



## Today's Agenda

- 9:00 – 9:05 *NH Employment Security*
- 9:05 – 9:10 *NH Employer Support for Guard & Reserve*
- 9:10 – 9:15 *Veterans' Employment & Training Service*
- 9:15 – 9:20 *Small Business Administration*
- 9:20 – 11:00 *NH Wage & Hour & Safety Presentation*
- 11:00 – 12:00 *US Department of Labor Wage & Hour*

# New Hampshire Employment Security Pandemic Tax Rate Impacts on Employers

- ▶ Taxpaying employers:
- ▶ Benefit charges have not impacted tax rates during pandemic
- ▶ \$50M added to trust fund to avoid tax rate increases
- ▶ No surcharges in effect during 2021 Q1 or Q2
- ▶ Trust fund started pandemic at \$300M and now at \$104M
- ▶ Employers currently at their experience based earned rate
- ▶ Non profit employers:
- ▶ Benefit charges have not been required to be reimbursed

# New Hampshire Employment Security

## Services

- ▶ NHJOBS portal
- ▶ Virtual Job Fairs
  - ▶ <https://www.unemploymentbenefits.nh.gov/>
- ▶ Job Match System
  - ▶ <https://nhworksjobmatch.nhes.nh.gov/vosnet/Default.aspx>
- ▶ Work Opportunity Tax Credit (WOTC)
- ▶ Federal Bonding
  - ▶ <https://www.nhes.nh.gov/forms/employers.htm>
- ▶ WorkShare
  - ▶ <https://www.nhes.nh.gov/nhworking/stay/forms.htm>

## Training

- ▶ Job Training Fund
  - ▶ WorkInvestNH
    - ▶ <https://www.nhjobtrainingfund.org>
  - ▶ WorkNowNH
    - ▶ <https://www.nhes.nh.gov/forms/employers.htm>
- ▶ WIOA/Dislocated Worker
  - ▶ <https://www.nhes.nh.gov/forms/employers.htm>
- ▶ Return to Work
  - ▶ <https://www.nhes.nh.gov/nhworking/return/forms.htm>

# USERRA AND EMPLOYER RELATIONS FOR RESERVE COMPONENTS

Uniform Service Employment Reemployment Rights Act

**[WWW.ESGR.MIL](http://WWW.ESGR.MIL)**



NH State Chair: Bruce Thompson

Employer Support of the Guard and Reserve

[bthompson@nhesgr.com](mailto:bthompson@nhesgr.com) 603-225-1892



Employment Support Program: Mike Pacheco

-Employment and Career Services

[mpacheco@nhesgr.com](mailto:mpacheco@nhesgr.com) 603-396-8392

UNITED STATES DEPARTMENT OF LABOR

VETERANS.GOV  
The employment resources you need.

FIND A JOB | HIRE VETERANS | Military Spouses | START YOUR OWN BUSINESS | VA Benefits & Information

Veterans' Employment Program Information

Explore Opportunities In:

- Agriculture
- Energy
- Transportation
- Homeland Security
- Federal Government Hiring
- AmeriCorps

The Honoring Investments in Recruiting and Employing American Military Veterans (HIRE Vets) Act of 2017

HIREVets.gov

ABOUT | AWARDEES | NEWS | RESOURCES | FAQ | LOGIN | REGISTER TO APPLY

# HIRE Vets Medallion Program

Recognizing employers for their investments in recruiting, employing, and retaining our nation's heroes.

Apply Now for the HIRE Vets Medallion Program

Review 2021 Criteria

2020 Award Recipients Released

Honoring the Employers who Hire our Nation's Heroes

The HIRE Vets Medallion Award is the only federal-level veterans' employment award that recognizes a company or organization's commitment to veteran hiring, retention, and professional development. [Apply now.](#)

Donna Nobrega  
U.S. DOL Veterans Employment and Training Service  
New Hampshire State Director (DVET)



## HIRE Vets Medallion Program

### 2021 HIRE Vets Medallion Award Criteria

REQUIREMENTS	LARGE EMPLOYER AWARDS (500+ Employees)		MEDIUM EMPLOYER AWARDS (51-499 Employees)		SMALL EMPLOYER AWARDS (1-50 Employees)	
	Platinum	Gold	Platinum	Gold	Platinum	Gold
<b>Hiring</b> (Vets hired during CY 2020)	Not less than 10% of employees hired <b>AND</b>	Not less than 7% of employees hired <b>AND</b>	Not less than 10% of employees hired <b>OR</b>	Not less than 7% of employees hired <b>OR</b>	Not less than 10% of employees hired <b>OR</b>	Not less than 7% of employees hired <b>OR</b>
<b>Retention</b> (Vets hired during CY 2019)	Not less than 85% of Vets hired retained for 12 months	Not less than 75% of Vets hired retained for 12 months	Not less than 85% of Vets hired retained for 12 months <b>AND</b>	Not less than 75% of Vets hired retained for 12 months <b>AND</b>	Not less than 85% of Vets hired retained for 12 months <b>AND</b>	Not less than 75% of Vets hired retained for 12 months <b>AND</b>
<b>Veteran Employee Percentage</b> (Vets employed on 31 Dec. of CY 2020)	N/A	N/A	At least 10% of employees are Vets	At least 7% of employees are Vets	At least 10% of employees are Vets	At least 7% of employees are Vets
<b>INTEGRATION ASSISTANCE PROGRAMS</b>						
<b>Veteran Organization or Resource Group</b>	Must be established and exist by 31 Dec. 2020	Must be established and exist by 31 Dec. 2020	Must be established and exist by 31 Dec. 2020	Satisfy 1 of 2	Satisfy 2 of 5	N/A
<b>Leadership Program</b>	Must be established and exist by 31 Dec. 2020	Must be established and exist by 31 Dec. 2020	Must be established and exist by 31 Dec. 2020			N/A
<b>Dedicated HR Professional (large) or HR Veterans' Initiative (medium/small)</b>	Must be targeted to veteran employees	N/A	Satisfy 1 of 3	N/A		N/A
<b>Pay Differential Program</b>	Must be provided	N/A		N/A		N/A
<b>Tuition Assistance Program</b>	Must be available	N/A		N/A		N/A
<b>OTHER ITEMS</b>						
<b>Labor Law Violations</b>	Must not have any of the violations identified in 20 CFR § 1011.120	Must not have any of the violations identified in 20 CFR § 1011.120	Must not have any of the violations identified in 20 CFR § 1011.120	Must not have any of the violations identified in 20 CFR § 1011.120	Must not have any of the violations identified in 20 CFR § 1011.120	Must not have any of the violations identified in 20 CFR § 1011.120
<b>Application Fee</b>	\$495.00	\$495.00	\$190.00	\$190.00	\$90.00	\$90.00

\*The above is a brief overview of the criteria needed to qualify to receive a HIRE Vets Medallion Award. For a detailed explanation, please visit HIREVets.gov and view the Final Rule for the program.

