

Spring is Here... Are You Ready for The Summer Hiring Season?

Laurel Van Buskirk, Esq.

It's the same thing every year. Spring takes its time getting here, yet summer comes quickly. Soon, prom season will be upon us and college students will be starting to come home from school. For many employers, the few weeks left before summer



Laurel Van Buskirk, Esq.

now can help manage risk in the months ahead.

Youth Work Rules

Youth work-rules are routinely enforced by both the NH and U.S. Departments of Labor. Consequently, employers must be aware of the youth employ-

ment rules that apply to their companies as compliance with state and federal youth employment laws are essential. Employers should ensure that any individuals responsible for summer hiring are aware of 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, as well as with respect to scheduling issues.

ment rules that apply to their companies as compliance with state and federal youth employment laws are essential. Employers should ensure that any individuals responsible for summer hiring are aware of 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, as well as with respect to scheduling issues.

prohibited from engaging in certain occupations and must comply with restrictions on working hours.

Papering the File

Under New Hampshire law, minors under the age of 16 must obtain a New Hampshire Youth Employment Certificate, N.H. RSA 276-A:4, II. This certificate is issued by the minor's school or superintendent's office after the minor is offered a job and must be kept on file by the employer.

New Hampshire employers cannot employ a 16- or 17-year-old without written permission from a parent or legal guardian giving them permission to work. Employers are required to keep this signed written document on file, N.H. RSA 276-A:4, VIII.

Age Appropriate

Employers must also be careful to employ minors only in age-appropriate occupations. Under Federal law, children under 18 are prohibited from working in certain dangerous or hazardous jobs, including, but not limited to, operating power-drive hoisting apparatus, mining, meat packing or processing, using power-drive circular saws or band saws, wrecking, demolition or ship-breaking operations, roofing, or excavation. See Id., 29 C.F.R. §§570.50-570.68.

Appropriate work for minors between the ages of 14 and 16 is even more limited. Under Federal law, suitable work for minors under 16 includes work in offices, retail stores, restaurants, movie theaters, amusement parks, and gasoline service stations. See 29 C.F.R. §§ 570.2; 570.33; 570.34. However, minors under 16 cannot work in warehouse, communications

Hiring Season – continued on page 20

BRONZE ASSOCIATION PARTNER

Aftermarket/ Royal Administration

Aftermarket F&I Services

For more information, please contact
Larry Cunningham at 617-921-0264.



Larry Cunningham





Hiring Season – continued from page 18

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 grilles 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-drive food slicers, grinders, choppers, cutters, or bakery mixers. See Id., 29 C.F.R. §§570.50-570.68. In addition, even in permitted retail, food service and gasoline service establishments, certain dangerous work is prohibited. See 29 C.F.R. §570.34(b). New Hampshire law is consistent with federal law on these hazardous job designations. Employers in the retail, service, and hospitality industries should take the time to review the state and federal rules and regulations that specify the types of jobs minors can work.

To the extent minors work in establishments in which prohibited equipment may be in use, employers must specifically tell minors to avoid those work areas and that they are forbidden from using any such equipment. Other employees and supervisors should also be aware of those restrictions.

For more information about jobs suitable for minors, see Prohibited Occupations for Non-Agricultural Employees online at <http://1.usa.gov/fMTXp0>.

Scheduling

Under New Hampshire law, minors under 16 years of age may not start work before 7 a.m. or work later than 9 p.m., N.H. RSA 276-A:4, IV. However, from Labor Day through May 31st, federal law restricts minors under 16 years of age from working past 7 p.m. See 29 C.F.R. § 570.35.

Under federal and New Hampshire

child labor laws, 14- and 15-year-olds are restricted from working more than three hours per day on a school day and eight hours a day on non-school days. Federal law prohibits minors under 16 from working more than 18 hours per week during the school year and more than 40 hours per week during vacations and summer breaks. See 29 C.F.R. § 570.35.

