



# State of New Hampshire

## Department of Labor

Ken Merrifield  
Commissioner of Labor  
Rudolph W. Ogden III  
Deputy Commissioner

3A  
Hugh J. Gallen  
State Office Park  
Spaulding Building  
PO Box 2076  
Concord, NH 03302-2076  
603/271-3176

October 1, 2019

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 staff of the New Hampshire Department of Labor are pleased to submit their 63rd Biennial Report, for the period of July 1, 2017 through June 30, 2019. Our report reflects the efforts and activities of the Department over the past two fiscal years. We hope that our report readers enjoy the new format we are introducing.

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 and positive contacts with employers and insurers in the future, as we believe a safe and fair workplace is best achieved through positive educational efforts.

Thank you for your support 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



63rd Biennial Report

July 1, 2017 to June 30, 2019

As required by RSA 273:10 and

RSA 281-A:61

### Mission

*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  
being a proactive and accessible resource to employees  
and employers; ensuring fair and consistent labor practices; uti-  
lizing progressive technologies; having efficient and  
responsive processes; treating all individuals with respect  
and courtesy; and being competent and professional*

Commissioner

Ken Merrifield

Deputy Commissioner

Rudolph W. Ogden III

95 Pleasant Street

Concord New Hampshire 03301

TO THE  
GOVERNOR AND EXECUTIVE COUNCIL

HIS EXCELLENCY, GOVERNOR  
CHRISTOPHER T. SUNUNU

THE HONORABLE MICHAEL J. CRYANS  
EXECUTIVE COUNCILOR - FIRST DISTRICT

THE HONORABLE ANDRU VOLINSKY  
EXECUTIVE COUNCILOR - SECOND DISTRICT

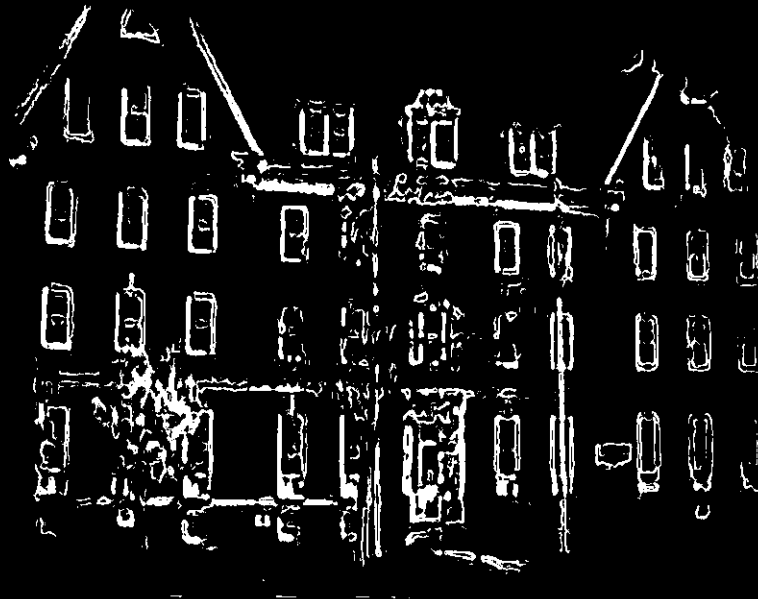
THE HONORABLE RUSSELL E. PRESCOTT  
EXECUTIVE COUNCILOR - THIRD DISTRICT

THE HONORABLE THEODORE L. GATSAS  
EXECUTIVE COUNCILOR - FOURTH DISTRICT

THE HONORABLE DEBORA B. PIGNATELLI  
EXECUTIVE COUNCILOR - FIFTH DISTRICT

# STATE OF NEW HAMPSHIRE — DEPARTMENT OF LABOR

63rd Biennial Report



*This 63rd edition is dedicated to the memory of our colleague, Chief Boiler Inspector Darrell Mallory. He will be greatly missed. His determination, courage, and faith were an inspiration to us all.*

*Special thanks to the NH Department of Business & Economic Affairs—Division of Travel & Tourism for our use of their New Hampshire photography in this publication.*

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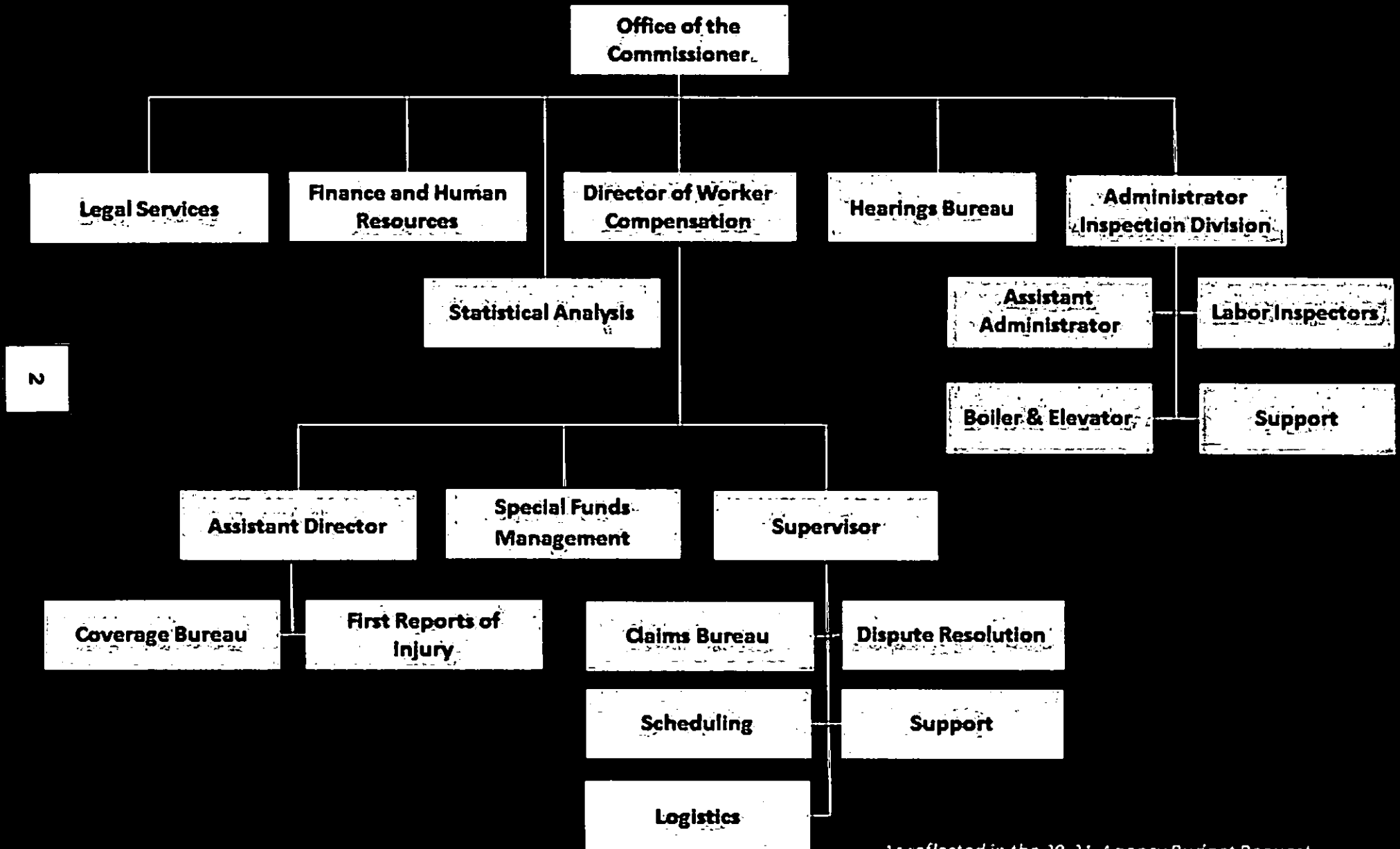
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Respectfully submitted,

Ken Merrifield  
Commissioner of Labor

# New Hampshire Department of Labor



*As reflected in the 20-21 Agency Budget Request*



## Administration

The Commissioner's Office is pleased to report some of the progress being made at the Department of Labor during the last biennium:

- ◆ In response to prior observations by the Legislative Budget Assistant, the Department has documented a new cost allocation plan which served as the basis for our 20-21 budget request. Costs attributed to either of our two primary revenue sources are now traceable to measurable statistics in our operations.
  - ◆ Managers and SEA representatives are meeting monthly as a new Policy Team, establishing and promulgating internal policy and procedure for the agency. To date, eighteen policies have been codified, indexed, and scheduled for future review.
  - ◆ The Worker's Compensation division has launched an opioid mediation process in the context of worker compensation cases.
  - ◆ By digitizing or discarding unnecessary paper records, the Department has recovered a second conference room on the ground floor of the Spaulding Building, creating dedicated training space that also served as the site for the Governor & Council breakfast meeting of February 20, 2019.
- ◆ Recognizing the many risks to our operation, the Department has launched a formal Risk Assessment procedure. The Team meets quarterly to assess operational risks and mitigation efforts.
  - ◆ The Deputy Commissioner has been honored to serve on the Governor's statewide collective bargaining team.
  - ◆ A careful review of Department finances determined that \$500,000 previously held in dedicated fund accounts should be returned to the state's General Fund, so these monies were lapsed at the end of SFY 2018.
  - ◆ The Department was also able to reduce its actual expenditures in SFY 2019 when compared to actual expenditures in SFY 2018.

## Labor—Management Committee

- ◆ The Labor Department has not had its own Labor-Management committee in some time, but this group has been revived and meets quarterly to discuss matters of mutual interest. The group sponsored an ice cream social for all staff this past summer.

## Modernization Efforts

- ◆ The Department of Labor has had a document imaging and routing system in place for over 18 years, but the system is in need of replacement. Management has been working closely with DoIT on the procurement process.
- ◆ The Department was pleased to reestablish its bureau of statistical analysis with the hiring of a dedicated Business Systems Analyst. The position will assist management with timely reporting on Department operations of all types. This will lead to more agile decision making.

## Hearings Bureau Reorganization

Historically, the Department's hearings officers were embedded within the two operational divisions. In order to provide a better platform for ensuring equitable, consistent, and efficient adjudicative processing, we have created a unified, independent Hearings Bureau. This change is consistent with the language and intent of the Department's organizational framework set forth in statute under RSA 273:4-b, and is modelled on best practices in other state agencies.

The Bureau is led by a new Hearings Administrator position. In addition to managing the entire portfolio of department-level hearings, the Administrator is also responsible for supervising the Department's rulemaking efforts.

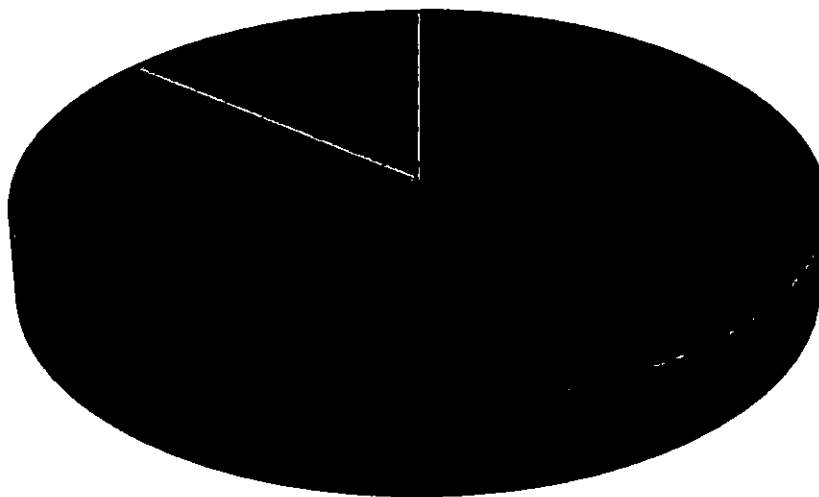
Further information about the Bureau and its activities can be found later in this Biennial Report on page 22.