# Stay Connected

## SBA Links & Contacts



Subscribe to SBA's e-newsletter: [www.sba.gov/nh](http://www.sba.gov/nh)



Follow the SBA on Twitter: [@SBA\\_NH](https://twitter.com/SBA_NH)



Email: [newhampshire\\_DO@sba.gov](mailto:newhampshire_DO@sba.gov)



Call: (603) 225-1400



[www.sba.gov/coronavirusrelief](http://www.sba.gov/coronavirusrelief) - all economic aid options

[www.sba.gov/ppp](http://www.sba.gov/ppp) - Paycheck Protection Program

[www.sba.gov/svogrant](http://www.sba.gov/svogrant) - Shuttered Venue Operators Grant

Information Current as of 2/5/21 – Visit [www.sba.gov/CoronavirusRelief](http://www.sba.gov/CoronavirusRelief) for the most up-to-date information.





**SCORE New Hampshire**

- Provides free business mentoring and advice
- Offers low or no cost local and online business training
- Shares free business resources, templates, and solutions 24/7 at [score.org](https://score.org)
- Guides existing small business with online business assessment tool
- Offers virtual webinars for businesses in all regions

**Mentoring Locations & Contact Info:**

Merrimack Valley  
 Mt. Washington Valley  
 Upper Valley  
 Monadnock Region  
 Lakes Region  
 P: 603-666-7561  
 E: [Info@score.org](mailto:Info@score.org)

Seacoast  
 P: 603-433-0575  
 E: [info@scorehelp.org](mailto:info@scorehelp.org)

**For more information, please visit**  
<https://www.scorenh.org/>



**Center for Women & Enterprise  
NH Women's Business Center**

- Delivers education & training programs both in-person and online at no or low cost on many business topics including start-up, financing, marketing, and more
- Supports financial education
- Creates networking opportunities
- Provides cost-free, one-on-one confidential business advising statewide

**For more information, please visit:**  
<https://www.cweonline.org/>

**For Schedules & Appointments:**  
 603-318-7580  
[Info.NewHampshire@CWEonline.org](mailto:Info.NewHampshire@CWEonline.org)



**Veterans Business Outreach Center  
of New England**

- Training & mentoring to service members and military spouses
- Technical and financial skill development

**To request counseling:**  
<https://sba-vboc.ecenterdirect.com/signup>  
 or  
 Call: 401-427-6536



**NH Small Business  
Development Center**

- Fulltime Certified Business Advisors provide one-on-one, confidential, advising services at no cost to NH enterprises
- e-Learning program offers more than 20 e-courses on small business topics
- Business Sustainability Program helps businesses create best management practices to reduce operational risk and increase profitability

**Business Advising Centers:**

Belknap & Grafton Counties  
 Laconia & Plymouth

Cheshire & Sullivan Counties  
 Keene

Merrimack Valley Region  
 Manchester & Nashua

North Country Region  
 Multiple satellite locations

Seacoast Regional Office  
 Dover, Portsmouth & Wolfeboro

Contact SBDC today to schedule a call or a one-on-one meeting with a Certified Business Advisor.

[nhsbdc.org](https://nhsbdc.org)  
[nh\\_sbdc@unh.edu](mailto:nh_sbdc@unh.edu)  
 603-862-2200

Information Current as of 2/5/21 – Visit [www.sba.gov/CoronavirusRelief](http://www.sba.gov/CoronavirusRelief) for the most up-to-date information.



# New Hampshire Department of Labor

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*2021 Labor Law  
Webinar*



# Top 10 Labor Violations

<p><b>1</b></p>	<p><b>2</b></p>	<p><b>3</b></p>	<p><b>4</b></p>	<p><b>5</b></p>
<p><b>Pay all Wages Due</b></p> <p>RSA 275: 43 Lab 803.01</p>	<p><b>Record Keeping</b></p> <p>RSA 279:27 Lab 803.03</p>	<p><b>Youth Employment</b></p> <p>RSA 276-A Lab 1000</p>	<p><b>Required Pay (2-hour minimum)</b></p> <p>RSA 275:43-a Lab 803.03 (h) (i) (j)</p>	<p><b>Notification in writing</b></p> <p>RSA 275:49 Lab 803.03</p>
<p><b>6</b></p>	<p><b>7</b></p>	<p><b>8</b></p>	<p><b>9</b></p>	<p><b>10</b></p>
<p><b>Documentation of Employees</b></p> <p>RSA 275-A:4-a</p>	<p><b>Deductions from Wages</b></p> <p>RSA 275:48 Lab 803.02 (b) (e) (f)</p>	<p><b>Secure workers' compensation coverage &amp; proper employee classification</b></p> <p>RSA 275:42 I, II &amp; RSA 281-A</p>	<p><b>Written Safety Plan</b></p> <p>RSA 281-A:64 Lab 602.01, 602.02, 603.02, 603.03</p>	<p><b>Pay Minimum Wage</b></p> <p>RSA 279:21 Lab 803.02</p>



# Life Cycle of a New Hampshire Employee

- ✓ Workers' Compensation Coverage
- ✓ Notification
- ✓ Youth Employment
- ✓ Documentation of Employees
- ✓ Recording of Hours
- ✓ Safety and Health Program
- ✓ Deductions
- ✓ Paying all Wages due on Payday
- ✓ Terminating the Employee & Relationship

## **Workers' Compensation Coverage Division**

### **Coverage:**

**Phone: 603.271.3175**

**Email: [NHCoverage@dol.nh.gov](mailto:NHCoverage@dol.nh.gov)**

### **Claims:**

**Phone: 603.271.3174**

**Email: [WorkersComp@dol.nh.gov](mailto:WorkersComp@dol.nh.gov)**



# Workers' Compensation



## Coverage:

- Secure & Maintain NH Workers' Compensation Insurance Coverage
  - Misrepresentation of Workers
  - Exclusion of Executive Officers
  - Prime Contractor's Responsibility

## Claims:

- Filing A First Report of Injury
- First Aid
- Job Modification
- Second Injury Fund

