

# New Hampshire Department of Labor

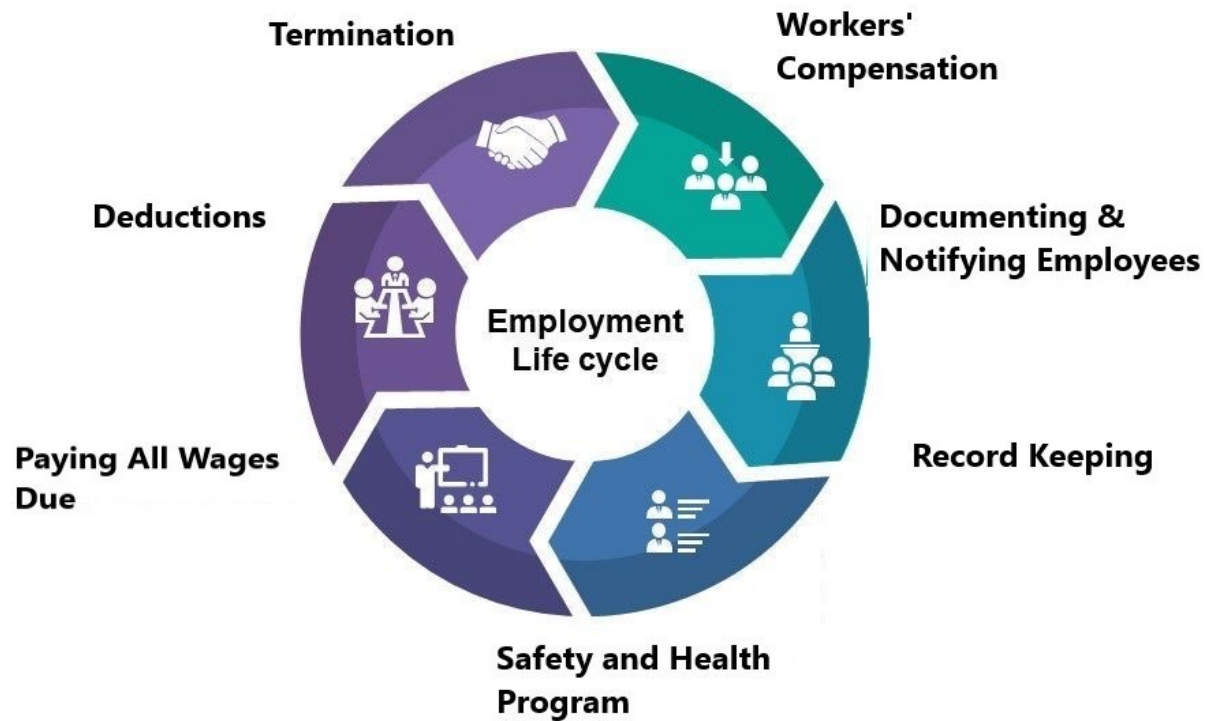
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***2022 Labor Law  
Webinar***

# Top 10 Labor Violations

1	2	3	4	5
<b><i>Pay all Wages Due</i></b>  RSA 275: 43 Lab 803.01	<b><i>Record Keeping</i></b>  RSA 279:27 Lab 803.03	<b><i>Youth Employment</i></b>  RSA 276-A Lab 1000	<b><i>Required Pay (2-hour minimum)</i></b>  RSA 275:43-a Lab 803.03 (h) (i) (j)	<b><i>Notification in writing</i></b>  RSA 275:49 Lab 803.03
6	7	8	9	10
<b><i>Documentation of Employees</i></b>  RSA 275-A:4-a	<b><i>Deductions from Wages</i></b>  RSA 275:48 Lab 803.02 (b) (e) (f)	<b><i>Secure workers' compensation coverage &amp; proper employee classification</i></b>  RSA 275:42 I, II & RSA 281-A	<b><i>Written Safety Plan</i></b>  RSA 281-A:64 Lab 602.01, 602.02, 603.02, 603.03	<b><i>Pay Minimum Wage</i></b>  RSA 279:21 Lab 803.02



# Life Cycle of a New Hampshire Employee



Workers' Compensation Coverage



Notification



Youth Employment



Documentation of Employees



Recording of Hours



Safety and Health Program



Deductions



Paying all Wages due on Payday



Terminating the Employee & Relationship

# **Workers' Compensation Coverage Division**

## **Coverage:**

**Phone: 603.271.3175**

**Email: [NHCoverage@dol.nh.gov](mailto:NHCoverage@dol.nh.gov)**

## **Claims:**

**Phone: 603.271.3174**

**Email: [WorkersComp@dol.nh.gov](mailto:WorkersComp@dol.nh.gov)**



# Workers' Compensation



## Coverage:

- Secure & Maintain NH Workers' Compensation Insurance Coverage
  - Misrepresentation of Workers
  - Exclusion of Executive Officers
  - Prime Contractor's Responsibility

## Claims:

- Filing A First Report of Injury
- First Aid
- Job Modification
- Second Injury Fund

