

HB 103 – AS AMENDED BY THE HOUSE

18Feb2009... 0290h

2009 SESSION

09-0365

06/03

HOUSE BILL **103**

AN ACT relative to paying discharged and laid off employees.

SPONSORS: Rep. Buco, Carr 1; Rep. Long, Hills 10; Rep. Villeneuve, Hills 18

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill clarifies the time requirements for employers to pay discharged and laid off employees.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to paying discharged and laid off employees.

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

1 New Paragraphs; Payment of Wages; Definitions. Amend RSA 275:42 by inserting after paragraph IX the following new paragraphs:

X. "Layoff" means reduction in workforce by an employer.

XI. "Discharged employee" means any employee who voluntarily terminates employment and any employee terminated by the employer for reasons other than a layoff or as a result of a labor dispute.

XII. "Payment in hand" means payment delivered to the employee or made available to the employee directly or to a third party at the direction of the employee.

2 Employees Separated From Payroll Before Paydays. Amend RSA 275:44, I through III to read as follows:

I. Whenever an employer discharges an employee, the employer shall pay the

employee's wages in full **and in hand** within 72 hours.

II. Whenever an ~~[employee quits or resigns, the]~~ employer **lays off an employee, the employer** shall pay the employee's wages ~~[no later than the next regular payday, as provided under RSA 275:43, either through the regular pay channels or by mail if requested by the employee, except that if the employee gives at least one pay period's notice of intention to quit the employer shall pay all wages earned by the employee within 72 hours]~~ **in full and in hand at the time of the layoff.**

III. When work of an employee is suspended as a result of a labor dispute, or when an employee ~~[for any reason whatsoever is laid off]~~ **voluntarily terminates his or her employment**, the employer shall pay in full to such employee not later than the next regular payday, as designated under RSA 275:43, either through the regular pay channels or by mail if requested by the employee, wages earned at the time of suspension ~~[or layoff]~~.

3 Effective Date. This act shall take effect 60 days after its passage.