



State of New Hampshire

Department of Labor

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Ken Merrifield
Commissioner of Labor

October 9, 2017

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Dear Governor Sununu and Members of the Executive Council:

Pursuant to RSA 273:10 and RSA 281:A:61, the employees of the New Hampshire Department of Labor are pleased to submit their 62nd Biennial Report, for the period of July 1, 2015 through June 30, 2017. Our report reflects the efforts and activities of our department over the past two fiscal years.

We are honored to continue our mission of protecting New Hampshire workers and helping businesses and insurers to operate successfully in our state. We will seek to increase our proactive contacts with employers in the future, as a safe and fair workplace is best achieved through positive educational efforts.

Thank you for your assistance as we strive to safeguard the interests of New Hampshire's workforce and economy.

Respectfully submitted,

Ken Merrifield
Commissioner of Labor

STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR

62nd BIENNIAL REPORT

JULY 1, 2015 – JUNE 30, 2017

JULY 2017

RSA 273:10 AND 281-A:61

STATE OF NEW HAMPSHIRE
GOVERNOR AND EXECUTIVE COUNCIL

THE HONORABLE CHRISTOPHER T. SUNUNU
GOVERNOR

THE HONORABLE JOSEPH D. KENNEY
EXECUTIVE COUNCILOR - FIRST DISTRICT

THE HONORABLE ANDRU VOLINSKY
EXECUTIVE COUNCILOR - SECOND DISTRICT

THE HONORABLE RUSSELL E. PRESCOTT
EXECUTIVE COUNCILOR - THIRD DISTRICT

THE HONORABLE CHRISTOPHER C. PAPPAS
EXECUTIVE COUNCILOR - FOURTH DISTRICT

THE HONORABLE DAVID K. WHEELER
EXECUTIVE COUNCILOR - FIFTH DISTRICT

**State of New Hampshire Department of Labor
Mission Statement and Vision Statement**

Mission Statement

To serve and protect the interests and dignity of the
New Hampshire workforce.

Vision Statement

Our vision is to be recognized by the public as:

1. Being a proactive and accessible resource to employees and employers
2. Ensuring fair and consistent labor practices
3. Utilizing progressive technologies
4. Having efficient and responsive processes
5. Treating all individuals with respect and courtesy
6. Being competent and professional

Staff of NH DOL

**State of New Hampshire Department of Labor
Statement of Guiding Principles**

Guiding Principles

1. We believe that proactive communication is helpful in the education of the NH workforce.
2. We are dedicated professionals who are committed to serving the public in a fair and objective manner.
3. We believe that showing respect and courtesy to others will inspire others to do the same.
4. We believe our fullest potential is realized through teamwork and cooperation.
5. We are committed to the belief that we can always do better and will strive towards that end.

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STATUTES ADMINISTERED BY THIS DEPARTMENT

The New Hampshire Department of Labor was established by Chapter 48 of the Laws of 1893.

RSA 273. Provides for the operation of the Department of Labor and covers the mediation and arbitration of labor disputes.

RSA 157-A. Boiler and Pressure Vessel Inspection Law. The Department of Labor issues licenses for all boiler inspectors. This department also certifies boilers and pressure vessels for safe operation.

RSA 157-B. Elevator & Accessibility Lift Law. Elevators and accessibility lifts are certified for safe operation. Elevator and accessibility lift inspectors and mechanics are licensed by this department.

RSA 275. Protective Legislation. Governs the conditions of employment such as lunch periods, fringe benefits and access to personnel files. Collection of wages due employees is also covered under this act.

RSA 275-A. Citizens Job Protection. This law addresses labor strikes and employment of aliens.

RSA 275-E. Whistleblowers' Protection Act. This act protects employees who report violations of law or refuse to execute illegal directives.

RSA 275-F. WARN Act. Worker Adjustment and Retraining Notification Act protects workers by requiring advance notice of significant employment losses at large employers numbering seventy-five or more employees.

RSA 276-A. Youth Employment. The purpose of this statute is to encourage the employment of youth while safeguarding them from excessive hours and specific hazardous employment opportunities.

RSA 277. Safety and Health of Employees. The Department of Labor is responsible for assuring that all employees in the public sector have safe and healthy working conditions.

RSA 277-A. Workers' Right to Know Law. This law guarantees employees in the public sector who are exposed to toxic substances the right to know from their employer the effect of being exposed to the substance.

RSA 277-B. Employee Leasing Companies. Regulates Employee Leasing Companies in order to protect employer's and employee's payroll and benefits including tax payments.

RSA 279. Minimum Wage Law. Enforcement of minimum wage and overtime payments as provided by statute.

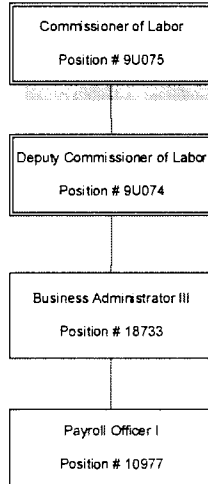
RSA 281-A. Workers' Compensation Law. All work related injuries are reported to this department. These claims are processed to ensure that there is prompt payment of benefits, with hearings conducted promptly to assure that services such as medical and vocational rehabilitation are provided to the injured worker. All employers of one or more persons (either full or part-time) must have workers' compensation insurance coverage.

NH DEPARTMENT OF LABOR

Administration and Support

Organization Code: 6000

Organizational Chart



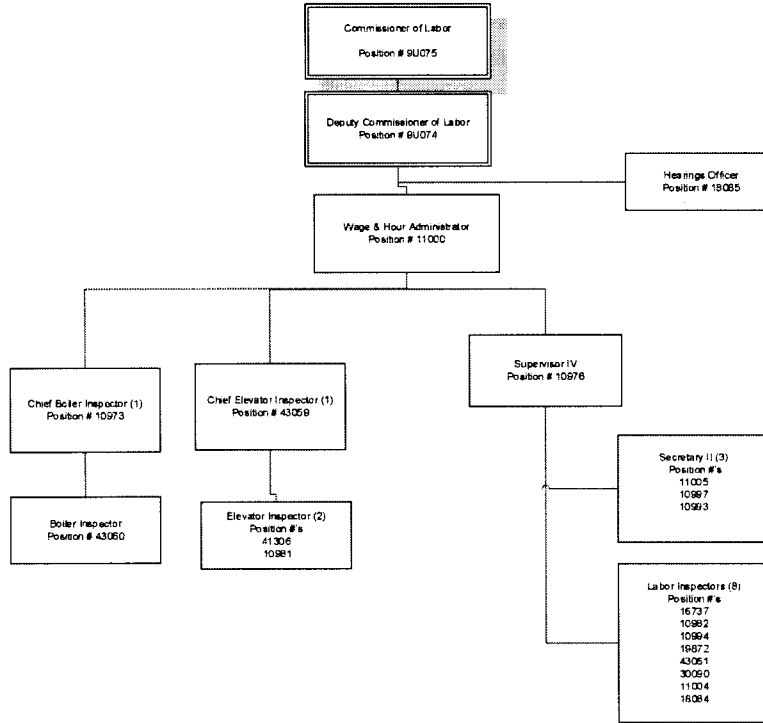
Date: 06/30/3017

NH DEPARTMENT OF LABOR

Inspection Division

Organization Code: 6100

Organizational Chart



Date: 06/30/2017

PERSONNEL DATA

NUMBER OF AGENCY EMPLOYEES AS OF:

	6/30/16	6/30/17
UNCLASSIFIED	2	2
CLASSIFIED	94	94
TEMPORARY	6	6
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TOTAL	102	102

