

Amendment to SB 517

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Protective Legislation; Procuring Employment, Definition of Employee. Amend the
4 introductory paragraph of RSA 275:4, II to read as follows:

5 II. In this subdivision, "employee" means and includes every person who may be permitted,
6 required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage
7 in any employment, but shall not include any person exempted from the definition of employee as
8 stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as
9 part of a residential placement for individuals with developmental, acquired, or emotional
10 disabilities, ***or university or college students serving as residence hall assistants or***
11 ***dormitory counselors, who are participants in a bona fide educational program,*** or any
12 person who meets all of the following criteria:

13 2 Protective Legislation; Discrimination in the Workplace, Definitions. Amend RSA 275:36 to
14 read as follows:

15 275:36 Definitions.

16 I. "Employee" as used in this subdivision shall mean any person employed for hire by an
17 employer in any lawful employment, but shall not include persons engaged in domestic service in the
18 home of the employer, or in agricultural service, or in temporary or seasonal employment, or
19 employees of any social club, fraternal, charitable, educational, religious, scientific or literary
20 association, no part of the net earnings of which inures to the benefit of any private individual[-]***or***
21 ***university or college students serving as residence hall assistants or dormitory counselors,***
22 ***who are participants in a bona fide educational program.***

23 II. "Employer" shall include any person acting in the interest of an employer directly or
24 indirectly.

25 III. "Employment" means any employment under contract of hire, expressed or implied,
26 written or oral, including all contracts entered into by helpers and assistants of employees, whether
27 paid by employer or employee, if employed with the knowledge, actual or constructive, of the
28 employer in which all or the greater part of the work is to be performed within the state.

29 3 Protective Legislation; Payment of Wages, Definition of Employee. Amend the introductory
30 paragraph of RSA 275:42, II to read as follows:

31 II. "Employee" means and includes every person who may be permitted, required, or
32 directed by any employer, in consideration of direct or indirect gain or profit, to engage in any

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1 employment, but shall not include any person exempted from the definition of employee as stated in
2 RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a
3 residential placement for individuals with developmental, acquired, or emotional disabilities, **or**
4 ***university or college students as residence hall assistants or dormitory counselors, who are***
5 ***participants in a bona fide educational program***, or any person who meets all of the following
6 criteria:

7 4 Minimum Wage Law; Definitions. Amend the introductory paragraph of RSA 279:1, X to read
8 as follows:

9 X. "Employee" means and includes every person who may be permitted, required, or directed
10 by any employer, in consideration of direct or indirect gain or profit, to engage in any employment,
11 but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2,
12 VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential
13 placement for individuals with developmental, acquired, or emotional disabilities, **or university or**
14 ***college students serving as residence hall assistants or dormitory counselors, who are***
15 ***participants in a bona fide educational program***, or any person who meets all of the following
16 criteria:

17 5 Workers' Compensation; Definitions. Amend the introductory paragraph of RSA 281-A:2,
18 VI(b)(1) to read as follows:

19 (b)(1) Subject to the preceding subparagraph, any person, other than a direct seller or
20 qualified real estate broker or agent or real estate appraiser, or person providing services as part of a
21 residential placement for individuals with developmental, acquired, or emotional disabilities, who
22 performs services for pay for an employer, **or university or college students serving as residence**
23 ***hall assistants or dormitory counselors, who are participants in a bona fide educational***
24 ***program***, who performs services for pay for an employer, is presumed to be an employee. This
25 presumption may be rebutted by proof that an individual meets all of the following criteria:

26 6 Effective Date. This act shall take effect 60 days after its passage.