

CHAPTER 172
HB 225-FN - FINAL VERSION

13Feb2025... 0075h
05/15/2025 1963s
05/15/2025 2086s

2025 SESSION

25-0216
06/08

HOUSE BILL ***225-FN***

AN ACT relative to the employment of military spouses in the event of involuntary deployment of service member.

SPONSORS: Rep. Creighton, Hills. 30; Rep. Colcombe, Hills. 30; Rep. Edwards, Rock. 31; Rep. Gagne, Hills. 16; Rep. Gorski, Hills. 2; Rep. Harvey-Bolia, Belk. 3; Rep. M. Murray, Hills. 37; Rep. Pauer, Hills. 36; Rep. Roy, Rock. 31; Sen. Innis, Dist 7; Sen. Prentiss, Dist 5; Sen. Ward, Dist 8

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill provides employment protections to the spouses of military service members who are involuntarily mobilized in support of war, national emergency, or contingency operations.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [in brackets and struck through.]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT relative to the employment of military spouses in the event of involuntary deployment of service member.

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

1 172:1 New Section; Employment Protection for Spouses During Involuntary Military Mobilization of
2 Service Members. Amend RSA 110-C by inserting after section 1 the following new section:

3 110-C:1-a Employment Protection for Spouses During Involuntary Military Mobilization of Service
4 Members. It is the intention of this section to provide employment protections for the spouses of military
5 service members who are involuntarily mobilized for up to one year and one day in support of war,
6 national emergencies, or contingency operations, and ensuring job security for families during military
7 conflicts. Furthermore, it is the intention of this section to protect employees from layoff during their
8 spouse's mobilization.

9 I. In this section:

10 (a) "Court" means a local court or magistrate.

11 (b) "Employer" means any person, company, corporation, or organization that employs 50 or
12 more individuals at the same location in New Hampshire. For the purpose of calculating the number of
13 employees, the employee count of separate employers shall not be combined, regardless of common
14 ownership.

15 (c) "Employee" means any individual employed by an employer in New Hampshire.

16 (d) "Involuntary mobilization" means the ordering, calling-up, or activation of members of the
17 uniformed services under 10 U.S.C.A. or 32 U.S.C.A., including state active duty, in response to a
18 declaration of war, national emergency, or contingency operation.

19 (e) "Spouse" means a person legally married to a member of the uniformed services.

20 II. An employer shall not discharge, refuse to hire, or take any adverse employment action
21 against an employee based on the involuntary mobilization of that employee's spouse.

22 III.(a) For the same duration of time the employee's spouse would have reemployment rights
23 under 38 U.S.C. Section 4312, employers shall be required to reemploy the employee in the position he or
24 she held, or in a position of like seniority, status, and pay for which he or she is qualified.

25 (b) Any leave of absence of an employee due to the involuntary mobilization of their spouse
26 shall be unpaid, and no benefits or accrual of benefits shall be provided during this leave unless the
27 employer chooses to do so.

28 IV. Employees shall notify their employers of their spouse's involuntary mobilization within 30
29 days of their spouse receiving official notice of such mobilization. Employers shall provide the employees

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1 with written acknowledgment of the notice of deployment, explicitly confirming adherence to the terms of
2 this section.

3 V. Upon the spouse's completion of mobilization, the employee is required to report to or submit
4 a timely application for reemployment to his or her employer.

5 VI. The employer may choose not to reemploy the employee if the employer certifies that its
6 circumstances have so changed as to make reemployment impossible or unreasonable as defined by 20
7 C.F.R. Section 1002.139.

8 VII.(a) Employees who believe they have been subjected to a violation of this statute may file a
9 complaint with the New Hampshire department of labor as provided under RSA 110-C within 180 days of
10 the alleged violation.

11 (b) If a violation is found, the employer shall be liable for reinstatement, back pay, and any
12 benefits lost due to the violation. The department of labor or local court, or both, may also award the
13 employee reasonable attorney's fees and costs.

14 (c) The department of labor shall adopt rules pursuant to RSA 541-A to govern complaint and
15 hearing procedures under this section.

16 VIII. This section shall be construed in conjunction with the federal Uniformed Services
17 Employment and Reemployment Rights Act (USERRA) and shall not limit any rights or protections
18 provided under federal law.

19 172:2 Effective Date. This act shall take effect January 1, 2026.

Approved: July 15, 2025
Effective Date: January 01, 2026

