

Notice Number _____

Rule Number Lab 1000

1. Agency Name & Address:

**NH Department of Labor
95 Pleasant Street
Concord, NH 03301**

2. RSA Authority: RSA 276-A:8

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Youth Employment**

6. (a) Summary of what the rule says and of any proposed amendments:

This proposal readopts with amendment an existing Chapter Lab 1000 under RSA 276-A:8. Lab 1000 sets out requirements and procedures for employing youths under the age of 18 years old. The amendments seek to provide consistency between RSA 276-A and administrative rules by using the same terminology for youths and employers. Specifically, the word “minor” is being removed from the rules and substituted with “youth”. This provides consistency between the rule and the statute. In Lab 1002.01 (e) the Department seeks to replace the word “corporation” for “employer”. Again, the Department seeks to use the same terminology as the statute.

Lab 1001.05 is being amended to be consistent with RSA 276-A:5 which allows a parent/legal guardian and/or a principal of a school to issue a youth employment certificate. The current version of Lab 1001.05 only allows a principal of a school to issue the certificate.

Lab 1002.03 outlines limitations on hours worked by youths during the school year. RSA 276-A:4, VI was amended by Chapter 312 of the Laws of 2018 (SB312), effective date 6/25/2018. The amendment to the law allowed youths 16 years and older to work additional hours during the school year. The current version of Lab 1002.03 provides a limitation of hours a youth can work based on vacation. The changes to the law in 2018 provide for additional hours youths over the age of 16 can work regardless of vacation. Therefore, the reference to “school vacations” in Lab 1002.03 is being amended to “vacations”.

With regards to the incorporated Child Labor Bulletins, RSA 276-A:3, V authorizes the Department to rely on the Fair Labor Standards Act when determining “hazardous occupations”. Therefore, a publishing date in the current version of the Bulletins is unnecessary. The Department is therefore amending Lab 1003.01 (a) and (b) to remove the revision dates of the Child Labor Bulletins No. 101 and 102.

6. (b) Brief description of the groups affected:

New Hampshire schools who issue Youth Employment Certificates, as well as youths who work, their parents and anyone who employs youths under the age of 18 is affected by this rule.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Lab 1001.01	RSA 276-A:5, I
Lab 1001.02	RSA 276-A:3 VII
Lab 1001.03	RSA 276-A:3, VI and VII
Lab 1001.04	RSA 276-A:4, VIII
Lab 1001.05	RSA 276-A:5, I, II, III & V
Lab 1002.01	RSA 276-A:4, II
Lab 1002.02	RSA 276-A:4, VIII
Lab 1002.03	RSA 276-A:4, IV & RSA 276-A:13
Lab 1003.01	RSA 276-A:3, V & RSA 276-A:4, I

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sarah Fuller, Esq.** Title: **Hearing & Rules Administrator**
 Address: **95 Pleasant Street** Phone #: **603-271-3597**
Concord, NH 03301 Fax#: **603-271-6179**
 E-mail: **Sarah.F.Fuller@dol.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **April 30, 2021**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **April 22, 2021 at 2pm**

The public hearing will be held remotely as a WebEx meeting and may be accessed through the following link:

<https://nhgov.webex.com/nhgov/j.php?MTID=mfd7ce430f1449828a9a25e82051ebd55>

Place: **You also may call in to the meeting: Call in Number +1-415-655-0001, Access Code: 157 041 0508 Password: 35fJ2Ew45J4**

Contact Sarah Fuller at Sarah.Fuller@dol.nh.gov or 271-3597 for any problems with public access.

110. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 21:026 , dated March 10, 2021

1. Comparison of the costs of the proposed rule (s) to the existing rule (s):

Not applicable, these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate. No impact on state funds.

3. Cost and benefits of the proposed rule(s):

There is no cost or benefit attributable to the proposed rules. Any cost or benefit associated with these rules is attributable to RSA 275-F and not the rules.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To Independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivisions in such a way as to necessitate additional local expenditures by the political subdivisions