

An Act Establishing the Crime Victim Employment Leave Act.
Sponsor: Representative Peter Sullivan (D-District 10)

General Information

This bill establishes the crime victim employment leave act which requires that employers allow employees who are victims of certain crimes to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime, or to attend counseling sessions necessitated by the crime.

Relevant Specifics of the Act

1 New Subdivision; Protective Legislation; Crime Victim Employment Leave Act. Amend RSA 275 by inserting after section 60 the following new subdivision: 275:61 Definitions. In this subdivision:

I. "Crime" means an offense designated by law as a felony or a misdemeanor.

II. "Employee" means employee as defined in RSA 275:4.

III. "Employer" means employer as defined in RSA 275:4, provided that for the purposes of this subdivision, an employer shall have 25 or more employees for each working day in each of 20 or more calendar weeks during any calendar year.

IV. "Immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim.

V. "Victim" means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.

275:62 Right to Leave Work.

I. An employer shall permit an employee who is a victim of a crime to leave work so that the employee may attend court or other legal or investigative proceedings associated with the prosecution of the crime.

II. An employer shall not discharge an employee who is a victim of a crime because the employee exercises his or her right to leave work pursuant to this subdivision.

III. An employer shall not be required to compensate an employee who is a victim of a crime and who exercises his or her rights under this subdivision.

IV. An employee who leaves work pursuant to this subdivision may elect to use, or an employer may require the employee to use, the employee's accrued paid vacation time, personal leave time, or sick leave time.

V. An employee shall not lose seniority while absent from his or her employment under this subdivision.

VI. Before an employee may leave work under this subdivision, he or she shall provide the employer with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency responsible for providing notice to the employee.

VII. An employer shall maintain the confidentiality of any written documents or records submitted by an employee relative to the employee's request to leave work under this subdivision.

275:63 Limitations on Leave. An employer may limit the leave provided under this subdivision if the employee's leave creates an undue hardship to the employer's business. In this section "undue hardship" means a significant difficulty and expense to a business, and includes the consideration of the size of the employer's business, the employee's position and role within the business, and the employer's need for the employee.

275:64 Discrimination Prohibited. No employer shall discharge, threaten, or otherwise discriminate against any employee regarding such employee's compensation, terms, conditions, location, or privileges of employment because the employee has exercised his or her right to leave work as provided under this subdivision.

275:65 Penalty. Any employer violating any provision of this subdivision shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-b.

2 Effective Date. This act shall take effect January 1, 2006.

Current Status

This bill was passed by the House of Representatives on March 30, 2005.

This bill was passed with an amendment by the Senate on May 19, 2005.