

# Senate Commerce Committee

*Aaron Jones 271-2609*

**HB 1168**, relative to employer documentation requirements.

**Hearing Date:** February 17, 2026

**Time Opened:** 10:30 a.m.

**Time Closed:** 10:47 a.m.

**Members of the Committee Present:** Senators Innis, Murphy, McGough, Fenton and Reardon

**Members of the Committee Absent :** Senator Ricciardi

**Bill Analysis:** This bill extends the time an employer has to file objections to a wage claim from 10 days to 20 days after receiving notice of the claim.

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**Sponsors:**

Rep. Labrie

Rep. Berry

Rep. Drago

Rep. Giasson

Rep. Granger

Rep. Warden

Sen. Murphy

Sen. McGough

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**Who supports the bill:** Representative Brian Labrie, Sarah Burke Cohen (NHMA), Aubrey Freedman, John Reynolds (NFIB NH), Pamela Harders, Curtis Howland, James Gardner, Timothy Finney, Jesse Medeiros

**Who opposes the bill:** Representative Michael Cahill, John McCallister (PFFNH), Lorraine Hansen, Mark Bradford, Betsy Colburn, Leigh Hutchinson

**Who is neutral on the bill:** Danielle Albert (NHDOL)

**Summary of testimony presented in support:**

***Representative Brian Labrie***

- Presently, an employee or the Department of Labor can file a wage claim up to 36 months after wages were originally due.
- Representative Labrie said 3 years was a significant look-back period.
- Once a claim has been filed, an employer has only 10 days to locate records, investigate the claim, retrace steps, file a formal objection, and mail it to the Department.
- This bill would extend the response timeframe from 10 to 30 days.
- When a claim is from 2 or 3 years ago, Representative Labrie said documentation is not on the corner of a manager's desk. Typically, it is archived off-site, stored in digital systems, or filed away in storage. This can be

challenging because small businesses do not have a dedicated human resources department.

- The 10-day timeframe, which includes weekends, is often insufficient to conduct a thorough and accurate internal audit. Representative Labrie said 30 days would provide employers with a fair opportunity to present their case.
- This bill would not change the outcome of valid claims; instead, it would ensure that the process is handled with diligence and accuracy.

***Aubrey Freedman***

- Mr. Freedman said 10 days was not reasonable since most claims are filed close to the end of the statute of limitations.
- A 30-day timeframe is common in other statutes, including RSA 275:41-a, RSA 275:51, V, and RSA 275:57.
- Larger companies can answer within 10 days because they have a human resources department, accountants, and lawyers. Smaller companies, however, might not be able to respond at all.
- Mr. Freedman said this bill only increased the amount of time to respond to a claim. All other workplace protections would remain in place.

***John Reynolds, State Director, National Federation of Independent Business New Hampshire***

- Mr. Reynolds said members have often brought up the 10-day timeline as being too short to gather time sheets or payroll records from third-party providers.
- In some cases, employees are paid different rates because they have different roles in a day or week. As a result, an employer must examine project records to determine what rate of pay an employee has earned.
- The 10-day timeframe is out of step with other statutory provisions, the civil complaint process, and the U.S. Department of Labor Wage and Hour Division hearing process.
- If there is a legitimate problem, Mr. Reynolds said their members like to resolve it quickly rather than dragging it out.
- By giving them 30 days to find out what is going on, it would help them resolve issues quicker without wasting the Department's resources.

**Summary of testimony presented in opposition:**

***John McCallister, Secretary Treasurer, Professional Fire Fighters of New Hampshire***

- While extending the timeframe for an employee to object to a wage claim from 10 to 30 days seemed like a minor technical change, Mr. McCallister said it could have an impact on their members.

- Mr. McCallister said delaying the process an additional 20 days could result in financial hardship for individuals who are already trying to make ends meet.
- Mr. McCallister said the current language gave employers ample time, and it moved the process along in a reasonable time for a final decision.
- Mr. McCallister said this bill did not improve fairness or efficiency; instead, it would shift the burden onto workers and drag the process out.
- Under this bill, Mr. McCallister said an employer could delay pay for an additional 3 weeks by objecting to a claim without justification. For firefighters who are making \$50,000 to \$60,000 a year, this could mean missing rent, car, or utility payments.

### **Neutral Information Presented:**

#### ***Danielle Albert, Deputy Commissioner, New Hampshire Department of Labor***

- This bill would change the timeframe from 10 to 30 calendar days for an employer to respond to a wage claim filed by a current or former employee.
- A wage claim is an action filed by a current or former employee directly against their employer. Deputy Commissioner Albert said this was a different process than a wage or labor law complaint that would potentially initiate an investigation by the Department.
- Upon receipt of a wage claim being filed, the Department is mandated to serve a copy to the employer.
- **Senator McGough** asked if a wage claim was a claim from an employee that they worked, but they never got paid.
  - **Deputy Commissioner Albert** said that was correct.
- **Senator McGough** asked how many claims the Department received each year.
  - **Deputy Commissioner Albert** said she could run a query for 2025.
- **Senator McGough** asked if it was 100 or 1,000.
  - **Deputy Commissioner Albert** said it was more than 100, but she would follow up with the Committee.
- **Senator McGough** asked how long it took to adjudicate a wage claim on average.
  - **Deputy Commissioner Albert** said an employee can file a claim with the Department via mail, e-mail, or their online portal. Often, they mail a notification of a wage claim to an employer. Once it is received, an employer has 10 days to respond. Once they have responded, an employee can move forward with a hearing. This process can take 20 to 30 days depending on when the employer receives the physical copy of the notification of a wage claim. Hearings are placed on the docket within 25 to 30 days after an employee has specified that they would like to proceed with a hearing. Not every wage claim results in an employee initiating the hearing process. This bill would elongate the process because an

employer would have an additional 20 days to file an exception before an employee could move forward in litigating the matter.

- **Senator McGough** asked what had to be sent back. He asked if an employer had to check a box, or did they have to provide additional information or documentation.
  - **Deputy Commissioner Albert** said under the statute, an employer has 10 days to take exception to a claim. There is no form that they are required to return. Typically, the Department receives a written narrative explaining that they do not agree, and they are objecting to the wage claim. There are instances where an employer does not take exception, and they write back that it is something they may need to pay. Sometimes an employer attaches supporting documentation, but they are not required to.

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Date Hearing Report completed: February 20, 2026