

Committee Report

CONSENT CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 259,

AN ACT relative to employee uniforms. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jonathan Mackie

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 259
Title:	relative to employee uniforms.
Date:	February 17, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill attempted to clarify the current New Hampshire law regarding the ability of an employee to purchase optional or alternative employee uniforms offered by the employer. The committee did not feel this was a significant issue that was causing issues in NH. The Department of Labor (DOL) testified that normally issues arise when out-of-state employers do not know our laws. When informed, employers abide by NH laws and all is well. Complaints to the NH DOL average 1-3 a year. The committee felt the bill needed more clarification and asked the sponsor to submit an amendment. An amendment was filed but the committee felt that the way it was worded weakened the current law and made the law more confusing. We felt it was best to preserve the current law and recommend the bill be found Inexpedient to Legislate.

Vote 20-0.

Rep. Jonathan Mackie
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

HB 259, relative to employee uniforms. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Mackie for Labor, Industrial and Rehabilitative Services. This bill attempted to clarify the current New Hampshire law regarding the ability of an employee to purchase optional or alternative employee uniforms offered by the employer. The committee did not feel this was a significant issue that was causing issues in NH. The Department of Labor (DOL) testified that normally issues arise when out-of-state employers do not know our laws. When informed, employers abide by NH laws and all is well. Complaints to the NH DOL average 1-3 a year. The committee felt the bill needed more clarification and asked the sponsor to submit an amendment. An amendment was filed but the committee felt that the way it was worded weakened the current law and made the law more confusing. We felt it was best to preserve the current law and recommend the bill be found Inexpedient to Legislate. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on

BILL TITLE: HB 259 relative to uniforms

DATE: 2/11/21

LOB ROOM:

MOTION: (Please check one box)

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

Moved by Rep. Mackie Seconded by Rep. Hough Vote: 20-0

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: _____ Motion _____

Respectfully submitted: 
Rep Jonathan Mackie, Clerk



2021 SESSION


Labor, Industrial and Rehabilitative Services

Bill #: HB 259 Motion: ITL AM #: _____ Exec Session Date: 2/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	20		
Seaworth, Brian Vice Chairman	1		
Avellani, Lino M. <u>Melvin</u>	9		
Callum, John M.	2		
Mackie, Jonathan D. Clerk	3		
Nunez, Hershel	4		
Warden, Mark	5		
Turcotte, Leonard P.	6		
Prout, Andrew J. <u>Torosian</u>	10		
Boyd, Stephen E.	7		
Hough, Gregg	8		
Sullivan, Brian M.	11		
Soucy, Timothy A.	12		
Baroody, Benjamin C.	13		
Cahill, Michael D.	14		
DiSilvestro, Linda A.	15		
Schmidt, Janice E.	16		
Toomey, Dan	17		
Bouchard, Donald J.	18		
Adjutant, Joshua	19		
TOTAL VOTE:	20	0	

Public Hearing

Testimony

Archived: Thursday, April 15, 2021 2:09:32 PM
From: Josh Yokela
Sent: Wednesday, January 27, 2021 3:43:49 PM
To: ~House Labor, Industrial and Rehabilitative Services
Subject: HB258 and HB259
Importance: Normal
Attachments:
[NH Labor.pdf](#) 

Hello Labor, Industrial and Rehabilitative Services Committee,

The person who requested asked me to introduce HB258 and HB259 is afraid of potential retaliation from the department for advocating for the change, so I told them I would pass on their statement anonymously. See attached

Thanks for your consideration of this topic and I look forward to presenting them at the hearing tomorrow.

Hon. Josh Yokela
www.JoshYokelaForNH.com
603-722-0501

To Whom it May Concern:

Thank you for considering HB 259 and HB 258 relative to employee uniforms and employee time records.

Perhaps, to some, these changes may seem minor. But to an employer, especially relative to the challenges that we have faced over the last 12 months, these small changes will have a large impact.

Relative to employee uniforms, our national company offers additional company sweatshirts for purchase that employees from surrounding states (and most other states in the country) have the choice to purchase (Massachusetts, Vermont, Maine all allow for optional employee uniform purchases). Employees from New Hampshire, unfortunately, have to miss out on the benefit of purchasing these low cost sweatshirts. The current wording of the legislation states that uniforms must be at no cost to the employee. Perhaps the spirit of the law would allow additional purchases, but the law as written does not provide that confidence to employers to allow these additional purchases.

We provide all of the necessary uniforms for our employees, but many times over my tenure with the company, I have seen employees upset that they can't participate in purchasing something extra at their own choice. Even small pieces of engagement are an extraordinary tool in employment and retention, and this can contribute to that. Even more importantly, if employees want to make the *choice* to make these purchases, no one should stop them from exercising that freedom of choice.

