return.

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4 Unemployment Compensation; Unavailable for Work. Amend RSA 282-A:39 to read as follow:
282-A:39 Unavailable for Work. An individual shall be disqualified for benefits for any week or weeks during any part of which he is not available for work outside a home, irrespective of his reason for refusing to be available for work outside a home, ***unless the individual is in quarantine for coronavirus (COVID-19), or for COVID-19 related reasons, as directed by a medical provider.***

5 New Section; Protective Legislation. Amend RSA 275 by inserting after section 52-a the following new section:

275:52-b Protections for Coronavirus (COVID-19). The provisions of the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28, shall be extended to all employees of employers with at least 15 or more employees for any employee in quarantine, or covered family member in quarantine, for coronavirus or COVID-19, or for a COVID-19 related reason, as directed by a medical provider or under government direction. This section shall not apply to individual instances in which the commissioner determines there to be an economic hardship.

6 Unemployment Compensation; Overpayment. Amend RSA 282-A:165, I to read as follows:

I. Any person who has received any benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled or while the person was disqualified from receiving benefits shall be liable to repay to the commissioner such benefits all of which shall be considered to be overpayments, ***with the exception of persons receiving benefits under executive orders related to COVID-19 expanded eligibility.***

7 Unemployment Compensation; Weekly Benefit Amount for Total Unemployment and Maximum Total Amount of Benefits Payable During any Benefit Year. RSA 282-A: 25, I is repealed and reenacted to read as follows:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than \$1,400, as follows:

\$2,800	\$132	\$3,432
3,100	135	3,510
3,400	139	3,614
3,900	145	3,770
4,200	148	3,848
4,500	152	3,952
4,800	155	4,030
5,100	159	4,134
5,600	164	4,264
6,100	169	4,394

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1	6,600	175	4,550
2	7,000	180	4,680
3	7,400	183	4,758
4	7,800	188	4,888
5	8,200	192	4,992
6	8,600	196	5,096
7	9,000	201	5,226
8	9,500	205	5,330
9	10,000	210	5,460
10	10,500	215	5,590
11	11,000	220	5,720
12	11,500	226	5,876
13	12,500	237	6,162
14	13,500	248	6,448
15	14,500	259	6,734
16	15,500	267	6,942
17	16,500	278	7,228
18	17,500	288	7,488
19	18,500	299	7,774
20	19,500	306	7,956
21	20,500	317	8,242
22	21,500	327	8,502
23	22,500	338	8,788
24	23,500	349	9,074
25	24,500	354	9,204
26	25,500	365	9,490
27	26,500	375	9,750
28	27,500	386	10,036
29	28,500	390	10,140
30	29,500	401	10,426
31	30,500	411	10,686
32	31,500	421	10,946
33	32,500	431	11,206
34	33,500	442	11,492
35	34,500	452	11,752
36	35,500	462	12,012
37	36,500	472	12,272

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1	37,500	483	12,558
2	38,500	494	12,844
3	39,500	505	13,130
4	40,500	516	13,416
5	41,500	527	13,702

6 9 Unemployment Compensation; Annual Earnings. Amend RSA 282-A:16 to read as follows:

7 282-A:16 Annual Earnings. "Annual earnings" shall be the wages, to the nearest dollar, earned
8 during each base period from an employer by an individual in employment in New Hampshire and
9 an amount equivalent to the average weekly wage, as determined under the New Hampshire
10 workers' compensation statute, for each week that an individual has been found by either the labor
11 commissioner or a court to be entitled to receive workers' compensation based on a claim involving
12 such employer; no portion of any lump sum payment pursuant to RSA 281-A:37 shall constitute
13 annual earnings. For any week which commences during the period between 2 successive sports
14 seasons (or similar periods), no annual earnings shall be available for purposes of RSA 282-A:25 to
15 any individual which are based on any services, substantially all of which consist of participating in
16 sports or athletic events or training or preparing to so participate, if such individual performed such
17 services in the first of such seasons (or similar periods) and there is a reasonable assurance that
18 such individual will perform such services in the later of such seasons (or similar periods). ***For any***
19 ***week in which an individual was on an unpaid leave, pursuant to the federal Family and***
20 ***Medical Leave Act of 1993, 29 U.S.C. section 28, or on a paid leave, for reasons similar to***
21 ***the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 28, then the***
22 ***individual's annual earnings for those weeks on such leave shall be deemed the earnings***
23 ***the individual received prior to the leave.***

