

Bill as  
Introduced

HB 258 - AS AMENDED BY THE HOUSE

24Feb2021... 0168h

2021 SESSION

21-0228

04/06

HOUSE BILL

**258**

AN ACT

permitting wage and hour records to be approved and retained electronically.

SPONSORS:

Rep. Yokela, Rock. 33

COMMITTEE:

Labor, Industrial and Rehabilitative Services

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AMENDED ANALYSIS

This bill permits wage and hour records to be approved and retained electronically.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 258 - AS AMENDED BY THE HOUSE

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21-0228  
04/06

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT            permitting wage and hour records to be approved and retained electronically.

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

- 1            1 Employers' Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:
- 2            279:27 Records of Hours and Wages. Every employer of employees shall keep a true and
- 3 accurate record of the hours worked by each, wages paid to each, and classification of employment
- 4 when necessary, and shall furnish to the commissioner or the commissioner's authorized
- 5 representative upon demand a sworn statement of the same. Employers shall retain such records of
- 6 hours and wages for 3 years and such records shall be open to inspection by the commissioner or the
- 7 authorized representative at any reasonable time, subject to the provisions of RSA 273:9. Every
- 8 employer subject to a statutory minimum wage shall post and make available to his or her
- 9 employees a copy of such statutory minimum wage. Employers shall be furnished copies of posters
- 10 on request without charge. ***Records required by this section may be made, signed,***
- 11 ***acknowledged, approved, and retained electronically.***
- 12            2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 9  
HB 258 - FINAL VERSION

24Feb2021... 0168h

2021 SESSION

21-0228  
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HB 258 - FINAL VERSION

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10 on request without charge. ***Records required by this section may be made, signed,***  
11 ***acknowledged, approved, and retained electronically.***

9:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: April 23, 2021  
Effective Date: June 22, 2021

# Committee Minutes

# SENATE CALENDAR NOTICE

## Commerce

Sen Harold French, Chair  
Sen Bill Gannon, Vice Chair  
Sen Jeb Bradley, Member  
Sen Donna Soucy, Member  
Sen Kevin Cavanaugh, Member

Date: March 16, 2021

### HEARINGS

Tuesday	03/23/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 95-FN	relative to milk pasteurization.
9:15 a.m.	HB 258	permitting wage and hour records to be approved and retained electronically.
9:30 a.m.	HB 303	relative to required pay.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/95761120839>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,95761120839# or 13126266799,,95761120839#
4. Webinar ID: 957 6112 0839
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 95-FN**

Rep. Allard

Rep. Steven Smith

**HB 258**

Rep. Yokela

**HB 303**

Rep. Seaworth

Rep. Marsh

Rep. Deshaies

Rep. Aron

Rep. A. Lekas

Rep. Woodcock

Aaron Jones 271-4063

Harold F. French  
Chairman



**AMENDED TIME CHANGE  
SENATE CALENDAR NOTICE  
Commerce**

Sen Harold French, Chair  
Sen Bill Gannon, Vice Chair  
Sen Jeb Bradley, Member  
Sen Donna Soucy, Member  
Sen Kevin Cavanaugh, Member

Date: March 16, 2021

**HEARINGS**

Tuesday	03/23/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>HB 95-FN</b>	relative to milk pasteurization.
9:10 a.m.	<b>HB 258</b>	permitting wage and hour records to be approved and retained electronically.
9:20 a.m.	<b>HB 303</b>	relative to required pay.

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4. Webinar ID: **957 6112 0839**
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
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Rep. Aron

Rep. A. Lekas

Rep. Woodcock

Aaron Jones 271-4063

Harold F. French  
Chairman

## Senate Commerce Committee

*Aaron Jones 271-4063*

**HB 258**, permitting wage and hour records to be approved and retained electronically.

**Hearing Date:** March 23, 2021

**Time Opened:** 9:51 a.m.

**Time Closed:** 9:57 a.m.

**Members of the Committee Present:** Senators French, Gannon, Bradley, Soucy and Cavanaugh

**Members of the Committee Absent :** None

**Bill Analysis:** This bill permits wage and hour records to be approved and retained electronically.

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**Sponsors:**  
Rep. Yokela

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**Who supports the bill:** Representative Josh Yokela, Representative Brian Seaworth, Representative Stephen Woodcock, Margaret Byrnes (NH Municipal Association), Nikki Fordey, Richard DeMark, Ruth Larson

**Who opposes the bill:** No one

**Who is neutral on the bill:** Deputy Commissioner Rudolph Ogden (NH DOL)

**Summary of testimony presented in support:**

Representative Josh Yokela

- This bill came at the request of a business manager who wanted to retain records electronically, particularly records that require a signature every time the work hours of an employee are changed. The existing statute doesn't specify whether this is permitted or not.
- Currently, the existing statute only states that "employers of employees should keep true and accurate records". Furthermore, labor regulations only require time records with altered entries to be signed or initialed by an employee.
- The New Hampshire Department of Labor didn't have an issue with electronic records.
- While some businesses are already retaining electronic records, Representative Yokela said that some businesses are wary to stray away from the law as it's written.

