

Committee Report

REGULAR CALENDAR

March 15, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 113,

AN ACT relative to payment for earned but unused vacation or personal time. Having considered the same,

report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Mark Warden

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 113
Title:	relative to payment for earned but unused vacation or personal time.
Date:	March 15, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Current state law leaves it up to employers regarding how to treat vacation time and PTO (paid time off) with regards to their own individual business models and policies. We believe that is the right approach. The committee heard from business and trade groups that opposed the legislation as being too far-reaching and rigid. Enterprises of varying sizes need flexibility in determining policies, benefits and relationships between employee and employer that work best for their situations.

Vote 11-9.

Rep. Mark Warden
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 113, relative to payment for earned but unused vacation or personal time. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Warden for the **Majority** of Labor, Industrial and Rehabilitative Services. Current state law leaves it up to employers regarding how to treat vacation time and PTO (paid time off) with regards to their own individual business models and policies. We believe that is the right approach. The committee heard from business and trade groups that opposed the legislation as being too far-reaching and rigid. Enterprises of varying sizes need flexibility in determining policies, benefits and relationships between employee and employer that work best for their situations. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 15, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 113,

AN ACT relative to payment for earned but unused vacation or personal time. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Michael Cahill

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 113
Title:	relative to payment for earned but unused vacation or personal time.
Date:	March 15, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority regrets that an amendment addressing legitimate concerns of business while adding protection of earned wages for employees leaving in good standing or under circumstances beyond their control, was denied a vote in committee. It is hoped that through a floor amendment, the body will vote to prevent the unfair forfeiture of unused vacation wages going forward.

Rep. Michael Cahill
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 113, relative to payment for earned but unused vacation or personal time. **OUGHT TO PASS.**

Rep. Michael Cahill for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority regrets that an amendment addressing legitimate concerns of business while adding protection of earned wages for employees leaving in good standing or under circumstances beyond their control, was denied a vote in committee. It is hoped that through a floor amendment, the body will vote to prevent the unfair forfeiture of unused vacation wages going forward.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on

BILL TITLE: HB 113 Earned vacation time

DATE: 3/4/21

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. Warden Seconded by Rep. Turcotte Vote: 11-9

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

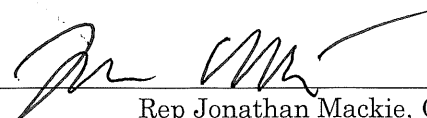
MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES _____ NO

Minority Report? Yes _____ No If yes, author, Rep: Cahill Motion _____

Respectfully submitted:  Rep Jonathan Mackie, Clerk



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HB 113 Motion: ITL AM #: _____ Exec Session Date: 3/4/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	11		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M.	2		
Callum, John M.	3		
Mackie, Jonathan D. Clerk	4		
Nunez, Hershel	5		
Warden, Mark	6		
Turcotte, Leonard P.	7		
Prout, Andrew J.	8		
Boyd, Stephen E.	9		
Hough, Gregg	10		
Sullivan, Brian M.		1	
Soucy, Timothy A.		2	
Baroody, Benjamin C.		3	
Cahill, Michael D.		4	
DiSilvestro, Linda A. <i>Espitra</i>		9	
Schmidt, Janice E.		5	
Toomey, Dan		6	
Bouchard, Donald J.		7	
Adjutant, Joshua		8	
TOTAL VOTE:	11	9	

Public Hearing

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON

BILL TITLE: HB 113 relative to payment for earned but unused vacation or personal time.

DATE: 2/11/21

ROOM: **Time Public Hearing Called to Order: 9:07**

Time Adjourned: 9:53

(members high-lighted in red were absent)

Committee Members: Reps. Infantine, Seaworth, Mackie, **Avellani**, Callum, Nunez, Warden, Turcotte, **Prout**, Boyd, Hough, Sullivan, Soucy, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard and Adjutant

Bill Sponsors: Rep. Cahill, Rep. Spang, Rep. Renzullo, Sen. Perkins Kwoka

TESTIMONY

*Use asterisk if written testimony and/or amendments are submitted.

Sponsor Rep. Cahill introduced the bill. Often times employers do pay accrued vacation, but some do not depending on the circumstances of employment and termination.

Q Rep. Adjutant How does this deal with end of year loss of vacation days.

A Does not cover it

Q Infantine- Is this all or nothing?

A I think it is good the way it is, but could be changed.

Q Rep. Hough- Don't know why II is in there. How does that apply?

A Processes are not always clear

Q Does this apply to people still there?

A explaining the situation on keeping track of vacation time.

Rudy Ogden, Deputy Commissioner of Labor testified that currently there is no regulation of vacation time in NH. It is only based on policies of the employer. Of the 250 wage claims a year 20% to 30 % of these claims have something to do with vacation time.

Q Seaworth- Are you aware of a company having an unlimited (no cap) accrual vacation policy

A No

Q How would the dept deal with an unlimited policy, prorated?

A Add the time based on the company policy.

Q Infantine- How would this effect companies that don't have vacation time, but rather PTO

A We would treat all the time given as a benefit to be vacation time.