Relative to employee time records, the law as it stands states that "time records with entries that are altered shall be signed or initialed by the employee whose record is altered." The spirit of the law is that no one wants employees to be paid less than what they have earned through their hours worked. However, the law as written is, in my opinion, outdated and causes unnecessary stress and time spent on administrative tasks. Currently, my company has the capability where all employees have digital access to their timecards. They can see all of their time punches as is, at any time, with no restrictions. Our ideal situation is to have employees simply look at their timecard, press the "approve button," and be done. Right now, every change to a timecard has to be initialed. On first glance, this may not seem serious. Let me list some of the instances considered a "timecard change," and put it into perspective.

Additions of paid time off; unpaid time off; missed punches; punching out instead of in; punching "meal in" instead of "meal out"; punching "in" instead of "meal out"; punching out instead of "meal out" - and all the variations of this; manual punching in the computer instead of using the time clock; timecard down time; holiday pay changes; hours worked at another location.

These are just a few examples (there are more) of what are considered "alterations." My small store has approximately 30 employees at any given time, and "alterations" can sometimes span twenty pages of signatures - and some of this simply is because employees forgot to punch in or out. The time that it takes to get 20 pages of signatures can be overwhelming, especially when this is a biweekly task. As surely the agency is aware of, not only are budget hours tight, many of us are stretching just to achieve basic standards. Allowing employees the option to simply review their timecard and hit an approve button would save a significant amount of time, and it would adjust our legislation to match the

efficiencies that the digital age affords us. With this change, our employees would still be afforded the transparency to ensure they are paid for their hours worked, with no sacrifice to that transparency, while also affording employers and employees alike the extra time that they need and deserve to focus on things beyond unnecessary administrative tasks. Our company already has the digital capabilities to comply, and others who don't, can simply continue to comply with the expectation of initials and signatures for timecard adjustments.

Please consider passing these bills. We need to do everything we can for national and local businesses to save time and increase employee engagement.

Please forgive me for writing this letter anonymously. Hopefully you can understand, during these uncertain and stressful times, that I wish to remain anonymous. This in no way reflects a lack of care about this topic.

Sincerely,

A New Hampshire employer

Archived: Friday, February 5, 2021 11:53:54 AM

From: Josh Yokela

Sent: Thursday, February 4, 2021 8:23:17 PM

To: Andrew Prout

Cc: Dan Toomey; Dan Toomey; Donald Bouchard; Michael Cahill; Tim Soucy; William Infantine; Mark Warden; Stephen Boyd; Benjamin Barody; Brian Sullivan; Heather Goley; Gregg Hough; Hershel Nunez; Jan Schmidt; John Callum; Jon Mackie; Josh Adjutant; Jan Schmidt; Brian Seaworth; Leonard Turcotte; Linda DiSilvestro; Lino Avellani

Subject: HB259 - Question on states that require free uniforms

Importance: Normal

Attachments:

UNIFORM LAW BACKUP.xlsx 

Hello Rep Prout,
cc: Labor Committee

You asked about other states rules on uniforms during the hearing for HB259 and I wanted to give the information I found to you and the committee.

15 states plus DC where the employers cannot charge the employee
33 states where employers can charge for uniforms
1 state (NJ) where they can charge **after** the first uniform is provided
1 state (MD) where it is required they pass charge the employee

I attached the state-by-state breakdown for your reference.

Thanks for the question and your attention to this issue,

Hon. Josh Yokela

www.JoshYokelaForNH.com

603-722-0501

Bill as
Introduced

HB 259 - AS INTRODUCED

2021 SESSION

21-0229

04/06

HOUSE BILL **259**

AN ACT relative to employee uniforms.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill permits an employee to purchase optional or alternative company uniforms offered by the company.

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 employee uniforms.

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

- 1 1 Protective Legislation; Withholding of Wages. Amend RSA 275:48, V(b) to read as follows:
- 2 (b) "Uniform" means a garment with a company logo or fashion of distinctive design,
- 3 worn by one or more employees, and serving as a means of identification or distinction. No employer
- 4 shall require an employee to wear a uniform unless the employer provides each employee with a
- 5 uniform reasonably suited for the conditions in which the employee would be required to wear one,
- 6 at no cost to the employee. An employee may purchase any other company garments or items,
- 7 ***including additional uniforms and any optional alternatives to the company uniform***
- 8 ***offered by the company,*** if the employee chooses.
- 9 2 Effective Date. This act shall take effect 60 days after its passage.