

(j) RSA 275:43-a shall not apply to health care employees of community based outreach services providers who voluntarily make schedule changes to meet the needs of the physically or mentally infirm clients they serve and who sign a statement upon hire stating that they understand this job requirement.

Source. #2515, eff 10-25-83; ss by #4017, eff 3-21-86;
EXPIRED: 3-21-92

New. #5491, eff 10-20-92, EXPIRED: 10-20-98

New. #7007, eff 5-26-99; ss by #8879, INTERIM, eff 5-18-07, EXPIRES: 11-14-07; ss by #9024, eff 11-9-07 (from Lab 803.04); ss by #11070, eff 4-11-16

Lab 803.04 Hours Worked. For the purpose of determining "all wages due" for hours worked in accordance with RSA 275:43, I, the department of labor, under the authority provided by RSA 275:54, incorporates the "Wage and Hour Publication 1312, Title 29 Part 785 of the Code of Federal Regulations, United States Department of Labor ", reprinted May 2011 as specified in Appendix II.

Source. #5491, eff 10-20-92, EXPIRED: 10-20-98

New. #7007, eff 5-26-99; ss by #8879, INTERIM, eff 5-18-07, EXPIRES: 11-14-07; ss by #9024, eff 11-9-07 (from Lab 803.05); ss by #11070, eff 4-11-16

Lab 803.05 Exemption. The term "employee" as it applies to RSA 275:42, II and RSA 279:1, X shall not apply to the following:

(a) Bonafide volunteers:

- (1) When such volunteers are performing work for public, charitable, or religious facilities;
- (2) When such activities are exempt under 29 CFR Ch. V Section 553:100-106, WH Publication 1297 "Employment Relationship" of the Fair Labor Standards Act;
- (3) Where such bonafide volunteers do not displace a paid employee; and
- (4) Where such volunteer duties do not necessarily or traditionally lead to paid employment;

(b) Inmates of a county or state correctional facility under RSA 651 who are required to work and perform services for which no significant remuneration is provided;

(c) An individual performing community service work under a court order or the provisions of a court diversion program;

(d) An applicant for employment who is filling out paperwork, participating in pre-screening examinations or interviews;

(e) A student participating in a non paid work based activity approved by the New Hampshire department of labor in accordance with Lab 805;

(f) An operator of a booth located within a salon or barbershop who operates independently of the salon or barbershop and who possesses a shop license as required by RSA 313-A: 17; and

(g) Elected public officials, of counties or municipalities.

Source. #5491, eff 10-20-92, EXPIRED: 10-20-98