

Drive: NH

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A PUBLICATION OF THE NEW HAMPSHIRE AUTOMOBILE DEALERS ASSOCIATION		CHEERS TO 25 YEARS! A RECAP OF OUR MONUMENTAL GOLF TOURNAMENT	



Cheers To 25 Years!

THE ANNUAL DRIVE FOR A TECH GOLF TOURNAMENT

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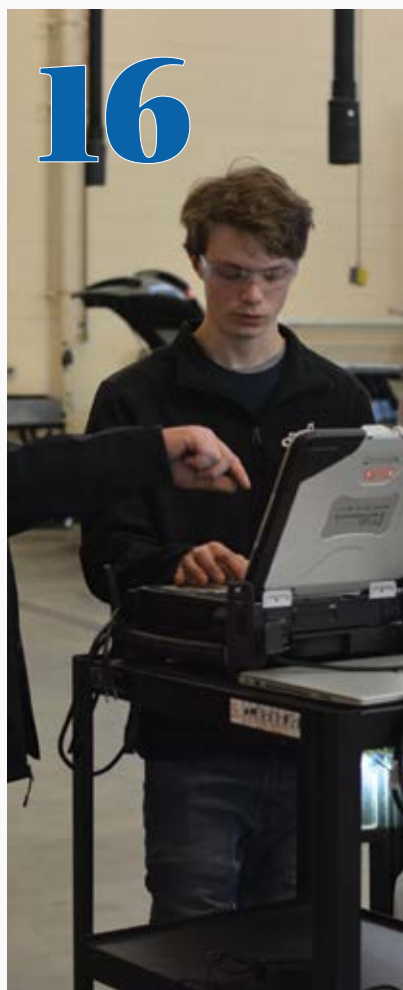
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Special Events — Save the Date!

(Italic = specific date pending)

SEPTEMBER 19-21 2021
100th Annual Convention

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Cheers to 25 Years!

A Recap of Our Monumental Golf Tournament



KALEENA GUZMAN

PROFESSIONAL DEVELOPMENT & MAJOR EVENTS MANAGER



Our 25th Annual Drive for a Tech Golf Tournament took place Friday, May 7th, at Pease Golf Course. Twenty-six years ago, this event was just a thought and look at how it has developed. We have to give

a nod to the founding members behind this event: Bill Hoover, Dave McGreevy and Jeff Platek. Two of whom were able to be out on the green with us this monumental year. A big thank you to Auto Auction of New England, our prime event sponsor, who was an integral part of the day.



IT WAS NOT A DAY TO MISS OUT ON. AUTO AUCTION OF NEW ENGLAND WAS SERVING UP NOSTALGIC ICE CREAM OFF THEIR FOOD TRUCK. THEY ALSO PROVIDED US WITH BEAUTIFUL VINTAGE CARS AS OUR MAIN PHOTO BACKDROP. UPON ARRIVAL, GOLFERS WERE GREETED WITH SEVERAL BREAKFAST OPTIONS, THANKS TO OUR SPONSORS. CONVENIENTMD URGENT CARE, LOTLINX, AND NORTH COUNTRY FORD. NORTHEAST AUTO AUCTION SPONSORED THE BREAKFAST BAR AND THE SIGNATURE DRINK THE “FOSS NOR’EASTER” (DARK & STORMY), WAS JUST WHAT GOLFERS NEEDED TO START OFF A BEAUTIFUL DAY ON THE GREEN.

This year turned out to be our most successful year yet, maxing out the course with 180 players!

It was not a day to miss out on. Auto Auction of New England was serving up nostalgic ice cream off their food truck. They also provided us with beautiful vintage cars as our main photo backdrop. Upon arrival, golfers were greeted with several breakfast options, thanks to our sponsors: ConvenientMD Urgent Care, LotLinx, and North Country Ford. Northeast Auto Auction sponsored the breakfast bar and the signature drink the “Foss Nor’easter” (Dark & Stormy), was just what golfers needed to start off a beautiful day on the green.

