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.

(c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person 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 satisfactory 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.

INSPECTION DIVISION
95 PLEASANT ST.
CONCORD NH 03301
(603) 271-1492 & 271-3176

Danielle N. Albert
Deputy Commissioner

Ken Merrifield
Commissioner

THIS NOTICE MUST BE POSTED IN A CONSPICUOUS PLACE

Rev. 02-01-18

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
Fax: (603) 271-2668
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/XXIII/275/275-37.htm

RSA 275:38-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, 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.

RSA 275:41-b Pay Disclosure. No employer shall require that an employee refrain from disclosing the amount of his or her wages or sign a waiver or other document that purports to deny the employee the right to disclose 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

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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; or
  (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.

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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 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 written authorization by the employee for a lawful purpose accruing 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 then the next regular payday or by mail if the employee so requests. Employees discharged must be paid in full within seventy-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 be due, 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 and in violation of the law.

REQUIRED PAY

On any day an employee reports to work at an employer's request, the employee 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.

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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.

Sean Goodwin

(EMPLOYER REPRESENTATIVE'S NAME)

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STATE OF NEW HAMPSHIRE
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NOTICE OF VETERANS' BENEFITS AND SERVICES

Employees may access information about veterans' benefits and services through the following:

New Hampshire Department of Military Affairs and Veterans' Services
Main Website: www.dmavs.nh.gov – Telephone: (603) 225-1200
NH Division of Veterans Services: https://www.dmavs.nh.gov/veterans-services - Telephone: (603) 624-9230

Substance Abuse and Mental Health Treatment Resources
NH Strong as Granite - www.dhhs.nh.gov/programs-services/health-care/behavioral-health/strong-granite
US Substance Abuse and Mental Health Services Administration – www.samhsa.gov – 1-877-726-4727
US Department of Veterans Affairs ("VA") – www.va.gov – 1-800-827-1000
National Alliance on Mental Illness ("NAMI") – www.nami.org – 1-800-950-6264
NH Recovery Friendly Workplace Initiative – www.recoveryfriendlyworkplace.com – (603) 271-2121

Educational, Workforce, and Training Resources
NH Department of Employment Security – www.nhes.nh.gov/services/job-seekers/veterans – (603) 224-3311
US Department of Labor Veterans Employment and Training Service – www.dol.gov/agencies/vets - 1-866-237-0275
VA Veteran Readiness and Employment ("VR&E")- www.benefits.va.gov/vocrehab

Tax Benefit Resources
Contact your town/city tax assessor's office for information about veterans' property tax credit benefits.

Obtaining a Veteran's Indicator on Driver's License or Non-driver ID Card
NH Department of Safety, Division of Motor Vehicles – www.dmv.nh.gov – (603) 227-4000

Unemployment Insurance Benefits
NH Department of Employment Security – www.nhes.nh.gov – (603) 224-3311

Whole Health Care Services – to include Oral Health Care Options for qualified NH Veterans
VA Manchester Health Care System - https://www.va.gov/manchester-health-care/ - (603) 624-4366
NH Veterans Freedom to Smile - www.dmavs.nh.gov/community-based-military-programs/veterans-freedom-smile-initiative-oral-health-care-options

Legal Services Resources
603 Legal Aid – www.603legalaid.org – (603) 224-3333
New Hampshire Legal Assistance – www.nhla.org – 1-800-562-3174
NH Bar Association Lawyer Referral Service – www.nhbar.org – (603) 229-0002

Veterans' Crisis Line
Dial 988 then Press 1

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(603) 271-6294

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THIS NOTICE MUST BE POSTED IN A LOCATION ACCESSIBLE TO ALL EMPLOYEES

Rev. 09-17-2024

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 the procurement of any supplies, services, or construction by governmental entities within the state.

The identity of the person who filed the complaint shall not be disclosed without his or her written consent, unless such disclosure is to a law enforcement agency that is conducting a criminal investigation.

No governmental entity shall take any retaliatory action against a public employee who, in good faith, files a complaint under this section and the public employee shall be afforded all protections under RSA 275-E:2.

No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes violates RSA 275-E:2, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety.

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