## **Wage & Hour Inspection Division**

### **Phone Numbers:**

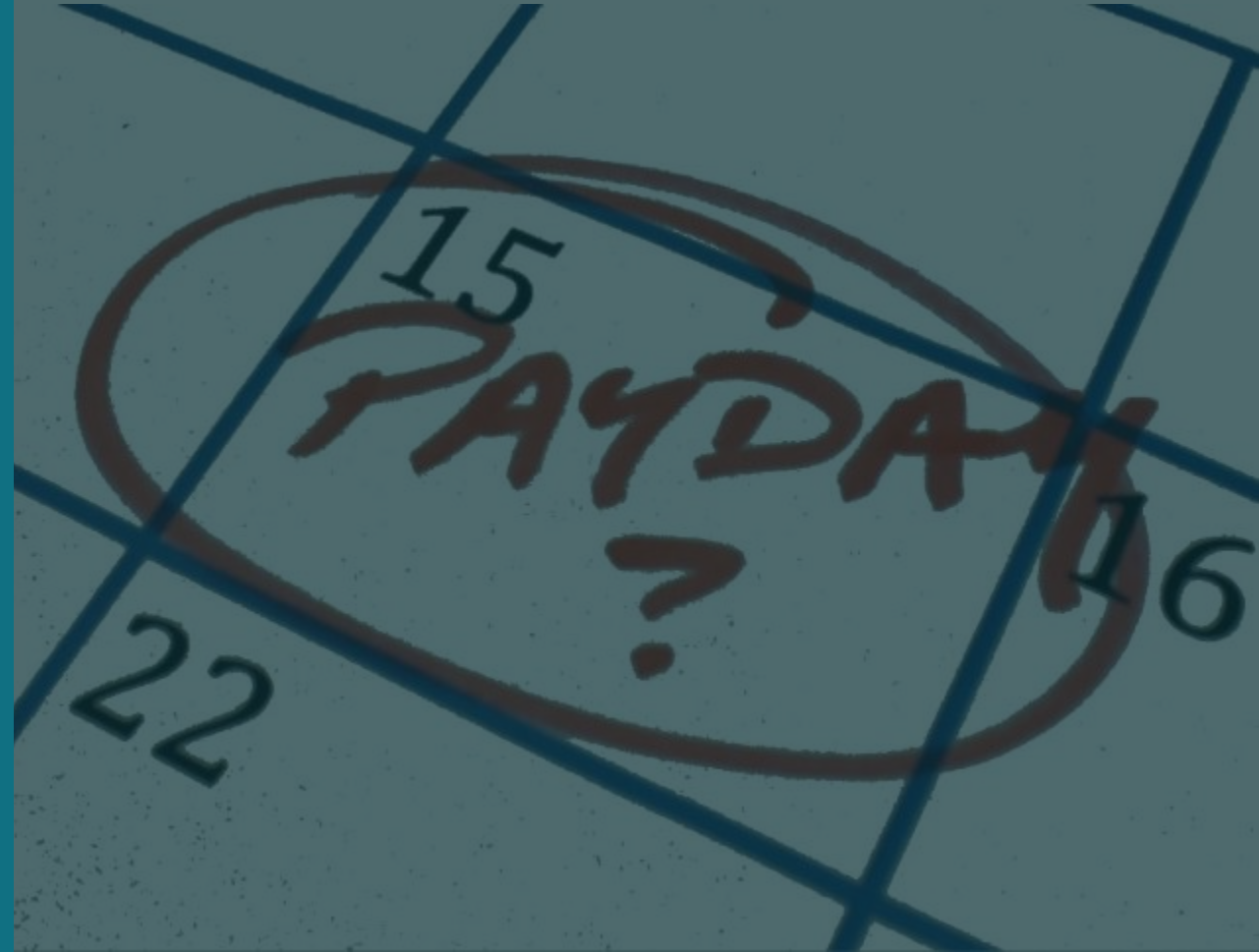
603.271.3176

603.271.6294

603.271.0127

### **Email Address:**

[InspectionDiv@dol.nh.gov](mailto:InspectionDiv@dol.nh.gov)



# Notification RSA 275:49

- In writing
- At least mi
- Signed by
- employee
- Copy main
- employer
- Hourly, Sal
- Commissio

Company Name/Logo Here

SAMPLE FORM

New Hire Rate of Pay  
RSA 275:49 Lab 803.03

Employee name:

Date:

Rate of pay:

Pay period is:

Payday is:

Benefits offered:

Signature of employee

## Changes in Rate of Pay

Date:

Rate of pay:

Signature of employee

## Changes in Rate of Pay

Date:

Rate of pay:

Signature of employee

## enefits

Sick, Holiday  
qualifies an  
e to benefits  
earned, lost,  
ulation at  
on  
benefits cannot  
with change



# YOUTH

AGE	
Under 16	Y
16/17	P



## State of New Hampshire

Department of Labor

PARENTAL PERMISSION FORM - YOUTH AGE 16 OR 17  
RSA 276-A:4,VIII & LAB 1002.02

Phone:  
603.271.0127

Email:  
Inspectiondiv@dol.nh.gov

Youth's Name:  (please print) Date of Birth  /  /  (mm/dd/yyyy)

Youth's Address:      
Street Address City State Zip Code

I, , grant permission for my son, daughter or legal  
Print name of parent or legal guardian

ward to be employed with   
Name of Employer

Located at:      
Street Address City State Zip Code

Description of Work:

Date Signature of parent or legal guardian

For additional information regarding the requirements of RSA 276-A, the New Hampshire Youth Employment Law, please contact the New Hampshire Department of Labor at 271-6294 or 271-1492.

### RSA 276-A:4

I. No youth shall be employed or permitted to work in any hazardous occupation, except in an apprenticeship, vocational rehabilitation, or training program approved by the commissioner...

VI. (a) In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 30 hours during that work week.

(b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40-3/4 hours in that work week.

(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

VII. No youth 16 or 17 years of age who is duly enrolled in school shall work for more than 6 consecutive days or 48 hours in any one week during school vacations, including summer vacation. For purposes of this paragraph, "summer vacation" means June 1 through Labor Day.

VIII. No youth 16 or 17 years of age, except a youth 16 or 17 years of age who has graduated from high school or obtained a general equivalency diploma, shall be employed by an employer unless the employer obtains and maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment.

**RSA 276-A:11 Certain Labor.** - In addition to the prohibitions listed in RSA 276-A:4, III, IV, V, VI, and VII no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10- 1/4 hours in any one day, or more than 54 hours in any one week.

**RSA 276-A:13 Night Work.** - No youth who works more than 2 nights in a week past 8 o'clock p.m. or before 6 o'clock a.m. shall be permitted to work more than 8 hours in any shift during that particular week.