# Receipts for the Biennium by Class

|   | <u>SFY 2018</u>   | <u>SFY 2019</u>   |
|---|-------------------|-------------------|
| 006 RESTRICTED FUND SUPPORTING OPERATIONS         | 1,670,090         | 1,510,730         |
| 009 WC ADMINISTRATION FUND SUPPORTING OPERATIONS  | 7,520,716         | 6,877,012         |
| 006 RESTRICTED FUND TRANSFER TO GENERAL FUND      | 923,500           | 1,358,898         |
| <b>TOTAL OPERATING REVENUES</b>                   | <b>10,114,306</b> | <b>9,746,640</b>  |
| 003 REVOLVING FUNDS - WAGE CLAIM SETTLEMENTS      | 9,384             | 24,482            |
| 003 REVOLVING FUNDS - SPECIAL FUND FOR 2ND INJURY | 18,505,296        | 17,871,582        |
| <b>TOTAL REVOLVING FUND RECEIPTS</b>              | <b>18,514,679</b> | <b>17,896,063</b> |
| <i>**non-appropriated, revolving accounts</i>     |                   |                   |

## Department of Labor SFY 2019 Actual Operating Revenue Source of Funds

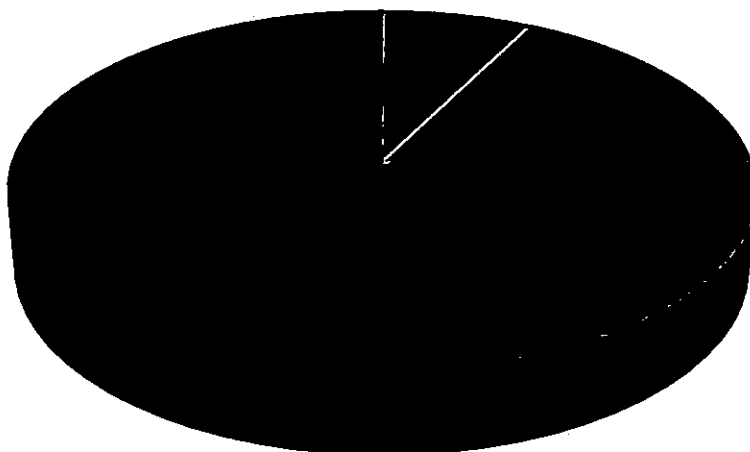


- WC Administration Fund
- Inspection Penalties-Fees-Certificates
- Restricted Fund Returned to the General Fund

# Expenditures for the Biennium by Class

|   | <u>SFY 2018</u>  | <u>SFY 2019</u>  |
|---|------------------|------------------|
| 010 PERSONAL SERVICES PERMANENT               | 3,483,462        | 3,571,537        |
| 011 PERSONAL SERVICES UNCLASSIFIED            | 110,542          | 118,124          |
| 012 PERSONAL SERVICES UNCLASSIFIED            | 73,505           | 102,428          |
| 020 CURRENT EXPENSES                          | 124,735          | 148,156          |
| 022 RENTS-LEASES OTHER THAN STATE             | 8,669            | 7,708            |
| 024 MAINTENANCE                               | 6,543            | 7,505            |
| 026 ORGANIZATIONAL DUES                       | 3,195            | 3,937            |
| 027 TRANSFERS TO DOIT                         | 1,054,991        | 968,018          |
| 028 TRANSFERS TO GENERAL SERVICES             | 284,183          | 283,232          |
| 030 EQUIPMENT NEW REPLACEMENT                 | 64,331           | 108,530          |
| 039 TELECOMMUNICATIONS                        | 54,661           | 55,141           |
| 040 INDIRECT COSTS                            | 258,202          | 178,141          |
| 049 TRANSFER TO OTHER STATE AGENCIES          | 2,588            | 2,722            |
| 050 PERSONAL SERVICE TEMP                     | 171,865          | 130,178          |
| 057 BOOKS PERIODICALS SUBSCRIPT               | 2,692            | 3,849            |
| 060 BENEFITS                                  | 1,983,498        | 2,018,510        |
| 062 WORKERS COMPENSATION                      | 25,238           | (27,256)         |
| 064 RET PENSION BENEFITS                      | 405,226          | 331,050          |
| 065 BOARD EXPENSES                            | 325,768          | 307,266          |
| 070 IN STATE TRAVEL                           | 72,800           | 61,676           |
| 080 OUT OF STATE TRAVEL                       | 2,430            | 154              |
| <b>TOTAL OPERATING BUDGET EXPENDITURES</b>    | <b>8,519,125</b> | <b>8,380,605</b> |
| 054 TRUST FUND EXPENDITURES                   | 18,514,679       | 17,896,063       |
| <i>**non-appropriated, revolving accounts</i> |                  |                  |

## Department of Labor SFY 2019 Actual Expenditures by Division



- Administration & Support
- Inspection Division
- Worker Compensation Division

# Personnel

94 fulltime authorized positions as reflected  
in the 20-21 Budget Request:

| WORKER COMPENSATION DIVISION  |    |
|-------------------------------|----|
| ADMINISTRATIVE ASSISTANT I    | 2  |
| ADMINISTRATIVE SECRETARY      | 1  |
| ADMINISTRATOR II              | 1  |
| ADMINISTRATOR IV              | 1  |
| CLAIMS AND HEARINGS CLERK I   | 3  |
| CLAIMS AND HEARINGS CLERK II  | 3  |
| CLAIMS PROCESSOR II           | 2  |
| CLERK III                     | 1  |
| DATA CONTROL CLERK I          | 4  |
| HEARINGS OFFICER              | 7  |
| HEARINGS EXAMINER             | 1  |
| PROGRAM ASSISTANT I           | 6  |
| PROGRAM ASSISTANT II          | 1  |
| PROGRAM SPECIALIST I          | 2  |
| PROGRAM SPECIALIST II         | 1  |
| PROGRAM SPECIALIST III        | 1  |
| RESEARCH ANALYST              | 1  |
| SECRETARY II                  | 4  |
| SUPERVISOR IV                 | 1  |
| BUSINESS SYSTEMS ANALYST II   | 1  |
| WKRS COMP SPECIAL FUNDS COORD | 1  |
|                               | 45 |

| ADMINISTRATION DIVISION      |    |
|------------------------------|----|
| ADMINISTRATIVE ASSISTANT I   | 1  |
| ADMINISTRATIVE SECRETARY     | 1  |
| ATTORNEY I                   | 1  |
| ATTORNEY IV                  | 1  |
| BUSINESS ADMINISTRATOR III   | 1  |
| CLERK INTERVIEWER            | 2  |
| HUMAN RESOURCES TECHNICIAN   | 1  |
| PROGRAM ASSISTANT I          | 1  |
| PROGRAM ASSISTANT II         | 1  |
| DEPUTY COMMISSIONER (LABOR)  | 1  |
| COMMISSIONER (DEPT OF LABOR) | 1  |
|                              | 12 |

| INSPECTION DIVISION       |    |
|---------------------------|----|
| BOILER INSPECTOR          | 1  |
| CHIEF BOILER INSPECTOR    | 1  |
| CHIEF ELEVATOR INSPECTOR  | 1  |
| ELEVATOR INSPECTOR        | 3  |
| LABOR INSPECTOR           | 24 |
| PROGRAM ASSISTANT I       | 4  |
| SUPERVISOR IV             | 1  |
| WAGE & HOUR ADMINISTRATOR | 1  |
| WORD PROC OPERATOR II     | 1  |
|                           | 37 |

# Legislative Updates

## 2018 Legislative Session

### Enacted Labor Law changes:

**SB 318 – Title: Relative to the Department of Labor: Effective 7/25/18**

Amends several areas of labor law under RSA 273, RSA 275, RSA 276-A and RSA 279

- Created proportionality of inspections performed by NHDOL;
- No longer requires filing of copy of work schedule with NHDOL and requires employers to make work schedule available to employees;
- Prohibits employers from requiring employees to wear uniforms unless provided with one reasonably suited for conditions of wear at no cost to employee;
- Amended restrictions to hours worked for 16 and 17 year olds when school is in session for specified number of days, regarding truant officers and investigators inspecting places of employment, and requires employers to make available to all youth notice of hours of work, meal time, and maximum number of hours youth are permitted to work in a day; and
- Amended keeping of records of hours and wages under Minimum Wage law.

**SB 417 – Title: Relative to Day of Rest for Employees of Recreation and Youth Skills Camps: Effective 7/29/18**

Amends RSA 275:35 to include employees of a recreation camp or a youth skill camp to the exemptions listed for Sunday Work under RSA 275:32 and Day of Rest under RSA 275:33.

**SB 428 – Title: Relative to Weekly and Biweekly Wages: Effective 7/29/2018**

Requires employer to pay all wages due to employees within 8 days after expiration of work week or within 15 days after expiration of the work week if paid on a weekly basis on regular paydays designated in advance at no cost to the employee.

### Enacted Worker Compensation Law changes:

**SB 84 – Title: Relative to Payment of Workers' Compensation Benefits by Direct Deposit: Effective 1/1/2019**

Allows for workers' compensation indemnity payments to be made by direct deposit, at the election of an injured worker.

**SB 351 – Title: Relative to Managed Care Programs under Workers' Compensation: Effective 1/1/2019**

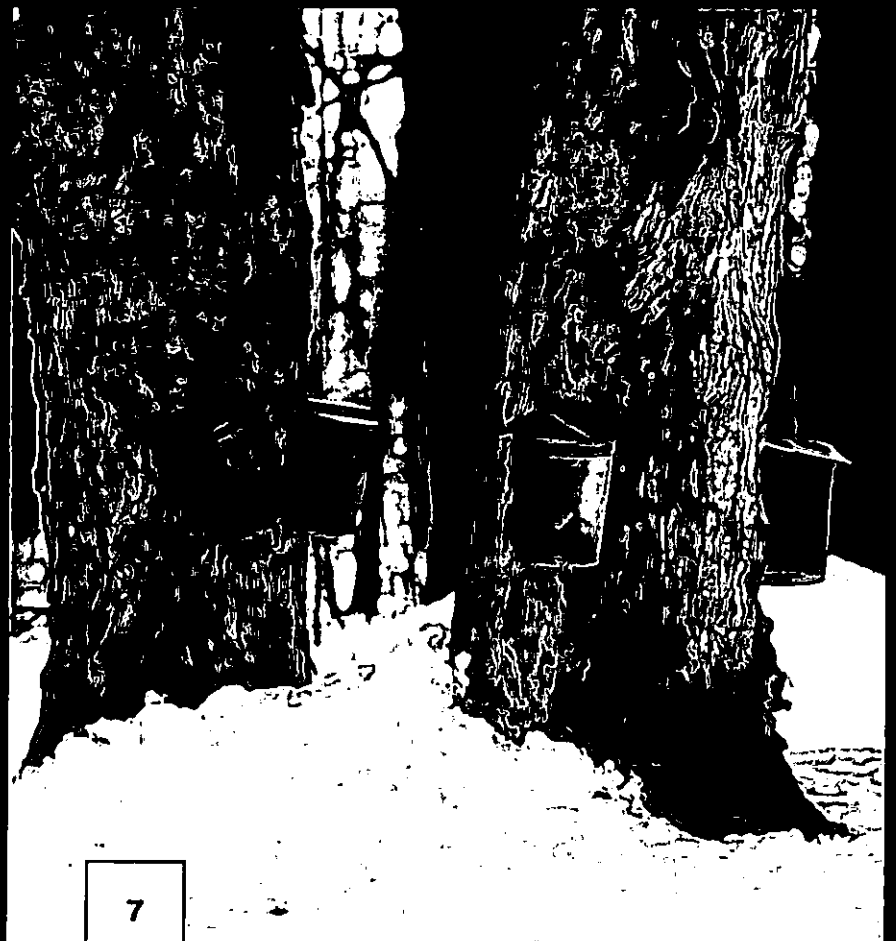
Allows for approval of individuals operating as injury management facilitators not directly employed by but working in conjunction with managed care programs.

**HB 407 – Title: Requiring Workers' Compensation to cover prophylactic treatment for exposure: Effective 1/1/2019**

Requires workers' compensation insurance carrier to pay, without prejudice to the issue of causal relationship of any subsequently diagnosed bloodborne or airborne disease, expenses associated with medical evaluation and recommended post-exposure prophylaxis treatment for emergency response and public safety workers.

**SB 541- Title: Relative to the presumption under Workers' Compensation requiring the reimbursement of costs associated with firefighters who have cancer: Effective 7/10/2018**

Alters criteria to benefit from the prima facie presumption that cancer disease in firefighters is occupationally related



# Legislative Updates

## 2019 Legislative Session

### Enacted Labor Law changes:

#### **HB 223 – Title: Relative to Night Work: Effective 7/14/2019**

Clarifies language relative to night work for employed youth engaged in night work from working more than 8 hours in any 24-hour period during any work week in which night work is performed.

