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## *"Tip of the Month"*

### **New Hampshire Wage Claims**

As an employer in New Hampshire, you are subject to Wage and Hour Laws that are administered by the NH Department of Labor. These laws start with NH statutes found at RSA c.275. Further elaboration is found in the NH Code of Administrative Regulations under Labor.

Generally, the employer is obligated to give the employee a paycheck on payday or within 72 hours of termination for any reason. The statutes and regulations define Employer, Employee and Wages, which might include commissions and vacation time.

Under the law, wages are sacred. They must be paid without holdback or offset unless the employee has agreed or the company can show a written policy given to all the employees. A variety of penalties are liberally sprinkled through the wage and hour laws for violators.

An employee pursuing a wage claim in New Hampshire starts by filling out and filing a Department of Labor form. This is forwarded to the employer for response. The employer can either pay the wage or file a response explaining why the claim is contested.

If the employer contests the claim, the Labor Dept. will schedule a hearing. The parties do not need attorneys to present their cases, but having an attorney there can be very helpful, especially if the party has never before attended a labor hearing.

Each hearing is conducted in small rooms at the Labor Dept. building on Pleasant Street in Concord. The hearings officers are not attorneys, but they are experts on the wage and hour statutes and regulations. Sitting through these hearings all day long, the hearings officers are strictly business, no nonsense.

The hearings are recorded on audio tape run by the hearings officer who also takes lots of notes. The claimant presents first and the employer then gets to cross examine the claimant. Then the employer presents and the claimant can cross-examine. The hearings officer also often has questions for each party.

It helps to have a clear picture of the issues before going into the hearing, and to be as prepared as possible. Bring extra copies of any exhibits to give the hearings officer and the other party.

The hearings officer almost never makes a finding at the hearing. Instead, a written ruling is mailed out within thirty days. Either party may appeal the ruling.

If you have any questions about wage claims and hearings, please give us a call at 603-669-1971 or by email at Meslaw@aol.com.

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