

# MANCHESTER AREA HUMAN RESOURCES ASSOCIATION

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## LEGAL AND LEGISLATIVE UPDATE

by

Attorney Jim Reidy



Sheehan Phinney Bass + Green PA  
1000 Elm Street  
Manchester, NH 03105-3701  
(603)627-8217  
jreidy@sheehan.com  
www.sheehan.com

*It ain't over 'til it's over.*  
Yogi Berra

### INTRODUCTION

With another legislative session winding down, here's the report, so far, on the fate of workplace bills in New Hampshire.

### New Hampshire Legislation

1. **HB 139 Title: Relative to an emergency exception under the New Hampshire retirement system for certain part-time employment**

Summary: Would modify the limitations on part-time employment under the New Hampshire retirement system during an emergency.

Status: *Inexpedient to Legislate.*

2. **HB 163 Title: Establishing a state minimum hourly rate**

Summary: Would re-establish a minimum hourly rate.

**Status: *Inexpedient to Legislate.***

3. **HB 361 (New Title) establishing a committee to study the definition of "employee" and the application of that definition to persons who work exclusively at home via the Internet for online business activities.**

Summary: Would establish a committee to study the definition of “employee” and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

**Status: *Passed the House with Amendment. Passed the Senate. Enrolled (in recess)***

4. **HB 365 Title: Prohibiting an employer from using credit history in employment decisions**

Summary: Would establish the Employee Credit Privacy Protection Act which would prohibit employers from using credit history in employment decisions.

**Status: *Inexpedient to Legislate.***

5. **HB 370 Title: Enabling counties and municipalities to establish minimum wage rates**

Summary: Would enable counties and municipalities to establish minimum wage rates for all individuals employed within such county or town.

**Status: *Inexpedient to Legislate.***

6. **HB 392 Title: Relative to the minimum hourly wage**

Summary: Would establish a state minimum hourly wage to be adjusted by the cost of living index.

**Status: *Inexpedient to Legislate.***

7. **HB 411 Title: Prohibiting the payment of subminimum wages to persons with disabilities**

Summary: Would prohibit employers from employing individuals with disabilities at an hourly rate lower than the federal minimum wage except for practical experience or training programs.

**Status: *Passed the House with Amendment. Referred to Senate Commerce. Laid on table.***

8. **HB 496 Title: Prohibiting public employers from using criminal history in employment decisions**

Summary: Would prohibit public employers from inquiring into or considering the criminal record of an applicant for employment during the initial application process.

Status: *Laid on Table.*

9. **HB 600 Title: Relative to paid sick leave for employees**

Summary: Would require covered employers to provide paid sick leave for employees.

Status: *Inexpedient to Legislate.*

10. **HB 684 Title: Establishing a state minimum hourly rate**

Summary: Would establish a state minimum hourly rate (this would be on a graduating scale over several years).

Status: *Inexpedient to Legislate.*

11. **SB 47 Title: Repealing the payment of subminimum wages to persons with disabilities**

Summary: Would prohibit employers from employing individuals with disabilities at an hourly rate lower than the federal minimum wage except for practical experience or training programs and family businesses

This bill is a request of the committee to study the payment of subminimum wages to persons with disabilities, established in HB 1174 (2014, 50).

Status: *Signed by Governor on 5/7/15. Effective: 7/6/15*

12. **SB 55 Title: Allowing private employers to establish a policy granting a veterans' preference in employment**

Summary: Would permit private employers to establish a policy for granting a preference to veterans in hiring, promotion, and retention decisions.

Status: *Passed the Senate. Referred to House Commerce and Consumer Affairs. Report filed.*

13. **SB 156 Title: Prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking**

Summary: Would prohibit an employer from discriminating against an employee who is or has been a victim of domestic violence, sexual assault, or stalking. Would also provide enforcement through the state commission for human rights.

This bill is a request of the committee to study the protection of employees from domestic violence, established in SB 390 (2014, 208:2).

**Status:** *Laid on Table.*

14. **HB 450 (New Title) relative to the definition of "employee" for the purposes of workers' compensation and unemployment compensation**

**Summary:** Would clarify the definition of "employee" for purposes of determining an independent contractor.

**Status:** *Passed the House with Amendment. Referred to Senate Commerce. Report filed.*

15. **SB 3 Title: Relative to payment for reasonable value of services**

**Summary:** Would require the insurance department to set rates for payment for medical services necessary for the treatment of injured workers under workers' compensation

**Status:** *Senate Commerce committee. In Committee.*

*Attorney Jim Reidy is a partner at Sheehan Phinney Bass + Green. His practice is in the area of labor and employment law where he exclusively represents management.*

**Please note:** *This outline is intended as general guidance and not specific legal advice. Your legal*