#### **HB 252 – Title: Establishing a committee to study certain labor statutes: Effective 6/7/2019**

Establishes a committee to study Protective Legislation, Youth Employment Law and Minimum Wage Law.

#### **HB 406 – Relative to reporting and investigation of serious injuries and death in the workplace: Effective 7/14/2019**

Creates requirements for public employers within specified timeframes relative to reporting incidents of serious injury and death to the Department of Labor and requirements relative to Department investigations of reported incidents.

#### **SB 197-Title: Relative to noncompete agreements for low-wage employees: Effective 9/8/2019**

Prohibits employers from requiring low wage earners to enter into noncompete agreements and renders noncompete agreements for low wage earners void and unenforceable.

## STATUTES ADMINISTERED BY THE DEPARTMENT

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

**RSA 273 Department of Labor** Principally provides for the operation and organization of the Department of Labor.

**RSA 157-A Boiler and Pressure Vessel Inspection Law** Establishes that the Department of Labor certifies boilers and pressure vessels for safe operation and issues licenses for all boiler inspectors active within the state.

**RSA 157-B Elevator & Accessibility Lift Law** Establishes that the Department of Labor certifies elevators and accessibility lifts for safe operation and issues licenses for all elevator and accessibility lift inspectors and mechanics active within the state.

**RSA 275 Protective Legislation** Governs the conditions of employment such as the prompt and proper payment of wages. Additionally this chapter provides a platform for the recovery of unpaid wages.

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

**RSA 275-E Whistleblowers' Protection Act** This act provides protection against retaliation for an employee reporting violations of law or for refusing to execute illegal directives

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

**RSA 276-A Youth Employment** Sets forth the requisite standards and safeguards relative to the engagement of workers under the age of 18.

**RSA 277 Safety and Health of Employees** Establishes that the Department of Labor is responsible for addressing workplace safety issues and incidents in the public sphere.

**RSA 277-A Workers' Right to Know Law** Sets forth notice requirements for public employers that have a workforce that is exposed to toxic substances in the workplace.

**RSA 277-B Employee Leasing Companies** Establishes that the Department of Labor regulates Employee Leasing Companies in order to protect employers' and employees' payroll and benefits including tax payments

**RSA 279 Minimum Wage Law** Provides for the Enforcement of minimum wage and overtime payments

**RSA 281-A Workers' Compensation Law** Provides that the Department of Labor administers the workers' compensation system in New Hampshire, inclusive of processing claims, adjudicating benefits and enforcing coverage requirements.

### Enacted Worker Compensation Law changes (2019):

#### **SB 59 – Title: Adding Post Traumatic Stress Disorder and Acute Stress Disorder to the definition of “injury” for purposes of workers’ compensation, establishing the commission to study the incidents of Post Traumatic Stress Disorder in first responders, and clarifying workers’ compensation for firefighter and heart, lung, or cancer disease: Effective 7/17/2019 for all sections not otherwise specified**

Includes post-traumatic stress disorder and acute stress disorder to definition of injury for emergency response/public safety workers; reestablishes the Commission to Study the Incidence of Post Traumatic Stress Disorder in first responders; creates a prima facie presumption that post traumatic stress disorder and acute stress disorder in emergency responders is occupationally related (Section Effective 1/1/2021); defines “tobacco free lifestyle” relative to criteria for presumption of cancer as occupationally related for firefighters and creates reimbursement for specified medical examination.



## Our Mission:

*“To protect the rights of all parties effectively, efficiently and equitably administering the workers’ compensation statute and treating all parties with dignity and respect.”*

## Worker Compensation Division

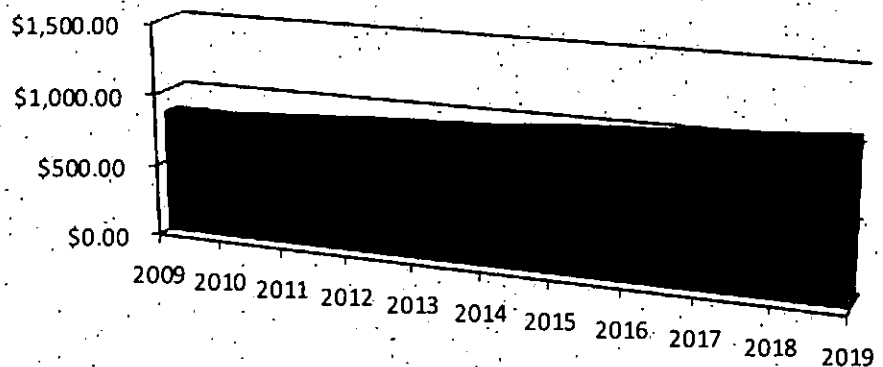
The Workers’ Compensation Division of the New Hampshire Department of Labor enforces the State’s Workers’ Compensation Law (RSA 281-A). The law requires all employers to secure compensation for employees in case of accidental injury, death or occupational disease. This compensation provides both medical payments and wage replacement to injured employees.

The Workers’ Compensation Division is comprised of multiple sections. The **coverage bureau** ensures that all employers either maintain workers’ compensation insurance coverage or receive permission from the Department to be self-insured. The **data entry bureau** processes all reports of work-related injuries. The **claims bureau** schedules hearings when disputes arise, monitors the service of the insurance carriers to ensure compliance with the law, and helps all parties understand the process. The **vocational rehabilitation section** administers the vocational rehabilitation program.

Educating insurance carriers, employers, and employees about workers’ compensation is an important function of the Division. For the system to work properly, employers, employees and insurers must all understand their rights and responsibilities. The Division works with various State and Federal agencies, and private associations to conduct training on the law and administrative regulations. Additional information, forms, and guidance available at <https://www.nh.gov/labor/workers-comp/index.htm>

## Average Weekly Wage

The maximum compensation rate under Workers’ Compensation is derived from the State’s Average Weekly Wage, which is adjusted annually on July 1. The chart below illustrates the growth in AWW over ten years.



# Workplace Injury Statistics

| Injury Outcome               | FY 2018       | FY 2019       |
|------------------------------|---------------|---------------|
| Unknown                      | 4,519         | 5,074         |
| Non Applicable               | 1,334         | 1,806         |
| Cut or Puncture              | 8,270         | 8,758         |
| Bruise                       | 8,910         | 9,466         |
| Muscle Pull/Strain           | 14,006        | 14,355        |
| Burn                         | 1,033         | 1,102         |
| Bites and/or Scratches       | 406           | 406           |
| Broken or Fractured Bone     | 1,255         | 1,333         |
| Amputation                   | 35            | 39            |
| Splinter                     | 1,018         | 974           |
| Heart Attack                 | 64            | 57            |
| Stroke or Seizure            | 3             | 8             |
| Carpal Tunnel                | 119           | 141           |
| Tendonitis                   | 6             | 5             |
| Frost Bite                   | 8             | 10            |
| Heat Exhaustion              | 11            | 42            |
| Occupational Disease (Other) | 865           | 550           |
| Hepatitis Exposure           | 2             | 2             |
| Cancer or Exposure           | 1             | 9             |
| Body Fluid Exposure          | 43            | 55            |
| Electrical Shock             | 79            | 76            |
| Hernia                       | 117           | 116           |
| Rash or Dermatitis           | 170           | 167           |
| Allergic Reaction            | 13            | 10            |
| Stress                       | 1,006         | 1,087         |
| Fumes, Dust, Smoke Inhale    | 29            | 13            |
| Other Respiratory            | 122           | 168           |
| Eyeglasses & Contacts        | 2             | 0             |
| Vision                       | 22            | 31            |
| Hearing Aid                  | 27            | 13            |
| Hearing Loss                 | 25            | 14            |
| Death                        | 8             | 4             |
| <b>Totals</b>                | <b>43,528</b> | <b>45,891</b> |

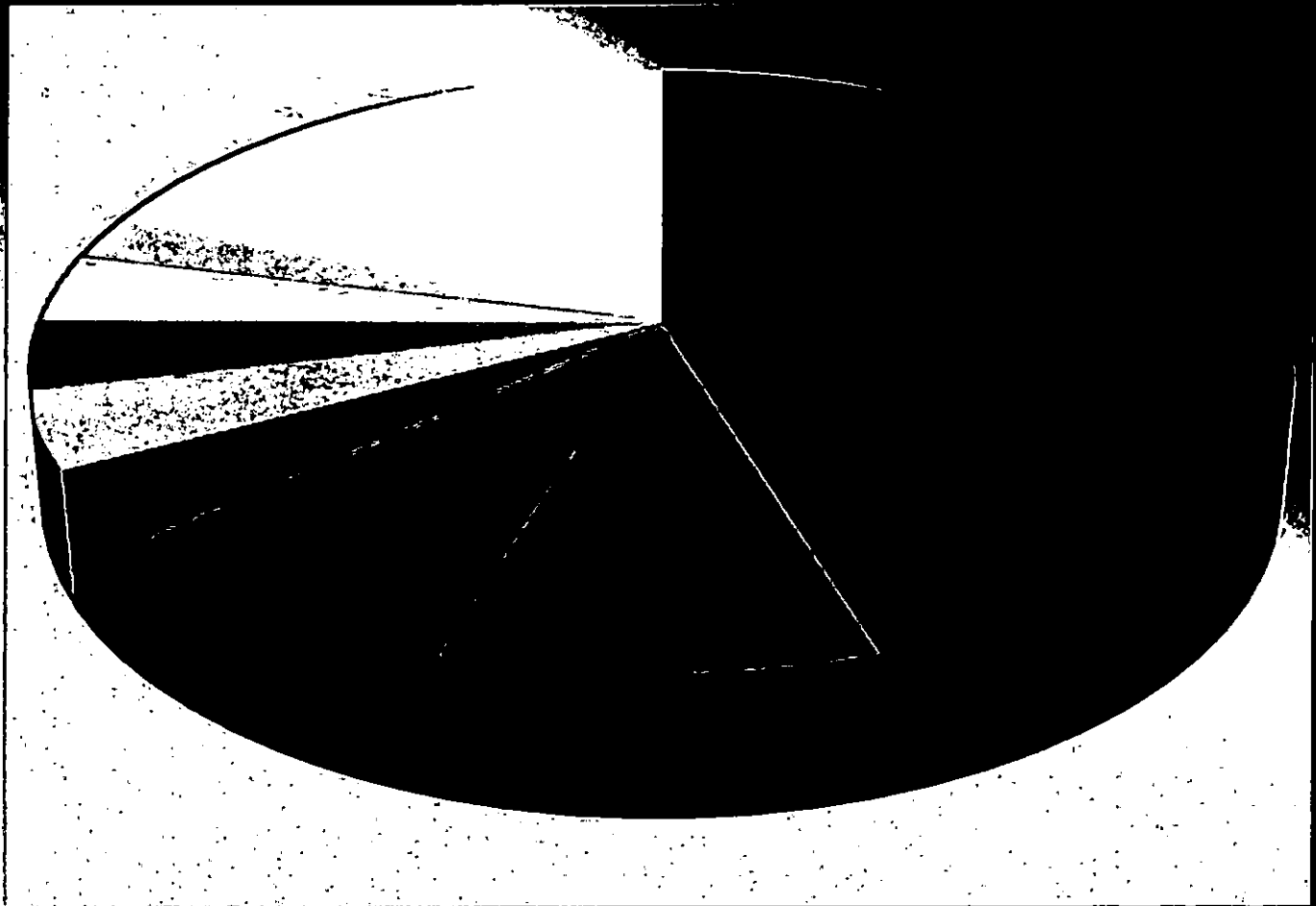
| Cause of Injury        | FY 2018       | FY 2019       |
|------------------------|---------------|---------------|
| Animal                 | 843           | 889           |
| Airborne Particles     | 818           | 794           |
| Criminal Act           | 50            | 63            |
| Chemicals              | 162           | 186           |
| Electricity            | 60            | 59            |
| Hot Liquid             | 868           | 907           |
| Hit by Object          | 4,154         | 4,619         |
| Insect                 | 65            | 51            |
| Lifting Action         | 7,162         | 7,343         |
| Motor Vehicle Accident | 812           | 915           |
| Machinery              | 391           | 419           |
| Non Applicable         | 1,459         | 1,691         |
| Needle                 | 49            | 30            |
| Other                  | 3,981         | 4,274         |
| Plant                  | 707           | 569           |
| Person                 | 4,317         | 5,041         |
| Pinch/Squeeze          | 766           | 842           |
| Quality of Air         | 59            | 72            |
| Repetitious            | 1,048         | 1,086         |
| Slip or Fall           | 10,251        | 10,445        |
| Sharp Object           | 2,345         | 2,523         |
| Tool                   | 2,152         | 2,137         |
| Twist                  | 793           | 739           |
| Unknown                | 213           | 195           |
| Weather                | 3             | 2             |
| <b>Totals</b>          | <b>43,528</b> | <b>45,891</b> |