The course was packed with fun challenges throughout. Some of the highlights were the Workforce Pipeline Challenge sponsored by Service Credit Union. At this challenge, golfers dropped a golf ball in the WFP (PVC pipe) and had to determine if it would come out of the left or the right pipe. By the end of the day, everyone had a theory of how to predict correctly. This challenge signified what the event is all about. The Education Foundation works to keep high school and college students who are interested in the automotive industry in New Hampshire to help build, maintain, and ensure a strong and robust automotive workforce for our members.

F & I Resources, A Brown & Brown Company, sponsored the driving range, where you could also find the “Ding the Car Challenge.” Only four people throughout the day were able to make a “ding” on the car. We may have to move it a little closer next year or slow down on the “Foss Nor’easters!”

Other notable challenges were the always fun, Air Cannons sponsored by ACV Auctions, Wheel of Fortune sponsored by Nucar Automotive Group and Somersworth Nissan, Inc., Birdie Ball sponsored by Grappone Automotive Group and Volvo Cars Exeter. I, of course, cannot forget Putting with Peeps, sponsored by Gordon-Darby NHOST Services, Inc., where golfers took stale peeps and tried to putt with them!

The at-the-turn BBQ lunch, sponsored by Dover Auto World/International Cars LTD. and Toyota of Nashua, was a big hit! Players were excited to have one of the loved traditions of the tournament back this year.

We had several awards sponsored by Right Direction Financial Services Holdings, LLC. Check out the overall tournament winners below:

First Place Overall:

Jewett Construction: Greg Stewart, Gregg Blair, Jeff Moynihan, Bret Cote (\$100 Pro Shop Credit per golfer).

Second Place Overall:

Resources Management Group: Jeff Lindo, Ryan Cassidy, Rene Vadeboncoeur, Kaynel Gonsalves (\$75 Pro Shop Credit per golfer).

Third Place Overall:

Port City Nissan, Inc.: Bret Chavaree Justin Fecteau JP Fennessy, Brian Lehman (\$50 Pro Shop Credit per golfer).

Don't miss out on next year's 26th Annual Drive for A Tech Golf Tournament! 📌

NHADA WCT Returns \$3.6 Million in Rebates



PETER SHEFFER

NHADA WCT DIRECTOR

By now, all NHADA WCT members should have their workers' compensation rebate checks. "The NHADA WCT Board of Trustees and staff are very pleased to be able to return \$3.6 million as the 2021 rebate," said WCT Board Chairman, Matt Marrazzo. Funds from 2018 and 2019 were released, based on the actuarial analysis and WCT Board approval, to make up the 2021 rebate. The actuaries' goal is to release as much money as possible from past fund years while retaining enough money in reserve for the WCT to remain in the 99% confidence level. Money held in reserve is intended to cover losses both reported and those that may not yet have been reported. No money

is released from the 2020 Fund Year as those claims continue to develop. When claims are over one year old, their ultimate cost is more predictable, and the actuary has greater confidence in releasing funds for that year. The 2021 rebate brings the total amount returned to NHADA WCT members since our inception to \$96 million. In addition to returning over 40% of premiums back to members in the form of rebates, the WCT Board of Trustees has reduced rates five out of the past six years. Between the decreasing rates in an otherwise volatile market and the annual rebate, the NHADA WCT remains a truly cost-effective solution to workers' compensation coverage.



IN ADDITION TO RETURNING OVER 40% OF PREMIUMS BACK TO MEMBERS IN THE FORM OF REBATES, THE WCT BOARD OF TRUSTEES HAS REDUCED RATES FIVE OUT OF THE PAST SIX YEARS.

Members must continually keep in mind that their rebate and workers' compensation premium are directly related to their claims experience. The better a member's experience, the higher the rebate, and the lower the experience modification factor, translating to lower premiums.

Preventing injuries from occurring continues to be the single most effective way to decrease workers' compensation costs and increase rebates. Members who incorporate risk management controls into their business culture including:

- providing regular recommended staff training,
- performing slip and fall prevention,
- having regular safety committee meetings and
- complying with loss prevention recommendations,
- have fewer losses and higher rebates than members who do not.

