

REGULAR CALENDAR

March 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 1088,

AN ACT relative to employee protections from COVID-19 in the workplace. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Gregg Hough

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 1088
Title:	relative to employee protections from COVID-19 in the workplace.
Date:	March 1, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

While this bill seeks to make it lawful for employees to receive COVID-19 vaccinations as well as to be able to wear personal protective equipment in the workplace under the premise of non-discriminatory practices, the majority of the committee found through testimony and current law that there is nothing preventing citizens currently from doing either. Also, there was no evidence of employers taking punitive actions against employees who chose to do either, or both.

Vote 11-9.

Rep. Gregg Hough
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 1088, relative to employee protections from COVID-19 in the workplace. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregg Hough for the **Majority** of Labor, Industrial and Rehabilitative Services. While this bill seeks to make it lawful for employees to receive COVID-19 vaccinations as well as to be able to wear personal protective equipment in the workplace under the premise of non-discriminatory practices, the majority of the committee found through testimony and current law that there is nothing preventing citizens currently from doing either. Also, there was no evidence of employers taking punitive actions against employees who chose to do either, or both. **Vote 11-9.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

March 2, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 1088,

AN ACT relative to employee protections from COVID-19 in the workplace. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Brian Sullivan

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 1088
Title:	relative to employee protections from COVID-19 in the workplace.
Date:	March 2, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority of the committee believes that an employee should have the right to protect him/herself from infection while at work. While uncommon, some employers have discouraged or even not allowed employees to wear protective equipment or to become vaccinated. Employees' rights to protect their own health and the health of others should be protected.

Rep. Brian Sullivan
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 1088, relative to employee protections from COVID-19 in the workplace. **OUGHT TO PASS.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the committee believes that an employee should have the right to protect him/herself from infection while at work. While uncommon, some employers have discouraged or even not allowed employees to wear protective equipment or to become vaccinated. Employees' rights to protect their own health and the health of others should be protected.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 1088

BILL TITLE: relative to employee protections from COVID-19 in the workplace.

DATE: February 24, 2022

LOB ROOM: 305 - 307

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Hough

Seconded by Rep. Warden

Vote: 11-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jonathan Mackie, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 1088

BILL TITLE: relative to employee protections from COVID-19 in the workplace.

DATE: 2/24/22

LOB ROOM: 305-307

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Hugh Seconded by Rep. Wachen Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES _____ NO

Minority Report? 2 Yes _____ No _____ If yes, author, Rep: _____ Motion _____

Respectfully submitted: [Signature]
Rep Jonathan Mackie, Clerk



2022 SESSION

Labor, Industrial and Rehabilitative Services

 Bill #: 1088 Motion: ITL AM #: _____ Exec Session Date: 2/24/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	11		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M.	2		
Callum, John M.	3		
Mackie, Jonathan D. Clerk	4		
Love, David C.			
Warden, Mark	5		
Turcotte, Leonard P.	6		
Prout, Andrew J.	7		
Boyd, Stephen E.	8		
Hough, Gregg	9		
Sullivan, Brian M.		1	
Soucy, Timothy A.		2	
Baroody, Benjamin C. <u>shultz</u>		3	
Cahill, Michael D.	10		
DiSilvestro, Linda A. <u>Fellows</u>		4	
Schmidt, Janice E.		5	
Toomey, Dan		6	
Bouchard, Donald J.		7	
Adjutant, Joshua		7	
Maneval, Andrew		8	
	11	9	

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 1088

BILL TITLE: relative to employee protections from COVID-19 in the workplace.

DATE: January 27, 2022

LOB ROOM: Reps. Hall **Time Public Hearing Called to Order:** 10:30 a.m.

Time Adjourned: 10:59 a.m.

Committee Members: Reps. Infantine, Seaworth, Mackie, Avellani, Turcotte, Prout, S. Boyd, Hough, Sullivan, Soucy, Cahill, DiSilvestro, Toomey, Bouchard, Adjutant and Maneval

Bill Sponsors:
Rep. Horrigan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Timothy Horrigan** introduced the bill and submitted written testimony in favor of said bill.

Rep Hough: Are you aware of any statute that prohibits vaccination or PPE?

Rep. Horrigan: No, but the issue was not significant until COVID-19

Rep. Turcotte: Are you aware of any NH employer prohibiting vaccination

Rep. Horrigan: Not in NH.

