



JOHN J. BARTHELMES COMMISSIONER

State of New Hampshire

DEPARTMENT OF SAFETY OFFICE OF THE COMMISSIONER

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September 25, 2013

Her Excellency, Governor Margaret Wood Hassan and the Honorable Executive Council State House Concord, New Hampshire 03301

Requested Item

Pursuant to RSA 21-I: 43-a, authorize the Department of Safety, Division of State Police, to reinstate 488.18 hours of sick leave to Trooper First Class Thomas Forsley, who was unable to perform his normal or routine duties from October 15, 2011, to March 7, 2012, due to a line-of-duty injury he sustained as the result of a cruiser crash on October 15, 2011.

Explanation

Trooper Forsley's cruiser was struck in the rear end by a DWI motorist while the Trooper was conducting a motor vehicle stop on the Frederick E. Everett Turnpike in Nashua on October 15, 2011 at 12:05 a.m. and, as a result, he sustained a back injury. Trooper Forsley was operating a fully marked State Police cruiser with all emergency lighting activated and was positioned in the breakdown lane. The suspect fled the scene on foot and was apprehended as the result of a police K-9 track, and charged with Aggravated Driving While Intoxicated and Leaving the Scene of an Accident. Trooper Forsley was out of work until March 7, 2012.

I have determined that this injury was sustained in the line of duty and was caused by another during Trooper Forsley's performance of his duties which are considered dangerous in nature. Trooper Forsely's convalescent time required the use of 488.18 hours sick leave that we are seeking authorization to restore to him.

Respectfully submitted,

John J. Barthelmes Commissioner of Safety

TITLE I THE STATE AND ITS GOVERNMENT

CHAPTER 21-I DEPARTMENT OF ADMINISTRATIVE SERVICES

Personnel

Section 21-I:43-a

21-I:43-a Compensation for State Employees Injured in Line of Duty. – Any injury received by any state employee who is injured in the line of duty by a hostile act, or by an act caused by another during the performance of duties which are considered dangerous in nature, that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. In this event, no employee shall be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made by the board of trustees of the New Hampshire retirement system and appeals of such decision, if any, are finalized; provided, that the employee shall make such application within 18 months of the injury contemplated by this section. The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final. During the time in which the injured employee remains on active payroll at full base salary pursuant to this section, his or her state compensation shall not be offset by state workers' compensation payments and he or she shall not receive state workers' compensation payments to supplement his or her full base salary. Nothing in this section shall prohibit medical payments or final settlements.

Source. 2001, 291:1. 2008, 343:1, eff. Jan. 1, 2009.