COMPENSATION APPEALS BOARD

As of 6/30/2017

DENNIS E. ADAMS – LABOR
DEERFIELD, NH

MARY ASHCROFT - MANAGEMENT
DERRY, NH

BENJAMIN C. BAROODY - LABOR
MANCHESTER, NH

JAMES CASEY – LABOR
DOVER, NH

JOSEPH A. DICKINSON, ESQ. - NEUTRAL
CONCORD, NH

MAUREEN E. DWYER-HEINRICHS – MANAGEMENT
KINGSTON, NH

ANNE EATON - LABOR
CONCORD, NH

DAVID FOSTER - MANAGEMENT
NEW LONDON, NH

LAURENCE W. GETMAN, ESQ. - NEUTRAL
MANCHESTER, NH

SUSAN JEFFERY - MANAGEMENT
MANCHESTER, NH

LEO D. KELLY - LABOR
GOFFSTOWN, NH

HAMILTON R. KRANS, JR., ESQ. - NEUTRAL
DOVER, NH

RONALD E. LUDWIG – MANAGEMENT
MANCHESTER, NH

MARK MACKENZIE - LABOR
MANCHESTER, NH

DANIEL MANNING - LABOR
MANCHESTER, NH

RICHARD MITCHELL, ESQ. - NEUTRAL
CANDIA, NH

ROBERT MORNEAU - LABOR
WOLFEBORO, NH

DENNIS E. MURPHY, JR. - LABOR
CTR HARBOR, NH

ROBERT C. NORTON - MANAGEMENT
CONCORD, NH

HARRY G. NTAVALIS – MANAGEMENT
MANCHESTER, NH

DENIS W. PARKER – LABOR
HOOKSETT, NH

THOMAS F. PARKS, JR. – MANAGEMENT
DOVER, NH

EDWARD F. PATCH, ESQ. – NEUTRAL
BOW, NH

NORMAN PATENAUDE, ESQ. – NEUTRAL
PORTSMOUTH, NH

CHRISTOPHER T. REGAN, ESQ. - NEUTRAL
DURHAM, NH

CONSTANCE ROY - MANAGEMENT
WOLFEBORO, NH

WILLIAM J. SCHUBERT, ESQ. - NEUTRAL
MANCHESTER, NH

DAVID SIFF, ESQ. - NEUTRAL
CONCORD, NH

DENNIS TERAVAINEN - MANAGEMENT
HOOKSETT, NH

TIMOTHY S. WHEELock, ESQ. - NEUTRAL
PORTSMOUTH, NH

WORKERS' COMPENSATION ADVISORY COUNCIL

As of 6/30/2017

DR. DOUGLAS GOUMAS
MANCHESTER, NH

CJ STONE
DEPARTMENT OF LABOR

STATE REP. BRIAN G. SEAWARTH
PEMBROKE, NH

SALLY MACFADDEN
DEPARTMENT OF INSURANCE

STATE SEN. DONNA SOUCY
MANCHESTER, NH

MARGARET CROUCH, CHAIR
BEDFORD, NH

EILEEN BERNARD
HOOKSETT, NH

WILLIAM MCQUILLEN, VICE CHAIR
LONDONDERRY, NH

MARIAN MITCHELL
HOOKSETT, NH

PENALTY APPEALS BOARD

As of 6/30/2017

BETH A. DERAGON, ESQ
MANCHESTER, NH

GAYLE TROY
DUNBARTON, NH

DAVID W. LAUGHTON
AUBURN, NH

KATHLEEN PE AHL (ALTERNATE)
MANCHESTER, NH

RECEIPTS AND EXPENDITURES

	FISCAL YEAR 2016		FISCAL YEAR 2017	
	7/1/15 TO 6/30/16		7/1/16 TO 6/30/17	
RECEIPTS				
GENERAL FUND	\$	1,611,239.00	\$	1,683,240.00
003 REVOLVING FUND	\$	16,244,768.00	\$	17,850,335.00
006 AGENCY INCOME	\$	1,380,838.00	\$	1,523,034.00
009 ADMINISTRATION FUND	\$	6,525,868.00	\$	7,527,459.00
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TOTAL RECEIPTS	\$	\$25,762,713.00	\$	\$28,584,068.00
EXPENDITURES				
10 PERSONAL SERVICES PERM.	\$	3,843,511.00	\$	3,756,887.00
20 CURRENT EXPENSES	\$	149,356.00	\$	158,611.00
22 RENTS + LEASES OTHER THAN STATE	\$	19,363.00	\$	11,671.00
24 MAINTENANCE OTHER THAN BUILDING	\$	4,306.00	\$	6,017.00
26 ORGANIZATIONAL DUES	\$	3,975.00	\$	3,245.00
27 TRANSFER TO DOIT	\$	903,070.00	\$	1,006,202.00
28 TRANSFER TO GENERAL SERVICES	\$	259,128.00	\$	264,680.00
30 EQUIPMENT & REPLACEMENT	\$	112,114.00	\$	53,323.00
35 SHARED SERVICES SUPPORT	\$	4,178.00	\$	3,520.00
39 TELECOMMUNICATIONS	\$	51,506.00	\$	53,327.00
40 INDIRECT COSTS	\$	165,976.00	\$	139,228.00
46 CONSULTANTS	\$	-	\$	-
49 TRANSFER TO OTHER STATE AGENCIES	\$	2,300.00	\$	2,300.00
50 PERSONAL SERVICE TEMP.	\$	425,653.00	\$	514,232.00
54 TRUST FUND EXPENDITURES	\$	16,244,768.00	\$	17,850,335.00
57 BOOKS, PERIODICALS & SUBSCRIPTIONS	\$	1,280.00	\$	2,844.00
59 FULL TIME TEMP.	\$	-	\$	-
60 BENEFITS	\$	2,038,881.00	\$	2,041,288.00
61 UNEMPLOYMENT COMPENSATION	\$	3,700.00	\$	1,262.00
62 WORKERS COMPENSATION	\$	93,209.00	\$	48,047.00
64 RETIREE-PENSION BENEFIT-HEALTH INS	\$	323,756.00	\$	378,224.00
70 IN STATE TRAVEL REIMBURSEMENT	\$	67,056.00	\$	68,280.00
80 OUT OF STATE TRAVEL REIMBURSEMENT	\$	350.00	\$	2,772.00
TOTAL EXPENDITURES	\$	24,717,436.00	\$	26,366,295.00

LEGISLATIVE CHANGES

Significant Legislative Changes During this Biennium to the Statutes Administered by the Department Of Labor

273:11-b, I – amended to clarify that the Penalty Appeal Board has jurisdiction over any civil penalty imposed by the Commissioner of Labor. Effective 8/4/2015

275:43 – amended to permit employers to pay wages to employees weekly or biweekly without permission from the Department. Effective 7/11/2017.

277-A – amended generally to follow language of federal law regarding handling and transport of toxic substances. Effective 1/1/2016

279:22-a and 22-aa – amended to forbid subminimum wages for persons with disabilities. Effective 7/6/2015

281-A:24 – amended to require that health providers have the burden of proof in any dispute as to the reasonable value of medical services to be paid on behalf of an injured worker. Effective 9/4/2015

281-A:48 – amended to allow any party with regard to an injury occurring after January 1, 2016, where medical treatment for that injury is purposefully and intentionally postponed for medical reasons beyond the fourth anniversary of the date of denial or the last payment of compensation, to petition the Department to review such denial or award of compensation made pursuant to RSA 281-A:40 by filing a petition no later than 180 days after the date of the postponed treatment. Effective 9/19/2016.

281-A:2, VII(a)(5)- amended to include enrolled volunteer members or trainees of a volunteer search recognized by fish and game to be treated as employees for the sole purpose of the chapter. Effective 6/28/2017.

RSA 281-A:32-a – amended to remove the sunset provision and replaces with limitation that benefits paid under this section for all claimants shall not exceed \$500,000 per biennium. Effective 6/8/2017.

WORKERS' COMPENSATION

MISSION STATEMENT: To protect the rights of all parties effectively, efficiently and equitably administering the workers' compensation statute and treating all parties with dignity and respect.

The Workers' Compensation Division of the New Hampshire Department of Labor was created in 1947 and has the responsibility for administration of the State's Workers' Compensation Law (RSA 281-A). This law originally enacted in 1911, requires employers to maintain insurance coverage to provide no fault workers' compensation for employees in case of accidental injury, death or occupational disease, "arising out of and in the course of employment" (RSA 281-A:2 XI).

