

Senate Commerce Committee

Aaron Jones 271-4063

HB 303, relative to required pay.

Hearing Date: March 23, 2021

Time Opened: 9:57 a.m.

Time Closed: 10:03 a.m.

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

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Seaworth

Who supports the bill: Representative Brian Seaworth, Deputy Commissioner Rudolph Ogden (NH DOL), Bruce Berke (Ski New Hampshire)

Who opposes the bill: Please see sign-in sheets

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Brian Seaworth

- At the request of the New Hampshire Department of Labor, this bill was filed to help clarify the language contained within RSA 275:43-a.
- Last session, this change also was recommended by the Committee to Study Certain Labor Statutes, which Representative Seaworth was a member of.
- RSA 275:43-a has been in effect for at least 35 years.
 - Under this statute, an employer is required to pay an employee for at least 2 hours if they reported to work at their employer's request. They would be paid regardless of whether they worked 2 hours, less than 2 hours, or didn't work at all.
 - However, there are two industries exempted from this statute: municipal and county employees, and ski and snowboard instructors.

- Municipal and county employees have been exempted since the passage of the original bill.
- In contrast, ski and snowboard instructors were added more recently.
- Ski and snowboard instructors can be compensated in a nonmonetary manner as long as it's at least equal to their rate of pay.
- As currently written, the two exempted industries can be mixed up, which has led some municipal or county employees to contact the New Hampshire Department of Labor asking for free ski lift tickets.
- The original intent of the bill was to never mix these two exemptions together; therefore, this bill rewords the statute, so that the exemptions are clear and distinct.
- Representative Seaworth said this bill wouldn't change any substantive policy or how the department interprets the statute.
- The House Labor, Industrial, & Rehabilitative Services Committee passed this bill unanimously and it was placed on the consent calendar.

Rudolph Ogden, Deputy Commissioner, New Hampshire Department of Labor

- Deputy Commissioner Ogden said the department has never understood what "other compensation" would be for municipal and county employees.
- In the case of ski and snowboard instructors, it would mean they could receive passes or something similar in nature. For municipal and county workers, however, there isn't a similar product or compensation available.
- Deputy Commissioner Ogden reiterated that the department has gotten inquiries from municipal and county employees asking about what type of compensation they're entitled to, which is why the department asked for clarification within the statute.

Summary of testimony presented in opposition: None

Neutral Information Presented: None