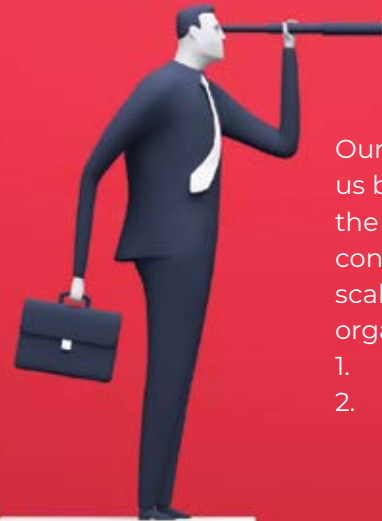
When injuries do occur, members who:

- immediately contact NHADA post-injury,
- are actively involved in the management of claims,
- maintain contact with the injured employee and
- provide temporary alternate duty work as soon as the employee is released to return,
- keep their claims costs to a minimum and enjoy higher rebates than members who are not actively engaged in managing their claims.

Every member would like more money at rebate time, but it is those members who are attentive to the best possible hiring practices, preventing injuries and managing their claims costs who are the happiest when the checks are delivered. "Low Claims = Higher Rebate Check." ▲

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The WC Self Audits Are on Their Way to You



MARIANNE GOURGIOTIS

UNDERWRITER, NHADA WCT

The NHADA WCT will be sending out self-audits again this year in June. The completed self-audits are due back by July 20, 2021. We hope that members will take advantage of this opportunity to modify their payroll information.

The data is used to revise members' payroll information, which allows the WCT to more accurately calculate members' premiums beginning in September through to the time that the actual physical audit results are received in the first quarter of 2022.

If a member's payroll has changed due to new hires or layoffs, they should complete the self-audit to ensure that

the payroll information used to calculate the premium is accurate. Keeping payroll information up-to-date reduces the chance that additional premiums will be due at the time of the actual audit or prevent overpayment. Since 2011, all over-payments are applied to future premiums rather than returned to the member.

The self-audit also allows members to ensure that their employees are correctly classified. The auditors who perform the actual audit are trained to identify misclassifications. Misclassifications are another way to skew premiums resulting in overpayments or underpayments. Included with the self-audit reports are



IF A MEMBER'S PAYROLL HAS CHANGED DUE TO NEW HIRES OR LAYOFFS, THEY SHOULD COMPLETE THE SELF-AUDIT TO ENSURE THAT THE PAYROLL INFORMATION USED TO CALCULATE THE PREMIUM IS ACCURATE. KEEPING PAYROLL INFORMATION UP-TO-DATE REDUCES THE CHANCE THAT ADDITIONAL PREMIUMS WILL BE DUE AT THE TIME OF THE ACTUAL AUDIT OR PREVENT OVERPAYMENT. SINCE 2011, ALL OVER-PAYMENTS ARE APPLIED TO FUTURE PREMIUMS RATHER THAN RETURNED TO THE MEMBER.



guidelines to assist members with proper classifications. Employees are occasionally misclassified as independent contractors. Most frequently, swap drivers are classified as independent contractors when they are actual employees: the NH workers' compensation statute, RSA 281-A:2.VI (b)(1) defines an employee as "any person ... who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:

- A. The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.
- B. The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.
- C. The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to the completion schedule, range of work hours, and the maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.
- D. The person hires and pays the person's assistants, if any, and to the extent, such assistants are employees, supervises the details of the assistants' work.
- E. The person holds himself or herself out to be in business for himself or herself or is registered with the state as a business, and the person has continuing or recurring business liabilities or obligations.
- F. The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.
- G. The person is not required to work exclusively for the employer.

If the individual does not meet all of these criteria, they will be considered an employee and must be classified in the appropriate payroll class. Please note that paying someone through 1099 does not necessarily make him or her an independent contractor. ▲

The NHADA WCT is happy to review revised payroll information at any time, but members should review their payroll every June and complete the self-audit if there has been a change. If you have any questions pertaining to self-audits, actual audits, or premiums, please contact Marianne Gourgiotis at 603-224-2369 or mgourgiotis@nhada.com.

NHADA's Competition Season Wraps Up



KATE AMROL

WORKFORCE DEVELOPMENT
COORDINATOR

This year has been different in a lot of ways for the New Hampshire Automotive Education Foundation events, but we are pleased to have held two successful automotive competitions for high school students, which allowed us to award over \$5,000 in scholarships.

