

December 16, 2015 Very Jolly Legislative Update

“The best and most beautiful things in the world cannot be seen or even touched. They must be felt with the heart. Wishing you happiness.” -- Helen Keller

FEDERAL

**EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION
(EEOC)**



PRESS RELEASE: 12-1-15

EEOC Issues Publications on the Rights of Job Applicants and Employees Who Have HIV Infection

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) today issued two documents addressing workplace rights for individuals with HIV infection under the Americans with Disabilities Act of 1990 (ADA), including the right to be free from employment discrimination and harassment, and the right to reasonable accommodations in the workplace.

The White House has issued a National HIV/AIDS Strategy (NHAS) for the United States. One of the steps identified by the Strategy is to reduce stigma and eliminate discrimination associated with HIV status and services. EEOC has a long history of enforcing the nondiscrimination rights of individuals with HIV infection in employment. During Fiscal Year 2014 alone, EEOC resolved almost 200 charges of discrimination based on HIV status, obtaining over \$825,000.00 for job applicants and employees with HIV who were unlawfully denied employment and reasonable accommodations. EEOC now extends these efforts by issuing two documents that explain these rights.

"We are proud to be a part of the National HIV/AIDS Strategy," said EEOC Chair Jenny Yang. "Individuals with HIV infection should know that the ADA protects their rights in the workplace, including the right to reasonable accommodations. By clarifying these rights, and explaining to doctors how they can

support their patients' requests for reasonable accommodation, these publications demonstrate our commitment to ensuring that individuals with HIV infection have full access to employment."

Living With HIV Infection: Your Legal Rights in the Workplace Under the ADA explains that applicants and employees are protected from employment discrimination and harassment based on HIV infection, and that individuals with HIV infection have a right to reasonable accommodations at work. It also answers questions about the process for obtaining an accommodation; possible accommodations; the privacy rights of people who have HIV infection; the employer's obligation to keep medical information confidential; and the role of EEOC in enforcing the rights of people with disabilities.

Helping Patients with HIV Infection Who Need Accommodations at Work explains to doctors that patients with HIV infection may be able to get reasonable accommodations that help them to stay productive and employed, and provides them with instructions on how to support requests for accommodation with medical documentation. It also answers questions about the types of accommodations that may be available; the ADA's protections against employment discrimination based on having the condition or on the need for accommodation; the importance of disclosing the need for an accommodation before a problem occurs; and what to do when an employer raises safety concerns.

**US DEPARTMENT
OF LABOR (USDOL)**



Affordable Care Act

Deadline to enroll December 17th for January 1st coverage.

NEW HAMPSHIRE NEWS

NH LAW REMINDER

POTENTIAL LEGISLATION:

See attachment with Bills and LSRs for 2015-2016 legislative session

NH EMPLOYMENT SECURITY

Press Release: December 15, 2015

New Hampshire's preliminary seasonally adjusted unemployment rate for November 2015 was 3.2 percent, a decrease of 0.1 percentage point from the October rate which remained at 3.3 percent after revision. The November 2014 seasonally adjusted rate was 4.0 percent. Seasonally adjusted estimates for November 2015 placed the number of employed residents at 714,290, a decrease of 2,090 from the previous month and an increase of 3,090 from November 2014.

The number of unemployed residents decreased by 510 over-the-month to 23,930. This was 5,920 fewer unemployed than in November 2014. From October 2015 to November 2015, the total labor force decreased by 2,600 to 738,220. This was a decrease of 2,830 from November 2014. The unadjusted November 2015 unemployment rate for New Hampshire was 3.2 percent, an increase of 0.2 percentage points from the October rate which remained at 3.0 percent after revision. The November 2014 unadjusted rate was 3.9 percent.

Nationally, the seasonally adjusted unemployment rate for November 2015 was 5.0 percent, unchanged from the October rate, and a decrease of 0.8 percentage points from the November 2014 rate. The national unadjusted rate for November 2015 was 4.8 percent, unchanged from the October rate, and a decrease of 0.7 percentage points from the November 2014 rate. NOTE: State nonfarm employment estimates are available on our Internet Web site: www.nhes.nh.gov/elmi concurrent with this release. Local area unemployment rates are expected to be available on Thursday, December 24. All monthly data will continue to be published in the monthly newsletter *New Hampshire Economic Conditions*.

NH DEPARTMENT OF LABOR

Top 10 Labor Law Violations

1. Failure to pay all wages due for hours worked, fringe benefits, breaks less than 20 minutes, etc.

RSA 275:43 and Lab 803.01

2. Failure to keep accurate record of all hours worked.

RSA 279: 27 and Lab 803.03

3. Failure to pay 2 hours minimum pay at their regular rate of pay on a given day that an employee reports to work at the request of the employer.

RSA 275:43-a and LAB 803.03 (h),(i),(j)

4. Illegal employment of workers under 18 (not having proper paperwork, hours violations, or working in a hazardous environment).

RSA 276-A: and Lab 1000

5. Failure to secure and maintain workers compensation coverage and misclassification of employees.

RSA 275:42 I & II and RSA 281-A

6. Employment of Undocumented Workers Prohibited

RSA 275-A: 4-a

7. Illegal deductions from wages.

RSA 275: 48 and Lab 803.02(b),(e),(f)

8. Failure to pay minimum wage for all hours worked.

RSA 279:21

9. Failure to have a written safety plan, joint loss management committee and safety summary form, if required.

RSA 281-A:64 and Lab 602.01, 602.02, 603.02, and 603.03

10. Failure to provide written notice to employees of their wage rate, pay period, pay day and a description of fringe benefits, including any changes.

RSA 275: 49 and Lab 803.03



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