

NEW HAMPSHIRE



NEW HAMPSHIRE & FEDERAL LABOR LAW POSTER

LaborLawCenter.com
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EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former), including managers and supervisors
- Job applicants
- Union members and applicants for membership in a union
- What Types of Organizations are Covered?**
 - Most private employers
 - State and local governments (as employers)
 - Educational institutions (as employers)
 - Unions
 - Employment agencies
- What Types of Employment Discrimination are Illegal?** Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, because of:
 - Race
 - Color
 - Religion
 - National origin
 - Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
 - Age (40 or older)
 - Disability
 - Genetic information (including employer requests for or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)

- Retaliation for filing a charge, reasonably opposing discrimination, or participating in an investigation or proceeding related to another's discrimination, or proceeding
- Interruption, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation
- What Can You Do If You Believe Discrimination has Occurred?** Contact the EEOC if you believe you have been discriminated against. You do not have to wait until you quit, leave, or are fired, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:
 - Submit an inquiry through the EEOC's public portal: <https://publicportal.eeoc.gov/Portal/Login.aspx>
 - Call 1-800-669-4220 (TDD free)
 - 1-844-234-5122 (SLV phone)
 - Visit an EEOC field office (information at www.eeoc.gov/field-offices)
 - E-mail info@eeoc.gov
- Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status. The Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, Title VI of the Civil Rights Act of 1964, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans, (i.e., within three years of discharge or release from active duty), active duty warfighter or campaign badge veterans, or Armed Forces service members.

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin. It requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, prohibits applicants and employees of Federal contractors from discrimination based on requiring, requesting, or discussing their compensation or the compensation of other applicants or employees.

Disability Section 503 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title V of the Civil Rights Act of 1964. The primary objective of the financial assistance is to provide equal opportunities for disabled individuals. If you believe you have been discriminated against, you may file a complaint with OFCCP or the EEOC. OFCCP also requires contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Individuals with Disabilities Section 503 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against, you may file a complaint with OFCCP or the EEOC. OFCCP also requires contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

(Revised 6/27/2023)

PAYMENT OF WAGES

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR PROTECTIVE LEGISLATION LAW

Wages in This Establishment Will Be Paid On:

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

PAYMENT OF WAGES. All wages due an employee must be paid on a weekly or biweekly basis. The Labor Commissioner may, upon written petition showing good and sufficient reason, permit payment of wages less frequently, except it shall be at least once each calendar month.

NOTICE TO EMPLOYEE. Employer must notify employee in writing when hiring of the rate of pay, or any changes prior to change; make available in writing, or by posted notice, employment practices and policies on vacation pay, sick leave and other fringe benefits; furnish employee statement of deductions each pay period.

LUNCH OR EATING PERIOD. An employer may not require an employee to work more than five consecutive hours without granting him a one-half hour lunch or eating period, except it is feasible for the employee to eat during the performance of his/her work, and the employer permits him to do so.

ACCESS TO PERSONNEL FILE. Every employer shall provide a reasonable opportunity for an employee who so requests to inspect such employee's personnel file.

WITHHOLDING OF WAGES. Employer may not withhold or divert any portion of an employee's wages unless required or empowered by state or federal law; or unless by written authorization by the employer for a lawful purpose according to the benefit of the employee, per regulation promulgated by the Commissioner.

EMPLOYEES SEPARATED. When an employee quits, resigns, or is suspended because of labor dispute wages must be paid not later than the next regular pay day or by the earliest date the employee was paid for the previous two hours. Willful failure to pay as above subjects employer to liquidated damages of ten percent of the unpaid wages for each day except Sunday and legal holidays. In case of dispute over amount due, employer shall pay amount conceded by him to date, leaving employee remedies of law for balance.

The acceptance of payment by employee shall not constitute a release to the balance of a claim and any release required by an employer as a condition of payment shall be null and void in violation of the law.

On any day an employee reports to work at an employer's request, the employer shall be paid not less than 2 hours pay at their regular rate of pay. This does not apply to employees of counties or municipalities.

CIVIL PENALTY

There may be a minimum civil penalty of \$100.00 per violation of any section of the New Hampshire Labor Laws.

INVESTIGATION DIVISION P.O. BOX 2076, CONCORD, NH 03302-2076 TELEPHONE - (603) 271-1492 & 271-3176

THIS NOTICE MUST BE POSTED IN A CONSPICUOUS PLACE

Rev. 02-01-18

Rudolph W. Ogdén, III Deputy Commissioner Ken Merrifield Commissioner



ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

For information, please contact

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS. Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, discriminating, or terminating an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS. Federal and State and local governments are not affected by the law.

Also, most non-applicants tests are exempt under the Federal Government's regulations in national security related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident, threat, embezzlement, etc.) that resulted in economic loss to the employer. The law

does not prevent any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS. Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written copy of the test results, the right to choose a date and time for the test, and the right to have their test results explained to them by a licensed person.

