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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

January 3, 2017

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

Requested Action

Pursuant to RSA 106-B:18, authorize the Department of Safety, Division of State Police, to restore 39.6 hours of sick leave to Trooper Sean McCarthy, who suffered a line of duty injury and was unable to perform his normal or routine duties from October 19, 2016 through November 3, 2016.

Explanation

On October 18, 2016 Trooper Sean McCarthy sustained an injury to his right bicep while arresting the subject. The individual Trooper McCarthy had been seeking to arrest had several hours earlier eluded State Police during a motor vehicle pursuit. The individual had been located by the Plymouth Police Department at a closed business. The individual failed to obey orders to submit to arrest and subsequently tried to escape on foot. Trooper McCarthy had been in the individual's path and tackled him to the ground, where a small struggle ensued until the suspect was handcuffed. Trooper McCarthy sustained an injury to his right bicep and sought medical treatment. As a result of the injury he was unable to fulfil his supplemental job description and was placed on sick leave until cleared by the doctor. This resulted in the use of his sick leave.

Trooper Sean McCarthy's convalescent time required the use of 39.6 hours of sick leave that we are seeking authorization to have restored to him.

Respectfully submitted,


John J. Barthelmes
Commissioner of Safety

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

FROM: Helen Gallien
Payroll Supervisor

DATE: 12/20/16

SUBJECT: Sick Leave Usage

TO: Major Russell S Conte
Division of State Police

Sean A McCarthy was out on Workers Compensation for the period of 10/19/16 through 11/3/16.

He utilized 39.60 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

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.