| Nature of Injury | FY 2018       | FY 2019       |
|------------------|---------------|---------------|
| Unidentified     | 78            | 125           |
| Non Applicable   | 447           | 511           |
| Neck             | 62            | 58            |
| Back             | 803           | 931           |
| Lower Back       | 3,986         | 3,940         |
| Buttocks         | 200           | 230           |
| Heart            | 50            | 56            |
| Brain            | 136           | 157           |
| Thumb            | 1,313         | 1,420         |
| Finger           | 4,819         | 5,139         |
| Hand             | 3,166         | 3,282         |
| Wrist            | 1,859         | 1,983         |
| Arm              | 2,749         | 2,978         |
| Elbow            | 740           | 823           |
| Shoulder         | 2,269         | 2,305         |
| Toe              | 386           | 408           |
| Foot             | 1,223         | 1,283         |
| Ankle            | 1,520         | 1,597         |
| Leg              | 313           | 400           |
| Lower Leg        | 1,150         | 1,273         |
| Knee             | 3,056         | 3,169         |
| Upper Leg        | 17            | 28            |
| Hip              | 407           | 412           |
| Head             | 2,597         | 2,823         |
| Mouth            | 232           | 248           |
| Nose             | 222           | 269           |
| Eye              | 1,542         | 1,593         |
| Ear              | 144           | 125           |
| Lungs            | 269           | 169           |
| Neck & Head      | 11            | 14            |
| Neck & Shoulders | 9             | 12            |
| Neck & Back      | 7             | 5             |
| Back & Leg       | 8             | 6             |
| Hip & Leg        | 3             | 0             |
| Foot & Ankle     | 6             | 13            |
| Hand & Wrist     | 155           | 188           |
| Other Multiples  | 4,615         | 4,810         |
| Other            | 2,951         | 3,105         |
| Fatal            | 8             | 3             |
| <b>Totals</b>    | <b>43,528</b> | <b>45,891</b> |

*The data presented here provides further detail on the nature of injuries reported to the Department through its regulation and administration of Workers' Compensation. These statistics are derived from employers' "First Reports of Injury". Employers are required to file within five days of being notified by the employee of an occupational injury or illness. Failure to file timely can result in delayed payments to injured workers and medical providers. Accordingly, through education and enforcement, the Department works to ensure that employers file properly.*

# First Reports of Injury—By Industry in New Hampshire

*The chart below illustrates the industries reporting worker injuries to the Department of Labor in the 2018-2019 Biennium. As you can see, employers do not always identify their industry.*

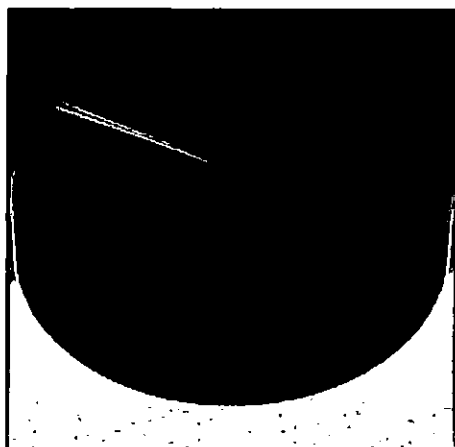


- Unidentified
- Health Care and Social Assistance
- Motor Vehicle and Parts Dealers
- Metal Manufacturing
- Construction
- Sporting Goods, Hobby, Book, and Music Stores
- Accommodation and Food Services
- Administrative and Support and Waste Management
- Real Estate and Rental and Leasing
- Wholesale Trade
- All Others



# Worker Compensation Coverage

## Coverage Activity SFY 18 & 19



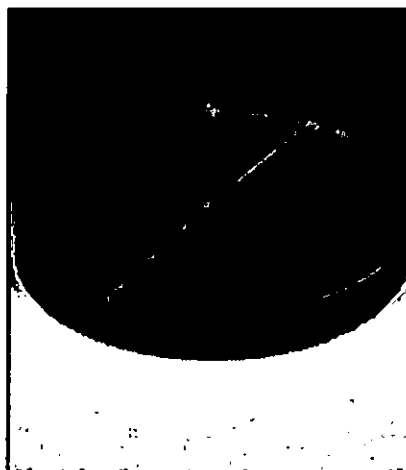
- Voluntary
- Assigned Risk
- Self Insured
- Reinstatements

The goal of the coverage unit is to educate and gain 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 charts to the left and below are demonstrative of the activity within the coverage area.

## New Hampshire Highest & Lowest Intrastate Experience Modifications by Industry Group for 2018 Policies

The chart below describes the highest and lowest experience modifications in 2018 by industry grouping.

## Coverage Terminations SFY 18 & 19



- Carrier Change
- Business Closure
- Business Sale
- No Employees
- Premium Due
- Carrier Request

| Industry Group | Industry Group Description | Highest Experience Modification | Lowest Experience Modification |
|----------------|----------------------------|---------------------------------|--------------------------------|
| 1              | Manufacturing              | 1.87                            | 0.65                           |
| 2              | Contracting                | 2.13                            | 0.65                           |
| 3              | Office and Clerical        | 2.07                            | 0.57                           |
| 4              | Goods and Services         | 1.85                            | 0.63                           |
| 5              | Miscellaneous              | 1.80                            | 0.71                           |

<sup>1</sup> Includes New Hampshire Intrastate Experience Modifications with the following Rating Effective Date Range:  
 • 1/1/2018 - 12/31/2018

<sup>2</sup> Industry Group was determined by using the governing class for the 2018 policy.

<sup>3</sup> Excludes:

- Cancelled flat policies
- POC Notices
- Policies where the premium for New Hampshire = '0'

<sup>4</sup> Sort by Industry Group.

# 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 |                       |                                    |                |                       |
|---|-----------------------|------------------------------------|----------------|-----------------------|
| SFY                                     | Permanent Impairments | Compensable Disabilities Lost Time | Incidence Rate | Impairment Total Cost |
| 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         |
| 2018                                    | 802                   | 6,691                              | 12.0%          | \$ 11,375,543         |
| 2019                                    | 816                   | 6,982                              | 11.7%          | \$ 12,334,684         |

|            |           | SFY 15<br>AVG AWARD | SFY 16<br>AVG AWARD | SFY 17<br>AVG AWARD | SFY 18<br>AVG AWARD | SFY 19<br>AVG AWARD |          |     |          |     |          |
|------------|-----------|---------------------|---------------------|---------------------|---------------------|---------------------|----------|-----|----------|-----|----------|
| ARM        |           | 368                 | \$13,242            | 345                 | \$11,290            | 324                 | \$12,720 | 337 | \$11,328 | 337 | \$11,508 |
| HAND       |           | 18                  | \$13,265            | 16                  | \$11,917            | 19                  | \$12,088 | 16  | \$15,636 | 29  | \$12,702 |
| THUMB      |           | 10                  | \$2,595             | 14                  | \$7,131             | 10                  | \$4,110  | 11  | \$9,052  | 11  | \$7,399  |
| FINGER     |           | 55                  | \$4,677             | 44                  | \$5,020             | 50                  | \$4,092  | 49  | \$4,810  | 47  | \$5,758  |
| LEG        |           | 211                 | \$7,380             | 208                 | \$7,255             | 195                 | \$9,263  | 195 | \$8,551  | 198 | \$10,825 |
| FOOT       |           | 26                  | \$6,282             | 17                  | \$9,500             | 17                  | \$6,660  | 8   | \$7,661  | 12  | \$6,912  |
| TOE        |           | 2                   | \$2,432             | 0                   |                     | 0                   |          | 0   |          | 0   |          |
| HEARING    |           |                     |                     |                     |                     |                     |          |     |          |     |          |
|            | Binaural  | 1                   | \$10,498            | 2                   | \$27,612            | 0                   |          | 0   |          | 0   |          |
|            | One Ear   | 0                   |                     | 2                   | \$587               | 1                   | \$804    | 0   |          | 0   |          |
| VISION     |           |                     |                     |                     |                     |                     |          |     |          |     |          |
|            | Both Eyes | 0                   |                     | 1                   | \$1,618             | 0                   |          | 0   |          | 0   |          |
|            | One Eye   | 2                   | \$24,453            | 3                   | \$42,320            | 4                   | \$19,110 | 4   | \$3,400  | 0   |          |
| WHOLE/MULT |           | 44                  | \$20,541            | 60                  | \$17,344            | 38                  | \$26,164 | 60  | \$25,876 | 66  | \$27,819 |
| WHOLE/BACK |           | 113                 | \$25,341            | 115                 | \$26,377            | 110                 | \$24,825 | 122 | \$29,436 | 116 | \$30,594 |
| TOT/AVG    |           | 850                 | \$12,932            | 827                 | \$12,521            | 769                 | \$13,495 | 802 | \$14,184 | 816 | \$15,116 |

*It should be noted that the number of awards in each fiscal year illustrated above include only those memos of permanent partial disability award forms which have been reviewed, approved, and paid by the insurance carriers and self-insurers.*

## Claims Paid by Carriers and Self Insured in NH—by calendar year

|      | CARRIER        | SELF INSURED  | TOTAL          |
|------|----------------|---------------|----------------|
| 1999 | \$ 118,108,466 | \$ 37,644,068 | \$ 155,752,534 |
| 2000 | \$ 121,963,011 | \$ 35,802,645 | \$ 157,765,656 |
| 2001 | \$ 132,906,795 | \$ 38,898,928 | \$ 171,805,723 |
| 2002 | \$ 137,214,741 | \$ 36,377,696 | \$ 173,592,437 |
| 2003 | \$ 142,406,240 | \$ 38,862,424 | \$ 181,268,664 |
| 2004 | \$ 133,333,292 | \$ 43,022,067 | \$ 176,355,359 |
| 2005 | \$ 136,540,976 | \$ 42,329,284 | \$ 178,870,260 |
| 2006 | \$ 132,895,999 | \$ 46,341,460 | \$ 179,237,459 |
| 2007 | \$ 126,370,716 | \$ 48,892,814 | \$ 175,263,530 |
| 2008 | \$ 140,430,888 | \$ 55,612,505 | \$ 196,043,393 |
| 2009 | \$ 137,918,058 | \$ 56,850,473 | \$ 194,768,531 |
| 2010 | \$ 139,082,743 | \$ 59,712,204 | \$ 198,794,947 |
| 2011 | \$ 133,422,786 | \$ 60,181,809 | \$ 193,604,595 |
| 2012 | \$ 130,063,383 | \$ 60,834,598 | \$ 190,897,981 |
| 2013 | \$ 125,386,066 | \$ 62,835,928 | \$ 188,221,994 |
| 2014 | \$ 118,488,790 | \$ 62,347,695 | \$ 180,836,485 |
| 2015 | \$ 122,844,009 | \$ 58,651,161 | \$ 181,495,170 |
| 2016 | \$ 115,421,318 | \$ 59,658,776 | \$ 175,080,094 |
| 2017 | \$ 115,244,705 | \$ 64,134,179 | \$ 179,378,884 |
| 2018 | \$ 113,867,713 | \$ 66,050,744 | \$ 179,918,457 |

## WORKER COMPENSATION & MANAGED CARE

*RSA 281-A provides that employers can honor their obligations to provide for care for injured workers through utilization of a managed care organization. In conjunction with the Workers' Compensation Advisory Council there are currently eight approved programs in New Hampshire.*

Compmc(tm) formerly TeamCare  
Cannon Cochran Management Services, Inc (CCMSI)  
1750 Elm St Suite 404  
Manchester, NH 03104  
Recertification Date: October 2020

Liberty Mutual Managed Care  
150 Liberty Way  
Dover, NH 03820  
Recertification Date: October 2022

Corvel Corp  
170 South River Road  
Bedford, NH 03110  
Recertification Date: September 2020

Tandem Injury Management LLC  
PO Box 1718  
Manchester, NH 03105  
Recertification Date: May 2020

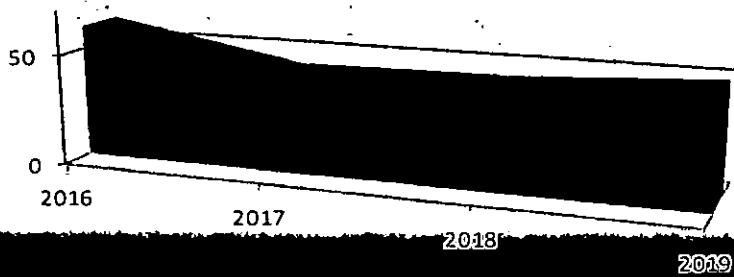
Coventry Health Care Workers' Compensation, Inc.  
118 Portsmouth Avenue, Suite A202  
Stratham, NH 03885  
Recertification Date: October 2020

Travelers Insurance Managed Care Program  
8 Commerce Drive  
Bedford, NH 03110  
Recertification Date: May 2023

GENEX Medical Plan of New Hampshire  
138 River Road, Suite 204  
Andover, MA 01810  
Recertification Date: January 2023

Windham Group  
500 North Commercial Street, Ste 301  
Manchester NH 03101  
Recertification Date: September 2021

Vocational Rehabilitation Referrals



## Vocational Rehabilitation

The Worker's Compensation law, administered by the Worker's Compensation Division of the NH Department of Labor, provides for specified benefits paid to injured workers with compensable work related injuries. Inclusive of the benefits afforded to injured workers in the workers' compensation scheme are vocational rehabilitation services, as codified in RSA 281-A:25.