Gary Abbot, executive vice president of Associated General Contractors testified against the bill. This is best left to individual companies to set policies. It should not be set by law.

Q Rep. Baroody- Do contractors get rid of employees just to avoid paying vacation time.

A Policies are complex and differ by company, but are fair.

Q Why shouldn't employees should get the time they've earned.

A some policies exclude people from getting vacation time if they quit under certain circumstances

Q Rep. Schmidt- Doesn't this bill just enforce what policies the company has.

A not really

Q Rep. Infantine- Would you accept some of this bill. Just lines 5 and 6?

A Yes.

Q Rep Seaworth- If there is a conflict between lines 13 to 15 and the company policy? Which takes precedent

A That is a problem Lines 13 to 15 should be removed

Q Rep Baroody- If I get fired I have to get paid my wages. I should also get my vacation time right?

A Some companies do not as a policy pay vacation time without a two weeks notice if they quit.

Q Rep. Turcotte- Line 5. Do you know of any companies that do not explain vacation policies?

A No

David Juvet, senior VP of the BIA testified in opposition to the bill. The number of issues with vacation time are low and don't justify this type of regulation. Some salaried employees don't get specific days off. They are just expected to get their work done and can take off what time they want as long as the work is completed on time.

Q Rep. Turcotte- Are you aware of any companies that do not explain vacation time rules to employees?

A No

Ellen Scarponi from Consolidated Communications testified against the bill. Employer's voluntary benefits should not be regulated

Q Rep Toomey- Would this not apply to companies that add vacation days on a yearly basis- not prorated by the fraction of the year.

A It appears that it would be regulating all vacation time.

Q Once you set a policy shouldn't you have to live up to it?

A Yes

Q If I were your employee and I believed you violated the policy should I be able to go to the dept of labor?

A You would have to ask them

Rudy Ogden- Under present law, policies that companies set, but don't follow, are what employees come to us for rulings over.

Some employers do not give their policies to their employees.

Rep. Spang- I think this is a necessary bill and support it. It is the ethical and fair thing to do.

16 people signed in supporting the bill

9 people signed in against the bill

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB113 on 2021-02-11

Support: 17 Oppose: 24 Neutral: 1 Total to Testify: 4

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Ogden, Rudolph	rudolph.w.ogden@dol.nh.gov	State Agency Staff	New Hampshire Department of Labor	Neutral	Yes (4m)	No	2/11/2021 8:36 AM
Abbott, Gary	gabbott@agcnh.org	A Lobbyist	Associated General Contractors	Oppose	Yes (3m)	No	2/6/2021 12:38 PM
Juvet, David	djuvet@biaofnh.com	A Lobbyist	Business & Industry Association	Oppose	Yes (3m)	No	2/11/2021 7:49 AM
Scarponi, Ellen	ellenscarp1@gmail.com	A Lobbyist	Consolidated Communications	Oppose	Yes (0m)	No	2/5/2021 3:05 PM
Pageau, Joan	joan@nhaia.com	A Lobbyist	NH Association of Insurance Agents	Oppose	No	No	2/5/2021 4:29 PM
Kudlik, Cindy	cindykudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	2/5/2021 9:51 PM
McWilliams, Rebecca	rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	2/5/2021 10:40 PM
Casino, Joanne	joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2021 9:36 AM
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	2/11/2021 8:06 AM
Perkins Kwoka, Senator Rebecca	rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself (SD 21)	Support	No	No	2/3/2021 12:20 PM
Zboya, Patrice	pzboya654@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 10:39 AM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 12:28 PM
Grossi, Anne	adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	2/7/2021 3:21 PM
Larson, Ruth	ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	2/8/2021 12:39 AM
Layon, Erica	erica.layon@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/8/2021 9:42 AM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/8/2021 10:35 AM
Wazir, Safiya	s.wazir@leg.state.nh.us	An Elected Official	My Constituents	Support	No	No	2/9/2021 10:21 AM
Bruce, Susan		A Member of the	Myself	Support	No	No	2/9/2021 11:39 AM