### Lab 1002.03 Hours Limitations.

(c) Pursuant to RSA 276-A: 13, any youth scheduled to work more than 2 nights in a week past 8 o'clock p.m. shall not permitted to work more than an 8 hour shift during that particular week.

Hazardous Occupations are as defined in Federal Child Labor Bulletin Requirements in Nonagricultural Occupations, "Child Labor Bulletin No. 101" Order No. 1 through Order No. 17.

This form must be on file with this employer prior to the 16 or 17 year old youth performing any work.  
200715

## WHAT

Employment  
or  
Volunteering

Employment



# YOUTH HOURS

## Age Under 16

Every Day	Not earlier than 7AM , no later than 9PM*
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School Day	Not more than 3 hours on School Day (Yes, Friday is a school day)
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School Week	No more than 23 hours*
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Full Vacation Week	No more than 48 hours
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USDOL Differences	<p>*Not earlier than 7AM, no later than 7PM except in Summer when it's 9PM</p> <p>*18 Hours for school week</p>
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## Age 16 / 17

Certain Labor	No more than 10.25 hours per day
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Night work	No more than 8 hours in a day when working 3 or more nights in the week
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Full School Week	No more than 30 hours
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4 Day School Week	No more than 40.25 hours
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3 or less days of School Week	No more than 48 hours
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# YOUTH HAZARDS

## Age Under 16

No Construction

Cannot be on a work site

No Manufacturing or Warehouse

Cannot walk into a warehouse

No Golf Carts / Go Carts

Cannot handle or move even while engines are off

No Mowing or Weed Whacking

Raking and hand weeding is permissible

No Open Water Lifeguarding

At age 15 may lifeguard around pool

## Age 16 / 17

No Driving

At age 17 Limited **non time** sensitive driving is permissible

No power-driven Meat or Food Slicers

Limited Exemption for bona-fide student learners

No Roofing

Or working on or about a roof

No power-driven Bakery Machines

No using, repairing, or setting up i.e.) Batter Mixers

\*\*\*Please see all HO's in the USDOL's Child Labor Bulletin or go to: [www.youthrules.gov](http://www.youthrules.gov)

# Documentation of Employees

## RSA 275-A:4-a

### Citizen Protection

- Document to show Identity
- Document to show Eligibility
- Federal Form

# Record Keeping

## RSA 279:27



True & Accurate Record Keeping



Rounding



Two Hour Minimum



Hourly vs Salary



Edits signed / initialed by the employee



Fair & Equitable



Sick or Family Emergency with Documentation  
Exemption for Public Employees



Time records for hourly and non-exempt salary

# **Safety Inspection Division**

**Phone Numbers:**

**603.271.6850**

**603.271.6297**

**Email Address:**

**[Safety@dol.nh.gov](mailto:Safety@dol.nh.gov)**



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF  
PO BOX 2076  
CONCORD, NH 03301  
FAX (603) 271-2100

## SAFETY SUMMARY FORM

Company Name: \_\_\_\_\_

Company N.H.  
Physical Address: \_\_\_\_\_ City: \_\_\_\_\_

Company Mailing Address: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone#: \_\_\_\_\_ Fax#: \_\_\_\_\_

Number of N. H. Employees: \_\_\_\_\_ (This Includes

within the year.)

North American Industry Classification Code (NAICS): \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Answer all of the following questions. If you are not  
to your company, contact NH DOL or view the sup-  
document available for viewing or download at <http://summary-instructions.pdf> on the NH DOL web site.

*"Does not apply" is not an acceptable response.*

1) List potential safety and health hazards of your company  
etc.)

2) List the members of your company's joint loss management  
Please indicate which members represent the employees  
identify chairperson. There should be equal representation  
more employees than management representation.  
Management Member(s)-(supervisor) Employee

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PR/LMC

**NHDOL EXAMPLE ONLY**

To use this as a working document, delete all sample text in RED and replace with your entity's  
JLMC meeting information & discussions

Joint Loss Management Committee (otherwise known as JLMC or Safety Committee)  
Meeting Minutes

Entity Name: \_\_\_\_\_

Date of Meeting &amp; Start Time: \_\_\_\_\_

## JLMC Representatives (Name &amp; TITLE):

Management Representatives	Employee Representatives (Non-Supervisory)
John Doe, General Manager	Sue Safety, Press Operator
Sara Smith, Finance Director	Harold Health, Office Assistant
Jeff Jones, Shift Supervisor	Jane Doe, Customer Service Rep.

Lab 603.02: Must have equal numbers of employer and employee representatives or  
more employee than management representatives.

Committee Purpose: The purpose of a JLMC is to bring workers and management together in  
a non-adversarial, cooperative effort to promote safety and health in each workplace.

## Meeting Discussions (Examples):

1. Reviewed previous month's injury reports (if applicable)
2. Are there any injuries, illnesses, or near misses to discuss?
3. Review of any Workplace Safety Concerns/Trainings/Inspections
4. Review of Safety Program Manual
5. Safety & Health Training for JLMC Members:
o Review of Applicable OSHA Laws & Rules and Chap Lab 600 (Private Sector Only)
o Review of Applicable Chap Lab 1400 & Chap Lab 600 (Public Sector Only)
6. Review of any workplace Safety Accomplishments
7. Health & Safety Topic: Discussion

## Chap Lab 603.03: Action Plan, Assigned Duties, &amp; Responsibilities:

Schedule next quarterly meeting, post JLMC meeting minutes for employee review,  
chairperson elections (if applicable), annual safety inspection, relay policy statement, goals,  
and objectives to all employees, identify and schedule employee/job specific safety training,  
review employee suggestion box, attend safety training on (date).