The law specifies the level of medical and wage replacement income benefit to be paid to injured workers and at the same time bars the employee from suing the employer for the injury. The division's coverage section is responsible for ensuring that all employers maintain this specific insurance coverage. The claims section's duties include scheduling and conducting hearings on contested cases, and monitoring the service of the insurance carriers to determine that benefit payments are provided timely. The Vocational Rehabilitation section is responsible for monitoring the vocational rehabilitation process.

Administering and enforcing the many provisions of the workers compensation law is the division's primary objective. Educational efforts to inform all parties involved of the workers' compensation process have been a top priority of this division. It is crucial that employers, employees and insurers understand their rights and responsibilities under the law. An annual educational conference sponsored by the New Hampshire Adjusters' Association with assistance from the Department of Labor, business community round table meetings and periodic special topic workshops, along with over 9,649 individual contacts each year comprise the division's educational efforts.

To further educate employees and employers alike, the division has developed a web site. The website address is www.NH.gov/labor. Included in this web site are the laws and regulations, frequently asked questions, forms and explanations as to benefits, rights and responsibilities of all parties involved.

The legislative initiatives over the last 27 years have provided a significant opportunity to improve the overall performance of the New Hampshire Workers' Compensation System. Employers have demonstrated strong efforts in consistently providing alternative work for employees who are unable to perform the duties of their regular job. Employees have joined management staff in addressing workplace safety issues with the formation of joint loss management committees. The division continues to receive input as a result of this effort on behalf of both parties.

**REPORTED INJURIES AND COMPENSABLE DISABILITIES
 COMPARED WITH AVERAGE ANNUAL EMPLOYMENT IN FISCAL
 YEARS 2013-2017**

Injuries reported to the Department of Labor decreased to 38,475 in FY 2016 from injuries reported for 2015 with a low incidence rate of 5.8. In FY 2017, the number of injuries reported was 40,049 with an incidence rate of 5.9. The chart below represents a fluctuation in the incidence rate of injuries reported over the past 5 years with an increase in non-agricultural employment in fiscal year 2017.

The pattern of incidence rates of lost time cases seems to be consistent over the period of the last five fiscal years, which is reflected in the section below. In FY 2016 there were 6,631 injuries that represented cases where the employee was disabled from work or out of work due to their injury for four or more days. There were 5,034 lost time cases in FY 2017.

REPORTED INJURIES

COMPENSABLE DISABILITIES

FISCAL YEAR	NON-AGRICULTURAL EMPLOYEE	INJURIES REPORTED	INCIDENCE RATE	LOST TIME	INCIDENCE RATE
2013	644,000	38,998	6.1	7,150	18.3%
2014	640,300	39,408	6.1	7,087	18.0%
2015	647,800	38,864	5.9	6,660	17.1%
2016	662,250	38,475	5.8	6,630	17.2%
2017	674,500	40,049	5.9	6,822	17.0%

NON-AGRICULTURAL EMPLOYMENT BASED ON NH DEPARTMENT OF EMPLOYMENT SECURITY, BUREAU OF LABOR STATISTICS FINAL MONTHLY ESTIMATES, AS REVISED.

INCIDENCE RATE IS PER HUNDRED OF EMPLOYMENT.

OCCUPATIONAL INJURY AND DISEASE STATISTICS

The following three reports include statistics developed from the First Reports of Injury (FROI) received from employers. The first report breaks the FROI up by body part injured as reported by the employer. The second report represents the cause of the injury, and the third report represents the outcome of the injury as best described by the employer.

These reports must be sent in within 5 days of the employer receiving notice of the injury. The reporting of first reports is now done electronically through EDI.

INJURY BY BODY PART					
Code	Body Part	FY 2014	FY 2015	FY 2016	FY 2017
00	Unknown- Zeros	227	138	99	117
01	NonApplicable	262	243	252	242
10	Neck	43	62	29	37
11	Back	926	828	690	745
12	Lower Back	3,936	4,021	3,738	3,860
13	Buttocks	207	165	112	207
20	Heart	46	45	40	74
21	Brain	126	102	154	119
30	Thumb	1,207	1,210	1,225	1,207
31	Finger	4,517	4,541	4,648	4,728
32	Hand	2,737	2,613	2,708	2,747
33	Wrist	1,590	1,765	1,621	1,760
34	Arm	2,357	2,260	2,398	2,450
35	Elbow	793	741	737	772
36	Shoulder	2,156	2,152	2,056	2,171
40	Toe	339	351	360	362
41	Foot	1,042	1,039	1,118	1,111
42	Ankle	1,388	1,387	1,338	1,383
43	Leg	270	268	259	259
44	Lower Leg	1,015	926	928	1,072
45	Knee	2,941	2,747	2,666	2,871
46	Upper Leg	22	23	18	16
47	Hip	339	368	305	324
50	Head	1,991	2,063	2,051	2,274
51	Mouth	235	218	232	228
52	Nose	200	180	179	206
53	Eye	1,455	1,509	1,593	1,447
54	Ear	136	118	127	133
60	Lungs	164	145	153	168
70	Neck & Head	14	10	9	22
71	Neck & Shoulders	11	5	16	11
72	Neck & Back	24	15	12	15
73	Back & Leg	7	5	6	5
74	Hip & Leg	2	4	3	1
75	Foot& Ankle	11	5	10	14
76	Hand & Wrist	199	182	174	176
77	Other Multiples	3804	3,707	3,645	4,050
97	Other	2,652	2,688	2,750	2,651
99	Fatal	17	15	16	14
	Totals	39,408	38,864	38,475	40,049

INJURY BY CAUSE					
Code	Cause Description	FY 2014	FY 2015	FY 2016	FY 2017
AL	Animal	679	721	660	729
AP	Airborne Particles	819	800	864	712
CA	Criminal Act	68	62	40	43
CL	Chemicals	147	168	137	178
EL	Electricity	53	56	54	47
HL	Hot Liquid	719	683	823	781
HO	Hit by Object	3,729	3,668	3,889	4,038
IN	Insect	47	55	33	56
LA	Lifting Action	6,882	6,890	7,025	7,012
MV	Motor Vehicle Accident	752	747	729	828
MY	Machinery	374	371	362	395
NA	NonApplicable	1,236	1,255	1,318	1,368
ND	Needle	64	81	85	80
OT	Other	4,329	4,161	4,070	3,478
PL	Plant	425	465	395	422
PR	Person	2,689	2,931	2,995	3,676
PS	Pinch/Squeeze	780	778	717	724
QA	Quality of Air	42	48	39	40
RP	Repetitious	1,225	1,095	1,050	1,044
SL	Slip or Fall	9,110	8,566	8,038	9,493
SO	Sharp Object	2,205	2,280	2,298	2,026
TO	Tool	1,884	1,908	1,891	1,967
TW	Twist	840	804	772	721
UK	Unknown	306	265	188	188
WE	Weather	4	6	3	3
	Totals	39,408	38,864	38,475	40,049

INJURY BY OUTCOME					
Code	Outcome Description	FY 2014	FY 2015	FY 2016	FY 2017
100	Unknown	4,450	4,344	4,626	4,233
101	NonApplicable	1,199	1,051	1,123	1,138
102	Cut or Puncture	7,550	7,543	7,750	7,787
104	Bruise	7,174	7,000	6,990	8,018
105	Muscle Pull/Strain	13,783	13,473	12,601	13,203
106	Burn	865	851	975	928
107	Bites and/or Scratches	224	332	248	354
108	Broken or Fractured Bone	1,154	1,127	1,099	1,190
109	Amputation	36	33	25	38
110	Splinter	987	1,022	1,081	980
120	Heart Attack	53	57	53	89
121	Stroke or Seizure	2	4	2	4
130	Carpal Tunnel	148	120	118	146
131	Tendonitis	3	2	5	7
132	Frost Bite	9	15	4	7
140	Heat Exhaustion	33	18	33	28
141	Occupational Disease (Other)	307	421	290	292
142	Hepatitis Exposure	5	4	7	3
143	Cancer or Exposure (asbestos)	1	2	1	1
144	Body Fluid Exposure	44	32	76	79
145	Electrical Shock	66	69	56	59
146	Hernia	99	119	136	116
147	Rash or Dermatitis	179	160	155	172
148	Allergic Reaction	18	11	9	22
149	Stress	767	822	811	920
160	Fumes, Dust, Smoke Inhale	24	19	11	21
161	Other Respiratory	104	89	102	126
170	Eyeglasses & Contacts	2	2	1	2
171	Vision	62	66	26	30
180	Hearing Aid	18	22	27	19
181	Hearing Loss	25	19	17	20
199	Death	17	15	17	17
	Totals	39,408	38,864	38,475	40,049

Injuries by Industry Codes

This report uses the industry code provided by the employer on the first report of injury when submitted. Often this industry code is not provided by the employer. To obtain a more comprehensive report of injuries by industry, the information provided on our coverage records was matched to the first reports providing a greater sample for the analysis of injuries by industry.

