

HRAGC LEGAL UPDATE

FEDERAL

FEBRUARY 20, 2025

There have been many changes implemented by the current administration that will impact employers, including:

Equal Employment Opportunity Commission

Democratic Commission members were fired before the expiration of their terms, leaving the EEOC without a quorum and unable to issue rules, issue new guidance or bring lawsuits. It continues to process claims but has begun to change what cases it focuses on in light of the president's executive orders, including withdrawing from several lawsuits alleging discrimination against transgender or nonbinary employees.

National Labor Relations Board

Democratic Board members were fired, leaving the NLRB without a quorum and unable to handle union elections and decide pending cases. The Acting General Counsel rescinded several of the legal memos issued by the previous General Counsel, who was also fired. Recent NLRB guidance concerning non-competes and severance agreements are among those rescinded. There is a legal challenge to the terminations asserting the board members can only be terminated for-cause.

Federal Guidance

The administration issued a series of executive orders concerning DEI programs and information and declaring the government recognizes two genders. Private employers are encouraged to curb or possibly end their DEI programs. As a result of the orders, several agencies have purged information from government websites, including the DOL (information on discrimination by the use of AI), EEOC (same) and OSHA (worker safety information apparently where diverse and diversity appeared).

NEW HAMPSHIRE

Legislature

Consideration of bills is underway, and committees are holding public hearings and working through the proposed legislation. A terrific resource to check on the status of a bill is www.legiscan.com/nh.

HB392	This bill directs the dissolution of the department of health and human services' office of health equity department of environmental services' functions for civil rights and environmental justice and the governor's council on diversity and inclusion. The bill is pending in the House Health, Human Services and Elderly Affairs Committee.
HB128	This bill proposes establishing a committee to study unemployment insurance. The bill was retained in the House Labor, Industrial and Rehabilitative Services Committee.

HB225	This bill prohibits adverse action on account of a military spouse's involuntary deployment and provides reemployment rights. The bill was passed by the House on February 13.
HB238	This bill would prohibit collective bargaining agreements from requiring employees to join or contribute to a labor union. The bill was indefinitely postponed by the House on February 13.
HB280	This bill would repeal the weekly or biweekly wage payments and permit employers to decide when to pay their employees. The bill is pending in the House Labor, Industrial and Rehabilitative Services Committee.
HB282	This bill increases the maximum benefits for first responders critically injured in the line of duty. The bill was recommended as Ought to Pass by the House Labor, Industrial and Rehabilitative Services Committee.
HB299	This bill provides for an award of reasonable attorney's fees and costs to a prevailing party in worker's compensation cases. The bill was recommended as Ought to Pass by the House Labor, Industrial and Rehabilitative Services Committee.
HB303	Relative to requiring the department of labor review and adopt workers' occupational safety requirements that are similar to OSHA standards. The bill was retained in the House Labor, Industrial and Rehabilitative Services Committee.
HB353	Relative to hearing protection for employees of nightclubs and music venues. This bill was deemed inexpedient to legislate by the House on February 6.
HB378	Relative to an employee's unused earned time. This bill requires the payment of unused earned time. The bill was recommended as Ought to Pass by the House Labor, Industrial and Rehabilitative Services Committee.
HB379	This bill clarifies the number of hours a minor may work and limits the evening hours that may be worked. The bill is pending in the House Labor, Industrial and Rehabilitative Services Committee.
HB542	This bill updates unemployment benefit payments. The bill is pending in the House Labor, Industrial and Rehabilitative Services Committee.
HB744	Relative to workers' compensation indemnity benefits percentage. The bill increases payments to 66 2/3% of the employee's average weekly wage. The bill is pending in the House Labor, Industrial and Rehabilitative Services Committee.
HB442	Relative to prohibiting payment of subminimum wages for certain tipped workers. The bill is pending in the House Labor, Industrial and Rehabilitative Services Committee.
HR6	A proposed House Resolution condemning the judicial doctrine of "disparate impact." The resolution was deemed Inexpedient to Legislate by the House on January 30.

Peter G. Callaghan, Esq.
PreTi Flaherty, PLLP
pcallaghan@preti.com
(603) 410-1500