	susanb.red@mac.com	Public					
Cote, Lois	lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	2/9/2021 4:23 PM
Beaudoin, Jennifer	Jenniferbeaudoin@comcast.net	A Member of the Public	Myself	Support	No	No	2/9/2021 11:42 PM
Rathbun, Eric	ericsrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	2/11/2021 1:35 AM
Connolly, Brenna	connolly.brenna@gmail.com	A Member of the Public	Myself	Support	No	No	2/10/2021 11:30 AM
demark, richard	demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No	2/10/2021 1:07 PM
Barry, Curtis	curtis@barrygr.com	A Lobbyist	NH Retail Association	Oppose	No	No	2/10/2021 4:02 PM
Mennella, Alexandra	amennella1@protonmail.com	A Member of the Public	Myself	Oppose	No	No	2/10/2021 9:19 PM
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Oppose	No	No	2/10/2021 10:09 PM
Berke, Bruce	bberke@sheehan.com	A Lobbyist	National Federation of Independent Business	Oppose	No	No	2/11/2021 8:53 AM
dostie, donald	dadostietrucking@gmail.com	An Elected Official	Myself	Oppose	No	No	2/11/2021 12:58 PM
Aronson, Laura	laura@mlans.net	A Member of the Public	Myself	Support	No	No	2/11/2021 10:02 AM
Osborne, Jason	houstorepoffice@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/11/2021 10:04 AM
Sheehan, Vanessa	vsheehan16@yahoo.com	An Elected Official	Myself	Oppose	No	No	2/11/2021 10:14 AM
Berezhny, Rep. Lex	lex@berezghny.com	An Elected Official	Grafton District 9	Oppose	No	No	2/11/2021 10:20 AM
THEBERGE, ROBERT	rolath@hotmail.com	An Elected Official	Myself	Oppose	No	No	2/11/2021 10:49 AM
Terry, Paul	paul.terry@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/11/2021 10:58 AM
Baldasaro, Rep Al	mbaldasaro@comcast.net	An Elected Official	Myself	Oppose	No	No	2/11/2021 10:58 AM
Potucek, John	potucek1@comcast.net	An Elected Official	Myself	Oppose	No	No	2/11/2021 10:59 AM
DeLemus, Susan	suelecl@yahoo.com	An Elected Official	Myself	Oppose	No	No	2/11/2021 11:16 AM
Love, Rep.David	davidlove4rep@gmail.com	An Elected Official	Rockingham 6	Oppose	No	No	2/11/2021 11:17 AM
Greene, Bob	bob.greene@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/11/2021 11:17 AM
Mooney, Rep. Maureen	Rep.Maureen.Mooney@gmail.com	An Elected Official	Myself/Town of Merrimack	Oppose	No	No	2/11/2021 11:21 AM
Torosian, Peter	FlyBirdAir@aol.com	An Elected Official	Rockingham Count District # 14	Oppose	No	No	2/11/2021 12:05 PM
Kaczynski, Thomas	hampoul@metrocast.net	An Elected Official	Myself	Oppose	No	No	2/11/2021 8:10 PM

Testimony

Archived: Wednesday, July 21, 2021 9:54:29 AM
From: Michael Cahill
Sent: Thursday, February 11, 2021 8:49:11 AM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: HB 113 supporting documents
Importance: Normal

Colleagues,

Normally, we be sitting in room 307 with our folders and I would distribute paper copies. Today, I'm giving you a few links to relevant wage claim decisions in which the employee lost due to the employer policy being the final answer. We may agree that the ruling was unfair but absent passage of HB 113, these cases will have these outcomes.

<https://www.nh.gov/labor/decisions/wage-claim/2014/documents/48262.pdf>

Five employees filed for a total of \$2,261.44

<https://www.nh.gov/labor/decisions/wage-claim/2017/documents/55274.pdf>

The employer denied several vacation requests

There are many more but time is short.

Regards,

*Michael Cahill
State Representative
Labor, Industrial and Rehabilitative Services
Rockingham 17
Newfields, Newmarket*

Archived: Wednesday, July 21, 2021 9:54:29 AM
From: Michael Cahill
Sent: Wednesday, February 10, 2021 7:39:07 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: HB 113 is the same as HB 532 from 2020
Importance: Normal
Attachments:

[2018 NHDOL Wage Claim Decisions.docx](#)  [2019 NHDOL Wage Claim Decisions.docx](#) 

Colleagues,

Here is the docket for HB532 which was pared down and refined through subcommittee work for which I am grateful. http://gencourt.state.nh.us/bill_Status/bill_docket.aspx?lsr=0331&sy=2020&sortoption=billnumber&txtsessionyear=2020&txbillnumber=HB532

This bill passed out of committee 14-2 and the House on a voice vote only to land on the table of the other body. This was due to the legislature's inability to properly process the many bills awaiting action when the COVID-19 virus arrived.

Previously, I cited examples of what can go wrong when employer policy results in the employee losing vacation time (wages) through no fault of their own. Someone was laid off without notice and lost over \$2,000 because company policy required advance notice when requesting vacation. Several people working in an assisted living center lost a few hundred each when the business was sold - assets but not liabilities. This issue is also frequently featured (separately or with other items) in wage claims at NH DOL. For these reasons, I think we should state clearly that vacation hours once earned, belong to the employee.

I've attached documents listing the 2018 and 2019 wage claims posted on the department's website <https://www.nh.gov/labor/decisions/wage-claim/> which as indicated, is not all of the claims that are filed or those that did not bother to file after speaking with the department; calls are not logged.


Please note: The decisions available on these pages are selected Wage Claim Decisions of the Department of Labor. Not every decision issued by the Department of Labor is reproduced on this site. Only Wage Claim Decisions with both parties to the claim present at the hearing are posted.

