



State of New Hampshire

Department of Labor

Hugh J. Gallen
State Office Park
Spaulding Building
95 Pleasant Street
Concord, NH 03301
603/271-3176
TDD Access: Relay NH
1-800-735-2964
FAX: 603/271-6149
<http://www.nh.gov/labor>

James W. Craig
Commissioner of Labor

Kathryn J. Barger
Deputy Labor
Commissioner

March 2016

Her Excellency Governor Margaret Wood Hassan
and the Honorable Executive Council

Dear Governor Hassan and Members of the Executive Council:

The New Hampshire Department of Labor is pleased to present you its 61st Biennial Report reflecting the period of July 1, 2013 through June 30, 2015 pursuant to RSA 273:10 and RSA 281:A:61. The information contained in this report reflects the many activities and accomplishments of our department.

We are pleased to continue to promote our mission of serving the needs of labor, business, healthcare providers, school districts, and the citizens of New Hampshire. To that end, one of the greatest tools that we've instituted is our email alert system which provides updated labor law information as well as news on the ever increasing number of labor law seminars that we offer throughout the state. This renewed push for customer outreach has been the primary factor in increased compliance with New Hampshire labor laws.

Thank you for your support and we look forward to continuing to work with you as we serve and protect the interests and dignity of the New Hampshire workforce.

Respectfully submitted,

James W. Craig
Commissioner of Labor

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STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR



61st Biennial Report

July 1, 2013 – June 30, 2015

STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR

61st BIENNIAL REPORT

JULY 1, 2013 – JUNE 30, 2015

MARCH 2016

RSA 273:10 AND 281-A:61

STATE OF NEW HAMPSHIRE

GOVERNOR AND EXECUTIVE COUNCIL

THE HONORABLE MARGARET WOOD HASSAN
GOVERNOR

THE HONORABLE JOSEPH D. KENNEY
EXECUTIVE COUNCILOR - FIRST DISTRICT

THE HONORABLE COLIN VAN OSTERN
EXECUTIVE COUNCILOR - SECOND DISTRICT

THE HONORABLE CHRISTOPHER T. SUNUNU
EXECUTIVE COUNCILOR - THIRD DISTRICT

THE HONORABLE CHRISTOPHER C. PAPPAS
EXECUTIVE COUNCILOR - FOURTH DISTRICT

THE HONORABLE DAVID K. WHEELER
EXECUTIVE COUNCILOR - FIFTH DISTRICT

**State of New Hampshire Department of Labor
Mission Statement and Vision Statement**

Mission Statement

To serve and protect the interests and dignity of the
New Hampshire workforce.

Vision Statement

Our vision is to be recognized by the public as:

1. Being a proactive and accessible resource to employees and employers
2. Ensuring fair and consistent labor practices
3. Utilizing progressive technologies
4. Having efficient and responsive processes
5. Treating all individuals with respect and courtesy
6. Being competent and professional

Staff of NH DOL

**State of New Hampshire Department of Labor
Statement of Guiding Principles**

Guiding Principles

1. We believe that proactive communication is helpful in the education of the NH workforce.
2. We are dedicated professionals who are committed to serving the public in a fair and objective manner.
3. We believe that showing respect and courtesy to others will inspire others to do the same.
4. We believe our fullest potential is realized through teamwork and cooperation.
5. We are committed to the belief that we can always do better and will strive towards that end.

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I. Statutes Administered by this Department

STATUTES ADMINISTERED BY THIS DEPARTMENT

The New Hampshire Department of Labor was established by Chapter 48 of the Laws of 1893.

RSA 273. Provides for the operation of the Department of Labor and covers the mediation and arbitration of labor disputes.

RSA 157-A. Boiler and Pressure Vessel Inspection Law. The Department of Labor issues licenses for all boiler inspectors. This department also certifies boilers and pressure vessels for safe operation.

RSA 157-B. Elevator & Accessibility Lift Law. Elevators and accessibility lifts are certified for safe operation. Elevator and accessibility lift inspectors and mechanics are licensed by this department.

RSA 275. Protective Legislation. Governs the conditions of employment such as lunch periods, fringe benefits and access to personnel files. Collection of wages due employees is also covered under this act.

RSA 275-A. Citizens Job Protection. This law addresses labor strikes and employment of aliens.

RSA 275-E. Whistleblowers' Protection Act. This act protects employees who report violations of law or refuse to execute illegal directives.

RSA 275-F. WARN Act. Worker Adjustment and Retraining Notification Act protects workers by requiring advance notice of significant employment losses at large employers numbering seventy-five or more employees.

