

## ☉ WAGE PAYMENT LAWS

*STATUTORY CITATION:* N.H. Rev. Stat. §§ 275:42 – 275:55

*GENERAL SUMMARY:* Chapter 275 of the state statutes includes provisions regulating the frequency of paydays, the medium of payment, final wages, wage withholding, and disclosure of pay conditions. With certain exceptions, the wage payment provisions apply to employers with at least one employee.

*PROVISIONS APPLICABLE TO AGRICULTURE:* In contrast to non-agricultural coverage, the state wage payment laws summarized below apply only to those farm operators and other agricultural establishments that employ 5 or more workers in farm labor.

**PAY PERIODS AND PAYDAYS** — Every covered employer generally must pay wages no less frequently than once a week, within 8 days (including Sunday) after the end of the week in which the work is performed, and on regular paydays designated in advance by the employer.

**MEDIUM OF PAYMENT** — Wages normally must be paid (1) in lawful U.S. currency, (2) by electronic fund transfer, (3) by direct deposit to a bank designated by the employee, (4) with a payroll or debit-type card, or (5) by check, drawn on a bank convenient to the place of employment and where suitable arrangements have been made to allow workers to cash their payroll checks at full value. If wages are paid using a payroll card, the employer must provide the employee at least one free withdrawal of any portion or all of the balance on the card per pay period, and none of the costs of the payroll card account may be passed on to the employee.

**FINAL WAGES** — Whenever an employer lays off or discharges a worker, the employer must pay the worker's final wages in full within 72 hours of termination. A worker who quits, on the other hand, is entitled to receive final pay no later than the next regular payday, or within 72 hours if the worker gave at least one pay period's notice of intention to quit.

**WAGE WITHHOLDING** — No employer may withhold or divert any portion of a worker's wages unless required or authorized to do so by state or federal law, or the employer has written authorization from the worker to make such deduction for a lawful purpose and for the worker's own benefit. Employers are obligated to furnish each employee with a statement of deductions from pay for each pay period in which such deductions are made.

**DISCLOSURE** — At the time of hiring, each worker must be notified by the employer as to the rate of pay and the day and place of payment. The employer must also notify each worker in advance of any changes in these terms.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Inspection Division, New Hampshire Department of Labor, Concord, New Hampshire 03301 (603-271-3176).* To enforce the state wage payment laws, representatives of the Department are authorized to enter and inspect workplaces, question employees, and review payroll records in connection with alleged or reported violations. Any worker who has not been paid in conformity with these provisions may file a claim or complaint with the Department, which must notify the employer involved and afford an opportunity for a hearing; a complaint must be filed no later than 36 months from the date the wages were due. If the Department finds that a violation has occurred, it may issue an order for payment or other appropriate action, enforceable in state court.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

**PRIVATE CIVIL ACTION** — As an alternative to administrative enforcement, a worker may elect to recover unpaid wages in a private civil action, represented by an attorney of the worker's own choice. In addition to liability for the unpaid wages, an employer who willfully or without good cause fails to pay a worker may be judged liable for liquidated damages.