Vocational rehabilitation provides services to injured workers who, as a result of a work related injury, are unable to return to the kind of work for which they have training or experience. The purpose of the benefit is to restore injured workers to, or as close as possible, their prior earning capacity through the provision of the vocational rehabilitation services.

### Service Providers

Services are provided by Certified Vocational Rehabilitation Providers (CVRP). CVRPs are employed by private rehabilitation companies and paid for by the employer or the employer's insurance carrier. Any CVRP providing services to an injured worker is certified by the New Hampshire Department of Labor and the VR Provider Advisory Board, as required by RSA 281-A:68 and administrative rule LAB 516. CVRPs are required to be recertified on a biennial basis.

In fiscal year 2018, the Department certified 21 CVRPs.

In fiscal year 2019, the Department certified 15 CVRPs.

### Eligibility and Referral for Service

Any injured worker who is disabled from performing work for which they have training or experience may be eligible for vocational rehabilitation. Once a determination of eligibility is made, a referral for vocational rehabilitation services is filed with the Department of Labor.

In FY 2018, the Department received 45

referrals for services. This is a large decrease from FY 2016 and a slight decrease from 2017.

In FY 2019, the Department received 50 referrals for service, representing a modest increase from FY 2018. FY 2018, the average length of time between date of injury and date of vocational rehabilitation referral was 618 days, a decrease from 897 days in FY 2016 and 652 days in FY 2017. In FY 2019, the length of time between date of injury and date of vocational rehabilitation referral increased marginally to 624 days.

The average duration of services from date of referral to resolution was 135 days for FY 2018 and decreased to 49 days for FY 2019.

### Plans, Services, and Closure

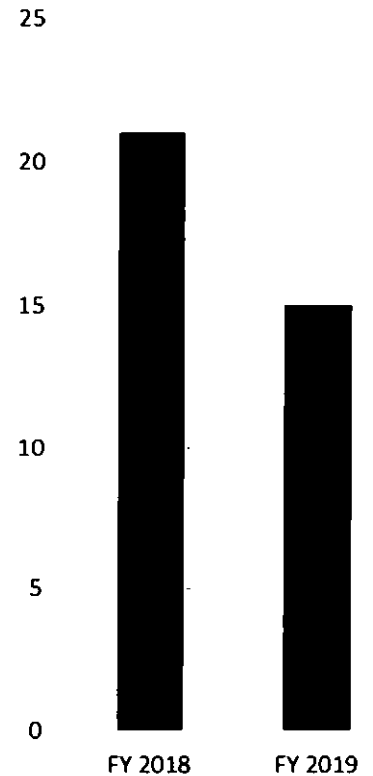
Other documents required following the vocational rehabilitation referral include the Individual Rehabilitation Plan (IWRP) as approved by the Department and notification of closure of vocational rehabilitation services.

### IWRPs and services provided

IWRPs set the goals, objectives, and services rendered to the injured worker over the course of the case. IWRPs are developed collaboratively between an injured worker and the CVRP, and submitted to the Department for final approval. IWRPs are coded by service type, including medical management only (MMO), vocational counseling, exploration and/or testing (VCE), job placement only (JPO), educational training (EDT), skills training (SKT), return to work (RTW) and return to work modified (RTM).

The Department approved 41 IWRPs submitted by CVRPs for injured workers for FY 2018 and 2019. Of the IWRPs approved for FY 2018 and 2019, job placement services (JPO) were provided in 68% of the cases and education and training (EDT) were provided in 4% of the cases.

CVRPS Certified by the NHDOL



### Case Closure

A closure form is filed by the CVRP at the conclusion of the provision of vocational rehabilitation services.

In FY 2018, 30 cases were closed for the following reasons: 4 due to return to work with rehabilitation services, 1 due to no rehabilitation potential, 5 required medical management only, 6 received lump sum settlements with waiver of the right to ongoing vocational rehabilitation services, and 10 cases were closed by request of the carrier. 10 cases were closed for "other reasons". Other reasons include those such as relocation out of state, refused services, death, Department of Labor Hearing Decision, and other circumstances not elsewhere classified.

In FY 2019, 22 cases were closed for the following reasons: 5 due to return to work with rehabilitation services provided, 1 due to return to work with no vocational rehabilitation services provided, 2 required medical management only, 5 received lump sum settlements with waiver of the right to ongoing vocational rehabilitation services, 1 closed in accordance with a Department of Labor Hearing Decision, and 3 closed by request of the carrier. 5 cases were closed for "other reasons".



## Inspection Division

The Inspection Division is responsible for administering and enforcing the Protective Legislation Law, Citizens Job Protection Law, Whistleblowers' Protection Act, Youth Employment Law, Minimum Wage Law, WARN Act (Worker Adjustment and Retraining Notification Act), Boiler and Pressure Vessel Law, Elevator and Accessibility Lift Law, Safety & Health Laws, and the Worker's Right to Know Law. Along with these statutes, the division also enforces related administrative rules.

Division staff process and adjudicate wage claims and whistleblowers' complaints. The division also settles many disputes via telephone or e-mail whenever possible.

In response to complaints, the division conducts business inspections to ensure employers are in compliance with NH labor laws, which may result in payment of wages due, and also civil penalties. The Division has implemented an informal settlement process for employers to demonstrate compliance efforts and to reduce civil penalties without the need for a formal hearing.

Education has been a major objective of the Inspection Division through seminars held throughout the state, as well as for individual companies upon request. The division also uses email alerts and its website to keep employers informed about changes in employment law.

The division also monitors the employment of workers under age 18 by assuring compliance with the NH Youth Employment Law, including permits, hours worked, and the types of work performed by young people.

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

The Inspection Division also ensures compliance with elevator, accessibility lift, boiler, and pressure vessel safety codes adopted by the State of New Hampshire. This is accomplished through inspection, enforcement, administration, and licensing processes which protect employees and other citizens who may have facilities where these devices are operating.

In addition to safety related inspections in New Hampshire work places, the Division performs safety training seminars throughout the state to inform employers of their obligations. Our staff assists employers to develop their own safety program. We also monitor workplaces for compliance with state safety rules.

Find more helpful information about the Division at

<https://www.nh.gov/labor/inspection/index.htm>

## Our Mission:

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

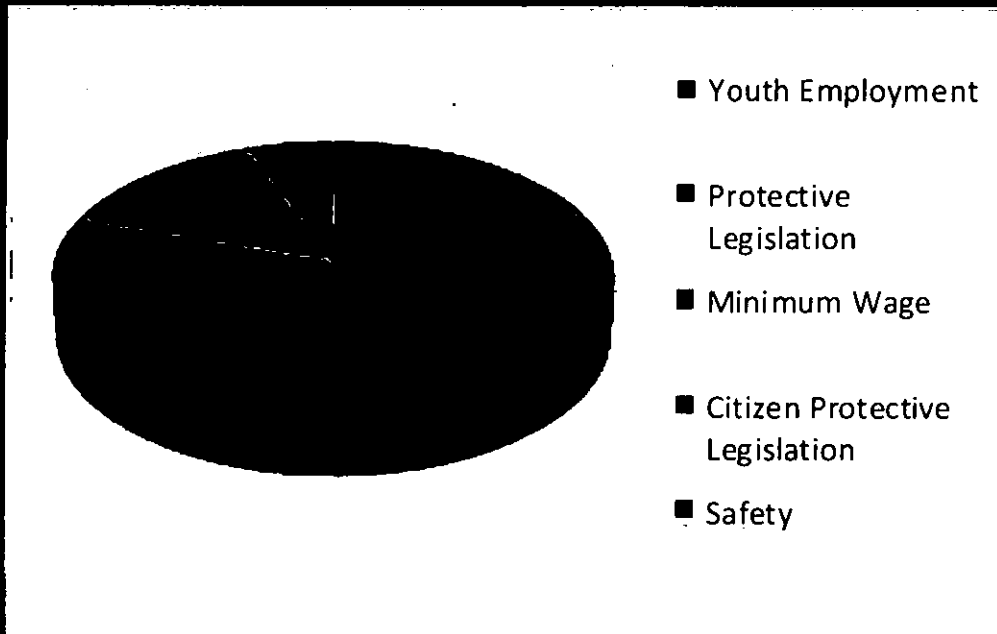
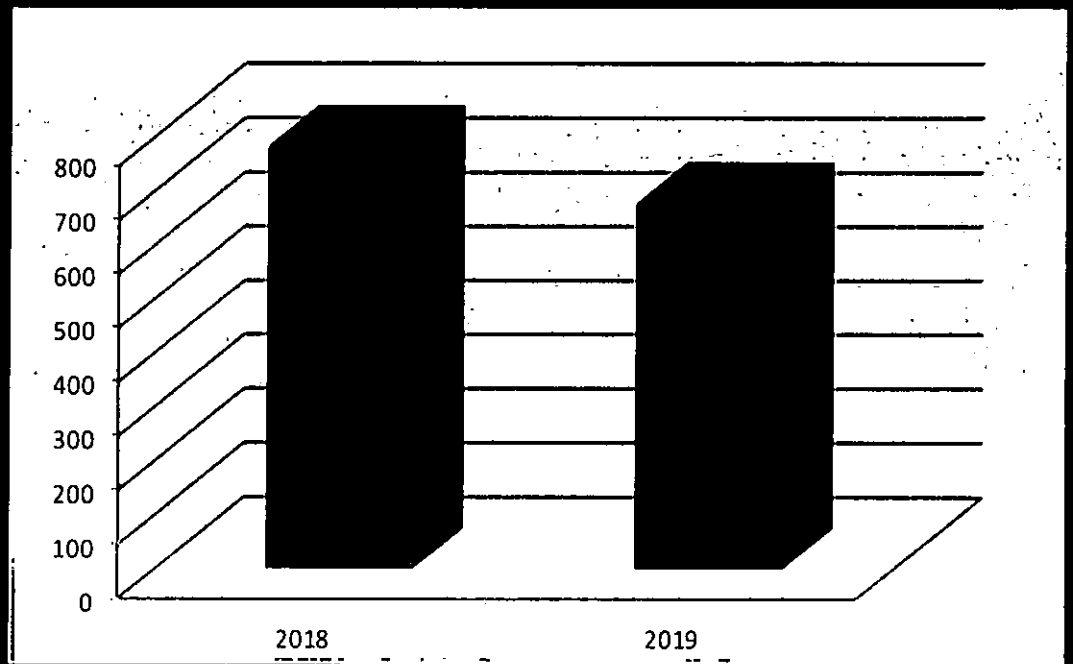
### Wage Claims

