

## Game Show Questions

1. Which NH agency has jurisdiction over wage and hour, youth employment, and worker's compensation?
  - a. **Department of Labor**
  - b. Department of Employment Security
  - c. Public Employee Labor Relations Board
  - d. Commission for Human Rights
  
2. An individual is presumed to be an employee unless the employer can show that all 7 NHD DOL criteria are met and include which of the following<sup>1</sup>:
  - a. The person is not required to work exclusively for the employer
  - b. The person holds himself or herself out to be in business for himself or herself or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations
  - c. The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work
  - d. **All of the above**
  
3. If an individual was misclassified as an independent contractor, the civil penalty for lack of worker's compensation coverage for that individual is<sup>2</sup>:
  - a. **\$100 per employee per day of non-compliance**
  - b. \$100 total
  - c. \$1,000
  - d. \$5,000
  
4. In the context of a wage claim, the term "Liquidated Damages" refers to:
  - a. A damages "floor"
  - b. A fixed dollar amount
  - c. **Additional damages**
  - d. Water damage
  
5. An exempt employee must be paid<sup>3</sup>:
  - a. **On a salary basis**
  - b. On an hourly basis
  - c. On a commission basis
  - d. On a piece meal basis

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<sup>1</sup> Employers get caught up on (b). Employers have the burden of proof even though the evidence is dependent upon efforts that the individual made to "advertise" his/her business.

<sup>2</sup> Employers in this situation might be able to get retroactive designation of the individual as a covered employee by the worker's compensation carrier and pay the insurance cost differential to avoid this costly penalty.

<sup>3</sup> A non exempt employee can be paid on a salary or hourly basis.

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6. If a non-exempt employee works 30 hours in a work week and takes 16 hours of vacation time in the same workweek, how many hours of overtime are owed?
- a. None
  - b. 6
  - c. 16
  - d. 10
7. After working how many consecutive hours must an employee be given a 30-minute break?<sup>4</sup>
- a. 4
  - b. 6
  - c. 3
  - d. 5
8. What is the minimum number of hours an employee must be paid when reporting to work?<sup>5</sup>
- a. 1
  - b. 2
  - c. 3
  - d. 4
9. Given the required signed written authorization from an employee, an employer may withhold the following expenses from an employee's wages:
- a. Housing & utilities,
  - b. Voluntary cleaning of uniforms and non-required clothing,
  - c. Legal plans and identity theft plans without financial advantage to the employer,
  - d. All of the above.
10. Employer policy or practice determines whether which of the following are considered wages?
- a. Vacation time
  - b. Holiday pay
  - c. Severance pay
  - d. All of the above

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<sup>4</sup> The 30-minute break can be unpaid or paid; If breaks are given, they restart the 5-hour consecutive hours.

<sup>5</sup> 2 hour minimum does not have to be paid if the employer has taken reasonable measure to contact the employee to tell him/her not to report to work.

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11. When an employee is fired, all wages are due<sup>6</sup>:
- On the date of termination
  - Within 24 hours of termination
  - Within 48 hours of termination
  - Within 72 hours of termination**
12. An employer can require that an employee<sup>7</sup>:
- Refrain from disclosing the amount of his or her wages
  - Sign a waiver or other documents that purports to deny the employee the right to disclose the amount of his or her wages, salary or paid benefits
  - Be fired or disciplined if he or she disclosed her wages, salary or paid benefits
  - None of the above**
13. If an employer discovers that it is paying employees of one sex at a rate less than paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions in violation of NH's Equal Pay law, it can do all of the following except:
- Increase the wages of the employee who is paid less
  - Decrease the wages of the employee who is paid more**
  - Make no change to the wages of either employee if the wage differential is based on seniority.
  - Make no change to the wages of either employee if the wage differential is based on level of education
14. An employee who has not previously been employed by the employer must be presented with a non-compete agreement:
- At the interview
  - At the time of the offer of employment
  - Prior to the employee's acceptance of employment**
  - Within 7 days of the first day of employment

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<sup>6</sup> Employees who resign must be paid all wages by the next regular pay period.

<sup>7</sup> Reminder: your associates can talk about their wages. Period.