Industry Description	Industry Code	FY16	FY17
Agriculture, Forestry, Fishing and Hunting	11	261	244
Mining, Quarrying, and Oil and Gas Extraction	21	88	102
Utilities	22	151	109
Construction	23	1825	1854
Food Manufacturing	31	775	571
Wood Manufacturing	32	770	792
Metal Manufacturing	33	1755	1777
Wholesale Trade	42	812	928
Motor Vehicle and Parts Dealers	44	3416	3685
Sporting Goods, Hobby, Book, and Music Stores	45	1343	1200
Air Transportation	48	464	465
Postal Service	49	302	318
Information	51	242	227
Finance and Insurance	52	530	531
Real Estate and Rental and Leasing	53	946	1014
Professional, Scientific, and Technical Services	54	682	712
Management of Companies and Enterprises	55	40	14
Administrative and Support and Waste Management	56	1505	1576
Educational Services	61	1665	1079
Health Care and Social Assistance	62	4754	4842
Arts, Entertainment, and Recreation	71	1036	1041
Accommodation and Food Services	72	1600	1676
Other Services (except Public Administration)	81	921	932
Public Administration	92	883	621
Subtotals		26,766	26,310
Unknowns		11,709	13,739
Totals		38,475	40,049

Injuries by Classification Codes

This report shows the number of injuries by classification codes. This report has been furnished by the National Council of Compensation Insurance (NCCI). The report only records compensable injuries paid by insurance carriers.

Class Group	04/2013 - 03/2014	04/2012 - 03/2013
010-ESTATES, GARDENING AND FARMING	157	130
040-QUARRYING	34	34
050-BAKING	27	72
051-GRAIN, SUGAR AND STARCH PRODUCTS	3	4
052-CONFECTIONS AND FOOD SUNDRIES	34	30
053-DAIRY PRODUCTS	25	25
054-LIVESTOCK HANDLING AND MEAT PRODUCTS	10	6
055-PRESERVING AND CANNING	2	1
056-BREWING AND BOTTLING	83	90
063-MISCELLANEOUS	67	74
065-FINISHING OF TEXTILES	1	4
070-CLOTHING AND FURNISHING GOODS	69	71
080-LAUNDERING, CLEANING AND DYEING	89	111
091-LEATHER PRODUCTS	6	5
100-RUBBER PRODUCTS	113	77
101-COMPOSITION, IVORY, HORN, SHELL OR BONE PRODUCTS	190	174
102-LINOLEUM, OIL CLOTH AND IMITATION LEATHER	14	7
120-PULP, PAPER AND PULP PRODUCTS	45	36
121-PAPER GOODS	41	39
122-PROCESSING OF PAPER	7	5
123-PRINTING, BOOKBINDING AND ENGRAVING	88	96
140-LUMBER MILLING	125	88
141-BARRELS, BOXES AND VENEER PRODUCTS	24	25
142-WOOD PRODUCTS NOC	14	18
143-FURNITURE	38	62
144-MUSICAL INSTRUMENTS	1	1
145-BROOMS AND BRUSHES	10	10
160-ORE DRESSING, SMELTING AND REFINING	0	5
170-ROLLING MILLS, PIPE OR TUBE MFG, AND WIRE OR WIRE ROPE	13	19
171-FOUNDRIES AND MISCELLANEOUS PIPE OR TUBE MFG.	80	87
172-FORGING	7	3
173-STRUCTURAL AND ORNAMENTAL METAL AND TANK FABRICATION	69	65
174-TOOL MANUFACTURING	22	30

Class Group	04/2013 - 03/2014	04/2012 - 03/2013
175-HARDWARE	4	5
176-SHEET OR STAMPED METAL PRODUCTS	202	167
177-WIRE PRODUCTS	18	18
179-PLATING	1	0
180-MACHINE SHOPS	383	441
181-FINE SPECIALTY MACHINES	140	109
182-MISCELLANEOUS MACHINED PRODUCTS	113	113
184-ELECTRICAL EQUIPMENT	261	261
185-INSTRUMENTS	147	157
186-JEWELRY AND SILVERWARE	2	0
200-VEHICLES	6	4
201-AUTOMOBILE BODIES	9	10
211-CEMENT, PLASTER AND CONCRETE PRODUCTS	37	36
212-GRINDING, CUTTING AND POLISHING STONE AND MINERALS	20	16
220-BRICK, TILE AND MISCELLANEOUS EARTHENWARE	0	0
221-POTTERIES	1	5
231-MISCELLANEOUS GLASS PRODUCTS	20	35
240-CHEMICAL PRODUCTS NOC AND DYESTUFF RATING PLAN	13	14
241-GASES AND MISCELLANEOUS INORGANIC CHEMICALS	22	16
242-EXTRACTS, DRUGS AND MEDICINES	36	36
243-PAINTS, INK AND POLISHES	17	30
244-VEGETABLE OILS AND ANIMAL BY-PRODUCTS	0	3
245-COAL, WOOD AND PETROLEUM PRODUCTS AND DISTILLATION	8	12
246-EXPLOSIVES AND AMMUNITION	4	0
251-PHARMACEUTICAL OR SURGICAL PRODUCTS	25	27
252-PAINTING AND UPHOLSTERING	10	11
261-STREET AND ROAD CONSTRUCTION	2	47
263-DRILLING	51	12
264-CLEARING, GRADING AND EXCAVATING	12	223
265-PILE DRIVING	198	1
266-CANALS, CONDUITS, SEWERS AND SUBWAYS	2	39
268-WELDING	3	8
269-ELECTRIC POWER AND COMMUNICATION LINE CONSTRUCTION	14	9
270-RIGGING, STRUCTURAL AND ORNAMENTAL METAL ERECTION	44	32
271-PLUMBING AND SHEET METAL ERECTION	317	330
272-INSTALLATION OF MACHINES AND EQUIPMENT	210	239
273-CONCRETE CONSTRUCTION	101	113

Class Group	04/2013 - 03/2014	04/2012 - 03/2013
274-CARPENTRY	308	341
275-PAINTING AND DECORATING	39	60
276-MASONRY AND PLASTERING	47	53
277-ROOFING AND WATERPROOFING	33	35
279-MISCELLANEOUS CONSTRUCTION AND ERECTION	1	126
280-SHIP OR BOAT BUILDING OR REPAIRING	117	25
290-ADMIRALTY-VESSELS	31	0
291-DREDGING AND WRECKING	2	1
300-STEVEDORING AND FREIGHT HANDLING	3	5
320-OPERATION OF VEHICLES	641	703
330-PUBLIC UTILITIES	199	202
331-MISCELLANEOUS PUBLIC WORKS OPERATION	20	19
340-FOOD AND PROVISION DEALERS	417	381
341-STORES-LIGHT MERCHANDISE	416	420
342-STORES-HEAVY MERCHANDISE	543	585
343-STORES-MISCELLANEOUS	1120	1145
344-DEALERS IN ICE, FUEL, BUILDING MATERIALS AND FEED	417	391
345-DEALERS IN SCRAP METALS AND JUNK	18	12
346-DEALERS IN SECONDHAND MATERIALS	394	408
347-AUTOMOBILE SERVICE AND ACCESSORIES DEALERS	408	459
348-LIVESTOCK	12	11
349-WAREHOUSING AND STORAGE	76	74
350-CLERICAL	802	863
351-INSTRUCTIONAL AND MEDICAL PROFESSIONS	2943	3093
352-MISCELLANEOUS INSIDE OCCUPATIONS	48	54
353-ENGINEERING, APPRAISALS AND INSPECTION	259	214
354-MISCELLANEOUS OUTSIDE OCCUPATIONS	230	227
360-MISCELLANEOUS BUILDING OPERATION	1001	1116
361-HOTELS, RESTAURANTS, CLUBS	1821	1886
362-AMUSEMENTS-INSIDE	5	5
363-AMUSEMENTS-OUTSIDE	381	379
370-PERSONAL SERVICE	46	51
371-STREET OR SEWER CLEANING AND GARBAGE COLLECTING	68	75
372-POLICE OFFICERS AND FIREFIGHTERS	44	48
373-AIRCRAFT OPERATION	56	65
374-FINIS	8	3
Total	16,935	17,618