The Small Engine Competition was held on April 7th at MB Tractor of Tilton, and the Automotive Competition was held on April 17th at Nucar AutoMall of Tilton, NH. These competitions got the students out of the classroom and off Zoom for a day filled with friendly competition at hands-on skills stations. The energy was contagious, and the students showed great focus and skill.

"We were impressed with the enthusiasm that the students brought to the competitions this year," said Education Foundation President, Mark Tulley. "NHADA is proud to create a platform where the students can showcase the skills and knowledge they have gained in their automotive programs."

At the Small Engine Competition, 10 students from NH career and technical high schools competed in four hands-on skills categories. The first place winner and recipient of a \$1,000 scholarship was Tristan Dow from the HUOT Career and Technical Center. We also had an exciting three-way tie for second place. Our second place winners and recipients of \$800 scholarships were Riley Demers from HUOT Career and Technical Center, Tyler

Desaultels from Salem Career and Technical Education Center, and Jack Vaughn from Mount Washington Valley Career and Technical Center.

The Automotive Competition was organized by Jamie Decato of Lakes Region Community College. Five testing stations were set up in the service bay at Nucar and monitored by community college instructors and Nucar staff members. Fourteen students from five different CTE schools competed. The first place winner and recipient of a \$1,000 scholarship was Jacob Dubay from Portsmouth Career and Technical Center. The second place winner and recipient of an \$800 scholarship was Adam Croteau from Portsmouth Career and Technical Center. And, the third place winner and recipient of a \$500 scholarship was Kyle Ouelette from Salem Career and Technical Center.

We want to congratulate our winners as well as all the students who competed this year. We also want to thank Eva Marie Stilkey and her team at MB Tractor; Shawn Hanlon, Jim Medeiros and Adam Decato of Nucar; Jamie Decato of Lakes Region Community College; and all of our community college partners who assisted.

Even through a challenging year, the NHAEF continues to support the education and training of students through scholarships, competitions, and connections to industry so they can enter the automotive workforce prepared for their careers. ▲



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Why This Provider and Not That Provider:

MANAGED CARE, SPECIALISTS, MEDICAL RECORDS, BILLING



MARTA SILAKKA RN, BSN, CCM, COHN-S

NHADA WCT NURSE CASE MANAGER

Members of the NHADA Workers' Compensation Trust are privileged to be part of the Windham Group Managed Care Program. Being part of this network gives injured workers access to the best occupational health providers and specialists in New Hampshire. In personal medical circumstances, you may wait days or weeks to get in to see a specialist; but with participation in our managed care program, injured workers in most cases can be seen the same day by an occupational health provider or specialist.

When an employee is hurt at work, we ask that you call us for assistance with a referral to an in-network provider. If the injury is a life-or-death emergency, you should always call 911 or seek treatment at your closest emergency room. During this call, we will gather the initial information on the nature of the injury so we can make the referral to the most appropriate provider. Sometimes, before we have had a chance to make medical provider suggestions to members, occasionally they want to send their injured

worker to an out-of-network provider or to the ER because it's convenient or they know someone who has been treated there before.

Here is a review of the reasons we make the suggestions we do during this call:

- Participants in the Windham Group Managed Care Program are required to treat within the managed care network. There are some exceptions to this rule; if an injured worker has been treated for the same or similar condition in the past six months, they may see that provider. If the specialty that is needed is not available in the network, they may see an out-of-network provider that offers that specialty. If an injured worker chooses to treat out of network, we will put them on notice, and their bills with the out-of-network provider may not be covered by workers comp.
- Providers that are in the network offer the highest level of specialty care for our injured workers. Treating with the appropriate provider from the start means working toward a resolution of the injury in a timelier

manner. The medical care of the injured worker is our highest priority. If an injury is to the eye, an eye doctor is the best place to start. If the injury is orthopedic, then starting out with an orthopedic doctor may be appropriate. For most occupational injuries starting out with an occupational specialist is the best first step, and the network has these throughout the state, offering same-day appointments.