## Review from Previous Meetings:

Were there things on your to-do list from the last meeting? Were they taken care of? Have  
major safety hazards been communicated to all employees for caution purposes? Examples:  
broken stairs, loose railings, etc.

Applicable NHDOL Statutes: [RSA 281-A:64](#), & [Administrative Rule Lab 600: Safety Programs and Joint Loss  
Management Committees](#)

(Example: call manager; call 911; transport injured

o take corrective actions on safety and health hazards,  
r employees' safety training.

d health concerns with the activities of sub-  
en, or if utilized. (Example: are they in compliance  
ers' compensation coverage?)

d to violations of your safety and health policies.

resources dedicated to safety including providing  
meetings, providing access to your safety and health  
l protective equipment.

COMPANY LOCATIONS  
l same industry type)

FED ID NO. NO. of EMP.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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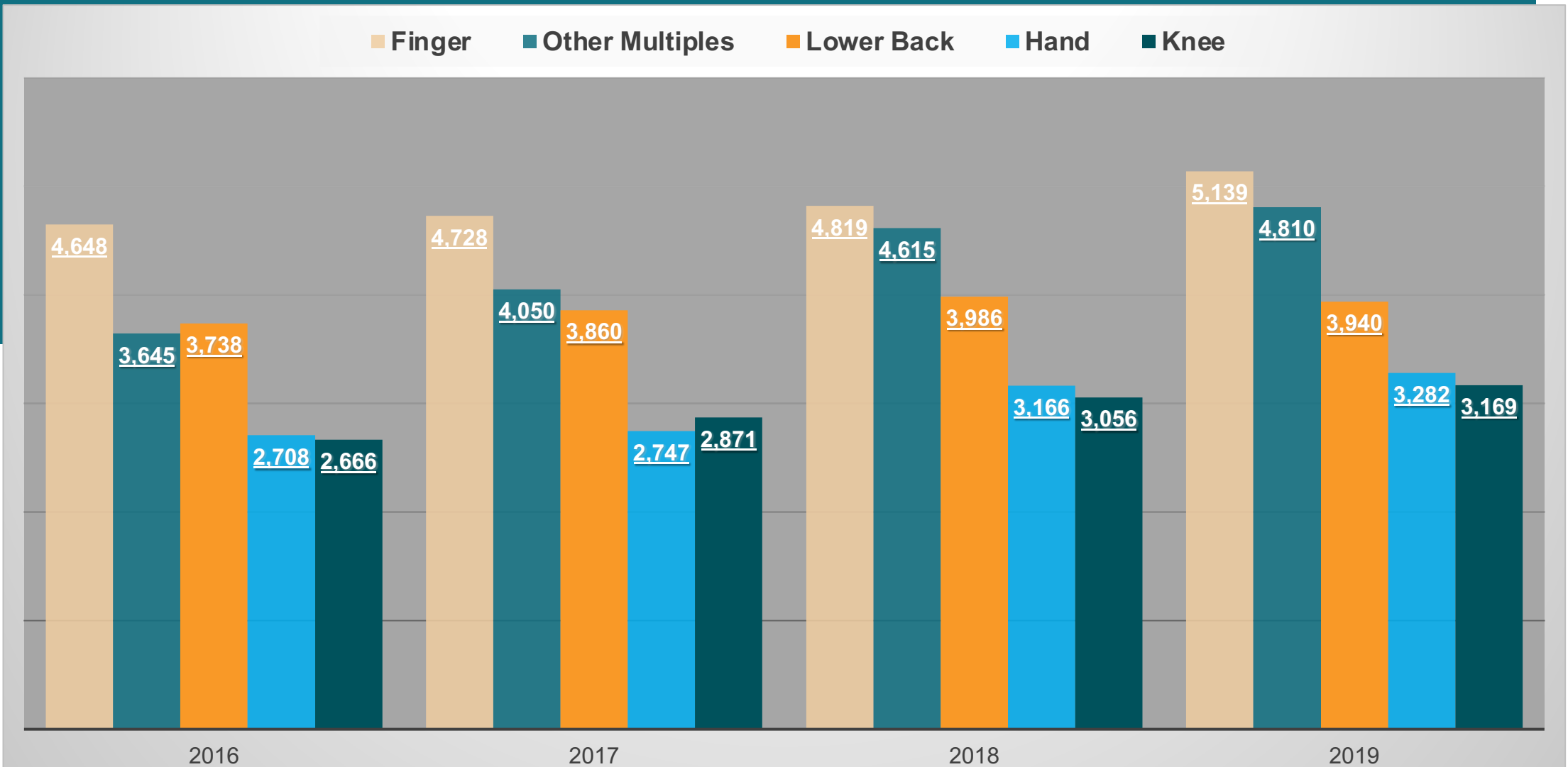
# Safety & Health Program

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1	2	3	4	5
<i>Introduction &amp; Management Statement of Commitment</i>	<i>Responsibilities: Management, Supervisors, Employees, Safety Director</i>	<i>Joint Loss Management Committee (JLMC)</i>	<i>Safety Rules &amp; Regulations</i>	<i>Disciplinary Policies</i>
6	7	8	9	10
<i>Accident / Incident Reporting</i>	<i>Training Requirements for Safety &amp; Health</i>	<i>Emergency Evacuation &amp; Response Plans</i>	<i>Safety &amp; Health Communications</i>	<i>Workplace Violence</i>

# NHDOL Biennial Report

## Injuries By Body Parts



# NHDOL Biennial Report

## Common Injury Causes

Causes	2016	2017	2018	2019
1. Slip or Fall	8,038	9,493	10,251	10,445
2. Lifting Action	7,025	7,012	7,162	7,343
3. Person	2,995	3,676	4,317	5,041
4. Hit by Object	3,889	4,038	4,154	4,619
5. Other	4,070	3,478	3,981	4,274
6. Sharp Object	2,298	2,026	2,345	2,523
7. Tool	1,891	1,967	2,152	2,137
8. Non Applicable	1,318	1,368	1,459	1,691
9. Repetitious	1,050	1,044	1,048	1,086
10. Motor Vehicle Accident	729	828	812	915