ENFORCEMENT. The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243
www.dol.gov/agencies/whd

WH1462 REV 02/22

EQUAL PAY LAW

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR EQUAL PAY RSA 275:37

It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated the New Hampshire Department of Labor, 95 Pleasant St, Concord, NH 03301

Phone: (603) 271-1492, 271-6294, or 271-3176 | Fax: (603) 271-2668 | Email: Inspection.Dol@doj.state.nh.us

The full text of RSA 275:37 Non-Retaliation Provision. No employer shall discharge or in any other manner discriminate against any employee because they invoke their rights under this statute, including filing charges or complaints, or causing any investigation, proceeding, hearing, or action under or related to this subdivision, or has testified or is planning to testify or assisted or participated in any manner in any such investigation, proceeding, hearing, or action has inquired about, discussed, or disclosed his or her wages or those of another employee.

This section shall not apply to any employee who has access to the wage information of other employees as a part of such employee's job functions who discloses the wages of other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under RSA 275:41-a including an investigation conducted by the employer. Nothing in this section shall be construed to limit the rights of an employee provided under any other provision of law.

RSA 275:41-b Pay Disclosure. No employer shall require that an employee refrain from disclosing the amount of his or her wages, salary, or paid benefits, as a condition of employment. No employer shall discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages, salary, or paid benefits.

RSA 275:41 Limitation of Actions. Any action to recover unpaid wages and liquidated damages based on violation of RSA 275:37, shall be commenced within 3 years of discovery of the violation. No action brought under this section shall include any violation that occurred more than 4 years prior to the commencement of such action.

Effective Date: January 1, 2015

Inspection Division PO Box 2076 Concord NH 03302-2076 Telephone - (603) 271-1492 & 271-3176

Rudolph W. Ogdén, III Deputy Commissioner Ken Merrifield Commissioner

Rev. 06/25/18



FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$ 7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY. At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR. An employee must be at least 16 years old to work in most non-farm jobs and declared hazardous by the Secretary of Labor. Minors 14 and 15 years old may work in non-hazardous farm and non-mining, non-hazardous jobs with certain work-hour restrictions. Different rules apply in agricultural employment.

TIP CREDIT. Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must tip paid employees a cash wage of at least \$2.13 per hour they claim a tipped wage credit based on tips received by their employees combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer may make up the difference.

PUMP AT WORK. The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers may provide a private place in a bathroom, that is shielded from view and free from interference from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT. The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA.

EMPLOYEE OR INDEPENDENT CONTRACTOR

State of New Hampshire Department of Labor

Criteria to Establish an Employee or Independent Contractor

"Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A2, VI(b)(2), (3), or (4), or RSA 281-A2, VII(B), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

(a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.

(b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

(c) The person has control over the time when the work is performed, and the time of performance, as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.

(d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.

(e) The person holds himself or herself out to be in business for himself or herself or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.

(f) The person is responsible for satisfactorily completion of work and may be held contractually responsible for failure to complete the work.

(g) The person is not required to work exclusively for the employer.

INVESTIGATION DIVISION P.O. Box 2076, Concord, NH 03302-2076 (603) 271-1492 & 271-3176

Rudolph W. Ogdén, III Deputy Commissioner Ken Merrifield Commissioner

Rev. 02-01-18

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Rev. 02-01-18

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NEW HAMPSHIRE MINIMUM WAGE

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR NEW HAMPSHIRE MINIMUM WAGE LAW

Revised Statutes Annotated Chapter 279, as amended

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended

\$7.25 PER HOUR EFFECTIVE SEPTEMBER 1, 2008

Exempted

Employees engaged in Household Labor, Domestic Labor, Farm Labor, Outside Sales Representatives, Summer Camps for Minors, Newspaper Carriers, Non-Professional Skilled and Golf Caddies

OVERTIME PAY. Those employees covered by RSA 279, with the following exceptions, shall add in their regular compensation, be paid at the rate of time and one-half for all time worked in excess of 40 hours in any one week:

NEW HAMPSHIRE



EMPLOYEE OR INDEPENDENT CONTRACTOR

State of New Hampshire Department of Labor

Criteria to Establish an Employee or Independent Contractor

"Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

- (a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.
- (b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.

INSPECTION DIVISION
P.O. Box 2076, Concord, NH 03302-2076
(603) 271-1492 & 271-3176

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Deputy Commissioner

Ken Merrifield
Commissioner

Rev. 02-01-18

PROTECTIVE LEGISLATION LAW

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR
PROTECTIVE LEGISLATION LAW

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

PAYOUT OF WAGES. All wages due an employee must be paid on a weekly or biweekly basis. The Labor Commissioner may, upon written petition showing good and sufficient reason, permit payment of wages less frequently, except it shall be at least once each calendar month.

NOTICE TO EMPLOYEE. Employer must notify employee in writing when hiring of the rate of pay, or any changes prior to change; make available in writing, or by posted notice, employment practices and policies on vacation pay, sick leave and other fringe benefits; furnish employee statement of deductions each payday.

LUNCH OR EATING PERIOD. An employer may not require an employee to work more than five consecutive hours without granting him a one-half-hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his/her work, and the employer permits him/her to do so.