Lowest Experience Modifications

In accordance with RSA 281-A: 61, Reports of the Commissioner and in conjunction with the National Council of Compensation Insurance (NCCI), below is a list of the best performers based on the experience modification factors promulgated by NCCI.

Employer	Rating Effective Date	Experience Modification	Employer Location
SOUTHERN NEW HAMPSHIRE HEALTH SYSTEM INC	1/1/2016	0.55	NASHUA, NH 030603925
SILVERSTONE BY HUNT	1/1/2016	0.56	NASHUA, NH 030604777
HITCHINER MANUFACTURING CO INC	12/31/2016	0.59	MILFORD, NH 030554306
CROWN POINT CABINETRY CORP	1/1/2016	0.61	CLAREMONT, NH 037431560
ST PAUL'S SCHOOL	4/1/2016	0.63	CONCORD, NH 033012552
NORTH BRANCH CONSTRUCTION	1/1/2016	0.64	CONCORD, NH 033015242
UNITED CHURCH OF CHRIST RETIREMENT COMMUNITY INC	5/1/2016	0.64	CONCORD, NH 033016128
CRAMER FABRICS INC	1/1/2016	0.65	DOVER, NH 038205912
WIRE BELT CO OF AMERICA	1/1/2016	0.65	LONDONDERRY, NH 030537449
FELTON INC	1/1/2016	0.66	LONDONDERRY, NH 030537435
A W THERRIEN CO INC	5/1/2016	0.66	MANCHESTER, NH 031035504
MICROSPEC CORP	5/1/2016	0.66	PETERBOROUGH, NH 034581729
H & M METALS LLC	9/30/2016	0.66	AMHERST, NH 030312306
SOUTHWESTERN COMMUNITY SERVICE	4/1/2016	0.66	KEENE, NH 034310603

TIMELINESS OF FILING

Employers are required by law to file an injury report with the Department of Labor within five days of being notified by the employee that an occupational injury or illness requiring medical attention has occurred. Failure to file in a timely manner results in delays in payments owed to claimants and health care providers alike. To discourage this, the statute provides this department with authority to assess civil penalties of up to \$2,500 to employers for each late report. The division monitors the filing process and contacts employers who fail to report within the required time. An "Employer's Guide to Workers' Compensation" is enclosed with these contact letters to help the employer handle claims properly in the future. First time offenders are assessed a civil penalty of \$100, with the penalty increasing on a graduated basis to \$2,500 for repeat offenders.

In fiscal years 2016 and 2017, the division assessed 3,356 civil penalties on employers who had exceeded the maximum time allowed for their injury reporting. This breaks down to 1,487 penalties assessed in FY 2016 totaling \$120,800. In FY 2017, 1,869 penalties totaling \$148,850 were issued to employers who sent late first reports. The number of civil penalties assessed increased in this biennia. If an employer does not pay the fine within a month, the fine will be raised and is represented within the figures given. Since the pool of New Hampshire employers is in a constant flux and these businesses undergo staff changes as well, a continued effort is ongoing in educating employers about their obligations under the Workers' Compensation Law.

INDEMNITY BENEFITS

The maximum and minimum levels of workers' compensation benefits are tied to the State's Average Weekly Wage (SAWW), a figure calculated annually by the Department of Employment Security. The SAWW in calendar year 2014 was \$979.00 increasing to \$1,005.00 in calendar year 2015. The maximum workers compensation rate is determined by multiplying the State's Average Weekly Wage by 150%, as such, the associated maximum compensation rates were \$1,468.50 in FY2016 and \$1,507.50 in FY 2017.

PERMANENT IMPAIRMENT AWARDS

Permanent impairments involve injuries that cannot be resolved or substantially improved through medical treatment. These also include injuries such as amputations, loss of vision or hearing, or permanent loss of function of an extremity. The Workers' Compensation Law provides for payment of an award in the event a worker's injury results in one of the impairments scheduled in RSA 281-A:32. The following two tables present figures relating to the occurrence of injuries causing permanent impairments, the types of injuries recorded and average awards paid.

PERMANENT IMPAIRMENT INCIDENCE AND COST FY16-17

FY	PERMANENT IMPAIRMENT	COMPENSABLE DISABILITIES LOST TIME	INCIDENCE RATE	IMPAIRMENT TOTAL COST
2013	909	7,150	12.7%	10,322,841
2014	836	7,087	11.8%	9,975,658
2015	850	6,660	12.8%	10,992,573
2016	827	6,630	12.5%	10,354,671
2017	769	6,822	11.3%	10,364,533

	FY13		FY14		FY15		FY16		FY17	
	AVG.		AVG		AVG		AVG		AVG	
	#	AWARD	#	AWARD	#	AWARD	#	AWARD	#	AWARD
ARM	366	\$9,823	315	\$11,193	368	\$13,242	345	\$11,290	324	\$12,720
HAND	25	\$9,334	29	\$11,105	18	\$13,265	16	\$11,917	19	\$12,088
THUMB	29	\$5,909	16	\$4,492	10	\$2,595	14	\$7,131	10	\$4,110
FINGER	70	\$4,989	59	\$3,576	55	\$4,677	44	\$5,020	50	\$4,092
LEG	199	\$7,404	219	\$7,055	211	\$7,380	208	\$7,255	195	\$9,263
FOOT	23	\$7,539	17	\$6,294	26	\$6,282	17	\$9,500	17	\$6,660
TOE	0		0		2	\$2,432	0		0	
HEARING										
Binaural	1	\$22,286	1	\$2,267	1	\$10,498	2	\$27,612	0	
One Ear	1	\$10,928	1	\$4,437	0		2	\$587	1	\$804
VISION										
Both Eyes	0		0		0		1	\$1,618	0	
One Eye	1	\$8,467	3	\$37,871	2	\$24,453	3	\$42,320	4	\$19,110
WHOLE/MULT	55	\$24,871	65	\$24,014	44	\$20,541	60	\$17,344	38	\$26,164
WHOLE/BACK	140	\$21,416	111	\$22,337	113	\$25,341	115	\$26,377	110	\$24,825
AVERAGE	910	\$11,356	836	\$11,933	850	\$12,932	827	\$12,521	769	\$13,495

IT SHOULD BE NOTED THAT THE NUMBER OF AWARDS IN EACH FISCAL YEAR INCLUDE ONLY THOSE MEMOS OF PERMANENT PARTIAL DISABILITY AWARDS FORMS WHICH HAVE BEEN REVIEWED, APPROVED AND PAID BY THE INSURANCE CARRIERS AND SELF INSURERS.

WORKER'S COMPENSATION HEARINGS

Hearings are scheduled to resolve disputes, which arise between the parties under the New Hampshire Worker's Compensation Law, RSA 281-A. In fiscal year 2016, 2,103 hearings were scheduled and in fiscal year 2017, 1,888 hearings were scheduled. The table that follows illustrates the number of hearings actually concluded either by decision or lump sum settlement.

