

Two-Hour Minimum Requirement Supervisor

On May 25th, Human Resources sent out a notification to all supervisors notifying you that the State of New Hampshire requires an employer to “pay an employee for at least two hours of work at his or her regular rate of pay” beginning immediately.

Over the summer, a number of questions have been raised. Accordingly, as we approach the return of students to campus and begin hiring student workers for the fall term, Human Resources developed this “Frequently Asked Questions” guide to help clarify what this requirement means.

The two-hour rule is based on one day. As an example, an hourly employee can work one hour in the morning and then work one hour in the evening. This would satisfy the 2-hour minimum rule according to the State of New Hampshire DOL. “One (1) day” is from midnight to midnight.

Please note, **this does not change or affect call-back situations or an employee who is ‘on-call’.**

Does this pertain to just part-time employees or does it include student workers?

- Yes, this pertains to student workers as well as other part-time employees. With this requirement an employee must be scheduled a minimum of 2 hours in a day.

Is it ok to work less than 2 hours if it is at the employee’s request?

- No

The state requirement provides that an employer may pay an employee for less than two hours of work if the employee requests to leave work prior to completing two hours because he or she is sick or has a personal or family emergency, provided that the time card reflects the reason for leaving early and such entry is signed or initialed by the employee.

What if the request is from the student/employee to leave early, but is not an emergency? e.g. a student wants extra time to study for a test. Or an employee wants to go to his child’s kindergarten graduation?

- These would not constitute a personal or family emergency and if the employee left early to do this, the University would still have to pay them for 2 hours. It is not intended for the routine such as a doctor’s appointment, study group, leaving early to see a professor, etc.

Can the employee work two hours at more than one job?

- Yes. The two-hour rule, however, is based on one day. As an example, an hourly employee can work one hour in the morning and then work one hour in the evening in more than one department. This would satisfy the 2-hour minimum rule according to the State of New Hampshire DOL.

Student Worker FAQ's:

Student Workers – *Does it make a difference if they have federal work study?*

- No. All students whether federal work study or not, are required to follow the 2-hour minimum rule, although supervisors are encouraged to hire students that have federal work study.

Are Graduate Assistants included in this?

- No, Graduate Assistants are paid with a stipend and they are limited to 10 or 20 hours of work per week dependent upon the assignment

Whose budget is charged if a student worker is scheduled to work in one (1) hour in the morning in one department and then another hour later in the day for another department and doesn't show for it?

- If a student is regularly scheduled to work one (1) hour in two departments on the same day and the student works one hour as scheduled in the first department but does not work in the second department, the department in which the student worked would be charged for the hour.

If my student worker/employee works for multiple departments, will I be notified if my student worker/employee did not work a combined total of 2 hours for the day?

- Yes, payroll should notify you if a student did not work a combined total of 2 hours for the day if in multiple departments.

Can students such as tutors be coded as "on-call"?

- No. Students should not be being used in an on-call capacity. If an employee is "on-call" and they are "called-in" they are paid a minimum of 2 hours.

As a supervisor, am I required to post student jobs?

- Yes, you are required to complete a [Student Job Requisition](#) form each academic year and post your position through Human Resources. The job paperwork needs to be approved before the student begins working.
- Note: all student work papers will have a notification requiring students to meet the 2 hour per day minimum.

Link to State of NH regulation: <http://www.gencourt.state.nh.us/rsa/html/xxiii/275/275-43-a.htm>