

September 28, 2023 - HRAGC Legislative Update

You may encounter many defeats, but you must not be defeated. In fact, it may be necessary to encounter the defeats, so you can know who you are, what you can rise from, how you can still come out of it.

~ Maya Angelou

FEDERAL

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)



PRESS RELEASE: 09-14-23: [Link to Source](#)
EEOC and U.S. Department of Labor, Wage and Hour Division Announce Partnership

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor's Wage and Hour Division (WHD) announced today that they signed a memorandum of understanding (MOU) to enhance and maximize the enforcement of federal laws and regulations.

The MOU formalizes and increases coordination between the agencies through information sharing, joint investigations, training, and outreach. The document outlines procedures to be followed by both the EEOC and WHD as they together elevate workplace justice issues of mutual interest across the country.

"The EEOC is pleased to expand our integral partnership with the Wage and Hour Division to better serve America's workers," said EEOC Chair Charlotte A. Burrows. "This collaboration will further effective outreach and enforcement with respect to the federal laws that advance equal employment opportunity and fair pay, including

the recently enacted PUMP Act and Pregnant Workers Fairness Act."

"Our partnership with the Equal Employment Opportunity Commission helps us work across federal agencies to ensure workers are treated fairly, paid fairly and do not have to fear retaliation when demanding the workplace protections that federal labor laws such as the PUMP Act require," said Principal Deputy Wage and Hour Division Administrator Jessica Looman.

In Dec. 2022, President Biden signed the PUMP Act and the Pregnant Workers Fairness Act into law on the same day. Enforced by WHD and the EEOC, respectively, the agencies combined on several national and regional events in engaging with employers and the public to raise awareness of the laws and will partner on future engagements as part of the new agreement.

PRESS RELEASE: 07-26-23: [Link to Source](#)
Updated EEOC Resource About the ADA and Individuals with Visual Disabilities at Work

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) today released an updated technical assistance document, "Visual Disabilities in the Workplace and the Americans with Disabilities Act," explaining how the Americans with Disabilities Act (ADA) applies to job applicants and employees with visual disabilities.

The document outlines when an employer may ask an applicant or employee questions about their vision, how an employer should treat voluntary disclosures about visual disabilities, and what types of reasonable accommodations those with visual disabilities may need in the workplace. The updated document highlights new technologies for reasonable accommodation, many of which are free or low-cost, and describes how using artificial intelligence (AI) and algorithms to make employment decisions can impact individuals with visual disabilities.

The document addresses how an employer should handle safety concerns about applicants and employees with visual disabilities and how an employer can ensure that no employee is harassed because of a visual disability.

“The ADA became law 33 years ago today and continues to provide vital protections for workers, including those with visual disabilities,” said EEOC Chair Charlotte A. Burrows. “Providing reasonable accommodations is an employer’s responsibility. Workers who have vision impairments, including limited or low vision, should be provided the resources needed to succeed. This document will provide employers the guidance to do so.”

Many individuals who are blind, visually impaired, or have other vision-related conditions can perform successfully on the job and should not be denied opportunities because of stereotypical and generalized negative assumptions. The document also discusses harassment and retaliation.

**US DEPARTMENT
OF LABOR (USDOL)**



***NEWS RELEASE: 08-30-23: [Link to Source](#)
EEOC and U.S. Department of Labor, Wage and
Hour Division Announce Partnership***

WASHINGTON – The U.S. Department of Labor today announced a notice of proposed rulemaking that would restore and extend overtime protections to 3.6 million salaried

workers. The proposed rule would guarantee overtime pay for most salaried workers earning less than \$1,059 per week, about \$55,000 per year.

“For over 80 years, a cornerstone of workers’ rights in this country is the right to a 40-hour workweek, the promise that you get to go home after 40 hours or you get higher pay for each extra hour that you spend laboring away from your loved ones,” said Acting Secretary Julie Su. “I’ve heard from workers again and again about working long hours, for no extra pay, all while earning low salaries that don’t come anywhere close to compensating them for their sacrifices. Today, the Biden-Harris administration is proposing a rule that would help restore workers’ economic security by giving millions more salaried workers the right to overtime protections if they earn less than \$55,000 a year. Workers deserve to continue to share in the economic prosperity of Bidenomics.”

Today’s announcement follows months of extensive outreach to employers, workers, unions and other stakeholders, which included the department holding 27 listening sessions with more than 2,000 participants to inform the proposed rule.