Deputy Ogden, provided some additional information:

- From **2018-2020** there were **216** wage claims filed that had issues of unpaid vacation and/or PTO;
- From **2018-2020** there were 131 decisions issued for the 216 wage claims filed.
- Meaning that 85 cases with the identified unpaid vacation/PTO issue did not go to hearing (as you and I have discussed in the past there are many reasons a claim does not go to hearing, e.g. the employer pays, the employee withdraws, a combination of the two (partial payment));
- In a given year we typically issue about 250 - 300 wage claim decisions, in this case over 2018-2020 we issued roughly 450 (2020 was a bit slow and I say "roughly" because there were certain decisions that were arguably duplicative in that the person had multiple claims that were consolidated);
- That equates to about 29% of the issued decisions having a PTO component.
- Anecdotally, the Hearings Examiner feels that the percentage is probably closer to 20% historically, but not having all of the data on that, I just offer it for your consideration; and
- Last point, many claims have more than one component, so they may be going after PTO and something else, but as we have discussed in the past, PTO claims are very common and popular.

Regards,

Michael Cahill
State Representative
Labor, Industrial and Rehabilitative Services
Rockingham 17
Newfields, Newmarket

Archived: Wednesday, July 21, 2021 9:54:29 AM
From: Curtis Barry
Sent: Wednesday, February 10, 2021 4:11:19 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: HB113 - vacation time
Importance: Normal
Attachments:
NHRLA HB 113 Opposition.pdf 

Folks, attached is a PDF with a statement from the New Hampshire Retail Lumber Association regarding HB 113, Relative to Payment For Earned But Unused Vacation or Personal Time.

NHRLA represents New Hampshire's independent building material suppliers and is comprised of 69 member company locations throughout New Hampshire. A more detailed description including a member listing is included in the statement.

Curtis J. Barry
603-496-4564 (mobile)
www.linkedin.com/in/curtisjbarry
<https://lobbylinx.com/profile.php?profileid=3111115>

1.	01/02/2018 56299	Wages	Sylvester Sheet Metal Corp.
2.	01/03/2018 56098	Salary Vacation Wages	AGM Landscaping, LLC
3.	01/04/2018 56178	Relationship Wages	David Gove
4.	01/05/2018 56200	Vacation Wages	Automotive Supply Associates, Inc.
5.	01/05/2018 56344	Draw Salary Wages	Prime Automile Holdings, LLC
6.	01/08/2018 56360	Wages	Good & Plenty Restaurant Corp.
7.	01/09/2018 55896	Salary Wages	El Colima, LLC
8.	01/09/2018 56361	Wages Withholding of Wages	Mary Ann's Diner, LLC
9.	01/12/2018 56199	Wages Withholding Wages	Diggins & Rose, Inc.
10.	01/18/2018 56311	Vacation Wages	MacMulkin Chevrolet, Inc.
11.	01/26/2018 56376	Personal Time Wages	Animal Emergency Medical Center of New England, Inc.
12.	02/08/2018 56312	Damages Wages	Wentworth Douglas Hospital
13.	02/09/2018 56314	Paid Time Off Wages	Animal Emergency Medical Center of New England
14.	02/13/2018 55785	Overtime Wages	Accurate Tree Service, LLC
15.	02/13/2018 56461	Salary Wages	Natural Dharma Fellowship dba Wonderwell Moutain Refuge
16.	02/14/2018 56365	Expenses Wages	PrimeCare Transportation, LLC
17.	02/14/2018 56377	Expenses Wages	PrimeCare Transportation, LLC
18.	02/14/2018 56483	Wages	NEHDS Logistics
19.	02/16/2018 56193	Salary Vacation Wages	XCube Research & Development, Inc.
20.	02/16/2018 56411	Vacation Wages	DHL Supply Chain
21.	02/16/2018 56415	Expenses Wages	GCA Services Group
22.	02/16/2018 56418	Salary Wages	Enxing Auto Holdings, LLC dba Volvo Cars Exeter
23.	02/16/2018 56608	Wages	Amanda Duval dba Granite State Roadside

24. 03/02/2018 56455	Wages	Dan O'Brien Kia
25. 03/02/2018 56517	Wages	Dan O'Brien Kia
26. 03/06/2018 56508	Wages	B.J. Brickers Restaurant
27. 03/07/2018 56358	Damages Relationship Wages	Chrysalis Recovery Center, LLC
28. 03/07/2018 56381	Wages	Luciano Hauling Corp.
29. 03/07/2018 56395	Wages	Town of Chester
30. 03/09/2018 56520	Vacation Wages	Clipper Harbor / Healthcare Services, Inc.
31. 03/09/2018 56637	Damages	Patel Dental Group of Upper Valley, PLLC
32. 03/12/2018 56552	Vacation Wages	Winnisquam Marine, Inc.
33. 03/15/2018 56602	Deductions Wages	Thayer Public Library
34. 03/28/2018 56460	Wages	Phantom Fireworks Showrooms, LLC
35. 03/29/2018 56644	Deductions Tip Pooling Wages	Ristorante Massimo, Inc.
36. 03/29/2018 56731	Sick Pay Wages	SAU 19 - Goffstown School District
37. 03/30/2018 56658	Earned Time Wages	Greater Nashua Mental Health Center
38. 04/11/2018 56763	Deductions Wages	Mr. Bults, Inc.
39. 04/13/2018 56685	Earned Time Wages	Eastern Propane Gas, Inc.
40. 04/19/2018 56809	Wages Withholding	Surge Resources II, Inc.
41. 04/19/2018 56702	Wages	Cheshire Medical Center
42. 04/19/2018 56785	Salary Wages	US Foods, Inc.
43. 04/23/2018 56817	Damages Wages Withholding	Elm City Brewing Co.
44. 04/25/2018 56671	Overtime Wages	Kunysz-Winder LLC dba Summit Supply
45. 04/26/2018 55842 & 56522	Damages Personally Liability Salary Wages	XCube Research & Development, Inc.
46. 04/26/2018 56521	Damages Wages	XCube Research & Development, Inc.