## Wage & Hour Inspection Division

### Phone Numbers:

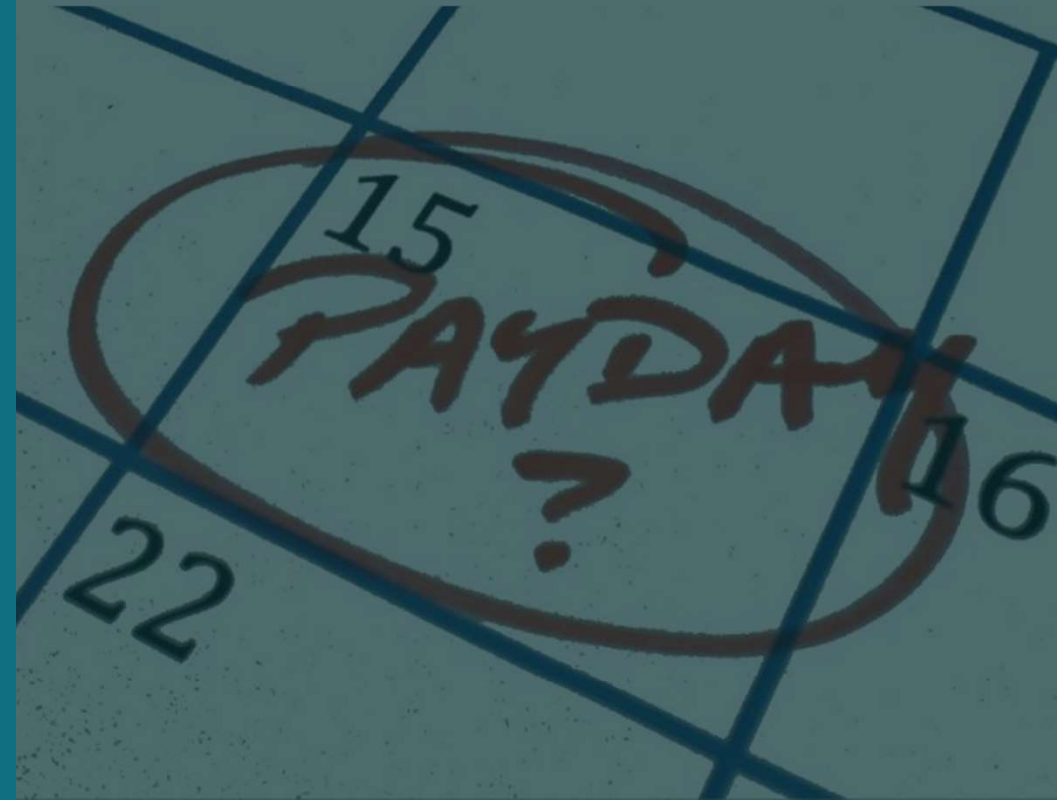
603.271.3176

603.271.6294

603.271.0127

### Email Address:

[InspectionDiv@dol.nh.gov](mailto:InspectionDiv@dol.nh.gov)



## Notification RSA 275:49

### Wages

- In writing
- At least minimum wage
- Signed by the employee
- Copy maintained by the employer
- Hourly, Salary, Commission, etc.

### Benefits

- Vacation, Sick, Holiday
- What qualifies an employee to benefits
- How it is earned, lost, and calculation at termination
- Accrued benefits cannot be lost with change

# Notification RSA 275:49

- In writing
- At least mi
- Signed by
- Signed by employee
- Copy main
- Hourly, Sal
- Commission

## Company Name/Logo Here SAMPLE FORM

New Hire Rate of Pay  
RSA 275:49 Lab 803.03

Employee name:

Date:

Rate of pay:

Pay period is:

Payday is:

Benefits offered:

Signature of employee

### Changes in Rate of Pay

Date:

Rate of pay:

Signature of employee

### Changes in Rate of Pay

Date:

Rate of pay:

Signature of employee

## enefits

Sick, Holiday  
qualifies an  
e to benefits  
earned, lost,  
ulation at  
on  
benefits cannot  
with change

# YOUTH

AGE	DOCUMENTATION	WHEN	WHAT
Under 16	Youth Certificate	Within three days of the 1 <sup>st</sup> day of employment	Employment or Volunteering
16/17	Parental Permission	On or before the 1 <sup>st</sup> day of employment	Employment



# YOUTH



State of New Hampshire  
Department of Labor

Phone: 603.271.0127  
Email: Inspectiondiv@dol.nh.gov

## NH YOUTH EMPLOYMENT CERTIFICATE

EMPLOYER \_\_\_\_\_ EMPLOYER FEIN \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 YOUTH NAME \_\_\_\_\_ AGE \_\_\_\_\_ DOB \_\_\_\_\_ SEX \_\_\_\_\_  
 JOB DESCRIPTION \_\_\_\_\_  
 \_\_\_\_\_  
 Youth Signature \_\_\_\_\_ Date \_\_\_\_\_

**Approval Section: Authorized school official OR Parent/Guardian**

Authorized School Official \_\_\_\_\_ School District \_\_\_\_\_  
 \_\_\_\_\_  
 Date \_\_\_\_\_  
**OR Parent / Guardian (Only one signature is required by law for approval)**

Parent / Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Adequate health: Yes  No

\_\_\_\_\_  
 Date \_\_\_\_\_

**In the event of Revocation:** Revocation Signature \_\_\_\_\_ Date \_\_\_\_\_

- No youth shall be employed or permitted to work without a certificate except for his/her parents, grandparents or guardian or at work defined in RSA 278-A as casual, or as farm labor.
- No youth under 12 years of age may be employed or permitted to work except for his/her parents, grandparents, or at work as defined in RSA 278-A as casual, or in the door-to-door delivery of newspapers.
- If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals or schools or persons authorized by them may revoke the certificate.

### HOURS

- No youth under 16 years of age shall be employed or permitted to work earlier than 7 o'clock am or later than 9 o'clock pm, more than 3 hours per day on school days and 23 hours per week during school weeks, except that on non-school days he/she may be employed 8 hours per day and, during vacations, 48 hours per week.

### PENALTIES

- In addition to other penalties and remedies imposed under RSA 278-A, the commissioner shall assess a civil penalty on an employer with a minimum of \$100.00 per violation and a maximum of \$2,500.00 per violation.

### FEDERAL LAW

- This certificate is issued under New Hampshire state law. Federal wage & hour law (the Fair Labor Standards Act, "FLSA") also applies to most employers. For example, employers covered under the FLSA may not employ in non-agricultural employment any child who is under 14 years old. If you are in doubt as to whether you are an employer covered by the FLSA, or if you have any other questions about federal wage and hour law, contact the U.S. Department of Labor, Wage and Hour Division, 1155 Elm Street, Suite 501, Manchester NH 03101, TEL. 803-686-7716. A short fact sheet, covering some of these issues, is attached to this certificate for your convenience.