“We are committed to ensuring that all workers are paid fairly for their hard work,” said Principal Deputy Wage and Hour Division Administrator Jessica Looman. “For too long, many low-paid salaried workers have been denied overtime pay, even though they often work long hours and perform much of the same work as their hourly counterparts. This proposed rule would ensure that more workers receive extra pay when they work long hours. Public input is essential as we consider the needs of today’s workforce and industry demands, and we encourage continued stakeholder input during the public comment period.”

The proposed rule would do the following:

- Restore and extend overtime protections to low-paid salaried workers. Many low-paid salaried employees work side-by-side

with hourly employees, doing the same tasks and often working over 40 hours a week. But because of outdated and out-of-sync rules, these low-paid salaried workers aren't getting paid time-and-a-half for hours worked over 40 in a week. The department's proposed salary level would help ensure that more of these low-paid salaried workers receive overtime protections traditionally provided by the department's rules.

- Give workers who are not exempt executive, administrative or professional employees valuable time back. By better identifying which employees are executive, administrative or professional employees who should be overtime exempt, the proposed rule will better ensure that those who are not exempt will gain more time with their families or receive additional compensation when working more than 40 hours a week.

- Prevent a future erosion of overtime protections and ensure greater predictability. The rule proposes automatically updating the salary threshold every three years to reflect current earnings data.

Restore overtime protections for U.S. territories. From 2004 until 2019, the department's regulations ensured that for U.S. territories where the federal minimum wage was applicable, so too was the overtime salary threshold. The department's proposed rule would return to that practice and ensure that workers in the U.S. territories subject to the federal minimum wage have the same overtime protections as other U.S. workers.

****Comments Due Date: November 7, 2023****

Agency Wage and Hour Division
Date August 30, 2023
Release Number 23-1934-NAT

NEW HAMPSHIRE NEWS

NH LAW REMINDER

POTENTIAL LEGISLATION:

On September 28, 2023, the subcommittee of the House Judiciary committee is holding a work session on HB 362 relative to complaint procedures before the Commission on Human

Rights. This is the final opportunity to provide input to the subcommittee before they make a recommendation to the full Judiciary committee. If the Committee recommends that this bill "Ought to Pass," it will head to the House floor.

NH EMPLOYMENT SECURITY

PRESS RELEASE: September 12, 2023: [Link to Source](#)

New Hampshire's preliminary seasonally adjusted unemployment rate for August 2023 was 1.8 percent. This was an increase of 0.1 percentage point from the July rate, which remained at 1.7 percent after revision. The August 2022 seasonally adjusted rate was 2.7 percent.

Seasonally adjusted estimates for August 2023 placed the number of employed residents at 744,100, a decrease of 3,180 from the previous month and a decrease of 4,460 from August 2022. The number of unemployed residents increased by 690 over-the-month to 13,780. This was 7,080 fewer unemployed than in August 2022. From July 2023 to August 2023, the total labor force decreased by 2,490 to 757,880. This was a decrease of 11,540 New Hampshire residents from August 2022.

Seasonally adjusted New Hampshire nonfarm employment for August 2023 was 699,000. This was 500 more jobs than in July 2023 and 9,700 more jobs than in August 2022. Private industry accounted for 611,200 of these jobs in August 2023; 300 more jobs than in July 2023 and 8,300 more jobs than in August 2022.

Nationally, the seasonally adjusted unemployment rate for August 2023 was 3.8 percent, an increase of 0.3 percentage points from the July rate, and an increase of 0.1 percentage point from the August 2022 rate. National nonfarm payroll employment increased by 187,000 from July to August 2023.

NOTE: Detailed 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, September 21. 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: [Link to Source](#)

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. Illegal employment of workers under 18 (not having proper paperwork, hours violations, or working in a hazardous environment): RSA 276-A: and LAB 1000.
4. Employment of Undocumented Worker's Prohibited: RSA 275-A: 4-a.
5. 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).
6. Failure to secure and maintain workers compensation coverage and misclassification of employees: RSA 275:42 I & II and RSA 281-A.
7. Illegal deductions from wages: RSA 275:48 and LAB 803.02 (b), (e), (f).
8. Failure to provide written notice to employees of their wage rate, pay period, payday and a description of fringe benefits, including any changes: RSA 275:49 and LAB 803.03.
9. Failure to pay minimum wage for all hours worked: RSA 279:21.
10. Failure to have a written safety plan, joint loss management committee and safety summary form filed, as required: RSA 281-A:64 and LAB 602.01, 602.02, 603.02 and 603.03.