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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

November 25, 2015

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

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

Retroactive

Requested Action

1. Pursuant to RSA 124:15, contingent upon approval of requested action #2 by Governor and Council, authorize the Department of Safety, Office of the Commissioner, to **retroactively** establish one (1) temporary class 059 position (Program Assistant II, LG15) to provide training on interlock devices and maintain communications with associated divisions and agencies involved with the Ignition Interlock Program. Effective upon Fiscal Committee and Governor and Council approvals for the period of July 1, 2015 through September 30, 2016. Funding source: 100% Agency Income.

2. Authorize the Department of Safety, Office of the Commissioner, to **retroactively** accept and expend Interlock Ignition grant funds from the New Hampshire Highway Safety Agency in the amount of \$73,453.00. The continuation of this grant allows for training on interlock devices and to maintain communications with associated division and agencies involved with the ignition Interlock Program utilizing a previously established position. Effective upon Governor and Council for the period of July 1, 2015 through September 30, 2016. Funding Source: 100% Agency Income.

Funds are to be budgeted in SFY 2016 in the following account:

02-23-23-231010-33130000 Dept. of Safety Office of the Commissioner Ignition Interlock Grant

Class	Description	Current SFY 2016 Appropriation	Requested Action	Revised SFY 2016 Adjusted Authorized
009-402983	Federal Funds	\$0.00	(\$73,453.00)	(\$73,453.00)
020-500215	Current Expense	0.00	1,609.00	1,609.00
040-500800	Indirect Costs		8,465.00	8,465.00
059-500117	Salary Temporary Employees	0.00	51,217.00	51,217.00
060-500601	Benefits	0.00	5,362.00	5,362.00
070-500705	In State Travel Reimbursement	0.00	2,800.00	2,800.00
080-500710	Out of State Travel Reimb	0.00	4,000.00	4,000.00
	Org 3313 Totals	\$0.00	\$73,453.00	\$73,453.00

Explanation

This request is comprised of two grant periods and is **retroactive** due to the following. The grant funds for the period from October 1, 2014 through September 30, 2015 were budgeted in SFY2015 and, therefore, provided funding through the continuing resolution. However, after approval of the 2016-17 budget, it was discovered that a request to accept and expend the remaining funds from July 1, 2015 through September 30, 2015 should have been prepared, but was not. The signed grant for

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the period of October 1, 2015 through September 30, 2016 was received after the deadlines for the October Fiscal Committee meeting.

This grant funds a part-time employee (35 hours/week) to coordinate the Ignition Interlock Program. This individual has established continuous, on-going communications with interlock device providers and monitoring of their performance; oversees the development and deployment of an online or live training program to acquaint police and probation/parole officers with the interlock law and the devices (in cooperation with the Police Standards and Training Council); partners with the Administrative Office of the Courts to provide training for the circuit courts in the state and with local and county prosecutors to acquaint them with the Interlock Program and attempt to increase their use; provide Hearings Examiners in the Department of Safety's Bureau of Hearings with ongoing training regarding interlocks; maintains communications with the DMV's Financial Responsibility Administration to receive reports whenever a DWI conviction falls within the parameters requiring installation of an interlock but one was not ordered; monitor license restoration hearings to identify conditions wherein his/her judgment the license of a person convicted of DWI was a suitable candidate for interlock installation but none was ordered and report this information to the Assistant Commissioner of Safety; receive reports of attempts to circumvent interlocks and attempts to drive an interlock equipped vehicle by someone with a positive BAC; monitor situations where an individual claims indigence and attempt to work with interlock providers to establish financial plans that will permit the installation of an interlock on their vehicle; work with the media and the Department's public affairs officer to attempt to engender favorable publicity about the Interlock Program; reach out to the alcohol-impaired driving assessment and treatment program providers to provide them with information about interlocks and encourage them to include the installation of interlock in their treatment recommendation; and review current DWI legislation and make recommendations to the Department of Safety for future improvement to these laws.

<u>Class Code</u>	<u>Title</u>	<u>Description</u>
020	Current Expense	Provides office supplies for the position.
040	Indirect Cost	Represents the associated amount for this request.
059	Temp Full Time	Provides funding for staff to monitor violations.
060	Benefits	Provides funding associated with Class 059 expenses.
070	In State Travel	Provides funding for travel required for training and cooperative work with law enforcement agencies.
080	Out of State Travel	Provides funding for out of state travel for training.

At the time the State of New Hampshire FY 2016-17 budget was being developed, it was not anticipated that the State would receive funding for this grant.

The following information is provided in accordance with the comptroller's instructional memorandum dated September 21, 1981.