NUMBER OF FORMAL HEARINGS

	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>
TOTAL SCHEDULED	2224	2210	2103	1888
HEARING/DECISION	1649	1622	1532	1424
LUMPSUM SETTLEMENT	728	677	736	612
TOTAL HEARINGS CANCELLED	67	127	94	92
\$ OF SETTLEMENTS (MILLIONS)	\$36.0	\$34.0	\$36.4	\$38.7
TOTAL CONCLUDED	2377	2299	2268	2036

The injured employees request the bulk of hearings as the carrier has the obligation to review the claim and either accept or deny the claim within 21 days of the receipt of the claim. Claims are often denied because the carrier has not received the requested records from the treating physician. Often times after a claim has been denied, the carrier will reverse their denial and accept the claim upon receipt of the medical documentation.

A review of the total sample of all requests for hearings indicates that in FY 2016, 59.2% of the hearings were requested by claimants, 40.0% by the carriers and less than 1% by another party. In 2017, 55.3% of requests were made by claimants, 44.7% by the carriers and less than 1% by another party. The most common issues requested by injured workers are causal relationship to employment (did the injury happen out of and in the course of employment), extent of disability (is the injured employee entitled to indemnity benefits) and medical, hospital and remedial care (are the medical bills related to the injury). Carrier requested hearings are mostly on the issue of extent of disability (is the employee still disabled as a result of the injury) and non-cooperation with vocational rehabilitation (is the injured employee cooperating with the vocational rehabilitation process).

Decisions rendered in FY 2016 reflect that 39.2% favored the claimant and that 53.7% favored the carrier with 6.9% producing a split decision in which both parties won on some aspect. Statistics for FY 2017 show 33.5% for the claimant, 59.8% for the carrier and 6.7% for both.

An analysis of the time that elapses between the request for the hearing and the date on which the hearing was first scheduled reflects that an average of 62.40 days elapsed from request to scheduled hearing date in FY 2016 with the time increasing to 66.30 days in FY 2017. The time delay generally occurs in clarifying issues and parties needed for attendance at the hearing.

In New Hampshire, parties to workers compensation hearings are not required to be represented by legal counsel, but many choose to retain an attorney. At the time of hearing, 84.6% of the claimants retained counsel in FY2016, with 82.8% retaining counsel in FY2017. Carriers retained counsel 96.0% of the time in FY2016, and 95.7% of the time in FY2017.

WORKERS' COMPENSATION APPEALS

The Compensation Appeals Board began conducting appeal hearings on April 12, 1991.

APPEAL HEARINGS	FY2014	FY2015	FY2016	FY2017
APPEALS REQUESTED	569	586	482	460
APPEALS SCHEDULED	535	525	412	389
APPEALS CANCELLED*	349	323	203	236
DECISIONS RENDERED	191	207	232	157
DECISIONS SUSTAINED	121	132	150	107
DECISIONS REVERSED	70	75	82	50

(* Appeals Cancelled also includes appeals that were Continued and Withdrawn.)

Since the appeal to the Compensation Appeals Board results in a new or de novo hearing at which additional evidence may be introduced, the decision of the appeal board may be different from the one issued by the hearing officer at the department level. For statistical purposes if the board decision is substantially different, it is counted as reversed. If it is substantially similar, it is counted as sustained.

WORKERS' COMPENSATION COVERAGE

The goal of the coverage unit is to educate and elicit compliance with New Hampshire Workers Compensation Laws to ensure that all employers in the State of NH provide their employees with workers compensation coverage. The coverage unit within the Department of Labor tracks employers through their coverage activity and allows the department to identify and pursue employers in violation of coverage requirements. The following charts are demonstrative of the activity within the coverage area.

	FY 2014	FY 2015	FY 2016	FY 2017
COVERAGE ACTIVITY:				
VOLUNTARY COVERAGE	65,821	60,584	68,397	74,155
ASSIGNED RISK	25,372	25,793	28,013	27,025
SELF INSURED	1,085	897	1,458	1,402
REINSTATEMENTS	19,958	19,644	20,073	20,168
<u>TOTALS</u>	<u>112,236</u>	<u>106,918</u>	<u>117,941</u>	<u>122,750</u>
TERMINATION ACTIVITIES:				
1. CHANGE OF CARRIER	1,655	1,548	1,950	1,695
2. OUT OF BUSINESS	429	450	502	578
3. BUSINESS SOLD	237	227	262	294
4. NO EMPLOYEES	289	299	348	357
5. PREMIUM PAYMENT DUE	14,910	13,627	13,690	14,390
6. REQUEST OF CARRIER	11,920	12,424	12,520	12,305
<u>TOTALS</u>	<u>29,440</u>	<u>28,575</u>	<u>29,272</u>	<u>29,619</u>

The following amounts reflect a summary of statistical data for civil penalties collected in the Workers' Compensation Coverage Division. These penalties are collected from carriers for failure to accurately file coverage forms with the department and are collected from employers for failure to obtain or maintain workers' compensation coverage.

COLLECTED FROM	FY2014	FY2015	FY2016	FY2017
CARRIERS	\$502,841	\$449,120	\$670,843	\$625,271
EMPLOYERS	\$290,895	\$196,944	\$186,695	\$291,640
<u>GRAND TOTAL</u>	<u>\$793,736</u>	<u>\$646,064</u>	<u>\$857,538</u>	<u>\$916,911</u>

**PAID OUTS BY CARRIER AND SELF INSURED
DIRECT LOSSES PAID BY CALENDAR YEAR**

	TOTAL	CARRIER	SELF INSURED
1999	155,752,534	118,108,466	37,644,068
2000	157,765,656	121,963,011	35,802,645
2001	171,805,723	132,906,795	38,898,928
2002	173,592,437	137,214,741	36,377,696
2003	181,268,664	142,406,240	38,862,424
2004	176,355,359	133,333,292	43,022,067
2005	178,870,260	136,540,976	42,329,284
2006	179,237,459	132,895,999	46,341,460
2007	175,263,530	126,370,716	48,892,814
2008	196,043,393	140,430,888	55,612,505
2009	194,768,531	137,918,058	56,850,473
2010	198,794,947	139,082,743	59,712,204
2011	193,604,595	133,422,786	60,181,809
2012	190,897,981	130,063,383	60,834,598
2013	188,221,994	125,386,066	62,835,928
2014	180,836,485	118,488,790	62,347,695
2015	181,495,170	122,844,009	58,651,161
2016	175,080,094	115,421,318	59,658,776

VOCATIONAL REHABILITATION SERVICES

It is the understanding and philosophy of the department that the vocational rehabilitation of occupationally disabled individuals is the most efficient and economical approach to the resolution of problems experienced by injured employees to establish an alternative to their previous occupation. It is the department's goal to ensure that, when appropriate, full rehabilitation is afforded to each individual, with a return to suitable employment as the eventual outcome. The department monitors and, as necessary, directs the process.

All referrals of injured employees by the insurance companies for vocational rehabilitation are reported to the department. Other documents required are the Individual Written Rehabilitation Plan (IWRP), as of 01/01/91, and the notification of the closure of services. In FY16, the rehabilitation unit staff received 60 referrals. In FY16 cases were closed in the following statuses: 9 have returned to work; 26 received lump sum settlements; 2 required medical management only; 1 referral was closed at the carrier's request; and 22 were closed for "other reasons". This last category includes reasons such as relocation out of state, refused service, death, Labor Department Hearing Decision, and other circumstances not elsewhere classified.

In reviewing FY17, there were 44 referrals. In FY17 cases were closed in the following statuses: 5 have returned to work; 5 received lump sum settlements; 2 required medical management only; 4 referrals were closed at the carrier's request; and 28 were closed for "other reasons". This last category includes reasons such as relocation out of state, refused service, death, Labor Department Hearing Decision, and other circumstances not elsewhere classified.

In FY16, the average length of time from date of injury to date of referral increased to 897 days. In FY17, the average decreased to 652 days. To achieve a positive outcome, VR referrals need to be made earlier in the process. The average duration of services (from date of referral to date of closure) decreased to 122 days in FY16 and to 57 days in FY17. Of the cases that closed, the time needed for a vocational rehabilitation case to progress from the date of injury to the date of closure decreased to 770 days in FY16 and to 242 days in FY17.