- Much of the management of a claim depends on the gathering of information. We gather information through interviews with the injured worker, the employer and witnesses. Probably one of the most important pieces of information we gather is from medical records. Medical providers are required to submit their medical records in a timely fashion when treating an injured worker. Network providers understand the need to do so, whereas some providers do not abide by these rules. If we do not have the medical records needed to review a claim, it can lead to a claim being denied pending their receipt. These delays can waste valuable time — treating with network providers helps us ensure we will get the information we need.
- Another vital part of claims management is the billing for medical treatment. As the bills for medical treatment of the injured worker are received, they are reviewed along with the medical records and either processed for payment or denied. In-network providers understand the need to submit billing and documentation timely. Unfortunately, some providers will either not submit their billing in a timely fashion, or when they do submit it, they fail to attach the required medical records. These steps all delay the process

and keep claims open much longer than after the last treatment date.

- Preferred providers often offer a discount on their billing. The best medical care is a priority but containing costs is a close second.
- A common misconception in medical care is that the ER is the best place to seek medical treatment for any injury. The ER is the best place to treat “emergencies,” which means life-threatening injuries or illnesses. Presenting to an ER with non-life-threatening injuries can delay care for others that may need it. It can clog up an ER; and delay the care for your injured worker. Time away from work to treat an injury can be significantly longer when treatment is sought at an ER. Typically, a co-worker may drive the injured worker to the ER and wait with them while they get treatment; now, you have two employees missing time from work.
- ER treatment is costly. If it’s necessary, then it’s worth it; but if someone presents to the ER for a non-life-threatening reason, the cost is not justified. A simple laceration repair at an occupational medicine clinic may run approximately \$300-\$500. The same repair at an ER could run upward of \$3,000. This is not money or time well spent.

Remember to always give us a call prior to sending the injured worker for medical care when it is not life-threatening; we will assist you with the most appropriate specialty referral. Although the clinic or ER might be right next door, it doesn’t always mean it is the best choice.▲

If you have any questions on our managed care program, or if a specific provider is in the network, please contact Marta Silakka at 603-224-2369 or via email at msilakka@nhada.com.

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Note: HMO plans require a referral from your primary care provider or specialist. See the Schedule of Benefits for details.

To find out where you can save money, visit harvardpilgrim.org.

- Click on “Find a Provider” and choose the directory for your plan under “LP (Low-Cost Provider) Plans.”
- Under “Search by Provider Type,” Select “Other Care Providers.”

For advanced radiology providers

- On the next screen, under “Specialty,” choose “Computerized Axial Tomography (CAT),” “MRI,” or “Positron Emission Tomography (PET).”

For labs and ambulatory surgery centers

- On the next screen, under “Specialty,” choose either “General Laboratory” or “Ambulatory Surgical Center.”
- Look for facilities with an “LP (Low-Cost Provider)” designation.

When you use select low-cost providers:

- The deductible will not apply.
- You’ll pay a copayment or coinsurance for MRI, CT and PET scans.
- There is no charge for covered lab tests, excluding genetic testing.
- You’ll pay a copayment for outpatient surgery. ▲

On the Road with College and Career Days and the Race to 5K



KATE AMROL

WORKFORCE DEVELOPMENT
COORDINATOR

The month of May was filled with virtual and in-person visits to New Hampshire's 19 career and technical high schools. Our College and Career Days were personalized to each school and gave us the opportunity to speak to automotive students about the benefits of automotive careers, NH's community college programs and NHAEF scholarship opportunities. Each visit we made, representatives from the industry joined us to connect with the students and speak to them about the opportunities available today in the automotive industry.

It has been a tough year for connecting with students, but these events were an excellent way for NHADA as well as industry representatives to engage with students again. The in-person events had a lot of energy; students asked important questions about the different career options, scholarships and college costs and how advances in technology will affect the auto industry. We highlighted the affordability of community college and the earn while you learn potential, as well as scholarships offered by the New Hampshire Automotive Education Foundation. Industry representatives gave authentic insight into the state of the

industry, opportunities for growth, salary expectations, and what they look for in an intern or employee. When allowed, they could also bring cars, trucks, motorcycles, and ATVs to show students.