*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 result in a hearing.*

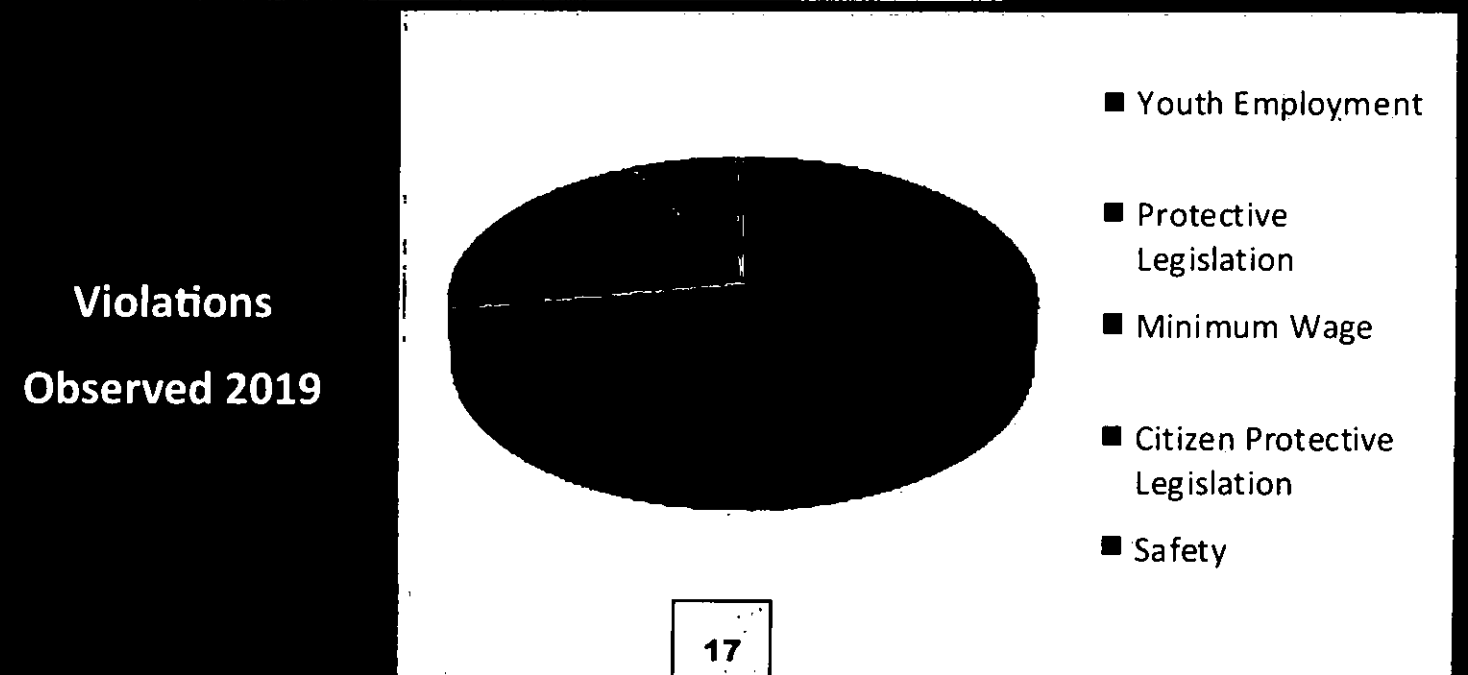
### Wages delivered to employees

|                  | 2018               | 2019               |
|------------------|--------------------|--------------------|
| Wage Claims      | \$718,020          | \$644,566          |
| Wage Complaints  | \$146,194          | \$158,384          |
| Wage Adjustments | \$844,909          | \$775,676          |
| <b>Total</b>     | <b>\$1,363,131</b> | <b>\$1,047,531</b> |

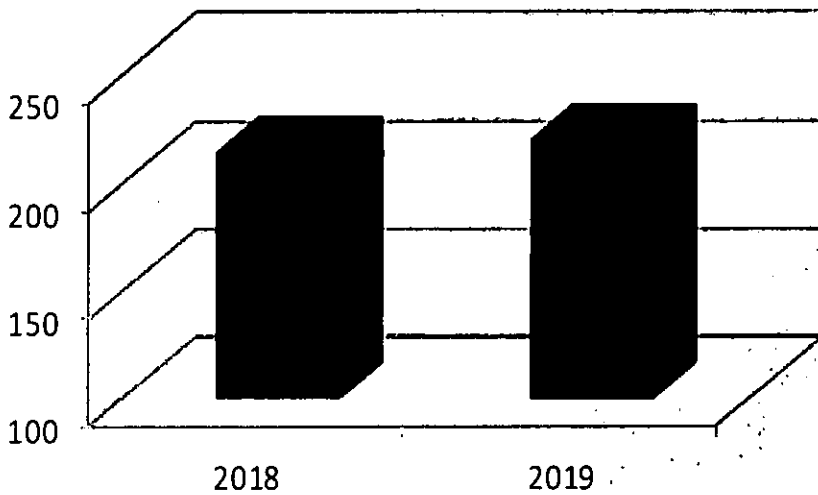
## Inspections Conducted



## Violations Observed 2018

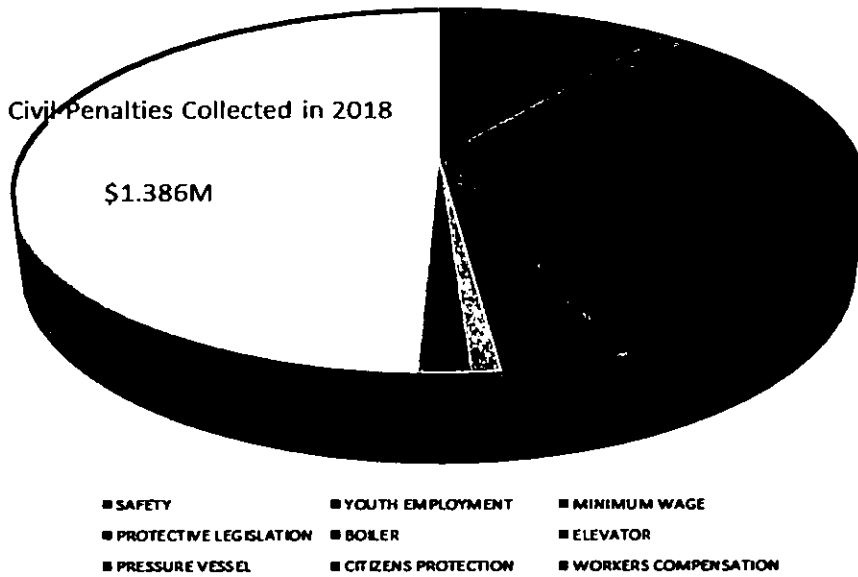


# Informal Conferences



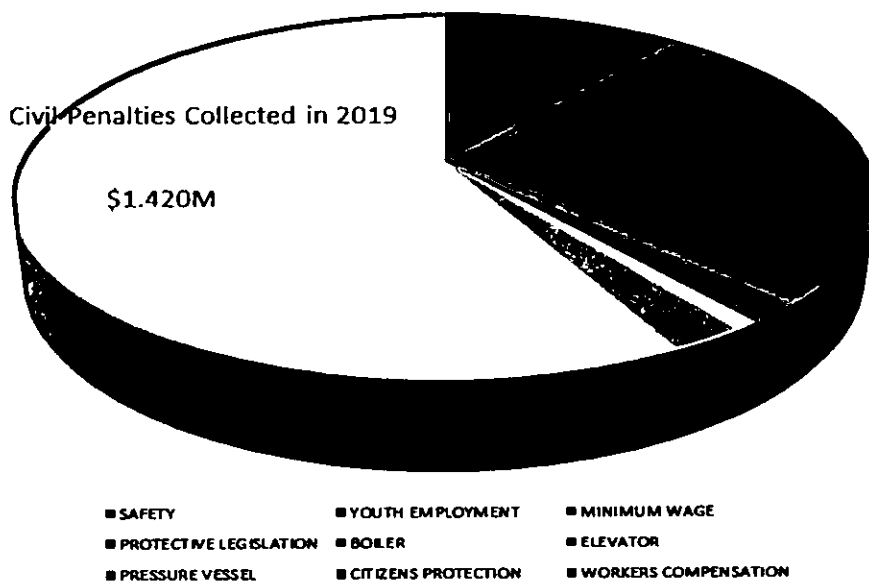
## Informal Conferences

The Inspection Division attempts to resolve compliance issues with employers by offering an opportunity to meet informally regarding the observations of our Labor Inspectors. This approach has resulted in resolution of 95% of our cases and eliminates the need for further action by the Department. These informal discussions have allowed the Department to reduce civil penalty collections by roughly 87% from the maximum penalties allowed by law.



## Whistleblowers' Protection Act

*The Whistleblowers' Protection Act process allows employees to file a claim if they believe they suffered adverse consequences for: reporting an alleged violation of law; or because they participated in an investigation regarding such a violation; or for refusal to execute an illegal directive. These employees might seek back wages, benefits, reinstatement, seniority, or any other injunctive relief that justice may require. The Department issues a decision following a hearing on the subject.*



# Youth Employment

## NH Youth Employment Reported to Labor

A minor **16- or 17-year-old** who wishes to work must have written permission from a parent or legal guardian, and the employer must keep this document on file.

The parental permission must include the following:

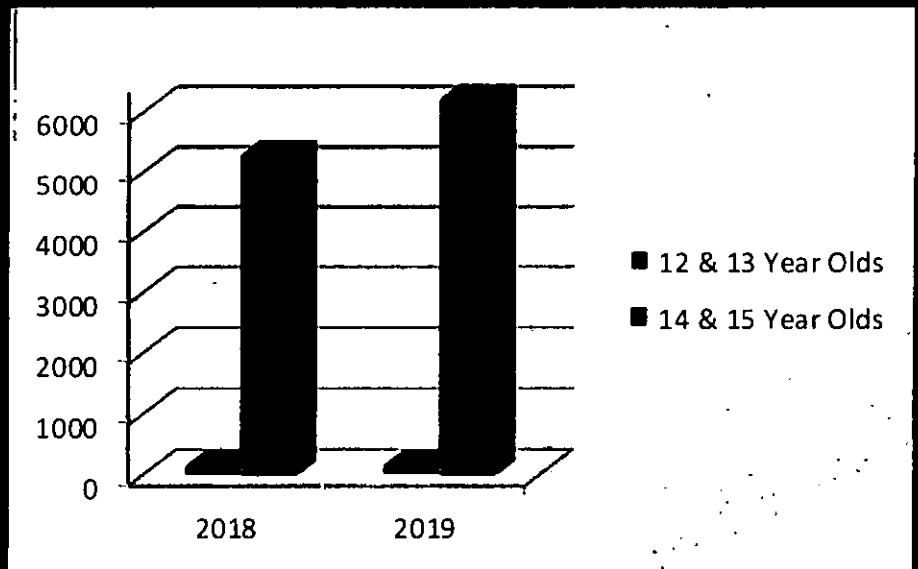
- (1) The employer's name and location;
- (2) The date permission is given by the parent or legal guardian;
- (3) The signature of the parent or legal guardian;
- (4) The title of the position the minor will fill or a description of the work activities; and
- (5) The minor's date of birth.

The parental permission must be on file at the establishment's worksite prior to the first day of employment. Parents can find a sample form for this purpose at: <https://www.nh.gov/labor/documents/parental-permission.pdf>

Under age 16, the prospective employer completes a form called an Employer's Request for Child Labor and gives it to the youth. They bring this form either:

- to their local school or school superintendent's office to obtain the certificate (RSA 276-A:5),
- or to their parent or legal guardian, who may also complete the Youth Employment Certificate.

