

## **Now is the Time to Weigh in on Key Anti-Business Bills**

Several anti-business bills we dealt with last session came back again this year and, with new leadership in the House and Senate and a new sense of empowerment being felt by labor groups, the dynamic in which these bills are being considered is vastly different. Some have gone or seem to be going in a good direction for the business community. For example, the House has already killed a bill to mandate a ten hour break between work shifts (HB 123), a bill to prohibit mandatory work on Thanksgiving and Christmas Day (HB 366), and a bill that would require employers to participate in the basic verification pilot program operated by the United States Department of Homeland Security and prohibit employers from discharging a legal employee during any period of non-compliance with that program (HB 605).

In addition, the House Labor Committee agreed to retain a bill that would create a state law for calculation of overtime pay that differs from federal law. The key difference is that the "regular rate" would be calculated by dividing the total pay by 40 hours rather than by the actual number of hours worked (HB 399). Consideration of this bill will continue in the summer and/or fall and the regular legislative process will resume next session.

And, an acceptable compromise was reached on a bill that seeks to protect day laborers by imposing a number of requirements on employers, including daily pay for short-term assignments and payment in cash or in a form which can be converted to cash at no cost to the employee. The tricky part was defining the scope of the bill to include day laborers but not include longer-term temporary staff or per diem employees in professions such as nursing. This bill is on the House Calendar for April 4th with a 12-4 recommendation that it pass with the compromise amendment.

**Three problematic bills remain, however, and will be taken up in the House next week.** Those with favorable recommendations have enough momentum to pass. It is more important this year than ever for the business community to be vocal about the financial challenges of managing a business in New Hampshire and the impact these additional, state-mandated costs will have.

- Pay for employees called in to work -  
HB 81, as introduced, (<http://www.gencourt.state.nh.us/legislation/2007/HB0081.html>) would increase the mandatory pay for employees called in to work from two hours pay to four hours. A proposed amendment would increase the mandate to three hours pay and would put exemptions that currently exist in Labor Department rules into the statute. This bill is on the House Calendar for April 4th with a 10-7 committee recommendation that it pass with amendment. The minority filed a recommendation that the bill be killed.
- Minimum wage increase -  
HB 514 (<http://www.gencourt.state.nh.us/legislation/2007/HB0514.html>) would increase the state minimum wage in two steps, ultimately landing at \$7.25 per hour as of September 1, 2008. Currently, the state minimum wage is \$5.15 per hour. This bill has gained momentum in recent years, however, and it is very likely to be enacted this session. The real fight has become how to treat tipped employees under the law. This bill is on the House Calendar for April 4th with a 15-2 recommendation that it pass.
- Regulating mandatory overtime for nurses and assistants -  
HB 797 (<http://www.gencourt.state.nh.us/legislation/2007/HB0797.html>) would prohibit an employer from disciplining a nurse or nurse assistant for refusing to work more than 12 consecutive

hours except in very limited circumstances, including surgery and critical care. This bill is on the House Calendar for April 4th with an 11-2 committee recommendation that it pass.