- 1) *List of personnel involved:* One (1) temporary part-time position of Program Assistant II (LG 15, A000).
- 2) *Nature, Need, and Duration:* This temporary position will work closely with the DMV's Financial Responsibility Administration, the Administrative Office of the Courts, as well as police to educate and monitor the Ignition Interlock Program. This position will end when funding ceases.
- 3) *Relationship to existing agency programs:* This position will provide Hearings Examiners in the Department of Safety's Bureau of Hearings with training regarding interlocks; maintain communications with the DMV's Financial Responsibility Administration to receive reports whenever a DWI conviction falls within the parameters requiring installation of an interlock but one was not ordered; monitor license restoration hearings to identify conditions wherein his/her judgment the license of a person convicted of DWI was a suitable candidate for interlock installation but none was ordered and report this information to the Assistant Commissioner of Safety.
- 4) *Has a similar program been requested of the legislature and denied?* No

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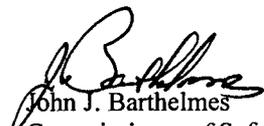
5) *Why wasn't funding included in the agency's budget request?* At the time the budget was created it was unknown that this grant would be awarded again.

6) *Can portions of the grant funds be utilized?* Yes. 100% Federal Grant Funds

7) *Estimate the funds required to continue this position:* Based upon the 2013-2015 Collective Bargaining Agreement, within the pay scale for A000 – 35 hours per week, the amount needed to fund this position (LG15, Step 5) for the period of July 1, 2015 through September 30, 2016 would be \$51,217.00 for salary and an additional \$5,362.00 for benefits for a total of \$56,579.00.

In the event that Agency Income funds are no longer available, additional General funds and/or Highway funds will not be requested to support this program.

Respectfully submitted,



John J. Barthelme
Commissioner of Safety

**Department of Safety
DOS Ignition Interlock Grant
Fiscal Situation**

Federal Funds Awarded:

FFY 2015 DOS /DMV Ignition Interlock Program 10/1/2014 - 9/30/2015	\$51,833.73
FFY 2016 DOS /DMV Ignition Interlock Program 10/1/2015 - 9/30/2016	\$54,973.87
Total Grant Funds Awarded	\$106,807.60

Less SFY 2015 Expenses on FFY 2015 Grant	(29,952.95)
Total	-\$29,952.95

Net Grant Funds Remaining as of Oct 1, 2015 (SFY 2016)	\$76,854.65
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Less SFY16 Appropriation 02-23-23-231010-33130000	\$0.00
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Excess grant funds available to appropriate	\$76,854.65
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This Request	\$73,453.00
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**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received September 24, 2014	Project Number #308-15S-005
Date Approved September 24, 2014	PSP and Task # 15-02, 13

Part I

1. Project Title DOS Interlock Ignition Program	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency DUNS Number 060340564 NH Department of Safety Warehouse	B. Address of Agency 33 Hazen Drive Concord NH 03305-0011
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

Contract Duration A. Contract Period Start Date: October 1, 2014 Termination Date: September 30, 2015	Functional Area M6OT - 405d Impaired Driving Low CFDA# 20.616 Program Title Impaired Driving Countermeasures Grant Funding Source National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$39,638.09	\$39,638.09			
b. Current Expense	\$1,000.00	\$1,000.00			
c. Equipment	\$1,000.00	\$1,000.00			
d. Indirect Costs Audit	\$4,895.64	\$4,895.64			
e. Contractual Services					
f. Travel	\$5,300.00	\$5,300.00			
Total Estimated Costs Including Non-Federal Share	\$51,833.73	\$51,833.73			

7. Local Benefit:

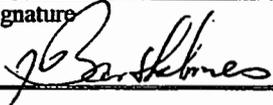
It is anticipated that the federal share for local benefit will be: 50% (\$25,916.87)

Part II

BUDGET AND PERSONNEL DATA		
a. Personnel Services Labor Grade 19 (Part-Time)		
Salary @ \$18.89/hour x 35 hours/week x 52 weeks	\$34,379.80	
Required Annual Day Event @ \$.51 percent	1,753.37	
Benefits: \$36,133.17 x .097	3,504.92	\$39,638.09
b. Current Expenses		
Telephone, photocopying, office supplies, etc.	1,000.00	1,000.00
c. Equipment		
Printer and air card for laptop	1,000.00	1,000.00
d. Indirect Costs and Audit Expense		
Indirect costs: \$46,938.09 x 10.43 percent		4,895.64
e. Contractual Services		
f. Travel Expenses		
In-state travel (5,000 miles @ \$.565/mile or the IRS standard)	2,800.00	
Out-of-State (Annual Conference)	2,500.00	5,300.00
Total		\$51,833.73

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Earl M. Sweeney	2) Title Assistant Commissioner NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature 	5) Telephone Number 223-3888	
X	9/23/2014	
B. Authorized Official		
1) Name John J. Barthelmes	2) Title Commissioner, NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature 	5) Telephone Number 223-3889	
X		

Part IV (For HSA Use Only)