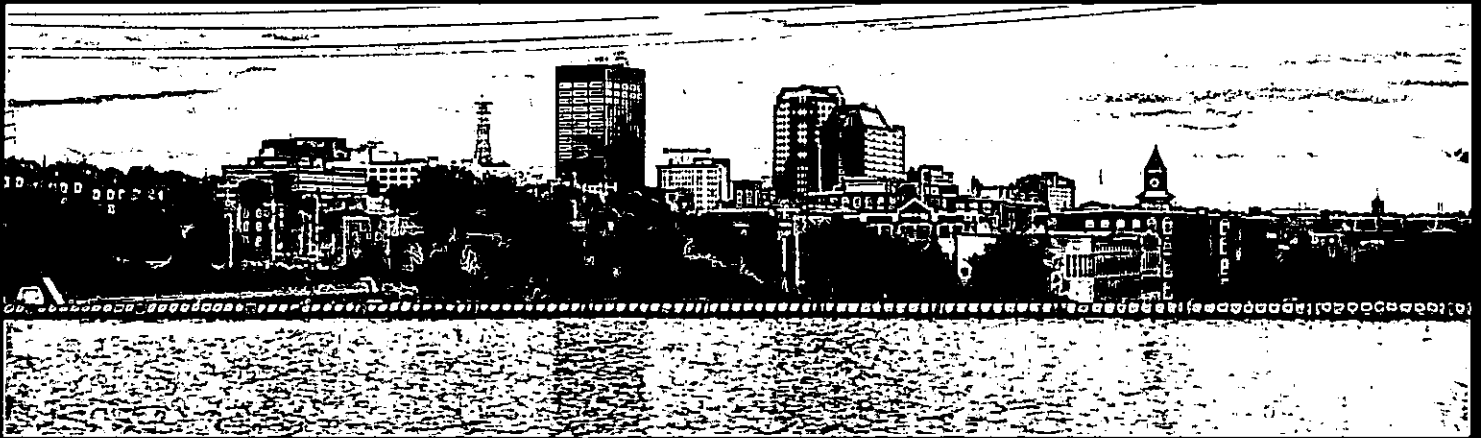
Whoever issues a certificate to a youth under the age of 16 should be making a favorable judgment as to the academic status and health status of the young person. They should revoke the certificate if they become dissatisfied with these conditions and notify the Department of Labor within 48 hours. The employer must have the certificate on file within three days of the employment date.



## School-To-Work in New Hampshire

*In the State of New Hampshire, work-based learning plays an integral role in workforce preparation. The goal of the School-to-Work initiative in New Hampshire is to prepare all students with the skills, abilities and knowledge necessary to make good career choices. Work based learning prepares our youth to become independent adults with opportunities for advanced education and career exploration, thus enhancing our economic strength. Schools and communities must work together in partnership to build a foundation of work-based learning and to provide the resources necessary to help all youth acquire the skills necessary to become independent and productive citizens. The Department approves school to work sites and lists pre-approved sites on its website at <https://www.nh.gov/labor/inspection/school-to-work.htm> and <https://www.nh.gov/labor/faq/school-to-work.htm>*

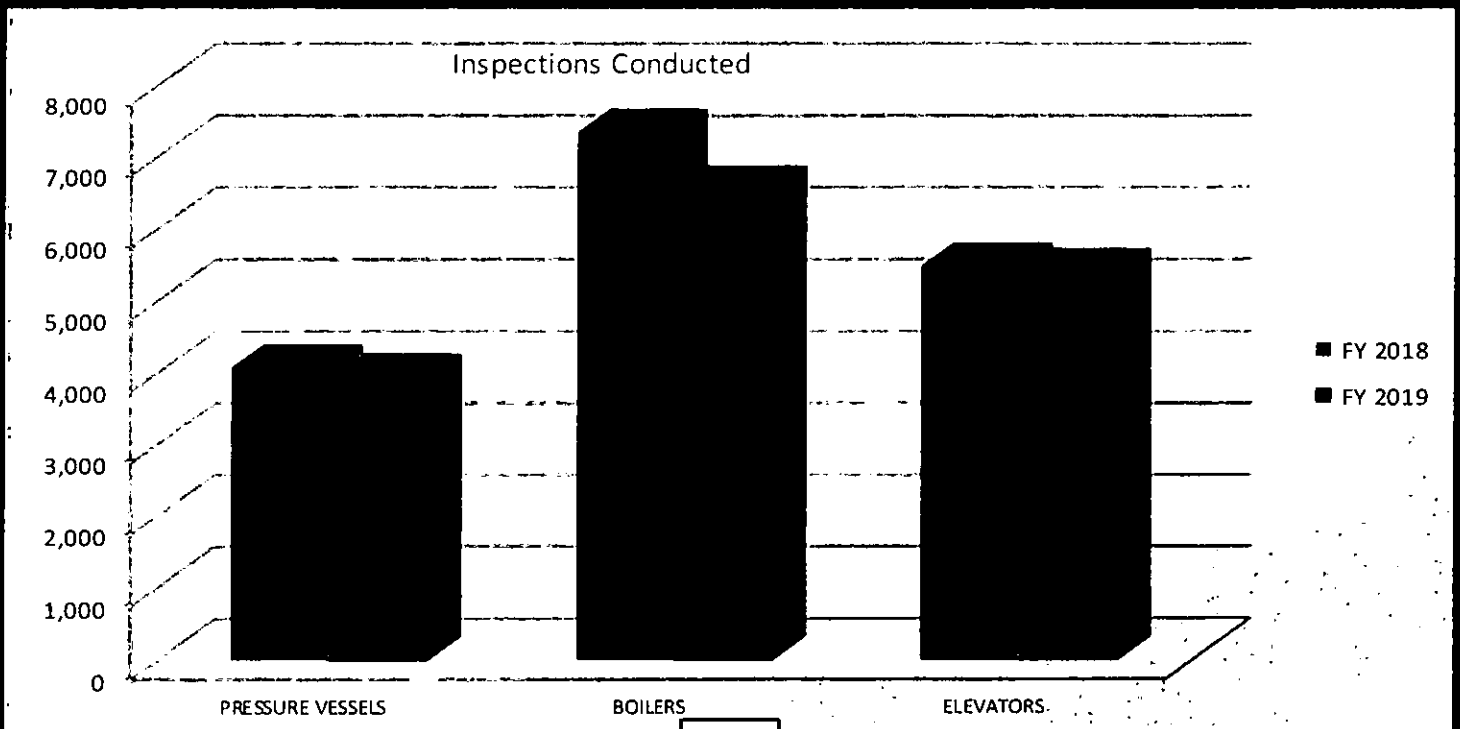
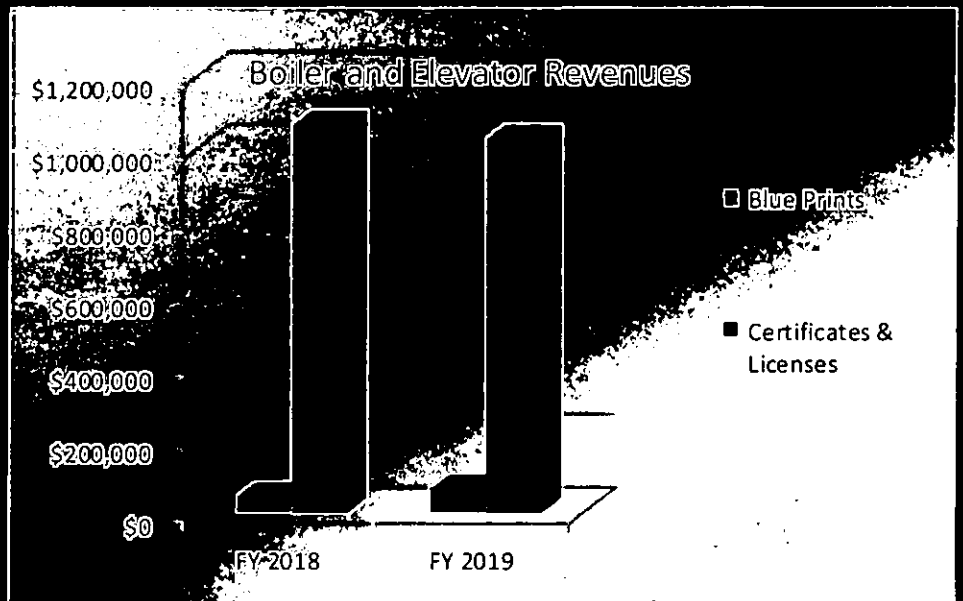




## Boiler & Elevator Inspection

The Inspection Division is also responsible for enforcing the state's Boiler and Pressure Vessel Law, and its Elevator and Accessibility Lift Law (RSA 157-A and RSA 157-B). Our highly trained staff ensure the safety of workers and the general public where these devices are present and in use.

It is our legal responsibility to assure compliance with safety codes through the inspection, enforcement, administration, and licensing process, for the protection of workers or the public who enter commercial buildings heated with boilers or equipped with pressure vessels, elevators, or accessibility lifts.

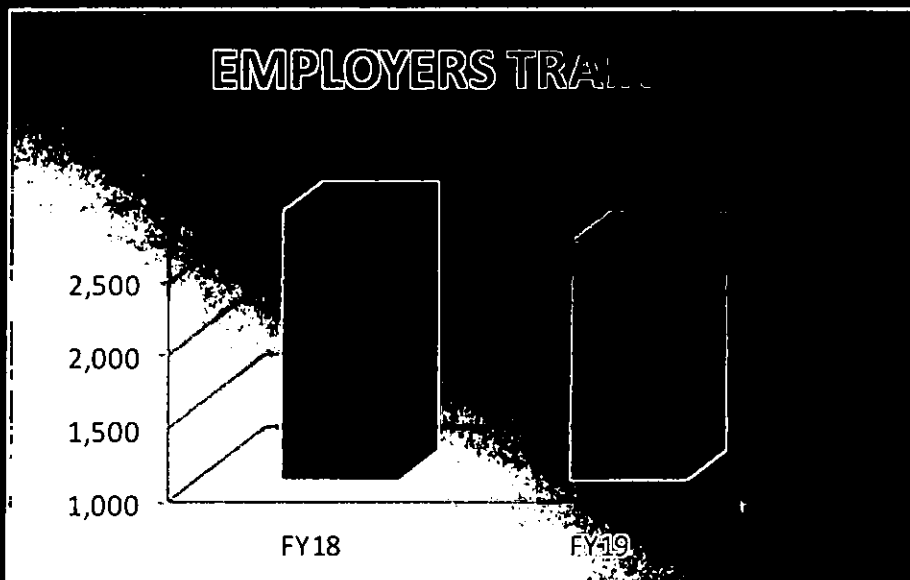


# Safety & Training

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

The Inspection Division holds labor law seminars in a variety of different locations around the State. We provide 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 or data discs consisting of the NH Labor laws, the Administrative Rules, Posters and other forms are supplied to all participants.

The entire seminar documentation can be found at the DOL website at <https://www.nh.gov/labor/inspection/seminar-packet.htm>



## LIFE CYCLE OF NEW HAMPSHIRE EMPLOYEE

- I. Workers' Compensation Coverage
- II. Notification
- III. Documentation
- IV. Citizens Protection
- V. Recording of Hours
- VI. Safety and Health Program
- VII. Deductions
- VIII. Weekly Payment of Wages
- IX. Terminating the Employment and Relationship

|                        | FY18 | FY19 |
|------------------------|------|------|
| TRAINING SESSIONS HELD | 48   | 41   |



# Hearings Bureau

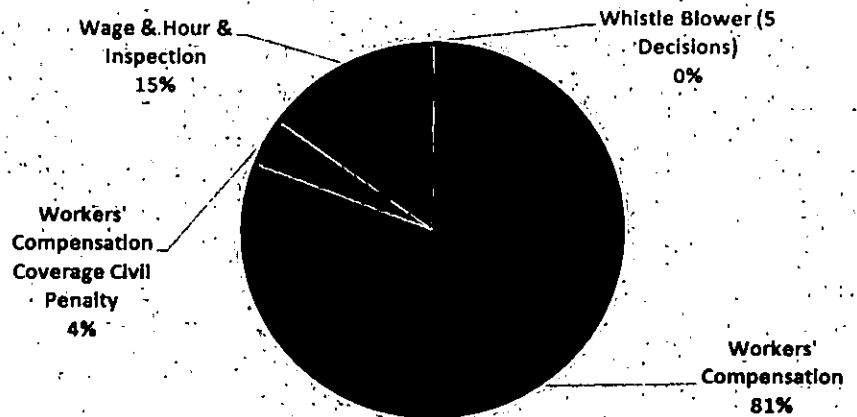
The Hearings Bureau, established by RSA 273:4-b, is comprised of six hearing officers, one program assistant, and is supervised by a hearings administrator. To ensure that the Bureau's decisions are made in a fair and impartial manner, it is a separate entity and therefore is no longer attached to another division. The Hearings Bureau is responsible for conducting all hearings for the Department of Labor covering the entire State of New Hampshire. Hearings are decided pursuant to statutory and administrative rule authority, which governs the adjudicative process. Parties requesting a hearing file a petition/request for hearing at the Department and pursuant to statutory and administrative requirements the hearings are scheduled within six weeks of receipt of the petition. Administrative hearings are conducted informally in an office setting and are based on a preponderance of the evidence legal standard. Pursuant to statute, hearing decisions are issued no later than 30 days after the close of the hearing record.