24 10 Department of Employment Security; Computer System; Transfer of Moneys. The treasurer
25 and the governor shall transfer \$50,000,000 from CAREs Act moneys to the department of
26 employment security, with the commissioner first applying any moneys needed to upgrade the
27 benefits application computer system, and any other computer system, to reflect, to code, and to
28 account for any and all expanded COVID-19 eligibility factors, including self-employment. Following
29 such upgrades and coding the commissioner shall certify to the chairs of the house commerce and
30 consumer affairs committee and senate commerce committee and the chairs of house and senate
31 finance committees that such upgrades and coding were completed in a manner that manual
32 overrides are not needed for any expanded COVID-19 eligibility factors, that no delays in processing
33 benefits for expanded COVID-19 eligibility factors exist as compared with eligibility factors existing
34 prior to COVID-19, and report any amounts necessary to complete the upgrades and coding,
35 including when the upgrades and coding for each eligibility factor was completed. The balance of
36 any moneys transferred after first applying any moneys needed for upgrading and coding shall be
37 deposited in the unemployment insurance trust fund.

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1 11 Sanitation, Provision for. Amend RSA 277:10 to read as follows:

2 277:10 Sanitation, Provision for. Every employer shall provide and maintain reasonable and
3 proper toilet facilities and reasonably sanitary and hygienic conditions for employees, ***including***
4 ***any and all reasonable sanitary and hygienic conditions related to COVID-19.***

5 12 New Section; Safety and Health of Employees; Worker Safety in COVID-19. Amend RSA 277
6 by inserting after section 10 the following new section:

7 277:10-a Worker Safety in COVID-19. Every employer shall provide, arrange access to, or
8 provide paid time off for COVID-19 testing, upon the request of an employee. Every employer shall
9 provide personnel protective equipment for employees in any workplace where there are 10 or more
10 employees or customers on a regular basis, or in any health care workplace. Every employer shall
11 comply with all applicable state and federal standards and guidances related to COVID-19. The
12 commissioner shall accept phone calls for COVID-19 related workplace safety concerns.

13 13 New Paragraph; Safety and Health of Employees; Rulemaking. Amend RSA 277:16 by
14 inserting after paragraph II the following new paragraph:

15 III. On or by August 1, 2020, the commissioner, in consultation with the commissioner of
16 health and human services, shall adopt worker safety rules, pursuant to RSA 541-A, to protect
17 workers from COVID-19 and to protect the public interest, including consistent with RSA 277:16-b,
18 RSA 277:10-a, and RSA 277:10.

19 14 New Section; Safety and Health of Employees; COVID-19 Business Support. Amend RSA
20 277 by inserting after section 16 the following new section:

21 277:16-a COVID-19 Business Support. The labor commissioner shall, in coordination with the
22 commissioner of safety, provide personnel protective equipment upon request of an employer. A
23 state website shall be maintained for the purpose of employer requests, including adequate and
24 timely notification of employers of when and where personnel protective equipment may be
25 retrieved. There shall be no costs to employers with fifteen or fewer employees. The failure of the
26 state to provide personnel protective equipment to employers who, in good faith, requested but did
27 not receive personnel protective equipment from the state shall be considered in evaluating
28 compliance with RSA 277:10-a.