Through our College and Career Days, we also rolled out our Race to 5K initiative to raise awareness about automotive careers and build a community of students, parents, and industry partners who want to learn more about the booming industry. We have seen a great response to this initiative. We can provide targeted outreach to students about community colleges and the automotive career pathways they are interested in. We raffled off prizes to students who subscribed to the Race to 5K, and they have also been entered to win a \$5,000 scholarship at our Big Raffle event.

While we look forward to having a more traditional College and Career Day event next year, we are thrilled to have connected with all of the schools this spring. We will continue to promote Automotive careers, NH's community colleges, and our Race to 5K in the coming months. ▲

Summer Hiring and Youth Employment Laws in New Hampshire



MARGARET "PEG" O'BRIEN, ESQ.

MCLANE MIDDLETON, PROFESSIONAL ASSOCIATION

MCLANE
MIDDLETON

Now that Governor Sununu has lifted many of the COVID-19 restrictions and replaced them with Universal Best Practices, we thought this would be a good time to review the laws governing the employment of individuals under the age of 18 in New Hampshire.

Which Laws Govern Youth Employment: The federal Fair Labor Standards Act ("FLSA") and state Youth Employment Law (RSA 276-A) govern youth employment in New Hampshire. Youth work rules are routinely enforced

by both the New Hampshire and U.S. Department of Labor. Employers should ensure that any individuals responsible for summer hires are aware of both the state and federal rules pertaining to youth employment and that all supervisors are properly trained with respect to the scope of appropriate work for minors and scheduling issues. Please remember that employers must comply with both the federal and state laws governing Youth Employment and that these laws are not identical. This means that employers must comply with whichever Youth Law (federal or state) provides the greatest protection for the Youth employee.



**IN GENERAL, ANY
YOUTH UNDER THE
AGE OF 14 MAY
NOT WORK IN NEW
HAMPSHIRE (THERE
ARE EXCEPTIONS FOR
CASUAL WORK AND
NEWSPAPER DELIVERY).**

Who qualifies as a “Youth”: Any individual under the age of 18.

When Does the Law Prohibit the Employment of a Youth:

In general, any youth under the age of 14 may not work in New Hampshire (there are exceptions for casual work and newspaper delivery). Additionally, most youths may not perform “hazardous” work, such as, but not limited to, commercial driving, excavation, manufacturing explosives, and operating many types of power-driven equipment. Furthermore, New Hampshire has specific laws governing the employment of youth in the alcoholic beverage industry.

Permissible Work/Hours Per Federal and State Youth Employment Laws:

1. 14 and 15 Year-Olds:

- **Type of Work:** Youths who are 14 and 15 years of age may work in various non-manufacturing, non-mining and non-hazardous jobs, such as retail stores, restaurants, movie theaters, amusement parks and gasoline service stations. Youths under 16 cannot work in warehouses, communications or public utilities jobs, construction or repair jobs or jobs in which they drive a motor vehicle or operate power-driven machinery or hoisting apparatus (other than typical office machines). They cannot bake, cook (except with gas or electric grills that do not involve cooking over an open flame), work with freezers or meat coolers, or work in meat processing areas, or operate, set-up, adjust, clean, oil or repair power-driven food slicers, grinders, choppers, cutters, or bakery mixers or any other activity classified as a “hazardous occupation.” For more information about jobs suitable for minors, see dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture.
- **Total Hours Per Day and Per Week; Permissible Working Hours:** Youths who are 14 or 15 years of age are permitted to work three hours on a school day during non-school hours and a total of 18 hours during the school week.

On non-school days, they may work eight hours per day. During the summer vacation, they may work six days per week, but not to exceed 40 hours per week.

Lastly, they may only work between the hours of 7:00 a.m. and 7:00 p.m., except from June 1st through Labor Day, when they are permitted to work until 9:00 p.m.

2. 16 and 17 Year-Olds:

- **Type of Work:** Youths who are 16 or 17 years of age may engage in any work not classified as a “hazardous activity” (or separately regulated, such as serving alcohol).
- **Total Hours Per Day and Per Week:** In any employer’s workweek during which school is in session for five (5) of the days, youths who are 16 and 17 years of age are not permitted to work more than six consecutive days and may not work more than 30 hours during that workweek. See RSA 276-A:4.