47. 04/26/2018 56555	Personally Liability Vacation Wages	XCube Research & Development, Inc.
48. 04/26/2018 56849	Salary Vacation Wages	XCube Research & Development, Inc.
49. 04/26/2018 56873	Relationship Wages	PMC Medical Group, LLC
50. 05/01/2018 56789	Wages	Infiniti of Nashua
51. 05/02/2018 56624	Wages	Dental Services Group
52. 05/02/2018 56794	Sick Pay Wages	SAS Retail Merchandising, Inc.
53. 05/02/2018 56816	Wages Withholding	Thielsch Engineering, Inc.
54. 05/04/2018 56703	Wages	Rosewood Realty Trust
55. 05/15/2018 56880	Damages Vacation Wages	Gemini Screenprint, LLC
56. 05/15/2018 56936	Vacation Wages	Bedford Nursing & Rehad Center, LLC
57. 05/24/2018 56909	Wages	Eastman Hill, Inc. dba Steele Hill Resorts
58. 05/30/2018 57062	Wages	Scott Electronics, Inc.
59. 06/01/2018 56839	Overtime Wages	Cheers, P.R & C Gaming Corporation
60. 06/08/2018 56948	Deductions Vacation Wages	King Auto, LLC dba Steve King Auto
61. 06/12/2018 57092	Damages Salary Wages	NH Exteriors, Inc.
62. 06/13/2018 56835	Overtime Wages Withholdings	Dynamic Interiors, Inc.
63. 06/14/2018 56865	Salary Severance Sick Pay Time Off Wages	Things Remembered, Inc.
64. 06/15/2018 56944	Wages	Dr. Home Service
65. 06/18/2018 56972	Wages	The Falls Grill & Tavern, LLC
66. 06/20/2018 56889	Sick Pay Wages	Town of Bristol
67. 06/20/2018 57095	Wages	Crown Point Cabinetry, Inc.
68. 06/22/2018 56961	Damages Severance	Primary Financial Care Providers, LLC

	Wages Withholding	
69. 06/22/2018 56971	Damages	The Homemakers Health Services
70. 07/03/2018 57071	Vacation Wages	Nashua School District
71. 07/05/2018 57091	Personal Time Off Wages	MobilityWorks, LLC
72. 07/12/2018 57122	Employee Expenses Salary Wages	Kehoe Component Sales, Inc.
73. 07/13/2018 57075	Wages	The Service Council, LLC
74. 07/16/2018 57096	Expenses Relationship Wages	Pleasant North, LLC
75. 07/17/2018 57053	Vacation Wages	M&M Ford, Inc.
76. 07/17/2018 57054	Vacation Wages	M&M Ford, Inc.
77. 07/18/2018 56973	Damages Wages	Atos IT Solutions and Services
78. 07/19/2018 57172	Earned Time	Odd Fellows Home, Inc. dba Presidential Oaks
79. 07/25/2018 57202	Vacation Wages	Taylor Community
80. 07/26/2018 57348	Salary Wages	Dollar Tree Stores, Inc.
81. 07/30/2018 56933	Wages	Lake Life Lessons, LLC
82. 08/08/2018 57393	Wages	Dan's City Used Cars, Inc.
83. 08/21/2018 57180	Damages Sick Pay Vacation Wages	International Municipal Signal Association
84. 08/21/2018 57302	Wages	D'Amante Courser Pellerin PA
85. 08/23/2018 57397	Damages Vacation Wages	High Energy Ozone, LLC
86. 08/23/2018 57388	Damages Vacation Wages	High Energy Ozone, LLC
87. 08/29/2018 57477	Wages	Corfin Industries, LLC
88. 09/13/2018 57205	Damages Wages	Spectrum Property Services, Inc.
89. 09/19/2018 57307	Overtime Wages	Agency Leads LLC
90. 09/20/2018 56955	Compensatory Time	Town of Pittsburg