ACCESS TO PERSONNEL FILE. Every employer shall provide a reasonable opportunity for an employee who so requests to inspect such employee's personnel file and upon request provide such employee with a copy of all or part of the file.

WITHHOLDING WAGES. Employer may not withhold or divert any portion of an employee's wages unless required or empowered by state or federal law; or unless by

INSPECTION DIVISION
P.O. Box 2076, Concord, NH 03302-2076
Telephone - (603) 271-1492 & 271-3176

This notice must be posted in a conspicuous place

Rudolph W. Ogden, III
Deputy Commissioner

Ken Merrifield
Commissioner

Rev. 02-01-18

WHISTLEBLOWERS' PROTECTION ACT

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR
THE WHISTLEBLOWERS' PROTECTION ACT - RSA 275-E

An employer shall not discharge, threaten, or discriminate against any public or private employee

- If the employee, in good faith, reports or causes to be reported an alleged violation of any law or rule adopted under the laws of this state, a political subdivision of this state, or the United States;
- OR, the employee objects to or refuses to participate in any activity that the employee, in good faith, believes is a violation of the law or rule;
- OR, the employee refuses to execute a directive which the employee, in good faith, believes violates any law or rule adopted under the laws of this state, a political subdivision of this state or the United States;
- OR, the employee participates in an investigation, hearing, or inquiry conducted by any governmental entity or any court action which concerns allegations that the employer has violated any law or rule adopted under the laws of this state, a political subdivision of this state, or the United States.

RIGHTS AND REMEDIES - RSA 275-E:4

After the employee has made a reasonable effort to maintain or restore his/her rights through any grievance procedure or similar process available with the employer And has filed the written complaint with the New Hampshire Department of Labor. He/she may request a hearing with the New Hampshire Department of Labor, which can result in a judgment to order reinstatement, payment of fringe benefits, seniority rights, and injunctive relief.

ADDITIONAL RIGHTS AND REMEDIES FOR PUBLIC EMPLOYEES ONLY - RSA 275-E:8 and 9

Public employees can issue complaints to the New Hampshire Department of Labor, who has the authority to investigate complaints or information concerning the possible existence of any activity constituting fraud, waste, or abuse in the expenditure of any public funds, whether state or local, or relating to programs and operations involving

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Concord NH 03302-2076
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Deputy Commissioner

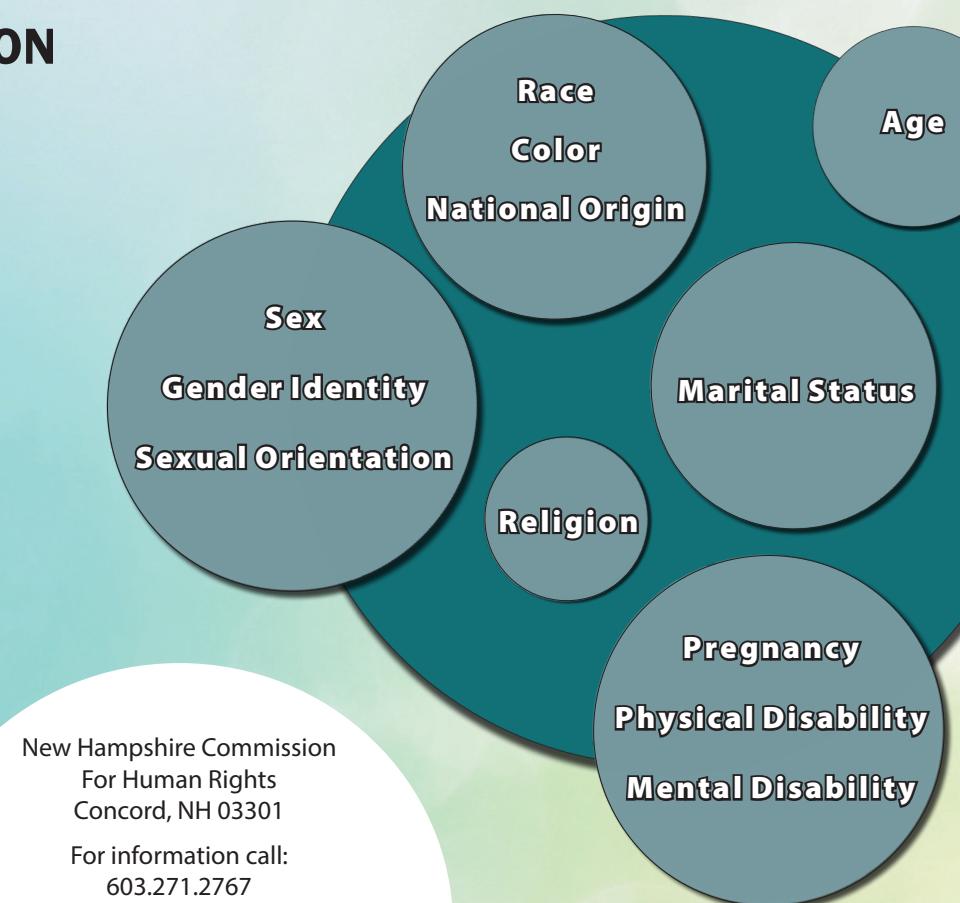
Ken Merrifield
Commissioner

Rev. 02-01-18

DISCRIMINATION

EMPLOYMENT DISCRIMINATION IS AGAINST THE LAW IN NEW HAMPSHIRE

Based on:



