



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS  
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HELEN E. HANKS  
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March 29, 2022

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

### REQUESTED ACTION

Pursuant to the provisions of RSA 21-I: 43-a, Compensation for State Employees Injured in Line of Duty, finalize the determination made by the Commissioner of the Department of Corrections that on November 9<sup>th</sup>, 2021, [REDACTED], a Corrections Officer at the New Hampshire State Prison for Men, sustained an injury in the line of duty due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, effective date of Governor and Council approval.

### EXPLANATION

New Hampshire RSA 21-I: 43-a, Compensation for State Employees Injured in Line of Duty states:


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.** (emphasis added). 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.

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On November 9<sup>th</sup>, 2021, [REDACTED], a Corrections Officer, was injured in the line of duty due to his involvement in responding to a person under departmental custody who was physically assaulting other residents in our Closed Custody Unit during recreation time. [REDACTED], to prevent further injuries to other people under departmental custody in this unit, used his training and secured the person which resulted in both of them being on the ground. Other departmental staff arrived to assist to place the person in hand restraints and escorted him out of the unit. On November 12<sup>th</sup>, 2021, [REDACTED] injuries sustained during this event rendered him unable to perform his full duties, interfered with his physical fitness recertification testing and we cannot return him to the work environment due to these injuries at this time. In accord with NH RSA 21-I: 43-a, we are seeking support for [REDACTED] lost time not to be charged against his annual leave or sick leave and to continue him on the active payroll.

Following a thorough review of the November 9<sup>th</sup>, 2021 incident and facts related to injury, the Commissioner of the Department of Corrections determined on February 18, 2022 that [REDACTED] injuries were 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. Pursuant to RSA 21-I: 43-a, approval of this request shall make the Commissioner's determination final.

Respectfully submitted,

  
Helen E. Hanks, Commissioner  
Department of Corrections