



DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



October 7, 2014

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

REQUESTED ACTION

It is respectfully requested that the Department of Environmental Services be authorized to enter into an educational tuition agreement and to pay said costs in the amount of \$575.00 as follows:

Vendor Code: 155664

Institution: Divers Den Dive Shop, Inc.
730 Mammoth Road
Manchester, NH 03104

Course Title: PADI Open Water Diving

Course Dates: November 6, 2014 to December 18, 2014

Employee Name: Robert W. Gordon, Jr., Construction Foreman

Employee Start Date: October 12, 2009

Distribution Code: 03-44-44-442010-2954-066-500544

Total Cost of Course: \$575.00

State Share: 100%

Source of Funds: 100% General Funds

EXPLANATION

The Water Division's Dam Bureau Engineering & Construction (E&C) Section performs routing inspections, repairs, and maintenance on 278 state-owned dams in New Hampshire. This work sometimes requires underwater inspections, maintenance, and construction. For safety reasons on larger projects, or in the event of personnel illness or injury, it is prudent to have four trained divers available to the Section. The E&C Section currently only has two certified SCUBA divers. These four divers would then be available for emergency repair work, including repairs of a larger nature or at multiple facilities that would require a second team of certified personnel. The

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council

Page 2

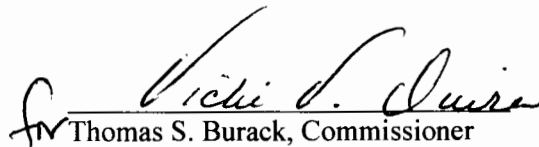
E&C Section is currently only able to safely perform smaller tasks at one location for underwater inspections or construction activities.

Mr. Robert W. Gordon, Jr., an E&C Construction Foreman, has expressed interest in obtaining SCUBA certification. The proposed course is directly related to Mr. Gordons' work. Mr. Gordon has signed a contract, which obligates him to work for the State for six months after satisfactory completion of the course. He must also complete and achieve a passing grade for the course. If he does not comply with the terms of the contract, he will be liable for returning the amount paid. It should be noted that the course will be held from 6:30 to 9:30 p.m. one night per week and will not affect the normal workday.

A separate request for Mr. Jason Bisson, an E & C Construction Technician, is being routed at the same time. Together, these two individuals will fill the third and fourth diver slots. It is preferable to have the two divers take the course together, so that they can develop their diving skills as a team, which will allow them to work more efficiently together in performing the work of the Section.

The inspection and repair of dams is a specialized field. Commercial diving services, that are capable of performing this specialized work, are expensive and difficult to schedule. When the Dam Bureau has investigated the feasibility of using commercial diving services in the past, it has received quotes of over \$1,500.00 per day for two divers. Having qualified, experienced diving personnel working on the Dam Bureau's E&C crew provides both a significant cost savings to the State as well as the ability to respond rapidly to emergency situation at State-owned dams.

We respectfully request your approval.


for Thomas S. Burack, Commissioner

**THE STATE OF NEW HAMPSHIRE
EDUCATIONAL TUITION AGREEMENT**

Agreement dated this 11th day of October 20 14 by and through
the Department of Environmental Services (hereinafter referred to as the "State) and
Robert W. Gordon, Jr. hereinafter referred to as the "Recipient").

The State and the Recipient do hereby mutually agree as follows:

1. The State shall pay to the named institution the sum of \$575.00 , which monies shall be used for the purpose of enrolling the Recipient in:

PADI Open Water Diving

which course(s) is being offered by Divers Den Dive Shop, Inc. and which course(s)
shall commence on November 6 14 and terminate on December 18 14

2. The Recipient shall complete and achieve a passing grade in each course named in paragraph 1.
3. Should the Recipient fail to complete and achieve a passing grade in each course named in paragraph 1, the amount which shall be paid to the State shall be calculated on a pro rata basis.
4. Upon the satisfactory completion of the courses named in paragraph 1, the Recipient shall continue in the employ of the State in his/her current position (or in such other position, at equal or greater compensation, to which he/she may be assigned) for a period of six (6) months.
5. The Recipient shall work in any area of the State to which he/she may be assigned, provided that such assignment will not constitute a severe hardship to said Recipient.
6. Should the Recipient breach any of the conditions set forth in paragraphs 4 and 5, the Recipient shall pay to the State a sum equal to all monies previously paid by the State for the Recipient pursuant to the Agreement, provided, however, that the Recipient shall receive a credit for each month in which he/she is employed by the State subsequent to the date upon which the named course(s) are satisfactorily completed, the value of said credit to be calculated on a pro rata basis.
7. The Recipient shall not raise any setoff or counterclaim against the State in any action brought by the State to collect any amount due under this agreement.

- 8. Should any amount be found to be due the State in any action brought against the Recipient pursuant to this Agreement, the State shall, in addition to said amount, be entitled to an award of costs and a reasonable amount in "attorney" fees.

IN WITNESS WHEREOF the representatives of the State, in his/her official capacity only, and without personal liability, and the Recipient, have hereunto set their hands on the date first above written.

RECIPIENT

THE STATE OF NEW HAMPSHIRE

Robert W. Gordon Jr.

Robert W. Gordon, Jr.

Vicki D. Quinn
for Thomas S. Burack, Commissioner

STATE OF NEW HAMPSHIRE

COUNTY OF HILLSBOROUGH

On this the 11 day of OCTOBER, 20 14, before me, DIANN COUTURE-SMITH the undersigned officer, personally appeared, ROBERT W GORDON JR known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes herein contained.

In witness whereof I hereunto set my hand and official seal.

Diann Couture-Smith
Notary Public/Justice of the Peace