New Hampshire Commission
For Human Rights
Concord, NH 03301
For information call:
603.271.2767
nh.gov/hrc

EQUAL PAY LAW

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR
EQUAL PAY RSA 275:37

It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor, 95 Pleasant St, Concord, NH 03301

Phone: (603) 271-1492, 271-6294, or 271-3176 | Email: InspectionDiv@dol.nh.gov

You may file a wage claim by downloading the form at: <http://www.nh.gov/labor/documents/wage-claim.pdf>

The full text of RSA 275:37 Equal Pay can be found at this link: <http://www.gencourt.state.nh.us/rsa/html/XIII/275-37.htm>

RSA 275:3-a Non-Retaliation Provision. No employer shall discharge or in any other manner discriminate against any employee because they invoke their rights under this statute, including filing charges or complaints, or causing any investigation, proceeding, hearing, or action under or related to this subdivision, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, or hearing, or action or has inquired about, discussed, or disclosed his or her wages or those of another employee.

This section shall not apply to any employee who has access to the wage information of other employees as a part of such employee's essential job functions who discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under RSA 275:41-a including an investigation conducted by the employer. Nothing in this section shall be construed to limit the rights of an employee provided under any other provision of law.

Rev 06/25/18

NEW HAMPSHIRE WORKERS' COMPENSATION

NOTICE TO EMPLOYERS - WORKERS' COMPENSATION

Employers need to post their Workers' Compensation, "Notice of Compliance" notice in a conspicuous place.

The primary responsibility for obtaining workers' compensation insurance coverage rests upon employers who must apply for and obtain coverage prior to the hiring of any employee. Insurance agencies and carriers, however, share in this coverage responsibility, beginning with their receipt of an application for coverage. If an agency or carrier refuses to provide coverage on a voluntary basis, they must advise the employer about the availability of coverage under the Assigned Risk Plan of the National Council on Compensation Insurance and must also provide the necessary application form. After coverage is in effect, the employer will receive from the insurance carrier a **NOTICE OF COMPLIANCE**. Form No. WCP-1, which needs to be posted in a conspicuous spot in the place of business. This poster contains basic information regarding the rights and responsibilities of both employer and employees, as well as the name of the insurance carrier underwriting the workers' compensation coverage."

State of New Hampshire - Department of Labor - State Office Park South - 95 Pleasant Street - Concord, New Hampshire 03301 - (603) 271-3176

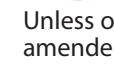


NEW HAMPSHIRE MINIMUM WAGE

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR

NEW HAMPSHIRE MINIMUM WAGE LAW

Revised Statutes Annotated Chapter 279, as amended



Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended.

\$7.25 PER HOUR EFFECTIVE SEPTEMBER 1, 2008

Exempt from RSA 279 are:

Employees engaged in Household Labor, Domestic Labor, Farm Labor, Outside Sales Representatives, Summer Camps for Minors, Newspaper Carriers, Non-Professional Ski Patrol and Golf Caddies.

OVERTIME PAY. Those employees covered by RSA 279, with the following exceptions, shall in addition to their regular compensation, be paid at the rate of time and one-half for all time worked in excess of 40 hours in any one week:

(a) Any employee employed by an amusement, seasonal, or recreational establishment if:

(1) it does not operate for more than 7 months in any calendar year;

(2) during the preceding calendar year, its average receipts for any 6 months of such year were not more than 33 1/3 percent of its average receipts for the other 6 months of such year;

(b) Any employee of employers covered under the provisions of the Federal Fair Labor Standards Act

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. Restaurant shall include an establishment in a temporary or permanent building, kept, used, maintained, advertised, and held out to the public to be a place where meals are regularly prepared or served for which a charge is made and where seating and table service is available for customers or where delivery services are available. The term does not include establishments which do not primarily prepare and serve food. Tipped employees shall also include employees who deliver meals prepared in a restaurant to the customer's home, office, or other location. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage.

RECORDS. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary.

NEW HAMPSHIRE YOUTH EMPLOYMENT LAW

No youth under the age of 16 shall be employed or permitted to work without first obtaining a New Hampshire Youth Employment Certificate except for his/her parents, grandparents, guardian, or at work defined as casual or farm labor. Certificates shall be obtained by an employer within 3 business days of the first day of employment. Copies of certificates shall be kept on file by all employers of youths. An employer shall not employ a youth 16 or 17 years of age, 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. The parental permission shall be on file at the establishment's worksite prior to the first day of employment. Written parental permission is not required for a 16 or 17 year old youth who has graduated from high school or obtained a general equivalency diploma.