29 15 New Paragraph; Job Training Program; Cost sharing Waived. Amend RSA 282-A:181 by
30 inserting after paragraph II the following new paragraph:

31 III. Until July 1, 2021 any employer or business cost-sharing for the job training program is
32 waived.

33 16 New Section; Accident and Health Insurance; Cost-Sharing for Testing for the Corona virus
34 (COVID-19) Waived; Individual. Amend RSA 415 by inserting after section 6-x the following new
35 section:

36 415:6-y Cost-Sharing for Testing and Treatment for the Coronavirus (COVID-19) Waived. Each
37 insurer that issues or renews any individual policy of accident or health insurance providing benefits

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1 for medical or hospital expenses, shall waive cost-sharing for coronavirus (COVID-19) testing and
2 treatment, including any out-of-network charges, for certificate holders of such insurance who are
3 residents of this state.

4 17 New Section; Accident and Health Insurance; Cost-Sharing for Testing for the Corona virus
5 (COVID)-19 Waived; Group. Amend RSA 415 by inserting after section 18-bb the following new
6 section:

7 415:18-cc Cost-Sharing for Testing and Treatment for the Coronavirus (COVID-19) Waived.
8 Each insurer that issues or renews any policy of group or blanket accident or health insurance
9 providing benefits for medical or hospital expenses, shall provide to certificate holders of such
10 insurance, who are residents of this state, shall waive cost-sharing for coronavirus (COVID-19)
11 testing and treatment, including any out-of-network charges, for certificate holders of such
12 insurance, who are residents of this state.

13 18 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

14 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
15 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
16 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
17 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
18 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, V, RSA 415:18, XVI and XVII,
19 RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA
20 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa,
21 RSA 415:18-bb, **RSA 415:18-cc**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
22 provisions of title XXXVII wherein such corporations are specifically included. Every health service
23 corporation and its agents shall be subject to the fees prescribed for health service corporations
24 under RSA 400-A:29, VII.

25 19 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-
26 A:2 to read as follows:

27 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
28 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
29 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
30 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v,
31 RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18,
32 VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA
33 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, **RSA 415:18-**
34 **cc**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII
35 wherein such corporations are specifically included. Every health service corporation and its agents
36 shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

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1 20 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to
2 read as follows:

3 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
4 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA
5 415:6-x, ***RSA 415:6-y***, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j,
6 RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA
7 415:18-z, RSA 415:18-aa, RSA 415:18-bb, ***RSA 415:18-cc***, RSA 415-A, RSA 415-F, RSA 420-G, and
8 RSA 420-J shall apply to health maintenance organizations.

9 21 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021.
10 Amend RSA 420-B:20, III to read as follows:

11 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
12 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, ***RSA***
13 ***415:6-y***, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r,
14 RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA
15 415:18-bb, ***RSA 415:18-cc***, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health
16 maintenance organizations.

17 22 New Paragraph; State Employees Health Insurance; Medical and Surgical Benefits. Amend
18 RSA 21-I:30 by inserting after paragraph XVI the following new paragraph:

19 XVII. Medical and surgical benefits provided under this subdivision shall include waiving
20 cost-sharing for testing and treatment for the coronavirus (COVID-19).

21 23 New Subparagraph; Medicaid Managed Care, Cost-Sharing for Certain Testing Waived.
22 Amend RSA 126-A:5, XIX by inserting after subparagraph (k) the following new subparagraph:

23 (l) Managed care organizations shall waive all cost-sharing for coronavirus (COVID-19)
24 testing and treatment for Medicaid recipients receiving care pursuant to this paragraph.

25 24 Effective Date.

26 I. Sections 19 and 21 shall take effect January 1, 2021 at 12:03 p.m.

27 II. The remainder of this act shall take effect upon its passage.

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2020-1349s

AMENDED ANALYSIS

This bill:

- I. Makes various changes in unemployment compensation for purposes of the Coronavirus (COVID-19).
- II. Extends the provisions of the federal Family and Medical Leave Act for certain COVID-19 protections.
- III. Requires employers to provide certain sanitation conditions relating to COVID-19.
- IV. Waives cost-sharing for testing for COVID-19 under accident and health insurance policies.