# **Why Invest in Workplace Safety**

## **A Written Safety Program with the help of JLMC Will...**

**Reduce  
fatalities,  
injuries and  
illnesses**

**Increase  
productivity  
and financial  
performance**

**Reduce  
absenteeism  
and turnover**

**Raise  
employee  
morale**

**Reduce direct  
and indirect  
costs**



# Fatalities, Injuries, and Illnesses Will Increase Costs

## Direct Costs

- ✓ Medical Expenses
- ✓ Increase of Workers' Compensation Premiums
- ✓ Compensation to injured employees for time away from work
- ✓ Repair or replacement of damaged equipment, buildings, and other items

## Indirect Costs

- ✓ Lost Time to assist injured worker
- ✓ Damage to tools, equipment, materials and property
- ✓ Losses due to late or unfilled orders, loss of bonuses or payment of penalties
- ✓ Loss of profit because of lost work time and idle machines

# How to Determine Total Cost of an Employee Injury

Direct Cost	Cost Multiplier
\$0 - \$2,999	4.5
\$3,000 - \$4,999	1.6
\$5,000 - \$9,999	1.2
\$10,000 or more	1.1

- Indirect cost = direct cost X cost multiplier
- Cost multiplier depends on size of direct cost
- Total cost = Direct cost + Indirect Cost

✓ Example:

The Insurance Claim Cost = \$12,000

Indirect cost  $\$12,000 \times 1.1 = \$13,200$

Total cost  $\$12,000 + \$13,200 = \$25,200$

# Deductions RSA 275:48

Company Name/Logo Here  
SAMPLE FORM

AUTHORIZATION FOR ACCIDENTAL  
OVERPAYMENT DEDUCTION  
RSA 275:48 I

I,  hereby authorize  
(Print employee's name)  
 to deduct from my wages  
(Employer)  
the sum of \$,  beginning  and ending   
(Amount) (Date) (Date)

I am authorizing this voluntary deduction as specified in RSA 275:48 I.

For deductions made for accidental overpayments employers are not allowed to deduct more than 20 percent of the employee's gross pay in any pay period. See RSA 275:48 I (d), (4), (C) (ii).

In the event my employment ends for any reason before the final deduction is made, the entire balance may ☐ or ☐ may not be deducted from my final wages.

(Employee's Signature)   
(Date Signed)

*ductions:*

*erpayment*

*& in writing*

*egin & end*

*han 20% of gross*

*any 1 pay period*

*efit lapse*

*responsible for failed*

*& deducted premiums*

# Payment of Wages

## RSA 275:43



✓ **Permission to pay other than weekly or bi-weekly**

✓ **Payment Options**

- *Checks*
  - *On bank that is convenient*
  - *No fee to cash paycheck*
- *Direct Deposit*
- *Pay Card*

✓ **Paying all wages due**

- *Short Breaks & Lunch Periods*
- *Late Pays*
- *Miscalculations or errors in pay*

# Salaried Employees

## RSA 275:43-b



## Paid the same salary for each pay period

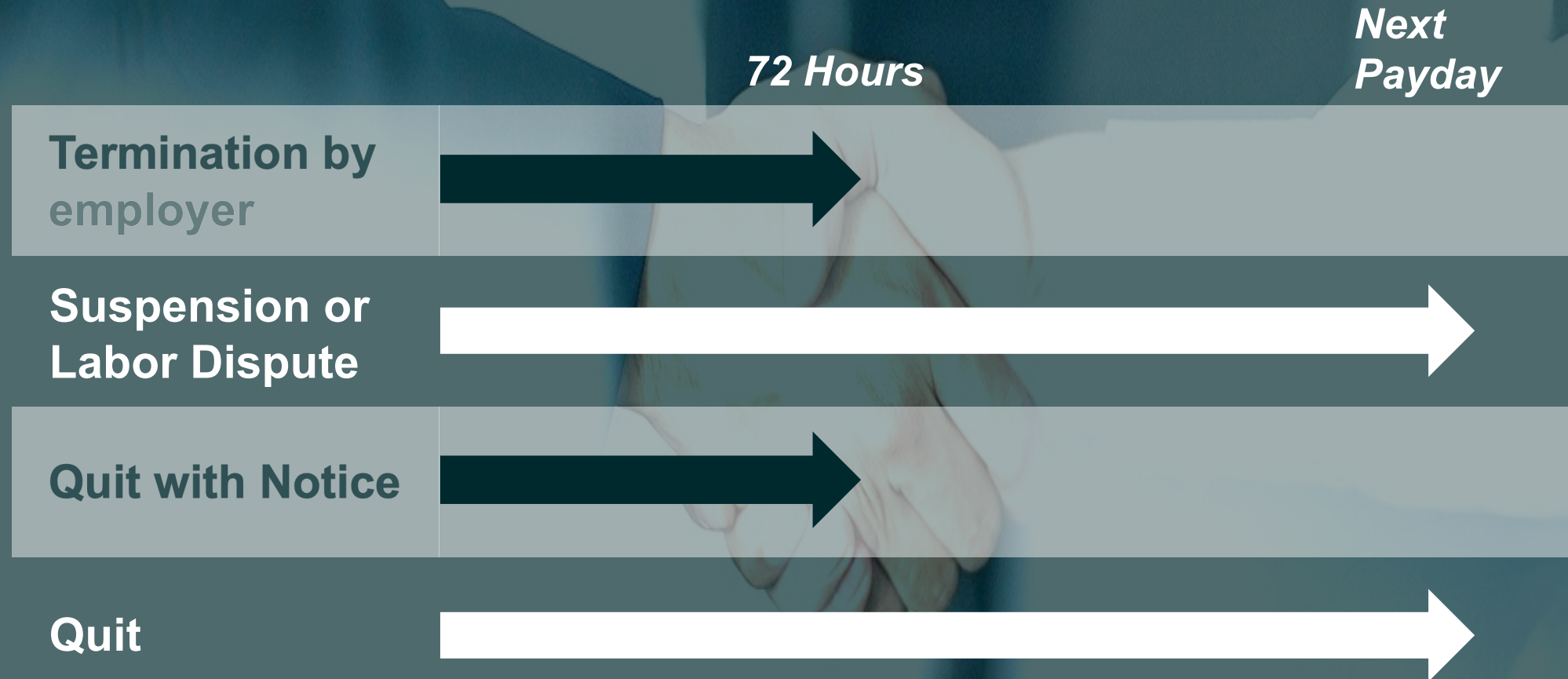
*Regardless of quality or quantity of work*