In any employer’s workweek during which school is in session for four (4) of the days, youths who are 16 and 17 years of age are not permitted to work more than six consecutive days and may not work more than 40 ¼ hours during that workweek.

In any employer’s workweek during which school is in session for more than one (1) but less than four (4) days, youths who are 16 and 17 years of age are not

Continued on Page 18

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NEW HAMPSHIRE REQUIRES MOST YOUTHS UNDER THE AGE OF 16 TO ACQUIRE A NEW HAMPSHIRE YOUTH EMPLOYMENT CERTIFICATE WITHIN THREE BUSINESS DAYS OF THE FIRST DAY OF EMPLOYMENT. THE CERTIFICATE MAY BE ISSUED BY PRINCIPALS OF SCHOOLS OR THEIR DESIGNEE OR BY A PARENT OR LEGAL GUARDIAN. FOR 16 AND 17 YEAR-OLDS, THE EMPLOYER MUST OBTAIN A SIGNED WRITTEN DOCUMENT FROM THE YOUTH'S PARENT OR LEGAL GUARDIAN PERMITTING THE YOUTH'S EMPLOYMENT.

Continued from Page 17

permitted to work more than six consecutive days and may not work more than 48 hours during that workweek.

During school vacations and from June 1st through Labor Day, youths who are 16 or 17 years of age may not work more than six consecutive days or 48 hours in any one week. (There is an exception for youths who reside and work at a summer camp for minors.)

16 and 17-year-olds who work more than two nights in a week past 8:00 p.m. or before 6:00 a.m. may not be allowed to work more than eight (8) hours in any shift during that particular week. RSA 276-A:13.

16 and 17-year-olds may not work more than 10 hours a day in manufacturing or more than 10¼ hours a day at manual or mechanical labor in any other employment that is not exempt by statute. See RSA 276-A:11.

2. Auto Industry Specific Jobs:

- The U.S. Department of Labor regulations provides that 14 and 15-year-old youth may work in jobs connected with cars and trucks if confined to the following: dispensing gasoline and oil; courtesy service; car cleaning, washing, and polishing by hand. 29 CFR §570.34.
- The U.S. Department of Labor has opined that 16 and 17-year-olds may operate electric over hydraulic lifts, electric lifts, and electric doors. See FLSA – 639 Opinion Letter (August 25th, 1986). See also NHADA Article, “NH DOL Clarifies Youth Employment Prohibitions,” (nhada.com/blog/nh-dol-clarifies-youth-employment-prohibitions), Dateline March 2017 for an

overview of driving and lift operation restrictions for 16 and 17-year-olds.

Exceptions: In general, the minimum age requirements do not apply to minors employed by their parent or by a person acting as their guardian. In addition, there are slight variations to the above guidelines for 16 or 17-year-olds who are not enrolled in school.

Poster: N.H. employers are required to post in a conspicuous place in every room where youths are employed a printed notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

Certificates: New Hampshire requires most youths under the age of 16 to acquire a New Hampshire Youth Employment Certificate within three business days of the first day of employment. The Certificate may be issued by principals of schools or their designee or by a parent or legal guardian. For 16 and 17 year-olds, the employer must obtain a signed written document from the youth's parent or legal guardian permitting the youth's employment. This permission form must be on file at the worksite prior to the first day of employment. Samples of both of these forms are available on the New Hampshire Department of Labor's website: nh.gov/labor/inspection/forms.htm#youth (Forms and Publications/Youth Employment).

Penalties: Employers violating youth employment laws risk criminal and civil penalties, including fines and imprisonment. Under federal law, employers are subject to a civil money penalty of up to \$10,000 per worker for each violation of the child labor laws. In addition, employers are subject to a civil money penalty of \$50,000 for each

violation that causes the death or serious injury of any minor employee, and that penalty may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. Federal law also provides for a criminal fine of up to \$10,000 upon conviction for a willful violation of child labor laws. For a second conviction for a willful violation, the act provides for a fine of not more than \$10,000 and imprisonment for up to six months, or both. State law also imposes civil and criminal penalties for violations of youth employment laws.

