

Amendment to HB 280

1 Amend RSA 275:43, I as inserted by section 1 of the bill by replacing it with the following:

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3 I. Every employer shall pay all wages due to employees within 8 days after the expiration of
4 the work week if the employee is paid on a weekly basis, or within 15 days after the expiration of the
5 work week if the employee is paid on a biweekly basis, except when permitted to pay wages less
6 frequently as authorized by the commissioner pursuant to paragraph IV or IV-a(a), on regular
7 paydays designated in advance by the employer and at no cost to the employee[:

8 ~~(a) In lawful money of the United States;~~

9 ~~(b) By electronic fund transfer;~~

10 ~~(c) By direct deposit with written authorization of the employee to banks of the~~
11 ~~employee's choice;~~

12 ~~(d) By a payroll card provided that the employer shall provide to the employee at least~~
13 ~~one free means to withdraw up to and including the full amount of the employee balance in the~~
14 ~~employee's payroll card or payroll card account during each pay period at a financial institution or~~
15 ~~other location convenient to the place of employment. None of the employer's costs associated with a~~
16 ~~payroll card or payroll card account shall be passed on to the employee; or~~

17 ~~(e) With checks on a financial institution convenient to the place of employment where~~
18 ~~suitable arrangements are made for the cashing of such checks by employees for the full amount of~~
19 ~~the wages due; provided, however, that if an employer elects to pay employees as specified in~~
20 ~~subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified~~
21 ~~in subparagraph (c), and further provided that all wages in the nature of health and welfare fund or~~
22 ~~pension fund contributions required pursuant to a health and welfare fund trust agreement, pension~~
23 ~~fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of~~
24 ~~employees and agreed to by the employer shall be paid by every such employer within 30 days of the~~
25 ~~date of demand for such payment, the payment to be made to the administrator or other designated~~
26 ~~official of the applicable health and welfare or pension trust fund.~~

27 II. ~~If an employer offers its employees the option of receiving wages by a payroll card, the~~
28 ~~employer shall:~~

29 ~~(a) Provide to the employee written disclosure in plain language of all the employee's~~
30 ~~wage payment options. The written disclosure shall state the terms and conditions of the payroll~~
31 ~~card account option, including, but not limited to, the requirements set forth in this section and a~~
32 ~~complete itemized list of all known fees that may be deducted from the employee's payroll card~~

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1 ~~account by the employer or card issuer. The disclosure shall also state whether third parties may~~
2 ~~assess transaction fees in addition to the fees assessed by the employee's payroll card issuer or~~
3 ~~issuers. In no event shall the employer provide payment of wages to a payroll card that has an~~
4 ~~expiration date, unless the employer agrees to provide a replacement payroll card before the~~
5 ~~expiration date at no cost to the employee.~~

6 ~~(b) Initiate payment of wages to an employee by electronic fund transfer to a payroll~~
7 ~~card account only after the employee has voluntarily consented in writing to that method of~~
8 ~~payment. Consent to payment of wages by electronic fund transfer to a payroll card account shall~~
9 ~~not be a condition of hire or of continued employment. The written consent signed by the employee~~
10 ~~shall include the terms and conditions of the payroll card account option.~~

11 ~~(c) Provide written notice of any change to any of the terms and conditions of the payroll~~
12 ~~card or payroll card account, including but not limited to an itemized list of all fees that may have~~
13 ~~changed, and obtain written assent from the employee that the employee voluntarily consents to~~
14 ~~receive wages to a payroll card or payroll card account subject to the changes. The employer shall be~~
15 ~~responsible for any increase in fees charged to the employee before the employer provides written~~
16 ~~notice of such changes to the employee.~~

17 ~~(d) Provide the employee the option to discontinue receipt of wages by a payroll card or~~
18 ~~payroll card account at any time, without penalty to the employee]. *The manner in which*~~
19 ~~*payment is made shall be determined by the employer and employee. The employer shall,*~~
20 ~~*on or before the first day of employment, inform the employee, in writing, the manner in*~~
21 ~~*which payment shall be made. At anytime an employer intends to change its method of*~~
22 ~~*payment, each employee shall be given written notice no less than 90 days prior to the*~~
23 ~~*change.*~~