

Amendment to HB 1188

1 Amend RSA 275:70-a, I and II as inserted by section 1 of the bill by replacing it with the following:

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3 I. In this section:

4 (a) "Employer" shall have the same meaning as in RSA 279:1, XI.

5 (b) "[Low-wage] **Qualifying** employee" means an employee who earns an hourly rate
6 less than or equal to [200] **500** percent of the federal minimum [wage] **hourly wage or salary**
7 **equivalent**.

8 (c) "Noncompete agreement" means an agreement between an employer and a [low-
9 wage] **qualifying** employee that restricts such [low-wage] **qualifying** employee from performing:

10 (1) Work for another employer for a specified period of time;

11 (2) Work in a specified geographical area; or

12 (3) Work for another employer that is similar to such [low-wage] **qualifying**
13 employee's work for the employer who is a party to the agreement.

14 II.(a) No employer shall require a [low-wage] **qualifying** employee to enter into a
15 noncompete agreement.

16 (b) A noncompete agreement entered into between an employer and a [low-wage]
17 **qualifying** employee shall be void and unenforceable.

18 (c) **No employer shall require any employee to enter into an agreement that**
19 **restricts the employee from working for another employer for longer than 12 months**
20 **following termination of employment.**

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AMENDED ANALYSIS

This bill expands restrictions on the use of non-compete agreements for lower-income workers. The bill also prohibits agreements that restrict any employee from working for another employer for longer than 12 months following termination of employment.