AGE	Parental Permission
Under 16	Yes
16/17	Partial

Parental Permission	WHAT
Yes	Employment or Volunteering
Partial	Employment

# YOUTH



## State of New Hampshire Department of Labor

Phone:  
603.271.0127  
Email:  
Inspectiondiv@dol.nh.gov

### PARENTAL PERMISSION FORM - YOUTH AGE 16 OR 17 RSA 276-A:4, VIII & LAB 1002.02

Youth's Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

(please print) (mm/dd/yyyy)

Youth's Address: \_\_\_\_\_  
Street Address City State Zip Code

I, \_\_\_\_\_, grant permission for my son, daughter or legal  
Print name of parent or legal guardian

ward to be employed with \_\_\_\_\_  
Name of Employer

Located at: \_\_\_\_\_  
Street Address City State Zip Code

Description of Work: \_\_\_\_\_

\_\_\_\_\_  
Date Signature of parent or legal guardian

AGE	
Under 16	Youth
16/17	Parental Permission

For additional information regarding the requirements of RSA 276-A, the New Hampshire Youth Employment Law, please contact the New Hampshire Department of Labor at 271-6294 or 271-1492.

#### RSA 276-A:4

- I. No youth shall be employed or permitted to work in any hazardous occupation, except in an apprenticeship, vocational rehabilitation, or training program approved by the commissioner...
- VI. (a) In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 30 hours during that work week.
- (b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40-¼ hours in that work week.
- (c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.
- VII. No youth 16 or 17 years of age who is duly enrolled in school shall work for more than 6 consecutive days or 48 hours in any one week during school vacations, including summer vacation. For purposes of this paragraph, "summer vacation" means June 1 through Labor Day.
- VIII. No youth 16 or 17 years of age, except a youth 16 or 17 years of age who has graduated from high school or obtained a general equivalency diploma, shall be employed by an employer unless the employer obtains and maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment.
- RSA 276-A:11 Certain Labor.** - In addition to the prohibitions listed in RSA 276-A:4, III, IV, V, VI, and VII no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10- 1/4 hours in any one day, or more than 54 hours in any one week.
- RSA 276-A:13 Night Work.** - No youth who works more than 2 nights in a week past 8 o'clock p.m. or before 6 o'clock a.m. shall be permitted to work more than 8 hours in any shift during that particular week.
- Lab 1002.03 Hours Limitations.**  
(c) Pursuant to RSA 276-A: 13, any youth scheduled to work more than 2 nights in a week past 8 o'clock p.m. shall not be permitted to work more than an 8 hour shift during that particular week.

Hazardous Occupations are as defined in Federal Child Labor Bulletin Requirements in Nonagricultural Occupations, "Child Labor Bulletin No. 101" Order No. 1 through Order No. 17.

This form must be on file with this employer prior to the 16 or 17 year old youth performing any work.

200715

	WHAT
Parent	Employment or Volunteering
Employer	Employment

# YOUTH HOURS

## Age Under 16

Every Day Not earlier than 7AM, no later than 9PM\*

School Day Not more than 3 hours on School Day (Yes, Friday is a school day)

School Week No more than 23 hours\*

Full Vacation Week No more than 48 hours

USDOL Differences \*Not earlier than 7AM, no later than 7PM except in Summer when it's 9PM  
\*18 Hours for school week

## Age 16 / 17

Certain Labor No more than 10.25 hours per day

Night work No more than 8 hours in a day when working 3 or more nights in the week

Full School Week No more than 30 hours

4 Day School Week No more than 40.25 hours

3 or less days of School Week No more than 48 hours

# YOUTH HAZARDS

## Age Under 16

No Construction      Cannot be on a work site

No Manufacturing or Warehouse      Cannot walk into a warehouse

No Golf Carts / Go Carts      Cannot handle or move even while engines are off

No Mowing or Weed Whacking      Raking and hand weeding is permissible

No Open Water Lifeguarding      At age 15 may lifeguard around pool

## Age 16 / 17

No Driving      At age 17 Limited non time sensitive driving is permissible

No power-driven Meat or Food Slicers      Limited Exemption for bona-fide student learners

No Roofing      Or working on or about a roof

No power-driven Bakery Machines      No using, repairing, or setting up i.e.) Batter Mixers

\*\*\*Please see all HOs in the USDOL's Child Labor Bulletin or go to: [www.youthrules.gov](http://www.youthrules.gov)

## Documentation of Employees

### RSA 275-A:4-a

### Citizen Protection

- Document to show Identity
- Document to show Eligibility
- Federal Form

## Record Keeping RSA 279:27

✓ True & Accurate Record Keeping

✓ Rounding

✓ Two Hour Minimum

✓ Hourly vs Salary

✓ Edits signed / initialed by the employee

✓ Fair & Equitable

✓ Sick or Family Emergency with Documentation  
Exemption for Public Employees

✓ Time records for hourly and non-exempt salary

## **Safety Inspection Division**

### **Phone Numbers:**

**603.271.6850**

**603.271.6297**

### **Email Address:**

**[Safety@dol.nh.gov](mailto:Safety@dol.nh.gov)**

# Safety & Health

File a Safety  
Summary  
Form

A Written  
Safety and  
Health  
Program

Joint Loss  
Management  
Committee  
Meetings



APPENDIX II

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF LABOR  
PO BOX 2076  
CONCORD, NH 03302-2076  
FAX (603) 271-2668

SAFETY SUMMARY FORM DATED

Company Name: \_\_\_\_\_

Company N.H. Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Company Mailing Address:

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone#: \_\_\_\_\_ Fax#: \_\_\_\_\_ Email: \_\_\_\_\_

Number of N. H. Employees: \_\_\_\_\_ (This Includes Anyone, who at any time works, in N.H. within the year.)

North American Industry Classification Code (NCICS): \_\_\_\_\_ Fed. ID. # \_\_\_\_\_

Nature of Business: \_\_\_\_\_

*Answer all of the following questions. If you are not sure how a particular question applies to your company, contact NH DOL or view the supplemental instructions, a separate document available for viewing or download at <http://www.nh.gov/labor/documents/safety-summary-instructions.pdf> on the NH DOL web site.*

*"Does not apply" is not an acceptable response to any of the questions.*

- List **potential** safety and health hazards of your company. (Example: burns, trips/falls, or violence, etc.)
- List the members of your company's joint loss management committee by name and job title. Please indicate which members represent the employer and those which represent employees and identify chairperson. There should be equal representation between management and employees or more employees than management representation.