The following is a summary of the services being provided in the Individual Written Rehabilitation Plans filed with the department on behalf of the employees receiving vocational rehabilitation services. In FY16 and FY17, job placement occurred in 43% of the cases, while 34% received vocational counseling, exploration, and/or testing. Educational and skill training in FY16 and FY17 occurred in 11% of the cases, an increase of 2% from the previous biennium. Many injured employees still continue to need various skills training to enhance their job placement. There was 1 formal Training Agreements approved by the department in FY16, and 5 in FY17. The percentage of cases having no IWRPs written for service was 37% of all the referrals in FY16 and 50% for referrals in FY17.

Other functions of the vocational rehabilitation staff include informal dispute resolution, review of requests for job modification reimbursement, and review of reports of extended disability (form 74 WCA). Informal dispute resolution meetings are held at the department with all parties participating in person or by phone. At the Department level, in FY16 13 hearings were held and in FY17 12 hearings were held. At the Appeal level, in FY16 4 appeals were held and in FY17 3 appeals were held.

All requests for reimbursement for job modification are reviewed and approved or denied by this office. In calendar year 2015, 20 applications were approved, and 1 was denied. A total of \$22,000.32 was reimbursed to 16 employers and 1 state agency. In calendar year 2016, 19 applications were approved, and 3 were denied. A total of \$9,198.83 was reimbursed to 12 employers and 1 state agency. Even though the application process is simple, the number of employers taking advantage of this program continues to be very small.

With regards to Reports of Extended Disability (74WCA), 56 were submitted in FY16 and 16 were submitted in FY17. The number of cases submitted for review in this biennium decreased by 71%.

Effective 01/01/95, any person providing vocational rehabilitation services under RSA 281-A:25 as a vocational rehabilitation provider has to be certified by the Department of Labor. The governor appoints a Vocational Rehabilitation Provider Advisory Board. The responsibilities of this Board include the review of the applications and renewals. Currently, there are 29 Certified Vocational Rehabilitation Providers (CVRP) in 4 states serving injured employees from NH. Training sessions are provided annually for these individuals by the department's Vocational Rehabilitation staff.

Formal presentations and informal discussions are ongoing. The educational effort is continuous. With all the parties being well informed, the injured employee should benefit by being returned to the employment world with a restored earning capacity.

WORKERS' COMPENSATION MANAGED CARE

Workers' Compensation Managed Care has been providing case management to injured workers since 1994. There are currently seven (7) approved Managed Care Organizations in New Hampshire that provide case management services statewide. Approval to operate a managed care organization in NH is granted by the Workers' Compensation Advisory Council on the recommendation of the Department of Labor.

The program criteria and approval process is outlined in the Workers' Compensation Managed Care rules, LAB 703. The organization is required to submit to the Department of Labor a copy of their managed care program. The Commissioner reviews the program criteria to confirm that it meets the necessary components as specified in managed care rules. Additionally, the commissioner shall review each managed care program for purposes of determining the program's continued compliance with the standards for approval and delivery of service prior to the expiration of 3 years from the date the program's approval was ratified by the advisory council. Subsequent reviews shall take place at least once every 5 years thereafter, or whenever the commissioner determines that such a review is required.

Managed Care Organizations offer the services of an injury management facilitator (IMF) and a comprehensive network of medical providers to assist the employee with their workers' compensation claim. The IMF is able to provide education on the workers' compensation process to employers and employees. These services are the keys to successful implementation of managed care.

Injury management facilitators, who are approved by the WC Advisory Council, provide case management to the injured employee. The IMF's role is to coordinate among the injured employee, health care professional and insurer to provide the employee with timely, effective and appropriate health care services in order to achieve maximum medical improvement and an expeditious return to work. They must follow the protocols of the Managed Care Organization who has retained their services.

The Department of Labor closely monitors the performance and impact of managed care organizations in NH. Injury management facilitators are required to participate in training seminars and/or use training tapes on the laws and rules of Managed Care and benefit provisions of the Workers' Compensation law.

INSPECTION DIVISION

MISSION STATEMENT: To protect the public safety and economic well-being of New Hampshire's workforce through enforcement and education.

The Inspection Division is responsible for administering and enforcing the NH Protective Legislation Law, NH Citizens Job Protection Law, NH Whistleblowers' Protection Act, NH Youth Employment Law, NH Minimum Wage Law, NH WARN Act (Worker Adjustment and Retaining Notification Act), NH Boiler and Pressure Vessel Law, NH Elevator and Accessibility Lift Law, Safety & Health Laws, and the Worker's Right to Know Law. Along with these laws, the division also enforces administrative rules dealing with the payment of wages, safety and health, whistleblowers' protection, youth employment, boilers, pressure vessels, and elevators.

The division staff processes and adjudicates wage claims and whistleblowers' complaints. Hearings are held concerning the claims as well as the disbursement of checks secured concerning the disputes. The division also settles many disputes via telephone and e-mail when possible.

The division conducts full inspections to ensure employers are in compliance with all NH labor laws, which may result in payment of wages due to employees as well as civil penalties assessed against employers. The Division has implemented an informal settlement process for employers to attend to show compliance and settle civil penalties often without the need for a formal hearing.

Education has been a major objective of the Inspection Division through seminars being held throughout the state as well as for individual companies upon request. E-mail alerts sent out to employers is another avenue the department uses to keep businesses informed of changes in laws, rules or posters.

Monitoring of all workers under 18 is another task of the Division, by checking for compliance with the NH Youth Employment laws concerning permits, hours worked and type of occupations held.

Students participating in school-sponsored work programs are being afforded the protections provided by labor laws. Such programs as School-To-Work, Co-op Programs, Internships and Building Trades Programs are required to be registered and approved by the Division to ensure a safe quality learning experience.

Another part of the Division's responsibility is to ensure continued compliance with elevator, accessibility lift, boiler, and pressure vessel safety codes adopted by New Hampshire. This is done by inspection, enforcement, administration and licensing processes, which protect employees and other citizens who may go into a building where there are elevators and/or accessibility lifts, boilers, or pressure vessels.

Along with performing safety related inspections in various work places, the Division performs safety related training seminars throughout the state to inform employers of the law and their responsibilities. The staff assists employers on developing their own personalized safety program. Also, Safety Summary Forms required to be filed with the Department of Labor are monitored and reviewed for compliance with NH safety laws and rules.

Information is available at www.NH.gov/labor

W&H TOTAL COLLECTED

	FY 2016	FY 2017
WAGE CLAIMS	\$ 819,037	\$ 442,373
WAGE COMPLAINTS	\$ 129,953	\$140,623
WAGE ADJUSTMENTS	\$ 414,141	\$ 464,535
TOTAL MONIES TO EMPLOYEES	\$1,363,131	\$1,047,531

WAGE CLAIM PROCESS

Written claims are filed by employees for unpaid wages, commissions and unpaid fringe benefits, such as vacation pay, holiday pay, severance pay, sick pay, bonuses, expenses, etc. The process is by mail and/or online and may or may not include a hearing.

	FY 2016	FY 2017
TOTAL EMPLOYERS	519	479
TOTAL EMPLOYEES	565	537
WAGES COLLECTED	\$ 819,037	\$ 442,373

WAGE COMPLAINT PROCESS

The wage complaint process occurs when an employee notifies the division via telephone or email with a wage complaint and an inspector calls the employer. As a result of a call, the employer subsequently pays the wages.