The scope of the hearings held by the hearings bureau is vast and the bureau holds hearings involving all areas that are regulated by the Department. The hearings range from workers' compensation disputes that arise out of RSA 281-A to alleged violations of the whistleblowers' protection act that arise from RSA 275-E.

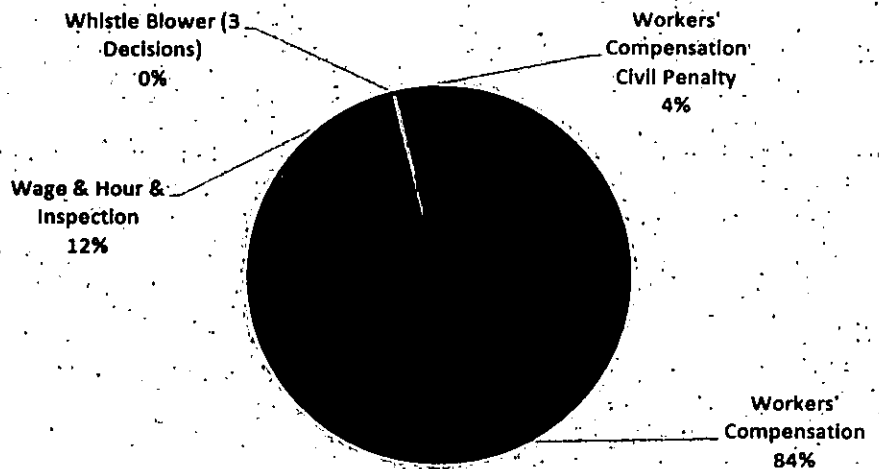
The majority of the cases heard by the hearings bureau in FY 2018 and FY 2019 involved workers' compensation claims and alleged wage and hour violations. In addition to conducting formal hearings, the hearings bureau also conducts hearings pursuant to RSA 281-A: 37 with regards to approving and/or rejecting lump sum settlement agreements in workers' compensation cases. In FY 2018 the Department conducted 592 lump sum settlement hearings, and in FY 2019 the Department conducted 634 lump sum settlement hearings. After the hearings are conducted the Hearing Officer renders fair and just decisions based on the evidence presented. In FY 2018 the Bureau rendered 1,698 decisions.

Of the 1,698 decisions, 1,370 involved workers' compensation disputes and 253 involved claims of wage and hour and inspection violations. In cases involving workers' compensation matters, any party

## 1,698 DECISIONS WERE RENDERED IN FY 18



## 1,685 DECISIONS WERE RENDERED IN FY 19



*Participants at Department of Labor hearings can appear pro-se (without legal representation) or with an attorney to represent their interest. In workers' compensation cases the majority of participants are represented by legal counsel. In wage and hour and inspection cases the majority of participants appear without legal representation. Whether or not the person is represented, all parties are held to the same legal standards. The party with the burden of proof proceeds first at hearing. An aggrieved party to a hearing officer's decision with regards to a workers' compensation matter may appeal that decision to the Workers' Compensation Appeals board for a de novo hearing. An aggrieved party to a wage and hour decision may appeal that decision to the Superior Court. On appeal, the Court will not conduct a new hearing but will review the matter for an error in law. An aggrieved party to a matter involving a civil penalty may appeal that matter to the Civil Penalty Appeals Board.*

to those cases can file a petition for hearing. In FY 2018, 56% of all workers' compensation hearings were requested by the injured workers. In FY 2019, 50% of the workers' compensation hearings were requested by the injured worker.

With regards to the 297 hearings decisions rendered on wage and hour and inspection cases in FY 18, 68% of those cases involved an employee alleging a violation of the New Hampshire Wage and Hour laws and 32%

involve the Department of Labor seeking to assess a civil penalty for violations of legislation governed by the Department of Labor.

In FY 19 the hearings bureau rendered 249 decisions on wage and hour and inspection cases. 75% of those cases involved disputes between employees and employers alleging violations of the New Hampshire Wage and Hour laws and 25% involve the Department seeking to assess a civil penalty for violations of legislation governed by the Department of Labor.

# Administratively Attached Boards

## The Compensation Appeals Board

"The board shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral... Members of the board shall have at least 5 years' experience in the area of workers'

compensation or human resources or administrative law... Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes

shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43... The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing." RSA 281-A:42-a.

As of June 30, 2019:

### Labor

Dennis E.E. Adams  
Benjamin C. Barody  
Marc G. Beaudoin  
James D. Casey  
Anne C. Eaton  
Leo D. Kelly  
Timothy King  
Daniel P. Manning  
Terence Pfaff  
Steven Soule  
Vacancy

### Attorney Chair

Donna Daneke, Esq.  
Joseph A. Dickinson, Esq.  
Laurence W. Getman, Esq.  
Hamilton R Krans, Jr, Esq.  
Richard A. Mitchell, Esq.  
Edward Patch, Esq.  
Christopher T. Regan, Esq.  
William J. Schubert, Esq.  
S. David Siff, Esq.  
Timothy S. Wheelock, Esq.  
Vacancy

### Insurance / Management

Mary A. Ashcroft  
Arthur J. Beaudry  
Maureen E. Dwyer-Heinrichs  
David F. Foster  
Susan A. Jeffery  
Brent Lemire  
Robert C. Norton  
Harry G. Ntapalis  
Thomas F. Parks, Jr.  
Constance J. Roy  
Dennis Teravainen

## Compensation Appeals Board Statistics

*The Compensation Appeals Board began conducting appeal hearings on April 12, 1991. Since an 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 a hearing officer at the department level. For statistical purposes if the board decision is substantially different, it is counted here as reversed. If it is substantially similar, it is counted here as sustained.*

| APPEAL HEARINGS     | FY2016 | FY2017 | FY2018 | FY2019 |
|---------------------|--------|--------|--------|--------|
| APPEALS REQUESTED   | 482    | 460    | 415    | 419    |
| APPEALS SCHEDULED   | 412    | 389    | 323    | 304    |
| APPEALS WITHDRAWN   | 203    | 236    | 188    | 161    |
| DECISIONS ISSUED    | 232    | 157    | 135    | 143    |
| DECISIONS SUSTAINED | 64.7%  | 68.2%  | 70.4%  | 58.7%  |
| DECISIONS REVERSED  | 35.3%  | 31.8%  | 29.6%  | 41.3%  |

## The Penalty Appeals Board

"There is hereby created a penalty appeal board which shall hear appeals from penalties imposed by the commissioner. The board shall be composed of 3 members, as follows: One person representing the interests of management, to be appointed by the governor and council; one person representing the interests of labor, to be appointed by the governor and

council; and one person to serve as chairman, who shall be an attorney and who shall be familiar with the labor laws of this state. The chairman shall be chosen and appointed jointly by the other 2 members of the board... At the time of making appointments pursuant to paragraph II, the governor and council or 2 appointing members of the board, as applicable, shall

also appoint an alternate member representing the interests of management, an alternate member representing the interests of labor and an alternate chairman..." RSA 273:11 -b. As of June 30, 2019:

|                       |                 |
|-----------------------|-----------------|
| Beth A. Daragon, Esq. | Chair           |
| Gaye E. Troy          | Management      |
| David Laughton        | Labor           |
| Kathleen Peckl        | Alternate       |
| Richard Laughton      | Labor Alternate |

## The Apprenticeship

### Advisory Council

"There is hereby created a state apprenticeship advisory council (the council), composed of: the labor commissioner or designee, the commissioner of the department of employment security or designee, the commissioner of the department of education or designee, a member representing the community college system of New Hampshire appointed by the chancellor of the community college system, and 2 members who shall be employers and 2 members who shall be employees or persons who represent said employees. The commissioner of labor, or designee, shall act as chairman. The 2 members who are employers and the 2 members who are employees or who represent said employees shall be appointed by the governor with the advice and consent of the council.

**Daniel LeClerc— Labor**

**Catherine Walker—Employer**

**Jonathan Mitchell—Labor**

**Matthew Conserva—  
Employer**

**Beth Doiron—CCSNH**

*Over the course of the biennium, the Council has worked cooperatively with the United States Department of Labor, Office of Apprenticeship to promote the expansion of apprenticeship opportunities in New Hampshire.*

*The Council participates in annual events celebrating National Apprenticeship Week and promoting the use of apprenticeships in Granite State workplaces. Apprenticeship training programs are a tried and true method for connecting employers and employees, and the State of New Hampshire currently has over 3,000 active apprentices, including more than 1,000 who were added during the Biennium.*

## The Worker Compensation Appeals Advisory Board

"There is hereby established a compensation appeals advisory board to advise the commissioner relative to candidates for the compensation appeals board, established in RSA 281-A:42-a. The board shall be composed of 5 members: One member representing labor, appointed by the commissioner... one member representing business... an attorney representing plaintiffs... an attorney representing defendants... [and] one member representing insurance... The advisory board shall: Evaluate candidates for the compensation appeals board based upon the nominee's education, knowledge, and experience in the area of workers' compensation law, submit names of qualified candidates to the commissioner, receive complaints from the commissioner pursuant to RSA 281-A:42-e, regarding current appeals board members, [and] distribute an anonymous questionnaire to participants who are involved in the appeals process. RSA 281-A:42-aa. As of June 30, 2019:

**Joshua Beauchemin — Labor**

**Susannah Chance—Business**

**Maureen Manning, Esq—  
Plaintiffs**

**Eric P. Bernard, Esq—  
Defendants**

**Nancy DiPietro—Insurance**



## The Vocational Rehabilitation Provider Board

"There is hereby established a vocational rehabilitation provider advisory board to advise the commissioner relative to certification procedures for vocational rehabilitation providers. The board shall be composed of 7 members: 5 members shall be vocational rehabilitation providers eligible for certification, appointed by the governor, one public member, appointed by the governor and the director of the division of workers' compensation, or designee... The board shall develop procedures which the commissioner shall adopt by rule under RSA541-A, relative to:

- (a) The application process for certificates.
- (b) Certification categories.
- (c) The reviewing and certification process.
- (d) Continuing education requirements.
- (e) Renewals of certificates.
- (f) Fees for initial certificates and renewals and other services provided under this subdivision.
- (g) Grounds for disciplinary proceedings and for revocation and suspensions of certificates.
- (h) Content and format of all forms required under this subdivision.
- (i) Requirements for certification.
- (j) Any other matter necessary to the administration of this subdivision." RSA 281-A:69

As of June 30, 2019:



Eileen Kackenmeister

Laurie Martin

Tara Witt

Lisa Anastos

Francine Yencho

Vacancy

Edward Sisson—NH Labor  
Dept

## The Worker Compensation

### Advisory Council

"The advisory council shall consist of 9 members: the commissioner or a designee; the insurance commissioner or a designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; and 5 persons appointed by the governor and council, one representing the interests of management, who shall not have interests in the insurance field, one representing the interests of labor, one representing insurance interests of commercial workers' compensation carriers, one representing self-funded employers and one representing health care providers. The legislative members of the advisory council and the 5 members appointed by the governor and council shall be familiar with the workers'

compensation laws of New Hampshire... The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The advisory council shall also ratify managed care programs established under RSA 281-A:23-a... The council shall meet as necessary and shall annually review the performance of the workers' compensation system and issue a report of its findings and conclusions ... as to the status of the workers' compensation system. In performing its responsibilities, the council may make recommendations relating to the adoption of rules and necessary legislation, develop recommendations regarding the method and form of statistical data collection, [and] monitor the performance of the workers' compensation system and monitor the implementation of legislative directives." RSA 281-A:62. As of June 30, 2019:

Eileen Bernard—  
Management

Sen. Kevin Cavanaugh—  
NH State Senate

Vacancy—NH House

Margaret Crouch—Worker  
Compensation Carriers

Douglas M. Goumas, MD—  
Health Care Provider

Vacancy—Labor

Marian Mitchell—Self-funded  
Employers

Ruju Dave—NH Insurance  
Dept

Edward Sisson—NH Labor  
Dept

STATE OF NEW HAMPSHIRE—DEPARTMENT OF LABOR

63rd Biennial Report

