

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 303,**

**AN ACT relative to required pay. Having considered
the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Seaworth

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 303
Title:	relative to required pay.
Date:	February 17, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0189h

STATEMENT OF INTENT

This language was suggested by the Department of Labor. The current language in law provides two different exceptions in 275:43-a. One exception is for municipal and county employees and one is for ski and snowboard instructors. They are meant to be distinct, however the way the RSA is written, it is possible to confuse the two cases. This bill amends the language to make the original intent clear. The amendment reinserts the word "instructor," left out in the initial drafting.

Vote 20-0.

Rep. Brian Seaworth
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

HB 303, relative to required pay. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This language was suggested by the Department of Labor. The current language in law provides two different exceptions in 275:43-a. One exception is for municipal and county employees and one is for ski and snowboard instructors. They are meant to be distinct, however the way the RSA is written, it is possible to confuse the two cases. This bill amends the language to make the original intent clear. The amendment reinserts the word "instructor," left out in the initial drafting. **Vote 20-0.**

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Amendment to HB 303

1 Amend the bill by replacing section 1 with the following:

2

3 1 Payment of Wages; Required Pay. Amend RSA 275:43-a to read as follows:

4 275:43-a Required Pay. On any day an employee reports to work at an employer's request, he or
5 she shall be paid not less than 2 hours' pay at his or her regular rate of pay; provided, however, that
6 this section shall not apply to employees of counties or municipalities [~~or ski and snowboard~~
7 ~~instructional employees at ski resorts, provided that these employees receive other compensation~~
8 ~~that is at least equal to their rate of pay, and provided further that]. ***This section shall also not***
9 ***apply to ski and snowboard instructional employees at ski resorts, provided that these***
10 ***employees receive other compensation that is at least equal to their rate of pay.*** No employer
11 who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages
12 under this section. However, if the employee reports to work after the employer's attempt to notify
13 him or her has been unsuccessful or if the employer is prevented from making notification for any
14 reason, the employee shall perform whatever duties are assigned by the employer at the time the
15 employee reports to work.~~

Amendment to HB 303
- Page 2 -

2021-0189h

AMENDED ANALYSIS

This bill exempts ski and snowboard instructional employees at ski resorts from receiving required pay from an employer, provided that such employees receive other compensation that is at least equal to their rate of pay.

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on

BILL TITLE: HB 303 relative to required pay

DATE: 2/11/21

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # 0189h (if offered)
- Interim Study (2nd year)

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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 303 Motion: Adopt Amendment AM #: 01896 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>Terosian</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	



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HB 303 Motion: OTPA 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. <i>Melvin</i>	9		
Callum, John M.	2		
Mackie, Jonathan D. Clerk	3		
Nunez, Hershel	4		
Warden, Mark	5		
Turcotte, Leonard P.	6		
Prout, Andrew J. <i>Torosian</i>	10		
Boyd, Stephen E.	7		
Hough, Gregg	8		
Sullivan, Brian M.	11		
Soucy, Timothy A.	12		
Baroody, Benjamin C.	13		
Cahill, Michael D.	14		
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12 under this section. However, if the employee reports to work after the employer's attempt to notify
13 him or her has been unsuccessful or if the employer is prevented from making notification for any
14 reason, the employee shall perform whatever duties are assigned by the employer at the time the
15 employee reports to work.~~

2021-0189h

AMENDED ANALYSIS

This bill exempts ski and snowboard instructional employees at ski resorts from receiving required pay from an employer, provided that such employees receive other compensation that is at least equal to their rate of pay.

UNAPPROVED

Public Hearing

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON

BILL TITLE: HB 303 relative to required pay

DATE: 1/28/21

ROOM: **Time Public Hearing Called to Order: 9:35**

Time Adjourned: 9:54

(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. Seaworth

TESTIMONY

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

*Rep Seaworth introduced the bill

This is proposed by the department of labor. It is not intended to change the intent; housekeeping.

Came from a study committee looking at laws that need to be updated

This will clarify that municipal employees are not entitled to other compensation. That aspect of the law only applies to ski and snowboard instructors.

It will need an amendment to add back in "instructional" in the wording. It was accidentally left out.

Rep. Sullivan commented that he agrees with the legislation

Q Rep. Callum- Why is there an exemption for county and municipal employees?

A The labor department can better answer that.

Rudy Ogden deputy commissioner of labor testified: We support this as a clarification to the existing RSA . With regard to County and Municipal employees, this issue is usually covered by contracts

Burkee, representing the ski industry, testified that they support this change.

House Remote Testify

Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB303 on 2021-01-28

Support: 3 Oppose: 2 Neutral: 0 Total to Testify: 2

[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	Support	Yes (0m)	No	1/28/2021 7:53 AM
Berke, Bruce	bberke@sheehan.com	A Lobbyist	Ski New Hampshire	Support	Yes (0m)	No	1/28/2021 8:26 AM
Groetzing, Tonda	groetzing6@aol.com	A Member of the Public	Myself	Oppose	No	No	1/28/2021 8:13 AM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2021 9:48 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/27/2021 11:05 PM

Testimony

Bill as
Introduced

HB 303 - AS INTRODUCED

2021 SESSION

21-0421

04/06

HOUSE BILL **303**

AN ACT relative to required pay.

SPONSORS: Rep. Seaworth, Merr. 20

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill exempts ski and snowboard employees at ski resorts from receiving required pay from an employer, provided that such employees receive other compensation that is at least equal to their rate of pay.

Explanation: Matter added to current law appears in ***bold italics.***
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 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 required pay.

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

- 1 1 Payment of Wages; Required Pay. Amend RSA 275:43-a to read as follows:
- 2 275:43-a Required Pay. On any day an employee reports to work at an employer's request, he or
- 3 she shall be paid not less than 2 hours' pay at his or her regular rate of pay; provided, however, that
- 4 this section shall not apply to employees of counties or municipalities [~~or ski and snowboard~~
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- 9 faith effort to notify an employee not to report to work shall be liable to pay wages under this
- 10 section. However, if the employee reports to work after the employer's attempt to notify him or her
- 11 has been unsuccessful or if the employer is prevented from making notification for any reason, the
- 12 employee shall perform whatever duties are assigned by the employer at the time the employee
- 13 reports to work.
- 14 2 Effective Date. This act shall take effect 60 days after its passage.