



NH Department of Education

**Bureau of
Career Development**

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

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. 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.
- 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.

EXAMPLE

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*.

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

Directions: Please use the template below and include with the submission of Approval Form for Sub-Minimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22-aa to the New Hampshire Department of Wage & Hour Division. It is important when completing this addendum to be as specific and precise as possible. Please note the following:

- *When completing for more than one student please include the schedule, name, and contact information for each student.*
- *Should Work-Based Activity vary by student a separate Approval Form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22aa and Addendum must be completed for each student*
- *Communication between all involved parties---student, educator, and employer, is mandatory. Please answer all questions around communication thoroughly as the New Hampshire Department of Labor needs to verify all parties agree to the tasks outlined and understand that additional tasks are subject to an approval process through the New Hampshire Department of Labor before a student can participate in them.*
- *Should hazardous equipment be involved it is encouraged to communicate with the New Hampshire Department of Labor Wage & Hour Division to verify if additional forms, such as a co-op form, need to be completed and to ensure that all needed information is included in the Addendum.*
- *Please include the approved/submitted Application for Pre-Screening of School to Work and the Approval form for Subminimum Wage or No Wage Rate for Work-Based Activities Under RSA 279:22aa with the completed Addendum so that the New Hampshire Department of Labor Wage & Labor Division can send back the approved packet to you with a reference number.*

Contact Information

Department of Labor School-to Work

Inspector Janet Weeks
New Hampshire Department of Labor
Wage & Hour Division
Phone: 603-271-0127
Fax: 603-271-8310
Email: inspectiondiv@dol.nh.gov

New Hampshire Department of Education Bureau of Career Development

Work-based Learning
Nicole Levesque
Phone: 603-271-3397
Email: nicole.m.levesque@doe.nh.gov

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

ADDENDUM:

Student(s) Information:

Name	Age	Phone	Email	Schedule
John Smith	16	603-555-1234	jsmith@sau99.org	M, F 11am to 2pm
Jane Doe	17	603-555-6789	jdoe@sau99.org	T, W 3pm to 7pm

School Information:

School	Coordinator/Educator	Phone	Email
Lakeside High School	Nicole Levesque	603-271-0000	Nlevesque@sau99.org

Employer Information

Business Name	Site Contact	Phone	Email
Lakeview Grille	Jim Davis	603-555-4567	jdavis@lvg.com

When did communication around this internship happen between employer, student, and educator?

February 12, 2024 via Zoom

Communication Guidelines:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Was there communication between student, employer, and school coordinator around expected duties?
Yes
No • Does both the student and employer understand the student cannot do tasks outside of what is outlined?
Yes
No • Does both the student and employer understand the hazardous orders not allowed as it relates work-based activity if the student is 16 or 17 without a co-op?
Yes
No • Does the employer understand the student cannot replace an otherwise paid employee?
Yes
No | <ul style="list-style-type: none"> Does the student understand the program as outlined? Does the employer understand the program as outlined?
Yes
No • Is there a plan in place to ensure educator check-ins throughout the unpaid work-based activity?
Yes
No • Does the student know who to talk to if asked to do tasks not outlined ?
Yes
No |
|--|--|

Title:

Tasks (identify any HO's students WILL be doing as appropriate):

- Work with the Chef and site supervisor to plate food to meet quality standards in design
- Work with site supervisor to prep and make food and non-alcoholic drink menu items using appropriate tools and techniques
- Study and comply with sanitation regulations and safety standards
- Learn and apply professional skills needed to be successful in the restaurant's work-place culture including but not limited to team work, communication, etiquette, etc...

Learner Outcomes OR General Program Competencies:

General Program Competencies (applicable to all New Hampshire Career and Technical Education Students) :

- Use correct terminology, vocabulary, and appropriate language to communicate effectively in the workplace.
- Select and safely use appropriate tools, supplies, and equipment for a specific task or set of tasks.
- Employ effective time and project management strategies to complete work efficiently and proficiently.
- Apply math concepts, including measurement, operations, and higher mathematics to relevant applications and specific tasks.
- Demonstrate awareness strategies to safely work in a variety of workspaces and locations.

[culinary-hospitality-cip-competencies_0.pdf \(nh.gov\)](#)

Specific Program/Course Competencies :

Please include program specific competencies the student will work towards within their work-based activity.

Career Cluster related technical skills and abilities including but not limited to items such as:

1. Demonstrate a variety of cooking/baking skills and techniques in appropriate dining and foodservice settings.

Career exploration and career cluster legacy and history such as:

1. Identify, understand and explain key people and developments within the hospitality and tourism industry including food, lodging, travel and tourism in addition to the evolution of dining and lodging in New Hampshire.

Professionalism: (Attire, Behavior, Culture, Etiquette, Teamwork, Collaboration) such as:

1. Dress, speak, and behave in simulated and authentic settings in a manner that is respectful, collaborative and models the professional standards of the hospitality and tourism industry and its many related pathways.

[culinary-hospitality-cip-competencies_0.pdf \(nh.gov\)](#)

Student Assessment/Evaluation:

How will the learner be assessed?

Learner will be assessed on employer feedback, exit interview with educator and employer, demonstrated knowledge around safety, professionalism, industry, and workplace culture, and a reflection of their experience. Additional artifacts such as recommendation letters, updated resumes, etc... will be reviewed as appropriate.

What evidence will be presented to demonstrate learner proficiency?

- Employer evaluation
- Updated resume
- Reference letter
- Student reflection
- Exit interview

Additional Information:

This section can include a list of equipment the student will use, tasks that may be “perceived” as hazardous but aren’t a hazardous order/occupation, what needs to be waived (wages, worker’s comp, or both):

Student will use:

- Oven
- Knives
- Deep Fryer
- Pots and pans
- Cleaning products such as sanitizers
- Cooking utensils

Student will participate in the following tasks that could be perceived as dangerous:

- Using oven/stove top
- Deep frying
- Using knives for food prep

Waiver request:

- Wages