1. Approval Date September 24, 2014	2. Signature & Title  Peter M. Thomson, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$51,833.73	

**CONTRACTUAL AGREEMENT
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire
Highway Safety Agency
78 Regional Drive, Building 2
Concord, NH 03301-8530

Date Received September 23, 2015	Project Number #308-16S-003
Date Approved September 23, 2015	PSP and Task # 16-02, 13

Part I

1. Project Title DOS Interlock Ignition	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency DUNS Number 060340564 NH Department of Safety	B. Address of Agency 33 Hazen Drive Concord NH 03305-0011
C. Government Unit (Check One) <input checked="" type="checkbox"/> State <input type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit State of New Hampshire Concord, NH 03301

4. Contract Duration	Functional Area M6OT - 405d Impaired Driving Low
A. Contract Period	CFDA# 20.616
Start Date: October 1, 2015	Program Title Impaired Driving Countermeasures Grant
Termination Date: September 30, 2016	Funding Source National Highway Traffic Safety Administratio

6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$42,096.85	\$42,096.85			
b. Current Expense	\$1,200.00	\$1,200.00			
c. Equipment	\$400.00	\$400.00			
d. Indirect Costs Audit	\$6,277.02	\$6,277.02			
e. Contractual Services					
f. Travel	\$5,000.00	\$5,000.00			
Total Estimated Costs Including Non-Federal Share	\$54,973.87	\$54,973.87			

7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100%</u> (\$54,973.87)

Part II

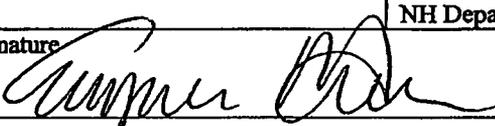
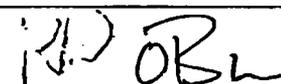
BUDGET AND PERSONNEL DATA		
a. Personnel Services Labor Grade 19 (Part-Time) Salary @ \$20.15/hour x 35 hours/week x 52 weeks Required Annual Day Event Benefits: \$38,374.52 x .097	\$36,673.00 1,701.52 3,722.33	\$42,096.85
b. Current Expenses Telephone, postage, office supplies, photocopying , etc.		1,200.00
c. Equipment Printer		400.00
d. Indirect Costs and Audit Expense Indirect costs: \$48,696.85 x 12.89 percent		6,277.02
e. Contractual Services		
f. Travel Expenses In-state travel (conference, lodging, meals, mileage, etc.) Out-of-State (conference, lodging, meals, mileage, etc.)	1,000.00 4,000.00	5,000.00
Total		\$54,973.87

In Kind Match For This Project = \$13,743.47 (405d Funds)

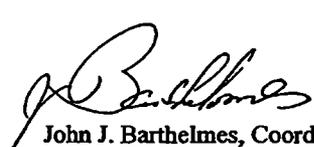
This match requirement shall be met primarily through Salary and benefits cost analysis of agency personnel prosecuting cases relating to violations of the interlock program law.

Part III

Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grant which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Elizabeth A. Bielecki	2) Title Director of Administration NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X 		5) Telephone Number 223-8020
B. Authorized Official		
1) Name Kevin P. O'Brien	2) Title Assistant Commissioner NH Department of Safety	3) Address 33 Hazen Drive Concord, NH 03305
4) Signature X 		5) Telephone Number 223-3889

Part IV (For HSA Use Only)

1. Approval Date September 23, 2015	2. Signature & Title  John J. Barthelmes, Coordinator NH Highway Safety Agency
3. Federal Funds Obligated by this Agreement: \$54,973.87	

TITLE IX

ACQUISITION OF LANDS BY UNITED STATES; FEDERAL AID

CHAPTER 124 FEDERAL AID

Miscellaneous

Section 124:15

124:15 Positions Restricted. –

I. In addition to the positions authorized by law, no new personnel positions, or consultants, or both may be created by the acceptance of federal moneys or moneys from any other source unless such positions, or consultants, or both are approved by the fiscal committee of the general court; provided, however, that the governor and council may accept all moneys available for any emergency or disaster as defined by the authority awarding such moneys; and provided further that all such moneys available to the general court or to either of its houses may be accepted by the respective presiding officers with the prior approval of the fiscal committee. Nothing herein shall be construed to affect the provisions of RSA 98:17-a.

II. Every board, agency, department or commission receiving such federal or other moneys shall attempt to apply them in whole or in part to the cost of personnel positions authorized by law so as to reduce the obligation of general funds, but if the salaries of such personnel positions cannot be paid out of such moneys then such positions shall be considered as specified in paragraph I.

III. All such moneys which fund personnel positions subject to the restrictions of this section shall be used only for the purposes or programs specified in the application for approval of the positions or as otherwise authorized by law, and all such moneys which are accepted in accordance with law are hereby appropriated.

Source. 1983, 469:84, eff. July 1, 1983.