INSPECTION DIVISION
P.O. BOX 2076 CONCORD, NH 03302-2076
(603) 271-1492 & 271-3176

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Rev. 02-01-18

RIGHT TO KNOW ACT

STATE OF NEW HAMPSHIRE DEPARTMENT OF LABOR

WORKER'S RIGHT TO KNOW ACT

Revised Statutes Annotated Chapter 277-A, as amended

EMPLOYEES

YOU HAVE A RIGHT TO KNOW ABOUT TOXIC SUBSTANCES USED IN THIS WORKPLACE

The New Hampshire "Right to Know" law (RSA 277-A) guarantees that:

- You be notified by a posting of the long and short-term health hazards of all toxic substances that you may come into contact with.
- You be trained by your employer in the safe use and handling of these toxic materials.
- You have the right to request complete information, in the form of a Material Safety Data Sheet, from your employer on any toxic substance you may have contact with. Your employer must respond to this request within five working days.

To learn more about the toxic materials used in this workplace, and to obtain Material Safety Data Sheets, contact the employer representative listed below.

NH DEPARTMENT OF LABOR
PO BOX 2076
CONCORD NH 03302-2076

Rev. 02-01-18

(EMPLOYER REPRESENTATIVE'S NAME)

Rudolph W. Ogden, III
Deputy Commissioner
Ken Merrifield
Commissioner

VACATION SHUTDOWN NOTICE

PLEASE HELP YOUR EMPLOYEES BY VOLUNTARILY POSTING THIS IN A CONSPICUOUS PLACE

IS YOUR COMPANY HAVING A VACATION SHUTDOWN?

After your last day of work open a claim on the Internet



If you do not have Internet access, please go immediately to your nearest NH Employment Security office

- File as directed on the Internet application.
- Vacation and holiday pay count as wages in reference to Unemployment Compensation, but if you are unsure about eligibility because of vacation or holiday pay, please open a claim and file.

Failure to apply immediately may result in a loss in your entitlement to some benefits! What should you have available before you file?

- Your social security number
- Know where you worked in the past 18 months, including names of companies, addresses and approximate dates you worked there.
- Have your check stubs, W2s, and 1099 forms available for easy reference

You have to open a claim and then file a claim each week as directed to know if you are eligible!

Eligibility for Unemployment Compensation is determined on an individual basis and based on the law.
Visit the NH Employment Security Resource Center in an Employment Security office near you for free resources, tools, and information, or visit our website at: www.nhes.nh.gov

NH EMPLOYMENT SECURITY OFFICES

Berlin	Conway	Littleton	Portsmouth
Claremont	Keene	Manchester	Salem
Concord	Laconia	Nashua	Somersworth

NHES is a proud member of America's Workforce Network and NH WORKS.

NHES is an Equal Opportunity Employer and complies with the Americans with Disabilities Act.

Auxiliary aids and services are available upon request to individuals with disabilities.

TDD Access: Relay NH 1-800-735-2964

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NEW HAMPSHIRE



★ ★ ★ ★ ★ LABOR LAW POSTER ★ ★ ★ ★ ★

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1-800-745-9970 • Product ID: NH60SP

Please post in a conspicuous place. Date Posted: _____
Labor laws change frequently. Contact your distributor to ensure that you are in full compliance with required State and Federal posting requirements at least once a year.
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DEPARTAMENTO DE EMPLEO ESTADO DE NEW HAMPSHIRE

Criterios para Establecer un Empleado o Contratista Independiente

"Empleado" quiere decir e incluye a toda persona a la que se le permita, exija o ordene por parte de un empleador, en consideración de ganancia o utilidad directa o indirecta, para desempeñarse en cualquier empleo, pero no deberá incluir a cualquier persona exenta de la definición de empleado como se enumera en RSA 281-A,2, VII(b) (2), (3), (4), o (5), RSA 281-A,2, VIII(b), o una persona que preste servicios como parte de una ubicación residencia para individuos con discapacidades de desarrollo, adquiridas o emocionales, o cualquier persona que cumpla los siguientes criterios:

- (a) La persona pose o ha aplicado a un número de identificación federal de empleado o número de seguridad social, o de manera alternativa, ha acordado por escrito llevar a cabo las responsabilidades impuestas a los empleados bajo este capítulo.
- (b) La persona tiene el control y discreción sobre los medios y la forma de realización del trabajo, en el resultado del trabajo, en que los medios o forma en que se realiza el trabajo, es el principal elemento negociado por el empleador.
- (c) La persona tiene el control sobre el tiempo en el que el trabajo se realiza, y el tiempo de realización no está dictado por el empleador. Sin embargo, esto no debe prohibir al empleador de llegar a un acuerdo con la persona en relación a un horario de trabajo, horas de trabajo, y máximo de horas que puede trabajar la persona, y en el caso del entretenimiento, el tiempo en el que dicho entretenimiento va a ser realizado.
- (d) La persona contrata y paga los asistentes de la persona, si los hay, y en la medida que dichos asistentes son empleados, supervisa los detalles del trabajo del asistente.
- (e) La persona asegura hacer negocios por su cuenta o está registrado con el estado como una empresa y la persona tiene responsabilidades u obligaciones comerciales constantes y recurrentes.
- (f) La persona es responsable por la culminación satisfactoria del trabajo y puede ser responsable contractualmente por el fracaso en la culminación del trabajo.
- (g) La persona no está obligada a trabajar exclusivamente para el empleador.