### Unless

- *No work performed at all in a pay period*
- *Bereavement leave*
- *Family Medical Leave Act*
- *If a salaried employee voluntarily, without coercion or pressure, requests time off without pay for any portion of a pay period*
- *Offset any amount received for Jury duty, or military pay*



# Terminating an Employee





# New Hampshire Department of Labor

*Website: [www.nh.gov/labor](http://www.nh.gov/labor)*

*Email: [InspectionDiv@dol.nh.gov](mailto:InspectionDiv@dol.nh.gov)*

*[SafetyDiv@dol.nh.gov](mailto:SafetyDiv@dol.nh.gov)*

*[WorkersComp@dol.nh.gov](mailto:WorkersComp@dol.nh.gov)*

*SIGN UP FOR EMAIL ALERTS*



# FAIR LABOR STANDARDS ACT



UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION

[dol.gov/whd](https://dol.gov/whd)  
1-866-487-9243

# Major Provisions



Coverage



Youth  
Employment



Minimum Wage



Recordkeeping



Overtime

# FLSA Enforcement



- Carried out by the Wage and Hour Division in the U.S. and territories
- If violations found, the Wage and Hour Division secures agreement to comply in future, supervises voluntary payment of back pay as applicable



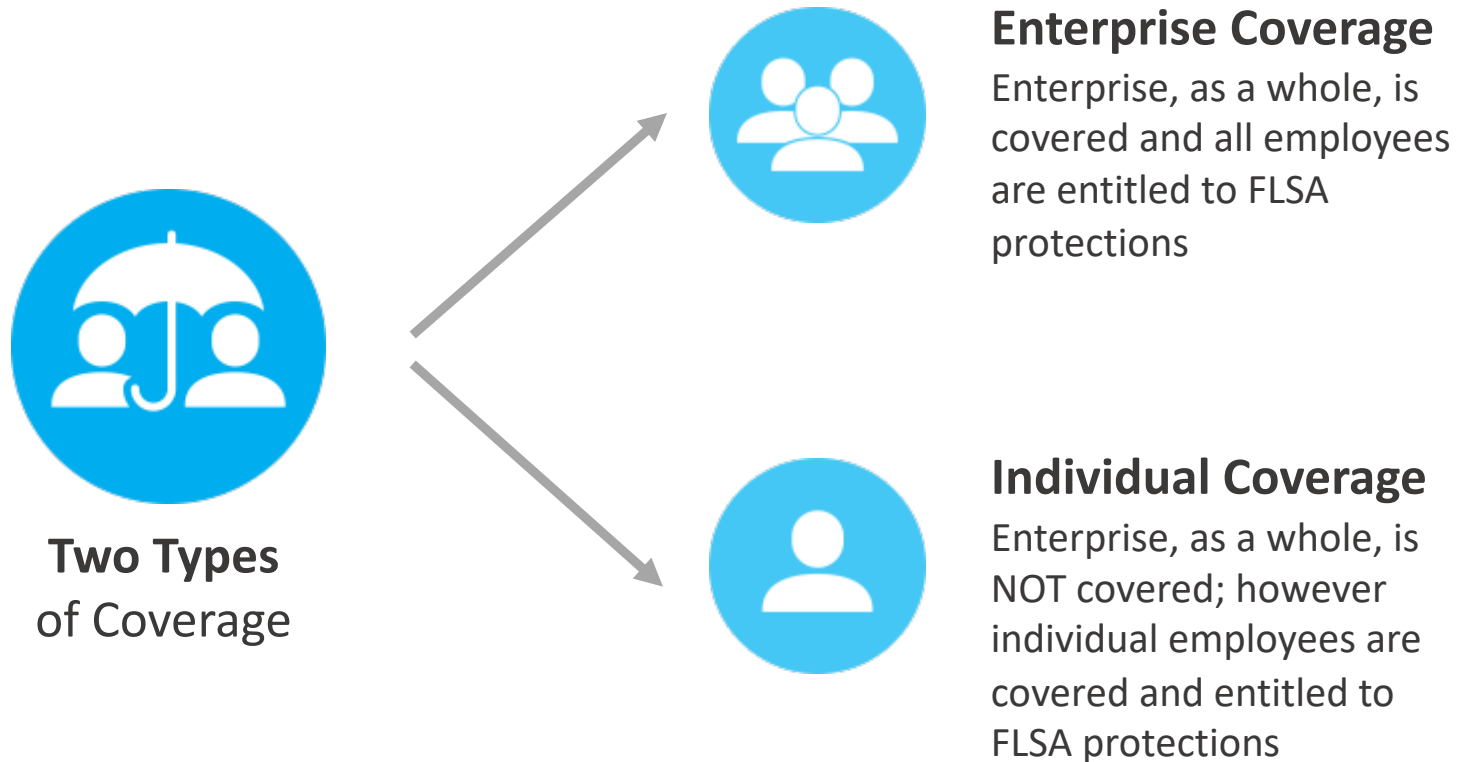
**FACT SHEET:**  
[Visits to](#)  
[Employers](#)



