



NH Department of Education

# Bureau of Career Development

## Guidelines for Subminimum Wage or No Wage Rate for Work-Based Learning Activities

- 1) The New Hampshire Department of Labor only becomes involved in school-to-work activities when an employer is going to have any person doing work for them. This means as soon as the student is participating in “hands-on work,” to include riding to emergencies, the *Application for Pre-screening of School-to-Work Business Partner* and *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa and Addendum* must be completed. This means that job shadows, tours, mentorships, etc... do not need paperwork completed UNLESS the student is engaging in hands-on work.
- 2) The *Application for Pre-screening of School-to-Work Business Partner* is merely a snapshot in time. This must be completed each time a new program is started with a business.
- 3) The *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa* is a start of a bigger conversation. The New Hampshire Department of Labor may have follow up questions if information is not specific enough to determine a decision. Please remember to be clear and precise.
- 4) Include task specific details on the *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa Addendum*. Ambiguity triggers a deeper dive from the New Hampshire Department of Labor. Include all of the tools the student will use, what tasks they will complete and for how long, what needs to be waived through the form—wages, worker’s comp, or both, etc...
- 5) The New Hampshire Department of Labor needs certain directory information included on the *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa Addendum*. Student name, email address, phone number, age, and hours they will work each week is required (an exact schedule is not necessary). Include business name and person of contact and their contact information. Lastly, be sure to add the school contact name and contact information.
- 6) The New Hampshire Department of Labor considers durational/larger scale programs if appropriate information is submitted for approval. This means if all duties, business partner/partners (example many hospitals participating in rotational internships for one program), educational goals, and the amount of hours each student works per week remains the same, the New Hampshire Department of Labor would approve that program for the year as long as a list of students is maintained by the school. This list needs to include the student contact information and when the student will be assigned to which location.

Guidelines: Approval Form for Sub-Minimum Wage or No Wage Rate for Work-Based Activities under  
RSA 279:22-aa

- 7) It is important to work with the employer when completing the *Application for Pre-screening of School-to-Work Business Partner*. The form is to be completed by the business partner. If the business name, federal I.D. number, number of employees etc... is incorrect the New Hampshire Department of Labor will reject the application. Please confirm with employers that all information is correct and that they are 100% certain about all the information they provide.
- 8) All New Hampshire Department of Labor requests are sent back with a decision to the party that submits the paperwork. If the school submits the paperwork, they are sent the approval/rejection. However, if it is submitted by the employer, they will receive the decision. Please coordinate with your business partner to ensure there is communication around this process and that all information is shared accordingly between the two parties.
- 9) RSA 279:22-aa allows for wages, worker's comp, or both to be waived given evidence that learning is taking place. The New Hampshire Department of Labor is looking for a good balance. Please be sure to include what the educational component is when completing the *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa Addendum*. Make it clear what the student is receiving in lieu of wages.
- 10) The New Hampshire Department of Labor adopted the federal hazardous orders and occupations and cannot change the enforcement of such as it is mandated through the U.S. Department of Labor. If hazardous orders need to be waived for a non-paid opportunity a *Co-op form* needs to be completed in addition to the *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa and Addendum*. For questions specific to Fire Safety/EMS Programs and work-based learning please reach out to the New Hampshire Department of Labor as there are state regulations that apply.
- 11) The *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa* requires a Safety Program be in place at the business partner and that all safety training is completed by the student. It also asks about hazardous equipment. Please list any equipment/tasks that could be perceived as hazardous. For example, RSA 277-A mentions toxic substances in the workplace, students need to be aware of chemicals they will use or be exposed to etc...
- 12) The *Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22aa* also inquires about site supervision. Students are involved in a guided work experience which means a person or an identified specific job title (example: manager, shift supervisor, etc...) is always around and regularly checking in.
- 13) Most importantly COMMUNICATION, COMMUNICATION, COMMUNICATION. Make sure the student understands the program and it's limitations and make sure the employer understands the program and it's limitations. A student is only allowed to do what is outlined specifically in *The Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa and Addendum*.