INSPECCIÓN DIVISIÓN
P.O. BOX 2076, CONCORD, NH 03302-2076
(603) 271-1492 & 271-3176

Rudolph W. Ogden, III
Deputy Commissioner

Ken Merrifield
Commissioner

ESTE ANUNCIO DEBE COLOCARSE EN UN LUGAR VISIBLE

Rev. 02-01-18



ESTADO DE NEW HAMPSHIRE - DEPARTAMENTO DEL TRABAJO

LEGISLACIÓN DE PROTECCIÓN

Los salarios se pagarán en este establecimiento cada:

DOMINGO LUNES MARTES MIÉRCOLES JUEVES VIERNES SABADO

PAGO DE SALARIOS. Todos los salarios adeudados a un empleado deben pagarse sobre una base semanal o quincenal. El Comisionado de Trabajo podrá, por una petición escrita que demuestre razones válidas y suficientes, permitir el pago de salarios con una menor frecuencia, excepto que deberá ser por lo menos una vez cada mes calendario.

NOTA PARA EL EMPLEADO. El empleador debe notificar al empleado por escrito al ser contratado la tasa del pago, o de cualquier cambio con anticipación; igualmente debe notificar por escrito o en forma de aviso las prácticas de empleo y las políticas de pago durante vacaciones, licencias por enfermedad y otros límites de beneficios; suministrar informe de descuentos en cada día de pago.

ALMUERZO O PAUSA PARA COMER. Un empleado no puede hacer que un empleado trabaje más de cinco horas consecutivas sin garantizarle media hora para almuerzo o comida, exceptuando el caso en el que el empleado pueda alimentarse mientras trabaja y el empleador le permita hacerlo.

ACceso AL ARCHIVO PERSONAL. Cada empleador debe permitir al empleado que así lo solicite, revisar dicho archivo personal e incluso suministrársela copia parcial o total del mismo si él lo requiere.

RETENCIÓN DEL SALARIO. Un empleador no puede retener o desviar ninguna porción del salario de un empleado a menos que sea requerido o se le haya concedido un poder para hacerlo por parte del estado o ley federal; o a menos que sea por autorización escrita del empleado con un propósito legal de pagar a beneficio del empleado, por regulación promulgada por el Comisionado.

EMPLEADOS SEPARADOS DE SU PUESTO. Cuando un empleado renuncia, dimite, o es suspendido debido a disputas laborales, los salarios se deben pagar a más tardar el día de pago regular o por correo si el empleado así lo solicita. A los empleados destituidos se les debe pagar el total de lo que se les adeuda en un plazo de setenta y dos horas. El error cometido de pagar de acuerdo a lo descrito anteriormente obliga al empleador a pagar diarios por un valor de diez por ciento del salario no pago por cada día excedente al Día de pago regular fijados legales. En caso de disputa por el valor que se debe pagar, el empleador deberá pagar el monto debido por él, dando compensación al empleado por el balance debido.

El hecho de que el empleado acepte el pago del empleador no quiere decir que el renuncia a su derecho de reclamo por lo que considera que aún se le adeuda y cualquier exigencia por parte del empleado al respecto como condición para hacer el pago es inválida y constituye una violación de la ley.

PAGO REQUERIDO. Si un empleado trabaja por solicitud directa de un empleador, el empleado deberá recibir un pago no inferior a 2 horas de pago y con la tasa regular de pago. Esto no aplica en el caso de empleados del condado y municipalidades.

PEÑAS CIVILES. Puede haber una multa al menos de \$100.00 por violaciones de cualquier sección de la Ley Laboral de New Hampshire.

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ESTE ANUNCIO DEBE SER PUBLICADO EN UN LUGAR VISIBLE

Rev. 02-01-18



ESTADO DE NEW HAMPSHIRE DEPARTAMENTO DE EMPLEO LEY DE PROTECCIÓN A LOS INFORMANTES RSA 275-E

Un empleador no puede despedir, amenazar o discriminar a ningún empleado público o privado

- Si el empleado, de buena fe, informa o hace que se informe de una supuesta violación a cualquier ley o regla adoptada bajo las leyes de este estado, una subdivisión política de este estado o de los Estados Unidos;
- O, si el empleado objeta o se niega a participar en cualquier actividad que el empleado, de buena fe, crea que es una violación a una ley o una regla;
- O, si el empleado niega a ejecutar una directiva que el empleado, de buena fe, crea que viola cualquier ley o regla adoptada bajo las leyes de este estado, una subdivisión política de este estado o los Estados Unidos;
- O, si el empleado participa en una investigación, audiencia, o consulta realizada por alguna entidad gubernamental o cualquier acción legal que se refiera a denuncias de que el empleado ha violado alguna ley o regla adoptada bajo las leyes de este estado, una subdivisión política de este estado o los Estados Unidos.