	FY 2016	FY 2017
TOTAL EMPLOYEES	323	335
TOTAL COLLECTED	\$ 129,953	\$ 140,623

WAGE ADJUSTMENTS

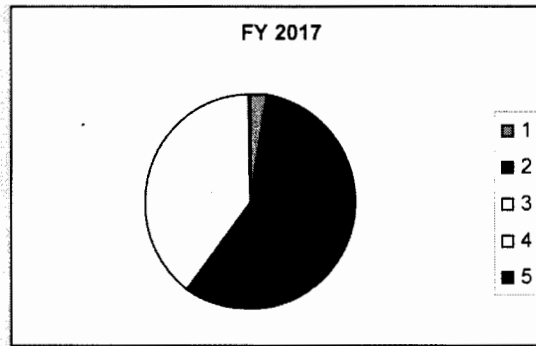
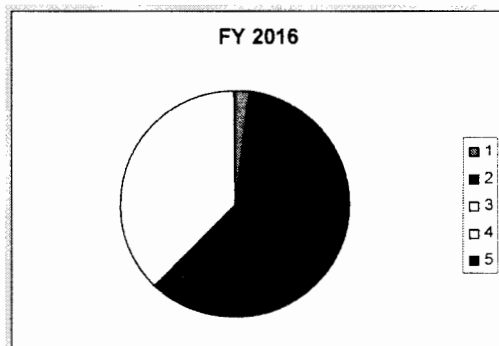
	FY 2016	FY 2017
NUMBER OF EMPLOYERS FOUND IN VIOLATION	175	153
DOLLARS COLLECTED	\$ 414,141	\$ 464,535

ONSITE INSPECTIONS

INSPECTIONS CONDUCTED	FY 2016	FY 2017
FIRST INSPECTION	762	790
COMPLAINT	0	1
REINSPECTION	2	4
SPECIAL	94	142
<u>TOTAL INSPECTIONS</u>	<u>858</u>	<u>937</u>

% BREAKDOWN OF VIOLATIONS

	FY 2016	FY 2017
YOUTH EMPLOYMENT	10.5	9.8
PROTECTIVE LEGISLATION	61.2	62.3
MINIMUM WAGE	23.6	23.3
BOILERS	0	0
ELEVATORS	0	0
CITIZEN PROTECTIVE LEGISLATIVE	3.7	3.9
SAFETY	.6	.4
WORKERS COMP	.4	.3
<u>TOTAL %</u>	<u>100</u>	<u>100</u>



WHISTLEBLOWERS' PROTECTION ACT

The Whistleblowers' Protection Act process allows employees who feel they were discriminated against or discharged for either reporting an alleged violation of law, or that they participated in an investigation regarding the violation, or for refusal to execute an illegal directive to file a claim. These employees could be seeking back wages, benefits, reinstatement of their job, seniority level or any other injunctive relief the department believes should be provided. The Departments issue a decision after the hearing is held.

	FY 2016	FY 2017
WAGE CLAIM PAID	2	0
HEARING- CLAIM VALID	0	0
HEARING- CLAIM INVALID	3	3
HEARING- NO APPEARANCES	0	0
NO JURISDICTION	2	1
APPEAL	0	0
CLAIMANT DID NOT PURSUE	6	13
SETTLED	1	2
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TOTAL CASES CLOSED	14	19

HEARINGS

One of the functions of the Department is to hold hearings regarding the wage claim, Whistleblowers' and Civil Penalty assessments. *The Civil Penalty process also allows an informal meeting to occur previous to a formal hearing. This process has been very successful which has decreased the necessary for formal hearings, including employers with many locations and multiple cases. In response to the wage claims, we did additional Orders for Payments, which do not involve holding a hearing, as allowed by the statute. Also, civil penalty appeals board hearings are held by the appeals board at the department.

	FY 2016	FY 2017
WAGE CLAIM HEARINGS	258	290
CIVIL PENALTY HEARINGS	90	100
CIVIL PENALTY APPEALS BOARD HEARING	8	2
WHISTLEBLOWERS' HEARINGS	3	5
WAGE ADJUSTMENT HEARINGS	11	24
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TOTAL HEARINGS CONDUCTED	370	421
INFORMAL MEETINGS HELD	215	221
ORDERS FOR PAYMENT	17	19

CIVIL PENALTIES

Civil penalties are assessed to employers when violations of the New Hampshire Labor Laws have been cited.

ASSESSMENTS-COLLECTED:	FY 2016	FY 2017
SAFETY	\$ 18,635	\$ 14,725
YOUTH EMPLOYMENT	230,975	124,577
MINIMUM WAGE	41,476	26,100
PROTECTIVE LEGISLATION	407,332	359,195
BOILER	22,450	19,650
ELEVATOR	58,015	55,100
PRESSURE VESSEL	13,000	9,250
CITIZENS PROTECTION	19,749	31,036
<u>WORKERS COMPENSATION</u>	<u>944,592</u>	<u>1,056,192</u>
TOTAL	\$1,756,224	\$1,695,825

YOUTH EMPLOYMENT

To ensure that minors are not placed in hazardous jobs, the Division monitors all NH Youth Employment Certificates issued by the school principals and superintendents. The NH Youth Employment Law does not require certificates for 16 and 17 year old minors to be reported to this division. Written parental permission is required to be kept on file at each employer for 16 and 17 year old minors.

FY 2016

AGE	MALES	FEMALES	TOTALS
12 & 13	76	108	184
14 & 15	2223	2380	4603

TOTAL: 4787

FY 2017

AGE	MALES	FEMALES	TOTALS
12 & 13	61	94	155
14 & 15	2213	2554	4767

TOTAL: 4922

BOILER AND ELEVATOR ACTIVITY

	FY 2016	FY 2017
REC'D FOR BLUE PRINTS	\$43,800	\$41,646
REC'D FOR CERTIFICATES & LICENSES & SVC FEES	\$1,016,072	\$998,903
TOTAL	\$1,059,872	\$1,040,549

INSPECTIONS CONDUCTED

	FY 2016	FY 2017
PRESSURE VESSELS	3,993	3,931
BOILERS	7,192	6,478
ELEVATORS	5,240	5,216
ELEVATOR SAFETY TESTS	654	635
ACCEPTANCE TESTS CONDUCTED	147	137
BY STATE BOILER INSPECTOR	850	701
BY STATE ELEVATOR INSPECTOR	726	687

TOTAL LICENSES ISSUED

	FY 2016	FY 2017
BOILER INSPECTORS	102	109
ELEVATOR INSPECTORS	85	77
ELEVATOR MECHANICS	303	148

SAFETY INSPECTIONS

Safety and health inspections and safety and health training sessions continue to be an important function of the Inspection Division. We continually provide these services to numerous public and private employers. Compliance inspections conducted in the public sector encompass all municipalities and public schools.

SAFETY COMPLIANCE INSPECTIONS		
	FY 2016	FY 2017
Initial	46	18
Re-Inspection	13	6
Complaints	0	0
Accident Investigation	0	1
No Safety Summary Form	309	222
Investigations	71	30
Other	1,027	820
Totals	1,466	1,097

STATE APPRENTICESHIP ADVISORY COUNCIL

Report 7/1/2015– 6/30/2017

The State Apprenticeship Advisory Council is established by RSA chapter 278. It is composed of representatives from the Department of Labor, Department of Employment Security, and the Department of Education along with two appointed members who represent employers and two who represent employees. The Council meets quarterly or as often as needed to establish, maintain, review and recommend the approval of apprenticeship programs and assist the USDOL Office of Apprenticeship in any way necessary.

During the period of July 1, 2015 to June 30, 2017, the State Apprenticeship Advisory Council met **8** times and reviewed and recommended **70** program sponsors. In addition, **4,022** apprentices were served of which **857** completed with an average wage of **\$22.56**.

The Council approves curriculum, reviews credit requests, receives information on the progress of ongoing apprenticeship programs, and stays up-to-date on changes in the federal regulations regarding apprenticeship, and also discuss many other topics that affect the apprenticeship program.

LABOR LAW TRAINING

The Inspection Division held seminars in different locations around the State offering training to employers, both in the public and private sectors in order to assist them in understanding how to stay in compliance with NH labor laws. Free packets consisting of the NH Labor laws, Administrative Rules, Posters and other forms are supplied to all participants.

	FY16	FY17
TRAINING SESSIONS	38	32
EMPLOYERS TRAINED	2,385	2,547

PHYSICAL PLANT AND PROPERTY APPRAISAL

	End of FY 2016	End of FY 2017
EQUIPMENT	\$ 1,230,272	\$1,223,426
PHYSICAL PLANT		
FARM		
<u>HIGHWAY</u>		
TOTAL	\$ 1,230,272	\$1,223,426