Other Considerations: Teenagers and young adults often have limited work experience and may not understand what is appropriate or “normal” behavior in the workplace. As such, young workers may be more susceptible or vulnerable to sexual harassment and discrimination in the workplace and may not understand how to report such conduct. Employers should consider taking special care to train young employees on company policies and reporting procedures for discrimination and harassment upon hire. By encouraging young employees to come forward and report any problems as they arise, employers will have

the opportunity to take appropriate action before the situation grows worse.

Unpaid Interns: Finally, many teenagers and young adults express interest in working for free as a summer “intern” in order to gain practical work experience. Most unpaid interns and employers consider the relationship a win-win — the intern gets a foot in the door for regular employment, and the employer gets the benefit of some unpaid work from an energetic worker. However, there are serious legal considerations every private employer must consider before using unpaid interns. These “unpaid internships” may run afoul of federal and state wage and hour laws. The U.S. Department of Labor has issued guidance addressing this issue of unpaid interns for employers. (See U.S. Department of Labor Fact Sheet #71: dol.gov/whd/regs/compliance/whdfs71.pdf). The NH DOL has also issued extensive guidance on permissible school to work programs. (See NH DOL School to Work website nh.gov/labor/inspection/school-to-work.htm).▲

Peg O'Brien is a director in McLane Middleton's Employment Law Practice Group. She can be reached at (603)628-1490 or Margaret.O'Brien@McLane.com.

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(2021 Partners at time of printing deadline)

By the Numbers

2020-2021 Unemployment Rates by Area

	Feb.	Mar.	Apr.
United States	6.2%	6.0%	6.1%
New England	6.6%	6.4%	6.2%
Connecticut	8.5%	8.3%	8.1%
Maine	4.8%	4.8%	4.8%
Massachusetts	7.0%	6.7%	6.5%
New Hampshire	3.3%	3.0%	2.8%
Rhode Island	7.3%	7.0%	6.3%
Vermont	3.0%	2.9%	2.9%

Safety/OBD II Inspection Statistics

SAFETY Inspection Results	April '21	Percent of Total	YTD '21	Percent of Total
TOTAL	146,927	100.0%	538,294	100.0%
PASS	123,353	84%	451,660	83.9%
CORRECTED	14,075	9.6%	51,383	9.5%
REJECTED	6,606	4.5%	24,684	4.6%
UNTESTED	2,893	2.0%	10,567	2.0%
OBD Inspection Results (20 yrs. old or newer)	April '21	Percent of Total	YTD '21	Percent of Total
TOTAL	124,883	100.0%	469,395	100.0%
PASS	111,215	89.1%	418,157	89.1%
REJECTED	8,828	7.1%	33,197	7.1%
UNTESTED	4,840	3.9%	18,041	3.8%

Title Statistics Report May 2021

New Hampshire Department of Safety, Division of Motor Vehicles

	Current 12 months	Prior 12 months	% of change	May '21	May '20	21 YTD	20 YTD
TITLES ISSUED FOR NEW AND DEMO VEHICLES	122,622	123,713	-0.89	9,822	6,521	48,739	46,057
TITLE ISSUED FOR USED VEHICLES	259,028	248,327	4.13	19,588	13,066	104,103	99,305
TOTAL TITLES ISSUED	381,650	372,040	2.52	29,410	19,587	152,842	145,362
TITLES ISSUED WITH A LIEN				12,832	9,412	65,108	68,212
TITLES ISSUED WITH NO LIEN				16,578	10,175	87,734	77,150
SALVAGE TITLES ISSUED				627	1,031	4,867	7,720
SALVAGE TAGS				144	139	727	887
HEAVY TRUCKS MORE THAN 19 YEARS				32	20	165	149
HEAVY TRUCKS 19 YEARS AND LESS				111	229	835	805
TITLES ISSUED FOR TRAILERS				1,676	1,010	6,447	4,642
TITLES ISSUED FOR MOTORCYCLES				2,074	1,324	5,514	4,664
TITLES ISSUED FOR MOTOR HOMES				104	57	462	343



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