DERECHOS Y RECURSOS RSA 275-E

Después que el empleado haya realizado un esfuerzo razonable para mantener o restablecer sus derechos a través de cualquier procedimiento de querella o proceso similar disponible con el empleador. Y haya presentado una queja por escrito con el Departamento de Empleo de New Hampshire. El o ella pueden solicitar una audiencia con el Departamento de Empleo de New Hampshire, que puede resultar en un fallo que ordene su restablecimiento, pago de beneficios sociales, derechos de antigüedad y desgravio que haya disponible.

DERECHOS Y RECURSOS ADICIONALES ÚNICAMENTE PARA EMPLEADOS PÚBLICOS RSA 275-E:8 and 9

Los empleados públicos [del estado, condados, o municipios] pueden presentar quejas ante el Departamento de Empleo de New Hampshire, que tiene la autoridad para investigar las denuncias o informaciones relativas a la posible existencia de cualquier actividad que constituya fraude, despilfarro, o abuso en el gasto de fondos públicos, a nivel estatal o local, o relacionado con programas y operaciones que involucran la adquisición de suministros, servicios, o construcción por parte entidades gubernamentales dentro del estado. La identidad de la persona que presentó la queja no será divulgada sin su consentimiento por escrito, a menos que dicha divulgación sea a una agencia policial que esté llevando a cabo una investigación criminal. Ninguna entidad gubernamental tomará ninguna acción de represalia contra un empleado público que, de buena fe, presente una queja en cumplimiento de esta sección y los empleados públicos tendrán todas las protecciones bajo la RSA 275-e: 2. Ninguna entidad gubernamental deberá amenazar, sancionar, degradar, despedir, transferencia, reasignar o discriminar a un empleado público que presente una queja ante el Departamento de Empleo bajo la RSA 275-E:8 o que de otra forma revele o amenace con revelar actividades o información que el empleado crea razonablemente que viola la RSA 275-e: 2, que representa una evidente mala gestión o despilfarro de fondos, propiedad o mano de obra pública, o que evidencie un abuso de autoridad o un peligro para la salud pública y la seguridad.

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ESTA NOTA DEBE SER PUBLICADA EN UN LUGAR VISIBLE

Rev. 02-01-18

LA DISCRIMINACIÓN EN EL EMPLEO ES CONTRA LA LEY EN NEW HAMPSHIRE

Residencia en



DEPARTAMENTO DE TRABAJO DEL ESTADO DE NEW HAMPSHIRE

PAGO IGUALITARIO - RSA 275:37

Es ilegal en New Hampshire, de acuerdo a la ley estatal y federal, pagar a los empleados salarios diferentes por el mismo trabajo basándose únicamente en el sexo. Si usted piensa que su empleador ha violado esta disposición, por favor contacte al Departamento de Trabajo de New Hampshire, en 95 Pleasant St., Concord, NH 03301

Teléfono: (603) 271-6294, 271-3176 Fax: (603) 271-2668 Correo electrónico: InspectionDiv@dol.nh.gov

Usted puede presentar una reclamación salarial descargando el formulario en: <http://www.nh.gov/labor/documents/wage-claim.pdf>

El texto completo de la RSA 275:37 sobre el Pago Igualitario se puede encontrar en este enlace: <http://www.gencourt.state.nh.us/rsa/htm/XXIII/275/275-37.htm>

RSA 275-a Disposición sobre Represalias. Ningún empleador podrá despedir o de cualquier otra manera discriminar a un empleado porque invoque sus derechos bajo esta ley, incluyendo la presentación de cargos o quejas, o causar cualquier investigación, procedimiento, audiencia, o acción bajo o en relación con esta subdivisión, o si ha sido testificado o planea testificar o ha ayudado o participado de alguna manera en cualquier investigación, procedimiento, audiencia, o acción o si ha preguntado, discutido, o revelado su salario o los de otros de su empleo.

Esta sección no se aplicará a cualquier empleado que tenga acceso a información de salarios de otros empleados como parte de las funciones laborales esenciales que divulgue los salarios de dichos otros empleados a personas que de otra manera no tendrían acceso a dicha información, a menos que dicha divulgación se haga en respuesta a una queja o acusación o en cumplimiento de una investigación, procedimiento, audiencia, o actuación en virtud de RSA 275-a:1 incluyendo una investigación realizada por el empleador. Nada en esta sección será interpretado como limitante de los derechos de un empleado previsto en cualquier otra disposición de la ley.

RSA 275:41-b Divulgación de Pago. Ningún empleador deberá exigir que un empleado se niegue a revelar el monto de su salario, sueldo, o pago de beneficios, como condición de empleo. Ningún empleador podrá despedir, disciplinar formalmente, ni discriminar a un empleado que dé a conocer el monto de su salario, sueldo, o pago de beneficios.