		Relationship Vacation Wages		
91.	10/02/2018	57619	Wages	Richard C Hiltunen dba RCH Driveway Sealing
92.	10/09/2018	57650	Wages	Stephanie Gladys and Paul Cote dba Fat Dog Kitchen
93.	10/10/2018	57407	Salaried Employees Wages	Cheers, P. R. & C. Gaming Corporation
94.	10/11/2018	57514	Relationship Wages	South Bay Real Estate
95.	10/12/2018	57513	Deductions Vacation Wages	McLaughlin Transportation Systems, Inc.
96.	10/12/2018	57573	Damages Vacation Wages	Compass Innovative Behavior Strategies LLC
97.	10/12/2018	57821	Expenses Wages	Trafino Restoration LLC
98.	10/19/2018	57494	Vacation Wages	Q Restaurant Holdings, LLC dba Popeye's
99.	10/25/2018	57645	Wages	NH Academy of Artistic Gymnastics, Inc.
100.	11/08/2018	57725	Wages	Third Eye, LLC
101.	11/14/2018	57724	Damages Deductions Earned Time Educational Benefit Salary Wages	Derry Neurological Associates
102.	11/16/2018	57896	Salary Wages	Peters Honda of Nashua
103.	11/16/2018	57913	Wages	Ivesla Solutions, Inc
104.	11/19/2018	57883	Deductions Wages	Empire Today, LLC
105.	11/21/2018	57734	Wages	J & F Landscaping
106.	11/26/2018	57814	Vacation Wages	Southeastern New Hampshire Alcohol & Drug Services
107.	11/26/2018	57961	Severance Wages	Light Block, Inc.
108.	11/29/2018	57929	Damages Wages	Dan O'Brien Kia, LLC

109. 57788	12/03/2018	Earned Time Wages	Bedford Nursing & Rehabilitation Center
110. 57705	12/04/2018	Vacation Wages	Irving Oil, LTD
111. 7928	12/06/2018	Salary Vacation Wages	Ri Ra Portsmouth, LLC
112. 57927	12/06/2018	Severance Wages	Advance Auto Parts
113. 57822	12/06/2018	Deductions Wages	Jewell Transport Resources, Inc.
114. 57914	12/10/2018	Wages Withholding	603 Diesel Performance, LLC
115. 57779	12/13/2018	Vacation Wages	Janos Technology, a subsidiary of Fluke Electronics Corp
116. 57888	12/14/2018	Salary Wages	Wrecking Ball, LLC
117. 58075	12/20/2018	Wages	Golden Goose Property Management, LLC
118. 57958	12/26/2018	Bonus Wages	CS Berlin Ops, Inc.
119. 57972	12/27/2018	Wages	DMS Insurance Agency of New Hampshire LLC dba Melcher & Prescott Insurance
120. 58033	12/27/2018	Overtime Wages	Custom Electric & Communications, LLC
121. 58049	12/27/2018	Deductions Wages	Macomber Trucking, LLC

In 2018, 121 Wage Claim Decisions were posted on the NHDOL website. Of these, 27 involved vacation wages and 2 were for PTO a related issue. So, 22% for vacation wages and 24% if counting the PTO claims.

Please note: The decisions available on these pages are selected Wage Claim Decisions of the Department of Labor. Not every decision issued by the Department of Labor is reproduced on this site. Only Wage Claim Decisions with both parties to the claim present at the hearing are posted.

1.	01/03/2019 58030	Wages	High Energy Ozone, LLC
2.	01/07/2019 58067	Vacation Wages	Rockingham Turf Care, Inc.
3.	01/16/2019 58092	Vacation Wages	Crawford-Vogel & Wenzel Oil Co., Inc.
4.	01/17/2019 57960	Salary Wages	Pressed Cafe, LLC
5.	01/28/2019 57707	Damages Wages	Lake Life Lessons, LLC
6.	01/28/2019 58052	Damages	UNH
7.	01/28/2019 58169	Damages Vacation Wages	Allied Universal, LLC
8.	02/19/2019 58145	Damages	Cardi's Department Store, Inc.
9.	02/19/2019 58180	Damages Wages	Fairfield Auto Group, LLC
10.	02/20/2019 57886	Personal Wages	Genesis Healthcare, LLC
11.	02/20/2019 58195	Damages Salaries Wages	Stonehouse Surface Specialties Corp dba Miracle Method
12.	02/20/2019 58240	Damages	BWE LLC
13.	02/28/2019 58284	Wages	Comprehensive Counseling Connections, PLLC
14.	02/28/2019 58286	Salary Severance Wages	Paradigm Shared Services, LLC
15.	03/06/2019 58332	Wages	Elmo Motion Control, Inc.
16.	03/07/2019 58331	Wages	Manchester School District
17.	03/21/2019 58278	Wages	Edward Jones
18.	03/26/2019 58359	Deductions Wages	High Energy Ozone, LLC