<u>Management Member(s)-(supervisor)</u>	<u>Employee Member(s)-(non-supervisory)</u>
_____	_____
_____	_____
_____	_____
_____	_____

- Specify your emergency response procedures. (Example: call manager; call 911; transport injured employee, etc.)
- Identify person(s) by name and title qualified to take corrective actions on safety and health hazards, conduct on-site inspections, and responsible for employees' safety training.
- Indicate your policy to communicate safety and health concerns with the activities of sub-contractors or outside service providers, when, or if utilized. (Example: are they in compliance with OSHA Regulations? Do they have workers' compensation coverage?)
- Summarize your disciplinary policy with regard to violations of your safety and health policies.
- Summarize your policy for providing a adequate resources dedicated to safety including providing safety training, posting minutes of the JLMC meetings, providing access to your safety and health manual, and when required, providing personal protective equipment.

\_\_\_\_\_  
Person completing the form

\_\_\_\_\_  
Date

ADDITIONAL NH COMPANY LOCATIONS  
(common owner and same industry type)

NAME	STREET	CITY	FED ID NO.	NO. of EMP.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

# Safety & Health

## File a Safety Summary Form

### NHDOL EXAMPLE ONLY

To use this as a working document, delete all sample text in RED and replace with your entity's JLMC meeting information & discussions

#### Joint Loss Management Committee (otherwise known as JLMC or Safety Committee) Meeting Minutes

Entity Name: \_\_\_\_\_

Date of Meeting & Start Time: \_\_\_\_\_

#### JLMC Representatives (Name & TITLE):

Management Representatives	Employee Representatives (Non-Supervisory)
<i>John Doe, General Manager</i>	<i>Sue Safety, Press Operator</i>
<i>Sara Smith, Finance Director</i>	<i>Harold Health, Office Assistant</i>
<i>Jeff Jones, Shift Supervisor</i>	<i>Jane Doe, Customer Service Rep.</i>

Lab 603.02: Must have equal numbers of employer and employee representatives or more employee than management representatives.

Committee Purpose: The purpose of a JLMC is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace.

#### Meeting Discussions (Examples):

<i>1. Reviewed previous month's injury reports (if applicable)</i>
<i>2. Are there any injuries, illnesses, or near misses to discuss?</i>
<i>3. Review of any Workplace Safety Concerns/Trainings/Inspections</i>
<i>4. Review of Safety Program Manual</i>
<i>5. Safety &amp; Health Training for JLMC Members:</i>
<i>o Review of Applicable OSHA Laws &amp; Rules and Chap Lab 600 (Private Sector Only)</i>
<i>o Review of Applicable Chap Lab 1400 &amp; Chap Lab 600 (Public Sector Only)</i>
<i>6. Review of any workplace Safety Accomplishments</i>
<i>7. Health &amp; Safety Topic Discussion</i>

#### Chap Lab 603.03: Action Plan, Assigned Duties, & Responsibilities:

*Schedule next quarterly meeting, post JLMC meeting minutes for employee review, chairperson elections (if applicable), annual safety inspection, relay policy statement, goals, and objectives to all employees, identify and schedule employee/job specific safety training, review employee suggestion box, attend safety training on (date).*

#### Review from Previous Meetings:

*Were there things on your to-do list from the last meeting? Were they taken care of? Have major safety hazards been communicated to all employees for caution purposes? Examples: broken stairs, loose railings, etc.*

Applicable NHDOL Statutes: [RSA 281-A:64](#) & [Administrative Rule Lab 600: Safety Programs and Joint Loss Management Committees](#)

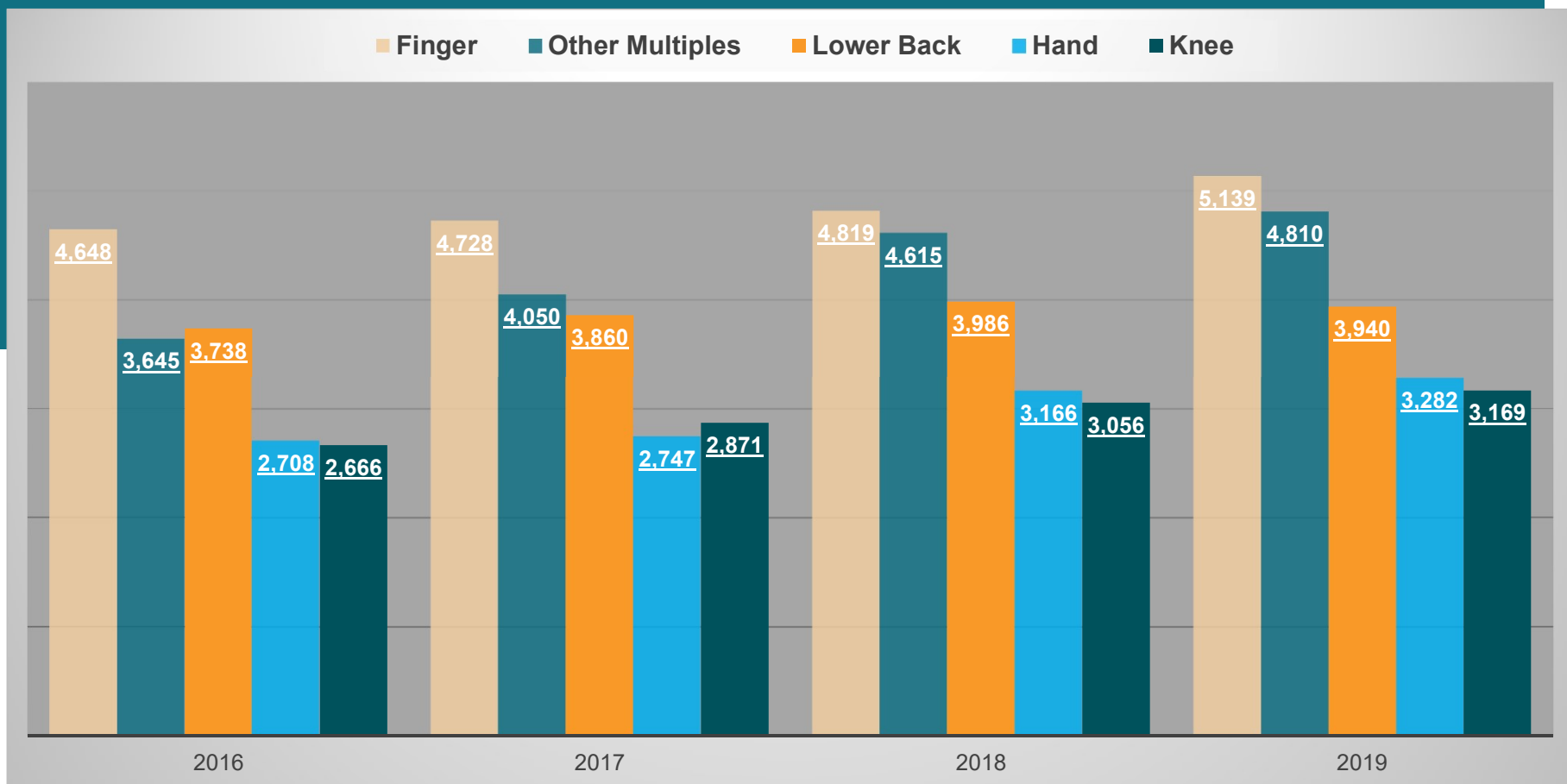
## Joint Loss Management Committee Meetings