Although there are no federal restrictions on hours worked for 16- and 17-year-olds, New Hampshire laws impose restrictions on the hours 16- and 17-year-olds may work. New Hampshire limits 16- and 17-year-olds from working more than 30 hours during a school week, and more than six consecutive days. During vacations and summer breaks, 16- and 17-year-olds may work no more than 48 hours per week, N.H. RSA 276-A:4, VI-VII.

Ultimately, it is the employer's responsibility to ensure, not only that minors are not scheduled for hours restricted under state or federal law, but that they do not actually work during restricted hours.

Additionally, NH 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. See N.H. RSA 276-A:20.

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 \$11,000 per worker for each violation of the child labor

Hiring Season – continued on page 22

Volkswagen Dealership Sold

Nancy Phillips Associates announces the sale of Dana Automotive, Inc. an exclusive Volkswagen dealership located in Northampton, MA, to Andrew Feuerstein, former owner and operator of BMW of Greenwich in Greenwich CT. Dana Goodfield, the owner of Dana Automotive, Inc., was active in the Massachusetts State Auto Dealers Association throughout his automotive career and served most recently as president. Nancy Phillips Associates seeks dealerships to represent for sale to a large portfolio of pre-qualified dealership purchasers. For a confidential discussion contact Nancy at 603-658-0004.




Dental benefit administration isn't your top priority.

Oral health is so important to overall health, that's why we make it ours.

Call Laurie Churchill at the Association Office at 603-230-2167 or 800-852-3372 for information on the dental program customized for NHADA members by Northeast Delta Dental.



NHDMV Tip

Dan Bennett, NHADA & Denise Bodwell, NHDMV

NHADA recently received a message from the NH Department of Motor Vehicles reminding NHADA members of an on-going issue that has popped up regarding inspection stickers provided by NH dealers.

The issue:

- The consumer, at the time of registration, wants the second person on the title application to be first.
- This action will cause the inspection sticker to be in the wrong month.
- This has caused the consumer to then obtain another inspection to reflect this change.

NHDMV Suggestion:

- NH dealers should inquire with the new owners what month the registration would like to be and process the title accordingly.
- Dealers should ask if the customers are transferring their plates – the first person on the old registration must be the first person on the title application.

The measure may lessen the issue at some level. If you have any questions on this issue please feel free to contact Dan Bennett at NHADA, call 800-852-3372 or email dbennett@nhada.com.

Hiring Seasons – continued from page 20

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.

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.

Silver-level Association Partner Devine Millimet originally published this article by the firm’s attorney, Laurel Van Buskirk, in their free Friday E-Mail Alert. Inquiries may be sent by email to employment@devinemillimet.com.

Safety/OBD II Inspections Statistics

Safety Inspection Results	Mar '11	% of Total	YTD '11	% of Total
Total *	125,698	100.00%	322,816	100.00%
Passed	95,109	75.70%	244,550	75.80%
Corrected	15,854	12.60%	40,834	12.60%
Rejected	7,492	6.00%	19,190	5.90%
Untested	7,243	5.80%	18,242	5.70%
OBD II Inspection Results (1996 and newer)				
Total	110,779	100.00%	286,982	100.00%
Passed	94,966	85.57%	245,584	85.60%
Rejected	11,238	10.10%	29,525	10.30%
Untested	4,575	4.10%	11,873	4.10%

*** Total numbers include OBD II Inspections**

Statistics provided by Gordon-Darby

2010 - 2011 Unemployment Rates by Area

	Dec	Jan	Feb
United States	9.1%	9.8%	9.5%
New England	8.0%	8.9%	8.7%
Connecticut	8.6%	9.6%	9.6%
Maine	7.5%	8.4%	8.5%
Massachusetts	8.0%	8.9%	8.7%
New Hampshire	5.3%	6.1%	5.8%
Rhode Island	10.9%	11.9%	11.8%
Vermont	5.6%	6.3%	6.0%