- This bill wouldn't substantively change policy. Instead, it would simply add language to clarify that required records under this statute may be signed, acknowledged, approved, and retained electronically.

Representative Brian Seaworth

- The House Labor, Industrial, & Rehabilitative Services Committee passed this bill unanimously and it was placed on the consent calendar.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:**

Rudolph Ogden, Deputy Commissioner, New Hampshire Department of Labor

- Deputy Commissioner Ogden agreed with Representative Yokela that this bill would clarify, not change existing practices.

# Speakers

# Commerce Committee Testify List for Bill HB258 on 2021-03-23

Support: 6 Oppose: 0 Neutral: 1 Total to Testify: 3

<b><u>Name</u></b>	<b><u>Email Address</u></b>	<b><u>Phone</u></b>	<b><u>Title</u></b>	<b><u>Representing</u></b>	<b><u>Position</u></b>	<b><u>Testifying</u></b>
Seaworth Brian	brian.seaworth@leg.state.nh.us	Not Given	An Elected Official	House Labor Committee	Support	Yes
Ogden Rudolph	rudolph.ogden@dol.nh.gov	603.271.8496	State Agency Staff	New Hampshire Dept of Labor	Neutral	Yes
woodcock stephen	stevewoodcock.rep@gmail.com	603.356.2904	An Elected Official	Myself	Support	Yes
Byrnes Margaret	mbyrnes@nhmunicipal.org	603.224.7447	A Lobbyist	NH Municipal Association	Support	No
Fordey Nikki	nikkif610@gmail.com	Not Given	A Member of the Public	Myself	Support	No
DeMark Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Support	No
Larson Ruth	ruthlarson@msn.com	Not Given	A Member of the Public	Myself	Support	No

# Voting Sheets

**Senate Commerce Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # HB 258

Hearing date: 3/23/21

Executive Session date: 3/23/21

Motion of: OTC Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: SEN. SOUCY

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, March 25, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 258**

AN ACT

permitting wage and hour records to be approved  
and retained electronically.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Donna Soucy  
For the Committee

Pursuant to RSA 279:27, an employer must keep records for each employee related to hours worked, wages paid, and on classifications of employment. Some businesses already keep these records electronically, while others have been concerned that this is not permitted under the existing statute. This bill would provide clarity to businesses by providing that records required under RSA 279:27 can be made, signed, acknowledged, approved, and retained electronically. This clarification is supported by the New Hampshire Department of Labor.

Aaron Jones 271-4063

FOR THE CONSENT CALENDAR

**COMMERCE**

**HB 258**, permitting wage and hour records to be approved and retained electronically.

Ought to Pass, Vote 5-0.

Senator Donna Soucy for the committee.

Pursuant to RSA 279:27, an employer must keep records for each employee related to hours worked, wages paid, and on classifications of employment. Some businesses already keep these records electronically, while others have been concerned that this is not permitted under the existing statute. This bill would provide clarity to businesses by providing that records required under RSA 279:27 can be made, signed, acknowledged, approved, and retained electronically. This clarification is supported by the New Hampshire Department of Labor.

**Docket of HB258**

Docket Abbreviations

**Bill Title:** (New Title) permitting wage and hour records to be approved and retained electronically.*Official Docket of HB258.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/9/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Labor, Industrial and Rehabilitative Services <b>HJ 2</b> P. 41
1/21/2021	H	Public Hearing: 01/28/2021 11:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/96195399441">https://www.zoom.us/j/96195399441</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/3/2021	H	Executive Session: 02/11/2021 01:00 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/98476278055">https://www.zoom.us/j/98476278055</a>
2/17/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-0168h</b> (Vote 20-0; CC) <b>HC 12</b> P. 9
2/24/2021	H	Amendment <b>#2021-0168h</b> : AA VV 02/24/2021 <b>HJ 3</b> P. 12
2/24/2021	H	<b>Ought to Pass with Amendment</b> 2021-0168h: MA VV 02/24/2021 <b>HJ 3</b> P. 12
3/4/2021	S	Introduced 03/04/2021 and Referred to Commerce; <b>SJ 7</b>
3/16/2021	S	Remote <b>Hearing</b> : 03/23/2021, 09:10 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 16</b>
3/25/2021	S	Committee Report: Ought to Pass, 04/01/2021; Vote 5-0; CC; <b>SC 17</b>
4/1/2021	S	<b>Ought to Pass</b> : <b>RC 23Y-1N</b> , MA; OT3rdg; 04/01/2021; <b>SJ 10</b>
4/12/2021	S	Enrolled <b>RC 24Y-0N</b> , MA, (In recess of 04/08/2021); <b>SJ 12</b>
4/12/2021	H	Enrolled (in recess of) 04/09/2021 <b>HJ 7</b> P. 99
4/26/2021	H	Signed by Governor Sununu 04/23/2021; Chapter 9; Eff: 06/22/2021

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 758

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_ Enrolled Bill Amendment(s)
- \_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- as amended by the senate      \_\_\_ as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

AARON JONES  
Committee Aide

7/21/21  
Date

Senate Clerk's Office [Signature]