# Safety & Health Program

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<i>Introduction &amp; Management Statement of Commitment</i>	<i>Responsibilities: Management, Supervisors, Employees, Safety Director</i>	<i>Joint Loss Management Committee (JLMC)</i>	<i>Safety Rules &amp; Regulations</i>	<i>Disciplinary Policies</i>
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<i>Accident / Incident Reporting</i>	<i>Training Requirements for Safety &amp; Health</i>	<i>Emergency Evacuation &amp; Response Plans</i>	<i>Safety &amp; Health Communications</i>	<i>Workplace Violence</i>

# NHDOL Biennial Report

## Injuries By Body Parts



# NHDOL Biennial Report

## Common Injury Causes

Causes	2016	2017	2018	2019
1. Slip or Fall	8,038	9,493	10,251	10,445
2. Lifting Action	7,025	7,012	7,162	7,343
3. Person	2,995	3,676	4,317	5,041
4. Hit by Object	3,889	4,038	4,154	4,619
5. Other	4,070	3,478	3,981	4,274
6. Sharp Object	2,298	2,026	2,345	2,523
7. Tool	1,891	1,967	2,152	2,137
8. Non Applicable	1,318	1,368	1,459	1,691
9. Repetitious	1,050	1,044	1,048	1,086
10. Motor Vehicle Accident	729	828	812	915

# **Why Invest in Workplace Safety**

## **A Written Safety Program with the help of JLMC Will...**

**Reduce fatalities, injuries and illnesses**

**Increase productivity and financial performance**

**Reduce absenteeism and turnover**

**Raise employee morale**

**Reduce direct and indirect costs**

# Fatalities, Injuries, and Illnesses Will Increase Costs

## Direct Costs

- ✓ Medical Expenses
- ✓ Increase of Workers' Compensation Premiums
- ✓ Compensation to injured employees for time away from work
- ✓ Repair or replacement of damaged equipment, buildings, and other items

## Indirect Costs

- ✓ Lost Time to assist injured worker
- ✓ Damage to tools, equipment, materials and property
- ✓ Losses due to late or unfilled orders, loss of bonuses or payment of penalties
- ✓ Loss of profit because of lost work time and idle machines

# How to Determine Total Cost of an Employee Injury

Direct Cost	Cost Multiplier
\$0 - \$2,999	4.5
\$3,000 - \$4,999	1.6
\$5,000 - \$9,999	1.2
\$10,000 or more	1.1

- Indirect cost = direct cost X cost multiplier
- Cost multiplier depends on size of direct cost
- Total cost = Direct cost + Indirect Cost

✓ Example:

The Insurance Claim Cost = \$12,000

Indirect cost \$12,000 X 1.1 = \$13,200

Total cost \$12,000 + \$13,200 = \$25,200





**Take 5!**

## Deductions RSA 275:48

### *All Allowable Deductions:*

- *Accidental Overpayment*
  - *Voluntary & in writing*
  - *Dates to begin & end*
  - *No more than 20% of gross wages for any 1 pay period*
- *Insurance benefit lapse*
  - *Employer responsible for failed obligation & deducted premiums*



# Deductions RSA 275:48

Company Name/Logo Here  
SAMPLE FORM

AUTHORIZATION FOR ACCIDENTAL  
OVERPAYMENT DEDUCTION  
RSA 275:48 I

I, \_\_\_\_\_ hereby authorize  
(Print employee's name)  
\_\_\_\_\_,  
(Employer)  
to deduct from my wages  
the sum of \$, \_\_\_\_\_ beginning \_\_\_\_\_ and ending \_\_\_\_\_  
(Amount) (Date) (Date)

I am authorizing this voluntary deduction as specified in RSA 275:48 I.

For deductions made for accidental overpayments employers are not allowed to deduct more than 20 percent of the employee's gross pay in any pay period. See RSA 275:48 I (d), (4), (C) (ii).

In the event my employment ends for any reason before the final deduction is made, the entire balance may  or  may not be deducted from my final wages.

\_\_\_\_\_  
(Employee's Signature) \_\_\_\_\_  
(Date Signed)

*deductions:  
overpayment  
& in writing  
begin & end  
than 20% of gross  
any 1 pay period  
benefit lapse  
responsible for failed  
& deducted premiums*

## Payment of Wages RSA 275:43



✓ **Permission to pay other than weekly or bi-weekly**

✓ **Payment Options**

- *Checks*
  - *On bank that is convenient*
  - *No fee to cash paycheck*
- *Direct Deposit*
- *Pay Card*

✓ **Paying all wages due**

- *Short Breaks & Lunch Periods*
- *Late Pays*
- *Miscalculations or errors in pay*

