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## MANCHESTER AREA HUMAN RESOURCES ASSOCIATION

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### Legislative Update Legislative Session 2009 - 2010

by

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Here are a few of the most talked about workplace bills pending before the State Legislature.

**H 1137** – Would allow an employer to deduct from an employee’s wages for any purpose that the employee and employer mutually agree upon. Current law lists specific purposes – union dues, health, welfare pension, and apprenticeship fund contributions, voluntary contributions to charities, etc. **SB 336** does same. Next activity: Subcommittee work session 2/4/10.

**HB 1403** – Anti bullying and wrongful discharge law. Holds an employer liable for an abusive work environment. *No, this bill wasn’t sponsored by my secretary.* Next activity: Committee work session 2/2/10.

**HB 1509** – Would allow self-employed individuals to opt out of the State Unemployment system and avoid the state tax. While this may seem attractive on its face, an individual that did this would lose the 90% offset credit they currently receive on their federal unemployment taxes and then have to pay 6.2% to the federal unemployment system on those wages.

**HB 1614** – Gets the NH Secretary of State involved in whistleblower protection. Enables an employee who has first made a reasonable effort to maintain or restore their rights under existing law to file a complaint with the NH Secretary of State and initiate a whole host of investigations and allows Secretary of State to order reinstatement of employee.

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**HB 1475** – Would prohibit smoking in the workplace. Current law requires effectively segregating smoking areas if possible.

**HB 1502** - Requires an employer to instruct a financial institution that charges a fee for cashing a payroll check drawn on that institution to charge such fee to the employer's account. Current law says employers must provide checks drawn on banks convenient to employees at no charge to employees.

**SB 469** – Requires the Department of Labor to issue one written warning to an employer who violates a labor law if the violation poses no threat to public safety or welfare.

**SB 416** – Allows a restaurant to pay delivery service drivers the tip/sub minimum wage.

**HB 1368** – Changes the evidence required to establish the relationship between an employer and the person providing the service for purposes of workers compensation. This is the whole employee vs independent contractor battle. Current law says if the employer intended to use a written agreement between the employer and employee to misrepresent the relationship, the Dept may assess a penalty of up to \$2500, and \$100 per employee.... This bill changes the evidence required to simply the employer misrepresented the relationship.

*Stay Tuned !*