Rep. Turcotte: To be clear. You know of no NH employers prohibiting vaccination

Rep. Horrigan: Correct

Rep. Maneval: This appears to only protect COVID-19 vaccination, correct?

Rep. Horrigan: Yes, but it could be broadened

Rep. Prout: How would an employer even know if someone was vaccinated.

Rep. Horrigan: Regardless this would prohibit discrimination on the basis of vaccination.

Rep. Prout: So, you would like employers to give time off for vaccination and extended time for adverse reactions.

Rep. Horrigan: Ideally yes, but this bill does not require it.

Russan Chester: This is opening up a can of worms. This could be extended to all sorts of other issues. There are over 35,000 vaccinated people getting infected with COVID-19 every day. Also, over 20,000 people have died from the vaccine according to VAERS.

Terese Grinnell Testified against the bill. It is a person's choice whether to get vaccinated or not. The government should not get involved.

Kendra Goodwin testified against the bill. She said there should no discrimination on either side. If there is any risk in taking the vaccine it should not be mandatory. It should be the choice of the person. The last two years have opened my eyes to the corruption in the government regarding health polocies.

Laura Condon testified against the bill saying the discrimination should be prohibited both ways.

Respectfully submitted,

Rep. Jonathan Mackie

Clerk

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB1088 on 2022-01-27

Support: 62 Oppose: 12 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
O'Neill, Nan	SALISBURY, NH raptorko@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2022 1:29 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	1/22/2022 2:21 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2022 4:28 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/22/2022 5:24 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/22/2022 9:34 PM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Support	No	No	1/23/2022 9:42 AM
Gilman, Julie	Exeter, NH Julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Support	No	No	1/23/2022 4:17 PM
Oxenham, Lee	Plainfield, NH leexenham@comcast.net	An Elected Official	Myself	Support	No	No	1/23/2022 6:21 PM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/23/2022 7:55 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:50 PM
Lincoln, Mary	MANCHESTER, NH mary.lincoln52@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 5:37 AM
Gordon, Margaret	Weare, NH Megordon98@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 7:11 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 7:19 AM

Gordon, Laurie	Weare, NH lmgord23@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 7:43 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 7:54 AM
Dargie, Paul	Milford, NH pauldargie@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 8:18 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2022 9:37 AM
Hakken-Phillips, Mary	Hanover, NH mhp4nhrep@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2022 9:42 AM
Domenico, William	Manchester, NH bill@resunltd4u.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 9:58 AM
Greyes, Natch	Concord, NH ngreyes@nhmunicipal.org	A Lobbyist	New Hampshire Municipal Association	Oppose	No	No	1/24/2022 10:32 AM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 10:34 AM
Meller, Elizabeth	NEW LONDON, NH lizmeller1@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 10:59 AM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	1/24/2022 1:27 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 1:44 PM
perencevich, ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 2:35 PM
Pugh, BARBARA	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 2:58 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 3:47 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 4:08 PM
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 4:09 PM
chapman, kevin	marlborough, NH denoet103@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 5:32 PM
Robinson, Ellis	Grantham, NH EllisMMRobinson@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 6:48 PM

Woods, Renia	Bow, NH renia.woods1@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 7:22 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 9:54 PM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 11:04 PM
King, Walter	Dover, NH genedocwk@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 11:16 PM
Hatch, Sally	Concord, NH SALLYHATCH@COMCAST.COM	A Member of the Public	Myself	Support	No	No	1/25/2022 6:28 AM
stonebanks, sandra	concord, NH sandrastonebanks@yahoo.com	A Member of the Public	Myself	Support	No	No	1/25/2022 7:50 AM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 8:21 AM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 8:39 AM
Wazir, Safiya	Concord, NH S.wazir@leg.state.nh.us	An Elected Official	Myself and my constituents	Support	No	No	1/25/2022 10:52 AM
Raff, Alan	Manchester, NH araff9@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 11:13 AM
Gould, Rep. Linda	Bedford, NH lgouldr@myfairpoint.net	An Elected Official	Myself	Oppose	No	No	1/25/2022 1:56 PM
Tanner, Courtney	Bedford, NH courtney.tanner@hitchcock.org	A Lobbyist	Dartmouth-Hitchcock Health	Oppose	No	No	1/25/2022 2:31 PM
Janvrin, Jason	Seabrook, NH ikebub@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/25/2022 4:44 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 8:54 PM
Bayne-Kim, Lyssa	Durham, NH lyssabaynekim@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2022 10:20 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/25/2022 11:00 PM
Schuett, Dianne	Pembroke, NH dianne.schuett@leg.state.nh.us	An Elected Official	Merr. Dist. 20	Support	No	No	1/25/2022 11:40 PM
Blair, Eric	Lebanon, NH, NH supermanx23@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2022 9:20 AM