## Salaried Employees RSA 275:43-b



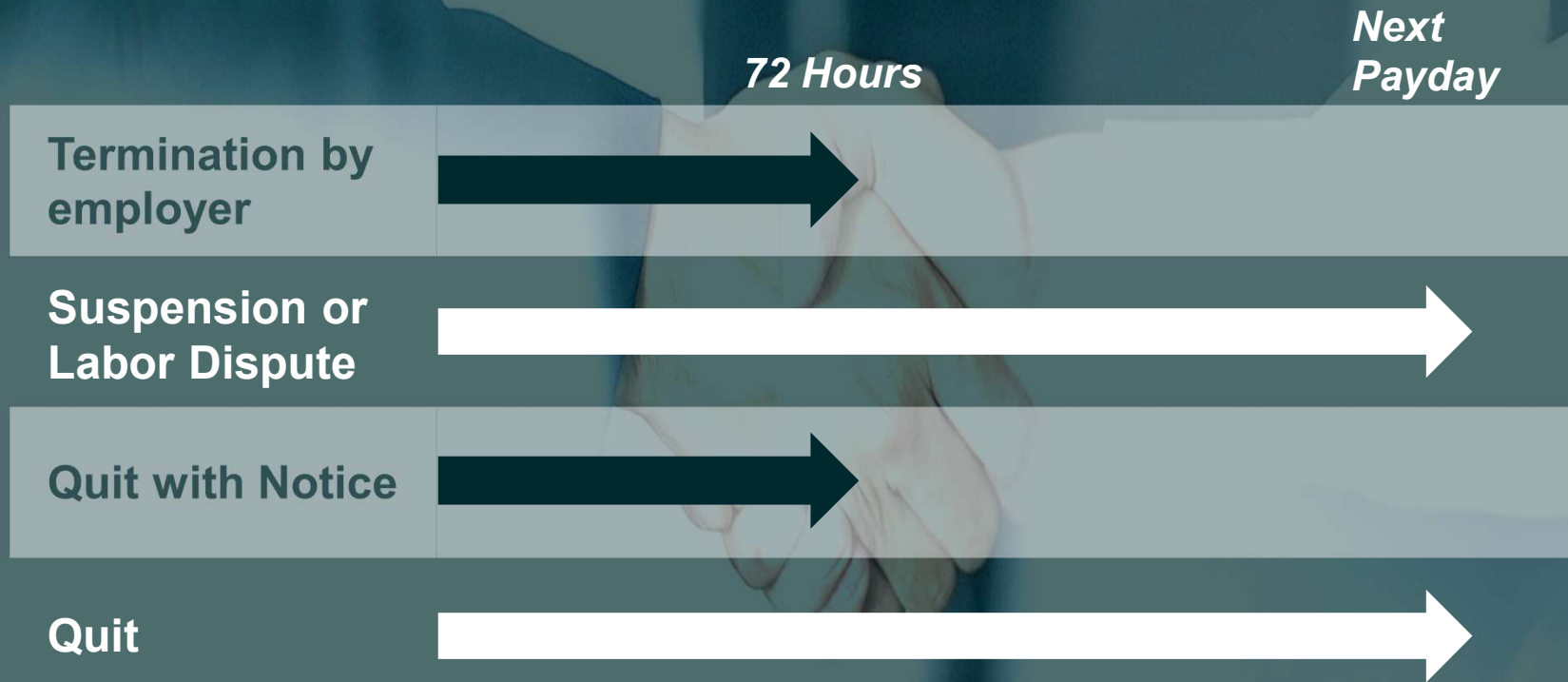
**Paid the same salary for each pay period**

*Regardless of quality or quantity of work*

### Unless

- *No work performed at all in a pay period*
- *Bereavement leave*
- *Family Medical Leave Act*
- *If a salaried employee voluntarily, without coercion or pressure, requests time off without pay for any portion of a pay period*
- *Offset any amount received for Jury duty, or military pay*

# Terminating an Employee





## New Hampshire Department of Labor

*Website: [www.nh.gov/labor](http://www.nh.gov/labor)*

*Email: [InspectionDiv@dol.nh.gov](mailto:InspectionDiv@dol.nh.gov)*

*[SafetyDiv@dol.nh.gov](mailto:SafetyDiv@dol.nh.gov)*

*[WorkersComp@dol.nh.gov](mailto:WorkersComp@dol.nh.gov)*

*SIGN UP FOR EMAIL ALERTS*



# Essential Workers Essential Protections



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)  
1-866-487-9283



# Wage and Hour Division

## Who we are



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)  
1-866-487-9283

# Enforcing Workplace Protections

- 10 million establishments nationwide and 148 million workers covered.
- More than 200 WHD offices throughout the country.
- More than 200 languages spoken.



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# Essential Protections



- Payment of minimum wages and overtime
- Youth employment standards
- Job protections for time taken for the birth of a child or caring for sick family members
- Housing and transportation standards for farm workers
- Payment of prevailing wage rates for federally funded construction and service contract work
- Standards for hiring and paying workers temporarily in the U.S under H-2A, H-1B and H-2B visas



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# Tax Credits for Paid Sick Leave

- American Rescue Plan extended tax credits for employers through September 30, 2021
- Up to \$12,000 per worker
- Visit [IRS.gov](https://www.irs.gov) for more information



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# Achieving Compliance

- Investigations
- Outreach to workers
- Education for employers
- Partnerships



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# Regional Outreach Events

- Planning more than 100 local outreach events
- Keep an eye out for more information about these events, including registration links



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# FAIR LABOR STANDARDS ACT



UNITED STATES DEPARTMENT OF LABOR  
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1-866-487-9243

[dol.gov/whd](https://dol.gov/whd)  
1-866-487-9243

# Fair Labor Standards Act



## Essential Protections:

- Minimum wage: \$7.25 per hour
- Overtime at “time and one-half” for hours worked over forty in a workweek
- Recordkeeping requirements
- Prohibited youth employment
- Anti-retaliation provisions



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# Overtime

1½

Covered, non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked over forty in a workweek

- All time that is hours worked must be counted when determining overtime hours worked.



FACT  
SHEET:  
[Overtime](#)

# Overtime



- Compliance determined by workweek
- Each workweek stands alone
- Workweek is 7 consecutive 24-hour periods (168 hours)

# Overtime

## Regular Rate

- Determined by dividing total earnings in workweek by total number of hours worked in workweek

$$\text{Total Compensation} \div \text{Total Hours Worked} = \text{RR}$$

- *Regular Rate* may not be less than the applicable minimum wage
- *Total earnings include commissions, certain bonuses, and cost of room, board, and other facilities provided primarily for the employee's benefit*

# Overtime

## Regular Rate and Premium Pay for OT Hours

- **STEP 1:** Total compensation paid in a workweek (minus statutory exclusions) divided by total hours worked in the workweek

$$\text{Total Compensation} \div \text{Total Hours} = \text{RR}$$

- **STEP 2:**  $\text{RR} \times .5 = \text{Half-time Premium Pay per OT Hour}$
- **STEP 3:** (Half-time) Premium Pay Rate x Overtime Hours in the Workweek = Overtime Compensation Due



# Overtime

## Exercise: Production Bonus

<b>Hourly Rate:</b>	\$12.00		
<b>Bonus per week:</b>	\$100.00	$48H \times \$12 =$	\$576
<b>Hours worked:</b>	48	$\$576 + \$100 =$	\$676
		$\$676 \div 48H =$	\$14.08 <b>RR</b>
		$\$14.08 \times .5 =$	\$7.04
		$\$7.04 \times 8H =$	\$56.32 <b>OT</b>
<b>• Total compensation for week:</b>		$\$676 + \$56.32 =$	<b>\$732.32</b>