19. 04/01/2019 58354	Wages	Plimpton Tool of NH, Inc.
20. 04/01/2019 58391	Relationship Wages	NH Core Properties, LLC
21. 04/04/2019 58389	Wages	Slay Salon, LLC
22. 04/04/2019 58404	Expenses Overtime Wages	Win Together, Inc.
23. 04/04/2019 58417	Vacation Wages	Greenbriar Healthcare
24. 04/17/2019 58542	Expenses Wages	Cleaning & More
25. 04/23/2019 58499	Wages	Eptam Plastics LT
26. 04/23/2019 58530	Damages Salary Wages	NCR Corp.
27. 04/29/2019 58495	Expenses Required Pay Vacation Wages	Family Dollar
28. 04/30/2019 58513	Damages Vacation Wages	Harmony Energy Works, Inc.
29. 04/30/2019 58521	Damages Relationship Wages	White Birch Gourmet, LLC
30. 05/03/2019 58567	Vacation Wages	United Healthcare
31. 05/03/2019 58580	Vacation Wages	Crescent Group, LLC
32. 05/03/2019 58595	Salary Wages	International Cars LTD dba Porsche of Stratham
33. 05/07/2019 58566	Vacation Wages	Lebanon Ford, LLC
34. 05/07/2019 58609	Salary Wages	Carezone Financial Services, LLC

In 2019, 34 claims resulting in hearings were posted on NHDOL website. Of these, 9 (26%) involved vacation wages.

NFIB – New Hampshire

National Federation of Independent Business

March 4, 2021

Labor, Industrial & Rehabilitative Committee

NH House of Representatives

Concord, NH

Issue of Interest

Minimum wage legislation - House Bills 107 & 517

Earned but unused vacation time - House Bill 113

Mr. Chairman and Members of the Committee,

On behalf of the 1000+ members of the National Federation of Independent Business in New Hampshire, I respectfully ask you to vote down the three referenced bills and find them inexpedient to legislate (ITL).

Minimum Wage

NFIB's small business members believe that the proposed increases in the minimum wage represented in these two bills will lead to unintended consequences. Those unintended consequences include:

- Fewer jobs being available
- Fewer hours for employees
- Hurting the very employees advocates are trying to help
- And perhaps fewer businesses

Why does this happen? It happens because mandated actions and minimums infringe upon the free market. Under the parameters of House Bills 107 and 517, an employee will earn more per hour but may end up earning less per week because the individual's hours have been cut. Small businesses need to make up for the increased labor costs.

As I testified at the hearings, it is important to recognize that each dollar increase for a full-time minimum wage job costs the employer \$2,239 per year: the wage, and associated taxes/insurances. Therefore, House Bills 107 and 517 will cause approximately \$5,000 to more than \$20,000 increases per minimum wage job.

Despite few jobs paying \$7.25 an hour in NH and the statistics explaining that minimum wage jobs in NH today are in the category representing tipped wage employees, increases as proposed in these bills will still impact employers' costs because of the upward wage compression the wage scale experiences when minimum wage increases take place. In other words, if I am earning \$15 per hour today and a

\$15 minimum wage passes, I will be saying to my employer that I deserve more than minimum wage just as I had been earning before this law would go into effect.

Further, it is important to remember that the minimum wage was never intended to support entire families or act as an engine of the economy. Increasing it now will hurt those very people proponents are wanting to help. The minimum wage was designed as training wage for lower-skilled, less experienced workers. To that end, NFIB applauds the sponsors of HB 517, which recognizes the true intent of a minimum wage through the new paragraph that would establish a youth minimum wage. This provision needs to continue to be a part of any conversation relative to a minimum wage rate in NH.

Prior to the pandemic, reports showed that the lower 25% of paid workers were seeing their wages rise at a rate 1-2% ahead of the pace for those in top 25%. That was occurring because of the competition by employers for employees. Starting wages in NH are as high as they have ever been and as far above minimum wage as they have ever been. A strong economy, helped by not raising business taxes last year, is helping all employees and businesses, raising personal incomes in NH and that is a great outcome.

Earned but unused vacation time

This is an issue that has been debated a few times over the last several years. NFIB-NH opposes this bill from the standpoint that it is allowing an invasion of the relationship between the employee and employer. Further, it allows for this invasive relationship to exist “for any reason” when an employee has been terminated.

In other words, if an employee is caught stealing from the employer, then the employer would still be obligated to pay any unused vacation time that the employee has accrued.

What needs to be recognized and adhered to is if the employer has an employee handbook outlining this negotiated benefit of vacation time, then the employee can be entitled to that time earned. But without a written policy on unused vacation time, the employer needs to have flexibility in how such time is treated. Laws should not dictate the relationship between the employee and employer, especially if the termination can occur for any reason.

Thank you for your consideration and for allowing me to share the views of NH’s small business community. I ask you to oppose these bills and allow NH’s markets to grow jobs and grow wages without unnecessary mandates so businesses can continue to succeed.

Thank you.

Bruce Berke

State Director

NFIB-NH



February 9, 2021

HB 113, Relative to Payment For Earned But Unused Vacation or Personal Time

On behalf of the New Hampshire Retail Lumber Association (NHRLA), which represents independent lumber and building material dealers, manufacturers, wholesalers, distributors, and other associated businesses in the state of New Hampshire and as a significant employer of New Hampshire residents, **we would like to express our opposition to HB 113, which would require employers to pay for any unused vacation or personal time.**

Our independent, family-owned, and operated businesses provide paid time off as an employee benefit to recruit and retain quality employees, and to create a positive work environment where employees can take time for vacation or to care for themselves or a relative. Our members encourage their employees to use their vacation and personal time throughout the year as they believe they need time away from work.