Joyce, Ellen	Meriden, NH ejoyce1961@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:44 AM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:46 AM
Bletzer, Hallina	Hampton, NH juicygirl188@yahoo.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:58 AM
Fraysse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 10:11 AM
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 10:18 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	1/26/2022 10:34 AM
Mattlage, Linda	Concord, NH L.mattlage@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 10:38 AM
DePuy, Charles	Lebanon, NH c.depuy@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/26/2022 11:13 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 12:12 PM
Brown, Jean	HANOVER, NH jean.e.brown1@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 12:29 PM
Melvin, Daniel	Auburn, NH DanMelvin@verizon.net	A Member of the Public	Myself	Oppose	No	No	1/26/2022 1:08 PM
Lenahan, Carol	Campton, NH peaseporridgehot@roadrunner.com	A Member of the Public	Myself	Support	No	No	1/26/2022 4:15 PM
Hirai, Barbara	Lebanon, NH BPHirai@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 4:19 PM
Ryll, Brian	Concord, NH brian@pffnh.org	A Lobbyist	Professional Fire Fighters of New Hampshire	Support	No	No	1/26/2022 4:22 PM
Dickinson, Jeff	Concord, NH jdickinson@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	1/26/2022 6:07 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Support	No	No	1/26/2022 7:33 PM
Brackett, Glenn	Hooksett, NH communications@nhafclcio.org	A Lobbyist	NH AFL-CIO	Support	No	No	1/26/2022 7:38 PM
Jones, Jennifer	Brentwood, NH jennjones123@hotmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 11:46 PM

Jones, Nate	Brentwood, NH Nate_jones@hotmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 11:59 PM
Douville, Linda	Grantham, NH Lmdanp@aol.com	A Member of the Public	Myself	Support	No	No	1/27/2022 8:07 AM
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 8:40 AM
Neal, Robert	New Ipswich, NH robertmneal93@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 9:04 AM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	1/27/2022 1:21 PM
Anastasia, Patti	LONDONDERRY, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2022 3:09 PM
Loveless, Eric	Bedford, NH Lovelessej@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 6:12 PM

Heather Goley

From: Amanda Mastroianni <amandamastroianni@icloud.com>
Sent: Wednesday, February 23, 2022 10:28 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: OTP HB1088, 1143, 1358, 1377 & 1410

Dear House Labor Committee members,

My name is Amanda Mastroianni and I live in Merrimack , NH.

There are many reasons why someone would opt out of taking a medical treatment. I don't believe firing someone because they opt out should be allowed in the first place because it is discrimination. But at the very least, if someone is fired for opting out, they should definitely be offered unemployment or severance.

If an employer is making you take a medical treatment (especially one where the makers of the medical treatment have no liability), than that employer should definitely assume liability if the treatment harms that employee in anyway.

Everyone should be allowed exemptions from medical treatments, medical testing and/or medical interventions.

Please pass HB 1089, 1143, 1358, 1377 & 1410 as these bills properly protect those wishing to practice bodily autonomy.

Thank you!

Sincerely,

Amanda Mastroianni

HB 1088 - AS INTRODUCED

2022 SESSION

22-2338

04/05

HOUSE BILL

1088

AN ACT

relative to employee protections from COVID-19 in the workplace.

SPONSORS:

Rep. Horrigan, Straf. 6

COMMITTEE:

Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill establishes COVID-19 related workplace rights for 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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to employee protections from COVID-19 in the workplace.

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

1 1 New Section; Protective Legislation; Discrimination in the Workplace. Amend RSA 275 by
2 inserting after section 41-d the following new section:

3 275:41-e Employee COVID-19 Rights. An employee shall have the right to be vaccinated against
4 COVID-19 and the right to use personal protective equipment such as face masks and face shields
5 while employed in the workplace. No employer shall discriminate in any way against an employee
6 based on the employee exercising his or her rights under this section.

7 2 Effective Date. This act shall take effect 60 days after its passage.