

# One Minute Memo®



## New Hampshire Law Prohibiting Retaliation Against Employees Who Request A Flexible Work Schedule Now In Effect

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**Seyfarth Synopsis:** Effective September 1st, 2016, New Hampshire joined Vermont as the only two states that prohibit employers from retaliating against an employee solely because the employee requested a flexible work schedule. While the new law does not mandate that an employer accommodate an employee's request for a flexible work schedule, employers should take care when addressing such requests from employees.

A recent New Hampshire law prohibits employers from retaliating against an employee solely because the employee requested a flexible work schedule. The law, Senate Bill 416, is inserted into RSA 275:37-b Flexible Working Arrangement, and took effect on September 1st, 2016. Importantly, the law does not require an employer to accommodate a request for a flexible work schedule, nor does it create a cause of action for failure to provide a flexible work schedule at an employee's request.

The law is short on details, and it does not define any of its key terms. Employers should not ignore any employee request for a flexible work schedule, and should discuss with the employee the impacts that the requested schedule would have on the position and the work environment.

In passing this law, New Hampshire joins Vermont as only the second state to enact such protections for employees who request a flexible work schedule. The city of San Francisco previously enacted an ordinance affording similar protections to employees who have caregiving responsibilities for certain relatives or other dependents. The law, sponsored by Democratic Senator Dan Feltes of Concord, received bipartisan support.

If you would like further information, please contact your Seyfarth attorney, or [Timothy J. Buckley](mailto:tbuckley@seyfarth.com) at [tbuckley@seyfarth.com](mailto:tbuckley@seyfarth.com).

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