RSA 275:41. Limitación de Acciones. Cualquier acción para recuperar los salarios no pagados y la liquidación de daños y perjuicios basados en la violación de la RSA 275:37, se iniciará dentro de los 3 años del descubrimiento de la violación. Ningún recurso interpuesto bajo esta sección deberá incluir cualquier violación que haya ocurrido más de 4 años antes del inicio de dicha acción.

Fecha de Vigencia: 01 de enero de 2015

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Rev. 06/25/18

NOTIFICACIÓN A LOS EMPLEADOS COMPENSACIÓN LABORAL

El empleador necesita publicar el aviso sobre seguro de compensación laboral, "Notificación de conformidad" en un lugar visible.
"La responsabilidad básica para obtener la cobertura del seguro de compensación laboral depende de lo que los empleadores los cuales deben solicitar y obtener cobertura antes de contratar a cualquier empleado. Las agencias de seguros y empresas de transporte, sin embargo, comparten esta responsabilidad de cobertura, empezando el recibo de una aplicación para cobertura. Si una agencia o transportadora se rehusa a suministrar cobertura voluntariamente, deben avisar al empleador sobre la disponibilidad de cobertura bajo el Plan de Riesgo Asignado del Consejo Nacional de Seguros de Compensación y deben también suministrar el formulario de aplicación necesario.

Después de que la cobertura esté vigente, el empleador deberá recibir de la compañía aseguradora una **NOTIFICACIÓN DE CONFORMIDAD**, Formulario No. WCP-1, que debe ser colocado en un lugar visible en el sitio de trabajo. Este anuncio contiene información básica relativa a los derechos y responsabilidades tanto de empleador como empleado, al igual que el nombre de la compañía de seguros que suscribe la cobertura por compensación laboral".

Estado de New Hampshire - Departamento de Empleo - State Office Park South 95 Pleasant Street - Concord, New Hampshire 03301 - (603) 271-3176



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ESTADO DE NEW HAMPSHIRE LEY DE SALARIO MÍNIMO DE NEW HAMPSHIRE DEPARTAMENTO DE EMPLEO

Estatutos Revisados Explicados, Capítulo 279, en su enmienda

Salvo que la ley disponga lo contrario, ninguna persona, empresa o corporación podrá contratar a ningún empleado con un salario inferior al establecido en la ley de salario mínimo federal, y sus enmiendas.

\$7.25 POR HORA A PARTIR DE SEPTIEMBRE 1, 2008

Los Exentos de RSA 279 son: Empleados dedicados en Empleo Doméstico, Trabajo del Hogar, Trabajo en Granja, Representantes de Ventas Externas, Campesinos de Verano para Menores, Repartidores de Periódico, Patrulla de Ski No Profesional, Cadi de Golf.

PAGO POR HORAS EXTRAS. Aquellos empleados cobrados por RSA 279, con las siguientes excepciones, deberán recibir el pago, además de su compensación regular, una vez y media por todo el tiempo trabajado por encima de las 40 horas en cualquier semana:

- (a) Cualquier empleado que trabaje en un establecimiento de entretenimiento, temporal o permanente, mantenido, utilizado, conservado, y abierto al público como un lugar donde regularmente se preparan o sirven comidas por las cuales se hacen un cobro, y donde se dispone de asientos y mesas con sillones, y servicio a la mesa para los clientes o donde se dispone de servicios de reparación. El término no incluye establecimientos que no preparen ni sirvan comida principalmente. Los empleados que reciben propinas también incluyen a los empleados repartidores y transportistas en un restaurante hasta el domicilio del cliente, oficina u otro lugar. Si un empleado demuestra a satisfacción del comisionado que la cantidad real de los salarios recibidos al final de cada período de pago no son iguales al salario mínimo para todas las horas trabajadas, el empleador deberá pagar al empleado la diferencia para garantizar el pago del salario mínimo aplicable.
- (b) Cualquier empleado de empleados cobrados por las cláusulas de la Ley Federal de Estándares Laborales Justos.

Los empleados pagados con propinas de un restaurante, hotel, motel, posada o cabanas, que habitualmente y regularmente reciben más de \$30 al mes en propinas directamente de los clientes recibirán un pago básico por parte del empleador de no menos del 45 por ciento del salario mínimo aplicable. Un restaurante incluye un establecimiento en un edificio temporal o permanente, mantenido, utilizado, conservado, y abierto al público como un lugar donde regularmente se preparan o sirven comidas por las cuales se hacen un cobro, y donde se dispone de asientos y mesas con sillones, y servicio a la mesa para los clientes o donde se dispone de servicios de reparación.

REGISTROS. Todo empleador de empleados deberá mantener un registro exacto y verídico de las horas trabajadas a diario cada día, los salarios pagados a cada uno, y la clasificación del empleo cuando sea necesario.

LEY DE EMPLEO JUVENIL DE NEW HAMPSHIRE

LEY DE EMPLEO JUVENIL DE NEW HAMPSHIRE

Estatutos Revisados Explicados, Capítulo 227-A, en su enmienda

Rudolph W. Ogden, III