HB 113 requires payout of accrued vacation time when the employee leaves the company, even if the employee is fired for cause.

In our opinion that is a fatal flaw in the legislation. The result could unfortunately be forcing small businesses to reduce the amount of vacation and personal time given to employees; reversing the positive trend of providing more time for employees to use.

Thank you.

Enclosure: NHLRA Membership List





The New Hampshire Retail Lumber Association

The New Hampshire Retail Lumber Association (NHRLA) has 69 member locations and represents independent lumber and building material dealers, manufacturers, wholesalers, distributors, and other associated businesses in the state of New Hampshire. The lumber and building materials industry employs nearly 17,500 New Hampshire residents.

NHRLA Members

- A&B Lumber Company:** Moultonborough, Pembroke
Acadia Insurance Company: Manchester
Alton Home & Garden Center: Alton
Ashland Lumber Company Inc.: Ashland
Beau-Trusses: Boscawen
Belletetes Inc.: Andover, Jaffrey, Nashua,
Peterborough, Sunapee
Benson Lumber & Hardware: Derry, Londonderry
Boise Cascade: Greenland
Boulia-Gorrell Lumber Co. Inc.: Laconia
Brock's Plywood Sales Inc.: Rochester
Caron Building Center Inc.: Berlin
Coastal Forest Products, Inc.: Bedford
Country 3 Corners Building Center: Weare
Cushman Lumber Co., Inc.: Charlestown
Cyr Lumber Company Inc.: Tilton, Warner, Windham
Di Prizio Pine Sales: Middleton
Durgin and Crowell Lumber Co.: New London
East Coast Lumber: East Hampstead
Fairview Millwork Inc.: Amherst, Seabrook
Feuer Lumber Inc.: Atkinson
Fogg's Hardware and Building Supplies: Woodsville
Friend Lumber Co.: Hudson
Gilford Home Center: Gilford
Goodfellow, Inc.: Manchester
Hamshaw Lumber Inc.: Keene
Hancock Lumber Company: North Conway
Huttig Building Products: Hooksett
Jackson Lumber & Millwork Co.: Raymond
LaValley Building Supply Inc.: Claremont, Newport,
Walpole, West Lebanon
Lumber Barn: Bradford, Goshen, Newbury
Mast Road Grain & Bldg. Mtl: Manchester
Middleton Building Supply: Dover, Hampton,
Meredith, Middleton
Milford Lumber Company Inc.: Milford
Moynihan Lumber Company: Plaistow
Nitco: Concord
P.J. Currier Lumber Co. Inc.: Amherst
Pelham Building Supply: Pelham
Perras Ace, Inc.: Lancaster
Petrocelli Marketing Group: Merrimack
PPG Industries, Inc.: Milford
Preferred Building Systems: Claremont
Quickrete-Boston: Brentwood
R.P. Williams & Sons Inc.: Bristol
Reeds Ferry Lumber Corporation: Merrimack
Ricci Lumber: Portsmouth
Seacoast Mills Building Supply, Inc.: Brentwood
Selectwood: Portsmouth
Skehan Home Center Inc.: Center Ossipee
The Rowley Agency: Concord
Varney-Smith Lumber Co. Inc.: Lisbon
Wallboard Supply Company, Inc., U.S. LBM, LLC:
Londonderry
White Mountain Lumber: Berlin



585 North Greenbush Road, Rensselaer, NY 12144
Phone 518.286.1010 or 800.292.6752 • Fax 518.286.1755 • www.nrla.org

Bill as
Introduced

HB 113 - AS INTRODUCED

2021 SESSION

21-0197
04/08

HOUSE BILL **113**

AN ACT relative to payment for earned but unused vacation or personal time.

SPONSORS: Rep. Cahill, Rock. 17; Rep. Spang, Straf. 6; Rep. Renzullo, Hills. 37; Sen. Perkins
 Kwoka, Dist 21

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires an employer to pay an employee for earned but unused vacation time.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to payment for earned but unused vacation or personal time.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Day's Work; Days of Rest; Vacation Time. Amend RSA 275 by inserting after
2 section 35 the following new section:

3 275:35-a Vacation Time. An employer that offers paid vacation time to its employees shall
4 comply with the following:

5 I. Inform employees in writing of any policy regarding accrual or use of vacation time and
6 any limits on accrual or use. In the absence of an accrual system, unused time shall be paid on a
7 prorated basis.

8 II. Provide a means through which vacation time requests and approvals are processed.

9 III. Provide employees with an accounting of vacation time used and vacation time
10 remaining.

11 2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after
12 paragraph V the following new paragraph:

13 V-a. Upon termination of employment for any reason, an employer shall, no later than the
14 next regular pay period, pay an employee for unused vacation time.

15 3 Effective Date. This act shall take effect 60 days after its passage.