SB 10 - AS AMENDED BY THE SENATE

03/21/2019  0998s
19-1050
04/06

2019 SESSION

SENATE BILL 10

AN ACT establishing the state minimum hourly rate based on whether an employer offers paid sick days to an employee.


COMMITTEE: Commerce

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AMENDED ANALYSIS

This bill sets the minimum hourly rate paid to employees based on whether or not the employer offers paid sick days to an employee. The bill also amends the minimum hourly rate for tipped employees.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT establishing the state minimum hourly rate based on whether an employer offers paid sick days to an employee.

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

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended or the following, whichever is higher:

From January 1, 2020 to December 31, 2021, $10 per hour.

From January 1, 2022 and thereafter, $11 per hour if an employer offers at least 10 paid sick days to an employee, or $12 per hour if an employer does not offer at least 10 paid sick days to an employee.

In this section, “paid sick day” means a paid absence from an employee’s duties for personal medical reasons.

Tipped employees of a restaurant, hotel, motel, inn or cabin, or ballroom who customarily and regularly receive more than $30 a month in tips directly from the customers will receive a base rate from the employer of not less than $4 per hour. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal 45 percent of the applicable minimum wage $4 per hour. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage $12 per hour for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage $12 hourly rate.

Tipped employees who are licensed as secondary game operators pursuant to RSA 287-D and who customarily and regularly receive more than $30 a month in tips directly from the customers will receive a base rate from the employer of not less than $7.25 per hour. If such an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal $12 per hour for all hours worked, the employer shall pay the employee the difference to guarantee the $12 hourly rate.
The limitations imposed hereby shall be subject to the following exceptions:

2 Effective Date. This act shall take effect upon its passage.