# Employment Relationship

In order for the FLSA to apply, there must be an employment relationship between the “employer” and the “employee”

# Coverage



# Enterprise Coverage



Enterprise coverage may apply to a business if:

- It engages in commercial activities that result in no less than \$500,000 in annual dollar volume (ADV), sales or total business, and
- It has two or more employees

# Individual Coverage



Employees of businesses not covered on an enterprise basis may still be covered individually

- The employee's activities, not the establishment's, determine coverage
- Individual coverage applies on a workweek basis

# Individual Coverage

Includes workers engaged in:

- Interstate commerce, the production of goods for interstate commerce, or an activity that is closely related and directly essential to such production
- Domestic service, including home care
- Employees of non-profits may also be covered individually

# Overtime

- **Seasonal Amusement or Recreational Establishments**
- No minimum wage or overtime is due employees of some seasonal amusement parks or recreational facilities
- The FLSA child labor requirements still apply in these establishments



# Overtime



Covered, non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked over forty in a workweek

All time that is hours worked must be counted when determining overtime hours worked.



FACT SHEET:  
[Overtime](#)

# Overtime



- Compliance determined by workweek
- Each workweek stands alone
- Workweek is 7 consecutive 24-hour periods (168 hours)

# Overtime

## Regular Rate

- Determined by dividing total earnings in workweek (except for statutory exclusions) by total number of hours worked in workweek

**Total Compensation (except for statutory exclusions)**

÷

**Total Hours Worked = RR**

- *Regular Rate* may not be less than the applicable minimum wage
- *Total earnings include commissions, certain bonuses, and cost of room, board, and other facilities provided primarily for the employee's benefit*

# Overtime

## Exclusions from the *Regular Rate*

- **Gifts** – e.g., coffee, snacks, t-shirts, raffle prizes, certain longevity bonuses, certain sign-on bonuses
- ***Discretionary* bonuses** – e.g., severance bonuses, referral bonuses for employees not primarily engaged in recruiting activities, bonuses for overcoming challenging or stressful situations
- **Payments for time not worked** – includes paid leave, paid leave buybacks, “show up” or “reporting pay”, “call-back pay”
- **Reimbursements for business expenses** – includes business supplies, tools, cell phone plans, credentialing exam fees, travel expenses



FACT SHEET:  
[Regular Rate](#)

# Overtime

## Exclusions from the *Regular Rate*

- **Overtime premium payments**
- **“Perks” and conveniences for the employee** – e.g., gym memberships, gym access, fitness classes, wellness programs, employee discounts on retail and services, on-the-job medical care, tuition payments, adoption assistance, parking benefits and spaces
- **Profit sharing plans, stock options**
- **Retirement and insurance plan contributions** - also includes plans for accident, unemployment, legal services, or other events that could cause significant future financial hardship or expense



# Overtime

## *Discretionary Bonuses*

- Discretionary bonuses may be excluded from the regular rate if **all** the following criteria are met:
  1. The employer has the sole discretion, until at or near the end of the period that corresponds to the bonus, to determine whether to pay the bonus;
  2. The employer has the sole discretion, until at or near the end of the period that corresponds to the bonus, to determine the amount of the bonus; and
  3. The bonus payment is not made according to any prior contract, agreement, or promise causing an employee to expect such payments regularly.
- Labels are not determinative.





# Overtime

## Regular Rate and Premium Pay for OT Hours

**STEP 1:** Total compensation paid in a workweek  
(except for statutory exclusions) divided by  
total hours worked in the  
workweek

**Total Compensation (except for statutory exclusions)**

÷

**Total Hours Worked = RR**

**STEP 2:**  $RR \times .5$  = Half-time Premium Pay per OT Hour

**STEP 3:** (Half-time) Premium Pay Rate x Overtime Hours in  
the Workweek = Overtime Compensation Due



# Overtime

## Exercise: Production Bonus

<b>Hourly Rate:</b>	\$9.00	$\$432 + \$10.00 =$	\$442.00
<b>Bonus per week:</b>	\$10.00	$\$442.00 \div 48H =$	\$9.21 <b>RR</b>
<b>Hours worked:</b>	48	$\$9.21 \times .5 =$	\$4.61
		$\$4.61 \times 8H =$	\$36.88 <b>OT</b>
<b>Total compensation for week:</b>			
$48H \times \$9.00 =$	\$432.00	$\$442.00 + \$36.88 =$	\$478.88

# Exemptions

## Exemptions

There are numerous exemptions from the minimum wage and/or overtime standards of the FLSA

One of the most common FLSA minimum wage and overtime exemptions is often called the “**541**,” “**white collar**” or “**EAP**” exemption

# Overtime

## Three Tests for the “White Collar” Exemptions

1. Salary Basis
2. Salary Level
3. Job Duties



**FACT SHEET:**  
[Blue Collar](#)  
[Workers](#)

# Overtime

## Salary Level Test

For most employees the minimum salary level required for exemption is **\$684.00 per week.**

# New Overtime Rule

## Nondiscretionary Bonuses

- Nondiscretionary bonuses and incentive payments (including commissions) are forms of compensation promised in advance to employees (e.g., bonuses for meeting set production goals, retention bonuses, and commission payments based on a fixed formula).
- May be used to satisfy up to 10% of the standard salary and special salary levels.
  - Minimum of 90% (approx. \$616 per week) of standard salary level must be paid as a weekly salary.
- Bonuses must be paid on an annual or more frequent basis.