# Overtime

## Exclusions from the *Regular Rate*

- **Gifts** – e.g., coffee, snacks, t-shirts, raffle prizes, certain longevity bonuses, certain sign-on bonuses
- **Discretionary bonuses** – e.g., severance bonuses, referral bonuses for employees not primarily engaged in recruiting activities, bonuses for overcoming challenging or stressful situations
- **Payments for time not worked** – includes paid leave, paid leave buybacks, “show up” or “reporting pay”, “call-back pay”
- **Reimbursements for business expenses** – includes business supplies, tools, cell phone plans, credentialing exam fees, travel expenses



FACT  
SHEET:  
[Regular Rate](#)

# Overtime

## Exclusions from the *Regular Rate*

- **Overtime premium payments**
- **“Perks” and conveniences for the employee** – e.g., gym memberships, gym access, fitness classes, wellness programs, employee discounts on retail and services, on-the-job medical care, tuition payments, adoption assistance, parking benefits and spaces
- **Profit sharing plans, stock options**
- **Retirement and insurance plan contributions** - also includes plans for accident, unemployment, legal services, or other events that could cause significant future financial hardship or expense



# Overtime

## *Discretionary Bonuses*

- Discretionary bonuses may be excluded from the regular rate if **all** the following criteria are met:
  1. The employer has the sole discretion, until at or near the end of the period that corresponds to the bonus, to determine whether to pay the bonus;
  2. The employer has the sole discretion, until at or near the end of the period that corresponds to the bonus, to determine the amount of the bonus; and
  3. The bonus payment is not made according to any prior contract, agreement, or promise causing an employee to expect such payments regularly.
- Labels are not determinative.



FACT  
SHEET:  
[Regular Rate](#)



# Common Questions

**I am an employee of a private employer that began paying me incentive payments, such as hazard pay, for working during the COVID-19 emergency. Do those incentive payments have to be included in the regular rate that is used to compute my overtime pay?**



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# Exemptions

## Exemptions

There are numerous exemptions from the minimum wage and/or overtime standards of the FLSA

One of the most common FLSA minimum wage and overtime exemptions is often called the **“541,” “white collar”** or **“EAP”** exemption

# Exemptions

## Three Tests for the “White Collar” Exemptions

1. **Salary Basis**
2. **Salary Level**
3. **Job Duties**



FACT  
SHEET:  
[Blue Collar  
Workers](#)

# Salary Basis Test

- An exempt employee must regularly receive a predetermined amount of compensation each pay period (on a weekly or less frequent basis)
- The compensation cannot be reduced because of variations in the quality or quantity of the work performed
- If employer chooses to use nondiscretionary bonuses and incentive payments to meet the standard salary level, the employee must be paid at least 90% of the standard salary level for any week in which the employee performs **any** work

# Exemptions

## Salary Level Test

For most employees the minimum salary level required for exemption is **\$684.00 per week.**

# Final Rule

## Nondiscretionary Bonuses

- Nondiscretionary bonuses and incentive payments (including commissions) are forms of compensation promised in advance to employees (e.g., bonuses for meeting set production goals, retention bonuses, and commission payments based on a fixed formula).
- May be used to satisfy up to 10% of the standard salary and special salary levels.
  - Minimum of 90% (approx. \$616 per week) of standard salary level must be paid as a weekly salary.
- Bonuses must be paid on an annual or more frequent basis.

# Final Rule

## Catch-Up Payments

- If an employee does not earn enough from nondiscretionary bonuses, commissions, or incentive payments to meet the standard salary level in the 52-week period – an employer may make a “catch-up” payment within one pay period after the end of the 52-week period.
- Any such “catch-up” payment will count only toward the prior 52-weeks salary amount and not toward the salary amount during the period in which it is paid.

# **Final Rule**

## **Example Catch-Up Payments**

**1/2/2020 – 12/30/2020**

**January – June**

\$616 per week + \$1,300 bonus

**July – December**

\$616 per week + \$2,000 bonus

**Catch-Up Payment**

\$236



# Final Rule

## Example Catch-Up Payments

### Minimum Salary Level

\$684 per week = \$35,568 per year

### Employer Paid

\$616 per week = 90% of standard salary level

\$616 X 52 weeks = \$32,032

Jun Bonus \$1300 + Dec Bonus \$2000 = \$35,332

Total paid = **\$35,332** is **\$236 less** than the minimum amount of \$35,568 required per year

# Duties Tests

## No Changes

- The Final Rule did not make any changes to the Duties Tests

# Executive Duties

## No Changes

- Primary duty is management of the enterprise or of a customarily recognized department or subdivision
- Customarily and regularly directs the work of two or more other employees
- Authority to hire or fire other employees or recommendations as to the hiring, firing, advancement, promotion or other change of status of other employees given particular weight

# **Administrative Duties**

## **No Changes**

- Primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers
- Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance

# Professional Duties

## No Changes

- Primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction

**OR**

- Primary duty is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor

# Professional Duties

## Non-Exempt Professions

*Common errors: misapplication of exemptions*

- Licensed Practical Nurses
- Paralegals, legal assistants
- Engineering Technicians
- Accounting clerks, bookkeepers typically performing routine work
- Cooks performing predominantly routine mental, manual, mechanical, or physical work



**FACT  
SHEET:**  
[Technologists  
& Technicians](#)

# Computer-Related Occupations

**To qualify for the computer employee exemption, an employee, such as a computer analyst, programmer, or software engineer, must receive either:**

- A guaranteed salary or fee of \$684 per week or more, or
- An hourly rate of not less than \$27.63 per hour and
- Their primary duty must be in design, development, or creation of computer systems, systems analysis etc. (as defined in the regulations).

# Child Labor

In non-agricultural jobs...

- Minimum age of employment is 14
- Hours and occupations are restricted for 14- and 15-year-olds
- Hazardous occupations are prohibited for every covered worker under 18 years of age
- Some exceptions for minors working for their parents



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# Online Resources

 **Worker.gov** | COMPLIANCE ASSISTANCE RESOURCES [Español](#)

[Your rights](#) ▾ [Workplace concerns](#) [About](#)



## Worker Protections

You have rights. This site covers common workplace concerns and the Federal labor laws that protect you.

▾

[Learn about your rights](#)

- Worker.gov
- Employer.gov



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# Online Resources

## Elaws Advisors

- Coverage and employment status advisor
- Overtime calculator
- Overtime security advisor
- Hours worked advisor

[dol.gov/elaws](https://dol.gov/elaws)



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# Contact Us

- Visit [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)
- Call our toll-free information and helpline at 1-866-4US-WAGE (1-866-487-9243)



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# Compliance Assistance

- **Northern New England District Office**
- PHONE: 603-666-7716
- Web: [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)

# Wage and Hour Division

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