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# State of New Hampshire

DEPARTMENT OF SAFETY  
OFFICE OF THE COMMISSIONER  
33 HAZEN DR. CONCORD, NH 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER

April 6, 2015

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, NH 03301

### Requested Action

Pursuant to RSA 106-B:18, authorize the Department of Safety, Division of State Police, to restore 17 hours of sick leave to Trooper Douglas A. Schack, who suffered a line of duty injury and was unable to perform his normal or routine duties from November 27, 2014 through December 7, 2014.

### Explanation

While working the scene of a motor vehicle crash on Interstate 89 in Sunapee, NH on November 26, 2014, Trooper Douglas Schack's fully marked cruiser was struck from the rear by another motorist causing him to sustain a back injury. As a result, the Trooper was transported by ambulance to the hospital and was unable to work his normal shifts. I have determined that Trooper Douglas Schack suffered a line of duty injury and was unable to perform his duties for the period of November 27, 2014 through December 7, 2014. This resulted in the use of his sick leave.

Trooper Douglas A. Schack's convalescent time required the use of 17 hours of sick leave that we are seeking authorization to have restored to him.

Respectfully submitted,

A handwritten signature in cursive script that reads "John J. Barthelmes".  
John J. Barthelmes  
Commissioner of Safety

STATE OF NEW HAMPSHIRE  
NH Department of Safety  
Inter-Department Communication

**FROM:** Helen Gallien  
Payroll Supervisor

**DATE:** 3/23/15

**SUBJECT:** Sick Leave Usage

**TO:** Major Russell S Conte  
Division of State Police

Douglas A Schack was out on Workers Compensation for the period of 12/6/14 through 12/7/14.  
He utilized 17.0 hours of his sick leave.

Should you have any further questions, please do not hesitate to contact me.

Thank you.



Helen Gallien

Payroll Supervisor  
NH Department of Safety  
223-8054

CC: Employee:  
Employee file:

HG/kj

# State of New Hampshire

## Inter-Department Communication

DATE 03-25-2015

FROM Major Russell S. Conte

AT (OFFICE) Headquarters

SUBJECT Request to Reimburse Leave  
Trooper Douglas A. Schack

TO Colonel Robert L. Quinn  
Director, State Police

Sir,

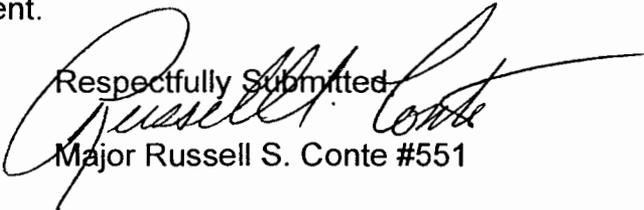
The attached leave reimbursement request from Trooper Douglas A. Schack is self-explanatory. On 11-26-2014, Trooper Schack was seated in his cruiser in the process of covering a motor vehicle accident on Interstate 89. A passing motorist lost control and struck Trooper Schack's cruiser causing considerable damage and leaving Trooper Schack with a back injury. Trooper Schack was transported by ambulance to Concord Hospital, treated, released and placed on sick leave. He was eventually cleared for full duty on 12-08-2014.

On 12-10-2014, Trooper Schack submitted an Inter-Departmental Communication requesting reimbursement for the following leave hours:

Sick Leave 17.0 Hours  
17.0 Total Requested Hours

Following a review of this request as it related to RSA 106-B:18 **Line of Duty Injury**, the statute notes "**Any injury, which is due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature**". Trooper Schack was well within his assigned duties providing police services at the scene of a motor vehicle accident. He employed his training and emergency equipment to provide as safe an environment as possible. However, his activities on that date should be considered "**Dangerous in Nature**". I recommend granting Trooper Schack's request for leave reimbursement.

Respectfully Submitted,

  
Major Russell S. Conte #551

# TITLE VII SHERIFFS, CONSTABLES, AND POLICE OFFICERS

## CHAPTER 106-B THE STATE POLICE

### Section 106-B:18

**106-B:18 Line of Duty Injury.** – Any injury, which is due to a hostile or overt act or an act caused by another during the performance of duties which are considered dangerous in nature, received by any state police employee while on assignment, patrol, or duty that requires that the employee be hospitalized or to the extent that the employee is unable to perform normal or routine duties shall not be charged against earned sick leave or annual leave, and during such time the employee shall remain on the payroll. The commissioner of safety shall make the final determination as to whether the injury received is in 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 the commissioner's decision is final, subject to approval of governor and council.

**Source.** 1965, 209:1. 2001, 291:2, eff. July 1, 2001.