

HB 225-FN - AS INTRODUCED

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 struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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 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
4 Service Members. It is the intention of this section to provide employment protections for the
5 spouses of military service members who are involuntarily mobilized in support of war, national
6 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
8 their spouse's mobilization.

9 I. In this section:

10 (a) "Employer" means any person, company, corporation, or organization that employs
11 50 or more individuals in New Hampshire.

12 (b) "Employee" means any individual employed by an employer in New Hampshire.

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

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

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

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

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

25 V. Employees shall notify their employers of their spouse's involuntary mobilization within
26 30 days of their spouse receiving official notice of such mobilization.

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

1 VII. The employer may reemploy the employee if the employer establishes that its
2 circumstances have so changed as to make reemployment impossible or unreasonable as defined by
3 20 C.F.R. Section 1002.139.

4 VIII.(a) Employees who believe they have been subjected to a violation of this statute may
5 file a complaint with the New Hampshire department of labor as provided under RSA 110-C within
6 180 days of the alleged violation.

7 (b) If a violation is found, the employer shall be liable for reinstatement, back pay,
8 and any benefits lost due to the violation. The court may also award the employee reasonable
9 attorney's fees and costs.

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

12 IX. This section shall be construed in conjunction with the federal Uniformed Services
13 Employment and Reemployment Rights Act (USERRA) and shall not limit any rights or protections
14 provided under federal law.

15 2 Effective Date. This act shall take effect January 1, 2026.

**HB 225-FN- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	Various Agency Funds			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

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.

The Department of Labor indicates the bill would amend RSA 110:C by adding a new section relative to the employment rights and protections for spouses of military service members involuntarily mobilized. Stated protections include prohibition on discharge, refusal to hire, and adverse employment action based on involuntary mobilization and reemployment protections. The bill further authorizes filing of complaints for violations of the requirements with the Department of Labor, and obligates employers as liable for reinstatement, back pay and benefits lost due to violation if found. The proposed language further mandates the Department of Labor to adopt rules pursuant to RSA 541-A relative to complaint and hearing procedures for complaints alleging violation. The Department of Labor states it is unlikely that the bill would

have a significant impact on revenues at the state, county or local level. It is possible there may be cost associated with reinstatement and back pay in instances where a public employer violates the stated requirements, but any such cost is difficult to quantify. In terms of state costs, the Department does not anticipate that the bill would materially impact the administration of complaints or associated hearings.

The Department of Labor noted that the proposed language at VIII (a) and (c), obligates the Department of Labor to take complaints of violations of the stated provisions and mandates rules relative to said complaints and hearings related to said complaints. However, provision VIII(b) indicates that the Court may be responsible for remedy award and associated attorney fees and costs. Absent clarification, the Department would assume that award of and subsequent enforcement of said awards and costs are designated to the Court. The mechanism for involvement of the Court for such purposes is not defined by the proposed language.

The Department of Administrative Services (DAS) understands that this bill would require the State, as an employer, to provide employment protections for state employees who are spouses of military service members involuntarily mobilized in support of war, national emergencies or contingency operations. The legislation also states that any leave of absence required for affected employees would be unpaid and no accruals or benefits would be paid during any leave taken under the stated circumstances. The Department assumes these requirements would apply to all executive branch employees, including those in classified, non-classified and unclassified positions.

The DAS states the fiscal impact of the proposed legislation is indeterminable. Once the affected employee(s) give notice to the employer of their spouse being involuntarily mobilized under the stated conditions, the affected employee would essentially receive a status of unpaid job protection, similar to that of FMLA. Since the legislation states that any leave of absence requested under the criteria of bill would be unpaid, without accruals or benefit continuation, there would be no direct cost to the state as an employer. The only financial impact that may apply is if an employee is wrongfully terminated, in violation of the bill, which would require the state as an employer to provide back pay and any loss of benefits and legal costs to the affected employee seeking reinstatement. Any such cost is indeterminable as the number of employees who may report a violation of this legislation, and the potential cost cannot be predicted.

AGENCIES CONTACTED:

Departments of Labor and Administrative Services