# Salary Basis Test

- An exempt employee must regularly receive a predetermined amount of compensation each pay period (on a weekly or less frequent basis)
- The compensation cannot be reduced because of variations in the quality or quantity of the work performed
- If employer chooses to use nondiscretionary bonuses and incentive payments to meet the standard salary level, the employee must be paid at least 90% of the standard salary level for any week in which the employee performs **any** work

# **Duties Tests**

## **No Changes**

- The Final Rule did not make any changes to the Duties Tests

# **Executive Duties**

## **No Changes**

- Primary duty is management of the enterprise or of a customarily recognized department or subdivision
- Customarily and regularly directs the work of two or more other employees
- Authority to hire or fire other employees or recommendations as to the hiring, firing, advancement, promotion or other change of status of other employees given particular weight

# **Administrative Duties**

## **No Changes**

- Primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers
- Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance

# Professional Duties

## No Changes

- Primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction

**OR**

- Primary duty is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor

# Professional Duties

## Non-Exempt Professions

*Common errors: misapplication of exemptions*

- Licensed Practical Nurses
- Paralegals, legal assistants
- Engineering Technicians
- Accounting clerks, bookkeepers typically performing routine work
- Cooks performing predominantly routine mental, manual, mechanical, or physical work



**FACT  
SHEET:**  
[Technologists  
& Technicians](#)



# Computer-related Occupations

**To qualify for the computer employee exemption, an employee, such as a computer analyst, programmer, or software engineer, must receive either:**

- A guaranteed salary or fee of \$684 per week or more, or
- An hourly rate of not less than \$27.63 per hour and
- Their primary duty must be in design, development, or creation of computer systems, systems analysis etc. (as defined in the regulations).



# Fair labor standards act

## **Youth Employment**

Presented by

US Department of Labor ♦ Wage and Hour Division

# SPECIAL RULES FOR WORKERS UNDER 16

- 14 and 15 year olds
  - May work outside school hours and for limited periods of time; only non-manufacturing, non-hazardous jobs, and specific conditions apply
- Children under 14
  - With limited exceptions, no employment permitted in covered, non-agricultural occupations

# Times When 14- and 15-Year-Olds May Work

- Between 7 AM and 7 PM; or
- Between 7 AM and 9 PM from June 1 through Labor Day; and
- Outside school hours

# 14 and 15-year olds may work only...

- Up to 3 hours on a school day, including Fridays;
- Up to 18 hours during a week when school is in session;
- Up to 8 hours on a non-school day;
- Up to 40 hours during a week when school is not in session.

# Jobs 14 and 15-year olds can do

If an occupation is not specifically permitted, it is prohibited for youth ages 14 and 15. Jobs that are allowed include:

- Office and clerical work
- Cashiering and selling
- Price marking, assembling orders, packing
- Bagging and carrying out customers' orders

# More allowable jobs...

- Errands and deliveries by foot, bike, bus or train
- Certain clean-up work and yard work
- Pumping gas and hand cleaning cars
- Kitchen work, preparing and serving food (but very limited cooking)



# More allowable jobs...

Most cooking is prohibited, but 14- and 15-year-olds may:

- Cook with electric or gas grills that do not entail cooking over an open flame, and
- Cook with deep fryers that are equipped with and utilize automatic devices that raise and lower the baskets in and out of the hot oil or grease.

# Work 14 and 15-year-olds may not do:

- Work in or about boiler or engine rooms
- Maintenance or repair of a building or equipment
- Work in freezers and meat coolers
- Outside window washing
- Baking

# Work 14 and 15-year-olds may not do:

- Work involving power-driven food slicers and grinders, choppers or cutters and bakery mixers
- Loading and unloading goods to and from trucks, railcars or conveyors
- Work in areas where meats are prepared for sale
- All occupations declared to be hazardous for 16- and 17-year-olds

## HO 2:

# Driving or Outside motor vehicle helper

- No employee under 17 may drive motor vehicles on public roads
- 17 year olds may drive under limited, occasional, incidental circumstances (daylight, less than 20% of work hours, seat belt use, drivers ed, etc.)
- Bans driving for delivery work
- Bans driving for route sales
- Bans driving that involves towing
- Bans driving of golf carts, ATVs, and motorcycles on public roads
- Prohibits the transportation of others
- Bans working as an outside helper on motor vehicles (riding on motor vehicles outside the cab for the purpose of assisting in transporting or delivering goods)



# HO 10:

## power driven meat processing machines

Bans the operation of power driven meat processing machines, such as meat slicers, saws, and meat choppers even if used on items other than meat. Also bans all occupations in slaughtering, processing, and packing.

\*This HO provides a limited exemption for 16-and 17-year-olds who are bona-fide student learners and apprentices.

HO 11:

power driven bakery machines

Bans the operation of power driven machines such as vertical dough mixers, some batter mixers, dough rollers, and dough sheeters.

# HO 12: power driven paper products machines

Bans the operation of paper products machines, including balers and compactors.

16- and 17-year-olds can *load* certain power-driven compactors and balers

\*This HO provides a limited exemption for 16-and 17-year-olds who are bona-fide student learners and apprentices.

## Wage and Hour Division

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### Preparing Today's Youth for a Safe and Secure Tomorrow

## About YouthRules!

The *YouthRules!* initiative promotes positive and safe work experiences for teens by providing information about protections for young workers to youth, parents, employers, and educators. Through the YouthRules! initiative, the U.S. Department of Labor and its partners promote positive and safe work experiences that help prepare young workers in the 21st-century workforce.



# Compliance Assistance

## **CHILD LABOR MATERIALS**

YouthRules!

[www.dol.gov/agencies/whd/youthrules](http://www.dol.gov/agencies/whd/youthrules)

[www.dol.gov/agencies/whd/child-labor](http://www.dol.gov/agencies/whd/child-labor)

# Compliance Assistance

- **Northern New England District Office**
- **PHONE: 603-666-7716**
- **Web: [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)**
  
- **Brian Cleasby, CORPS**
- **Phone: 603-606-3116**
- **Email: [cleasby.brian@dol.gov](mailto:cleasby.brian@dol.gov)**

# Wage and Hour Division

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