

Readoption with amendment Lab 805.05, effective 4-11-16 (Document #11070) to read as follows:

Lab 805.05 Approval or Rejection.

(a) Under RSA 279:22-aa, the participating employer shall be given approval by the department for students or adults with disabilities to work in their establishment for practical experience at a sub-minimum wage rate or no wages provided the following criteria are met:

(1) If an employer/employee relationship exists between the participating parties, the responsibilities of the RSA 279:22-aa position will be substantially different from that of the employee position;

~~(1) There shall be no employer/employee relationship between the participating parties;~~

(2) Pursuant to RSA 279:22-aa, the participants shall not displace regular employees but work under their close observation;

(3) Safety training in accordance with RSA 281-A shall be provided and be specific to the activities if they are classified as hazardous consistent with RSA 276-A: 4, I and Lab 1003; and

(4) According to the department's records the establishment shall not be in violation with any New Hampshire labor laws.

(b) If the establishment's location is rejected by the department, the department shall notify the applicant of the reason for the rejection and the applicant shall inform the establishment.

(c) Upon approval, the department shall return the signed "approval form for sub-minimum wage or no rate wage work based activities" to the applicant and the applicant shall provide each participating work site with a copy of the form for their file.

Appendix I

Rule	State Statute Implemented
Lab 805.05	RSA 279:22-aa, I & II