RSA 276-A. Youth Employment. The purpose of this statute is to encourage the employment of youth while safeguarding them from excessive hours and specific hazardous employment opportunities.

RSA 277. Safety and Health of Employees. The Department of Labor is responsible for assuring that all employees in the public sector have safe and healthy working conditions.

RSA 277-A. Workers' Right to Know Law. This law guarantees employees in the public sector who are exposed to toxic substances the right to know from their employer the effect of being exposed to the substance.

RSA 277-B. Employee Leasing Companies. Regulates Employee Leasing Companies in order to protect employer's and employee's payroll and benefits including tax payments.

RSA 279. Minimum Wage Law. Enforcement of minimum wage and overtime payments as provided by statute.

RSA 281-A. Workers' Compensation Law. All work related injuries are reported to this department. These claims are processed to ensure that there is prompt payment of benefits, with hearings conducted promptly to assure that services such as medical and vocational rehabilitation are provided to the injured worker. All employers of one or more persons (either full or part-time) must have workers' compensation insurance coverage.

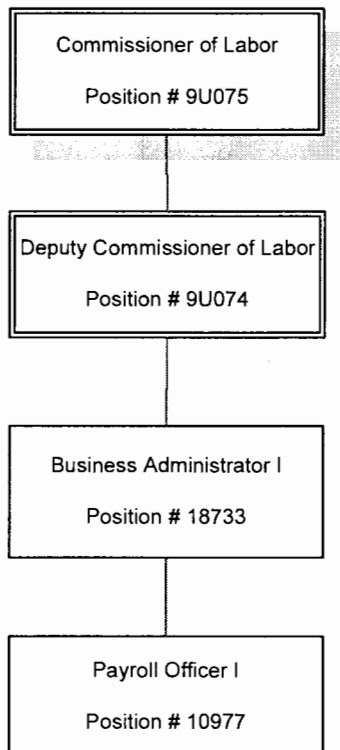
II. Organizational Charts

NH DEPARTMENT OF LABOR

Administration and Support

Organization Code: 6000

Organizational Chart

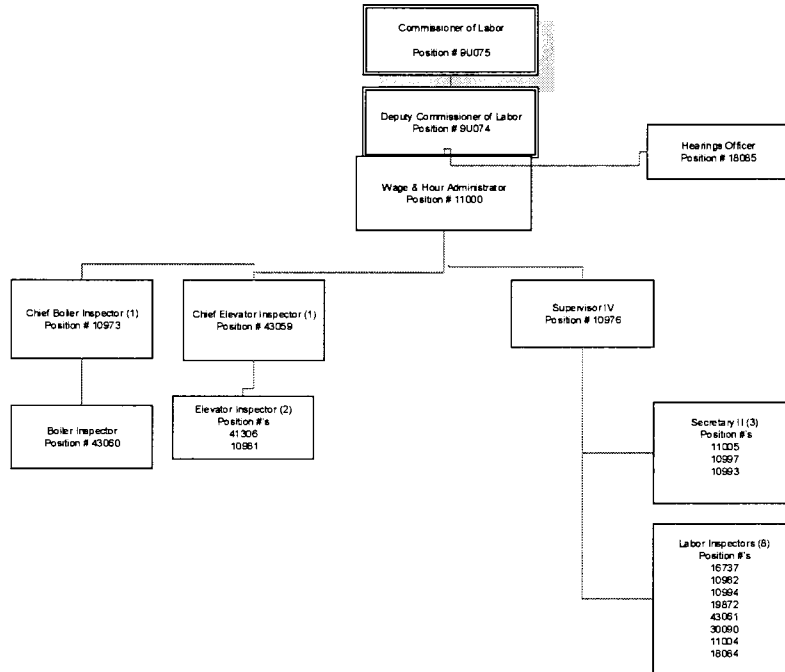


NH DEPARTMENT OF LABOR

Inspection Division

Organization Code: 6100

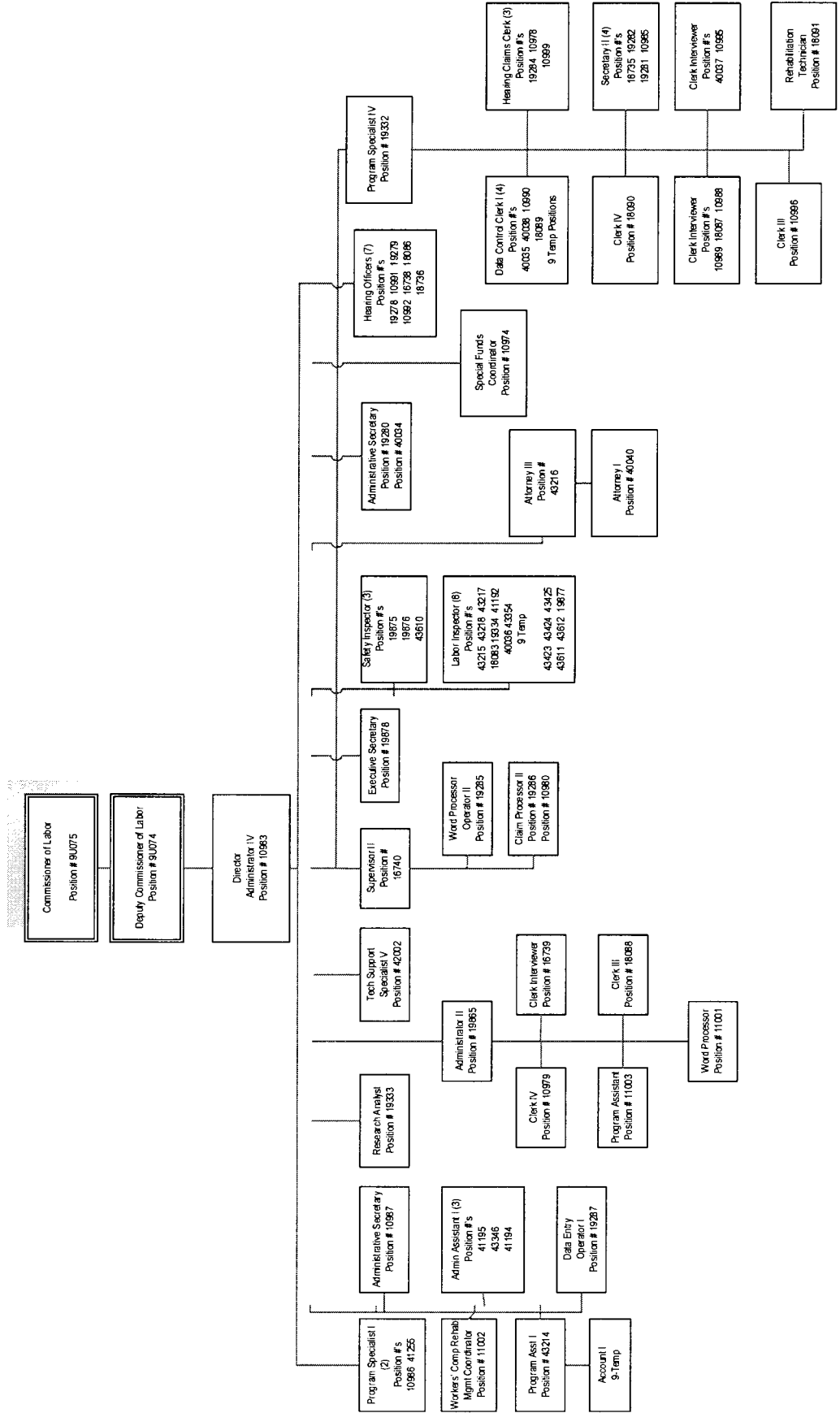
Organizational Chart



Date: 11/16/2015

NH DEPARTMENT OF LABOR
 Workers' Compensation Division
 Organization Code: 6200

Organizational Chart



III. Personnel Data

PERSONNEL DATA

NUMBER OF AGENCY EMPLOYEES AS OF:

	6/30/14	6/30/15
UNCLASSIFIED	2	2
CLASSIFIED	93	93
TEMPORARY	6	6
<hr/>		
TOTAL	101	101

IV. Council & Boards

COMPENSATION APPEALS BOARD

DENNIS E. ADAMS – LABOR
DEERFIELD, NH

MARY ASHCROFT - MANAGEMENT
DERRY, NH

BENJAMIN C. BAROODY - LABOR
MANCHESTER, NH

JOSEPH A. DICKINSON, ESQ. - NEUTRAL
CONCORD, NH

MAUREEN E. DWYER-HEINRICHS – MANAGEMENT
KINGSTON, NH

ANNE EATON - LABOR
CONCORD, NH

DAVID FOSTER - MANAGEMENT
NEW LONDON, NH

ROGER E. GAGNON – LABOR
MANCHESTER, NH

SUSAN JEFFERY - MANAGEMENT
MANCHESTER, NH

LEO D. KELLY - LABOR
GOFFSTOWN, NH

HAMILTON R. KRANS, JR., ESQ. - NEUTRAL
DOVER, NH

RONALD E. LUDWIG – MANAGEMENT
MANCHESTER, NH

MARK MACKENZIE - LABOR
MANCHESTER, NH

DANIEL MANNING - LABOR

MANCHESTER, NH

RICHARD MITCHELL, ESQ. - NEUTRAL
CANDIA, NH

ROBERT MORNEAU - LABOR
WOLFEBORO, NH

DENNIS E. MURPHY, JR. - LABOR
CTR HARBOR, NH

ROBERT C. NORTON - MANAGEMENT
CONCORD, NH

HARRY G. NTAPALIS – MANAGEMENT
MANCHESTER, NH

DENIS W. PARKER – LABOR
HOOKSETT, NH

THOMAS F. PARKS, JR. – MANAGEMENT
DOVER, NH

NORMAN PATENAUDE, ESQ. – NEUTRAL
PORTSMOUTH, NH

CHRISTOPHER T. REGAN, ESQ. - NEUTRAL
DOVER, NH

CONSTANCE ROY - MANAGEMENT
WOLFEBORO, NH

WILLIAM J. SCHUBERT, ESQ. - NEUTRAL
MANCHESTER, NH

DAVID SIFF, ESQ. - NEUTRAL
CONCORD, NH

DENNIS TERAVAINEN - MANAGEMENT
HOOKSETT, NH

TIMOTHY S. WHEELLOCK, ESQ. - NEUTRAL
PORTSMOUTH, NH

WORKERS' COMPENSATION ADVISORY COUNCIL

DR. DOUGLAS GOUMAS
MANCHESTER, NH

CJ STONE
DEPARTMENT OF LABOR

STATE REP. BRIAN G. SEAWARTH
PEMBROKE, NH

SALLY MACFADDEN
DEPARTMENT OF INSURANCE

STATE SEN. GARY DANIELS
MILFORD, NH

MARGARET CROUCH, CHAIR
BEDFORD, NH

EILEEN BERNARD
HOOKSETT, NH

WILLIAM MCQUILLEN, VICE CHAIR
LONDONDERRY, NH

MARIAN MITCHELL
HOOKSETT, NH

BOARD OF CONCILIATION AND ARBITRATION

EDWARD CLANCY, ESQ.
DOVER, NH

ROBERT CRICENTI
NEW LONDON, NH

R. BRUCE GAGNON
CHESTER, NH

PENALTY APPEALS BOARD

BETH A. DERAGON, ESQ
MANCHESTER, NH

GAYLE TROY
DUNBARTON, NH

DAVID W. LAUGHTON
AUBURN, NH

V. Receipts & Expenditures

RECEIPTS AND EXPENDITURES

	FISCAL YEAR 2014		FISCAL YEAR 2015	
	7/1/13 TO 6/30/14		7/1/14 TO 6/30/15	
RECEIPTS				
GENERAL FUND	\$	1,562,446.00	\$	1,235,632.00
003 REVOLVING FUND	\$	14,227,150.00	\$	15,291,169.00
006 AGENCY INCOME	\$	1,266,478.00	\$	1,149,784.00
009 ADMINISTRATION FUND	\$	6,027,184.00	\$	6,901,291.00
ARRA FUNDS			\$	-
FEDERAL FUNDS			\$	-
TOTAL RECEIPTS	\$	23,083,258.00	\$	24,577,876.00
EXPENDITURES				
10 PERSONAL SERVICES PERM.	\$	3,594,573.00	\$	3,682,240.00
20 CURRENT EXPENSES	\$	179,975.00	\$	177,758.00
22 RENTS + LEASES OTHER THAN STATE	\$	29,866.00	\$	28,782.00
24 MAINTENANCE OTHER THAN BUILDING	\$	5,972.00	\$	6,773.00
26 ORGANIZATIONAL DUES	\$	3,489.00	\$	3,890.00
27 TRANSFER TO DOIT	\$	891,469.00	\$	1,072,359.00
28 TRANSFER TO GENERAL SERVICES	\$	241,063.00	\$	283,573.00
30 EQUIPMENT & REPLACEMENT	\$	92,065.00	\$	21,417.00
35 SHARED SERVICES SUPPORT	\$	4,592.00	\$	2,720.00
39 TELECOMMUNICATIONS	\$	40,409.00	\$	39,088.00
40 INDIRECT COSTS	\$	121,499.00	\$	121,499.00
46 CONSULTANTS	\$	-	\$	-
49 TRANSFER TO OTHER STATE AGENCIES	\$	2,300.00	\$	2,300.00
50 PERSONAL SERVICE TEMP.	\$	308,155.00	\$	354,340.00
54 TRUST FUND EXPENDITURES	\$	14,227,114.00	\$	15,291,169.00
57 BOOKS, PERIODICALS & SUBSCRIPTIONS	\$	4,346.00	\$	1,159.00
59 FULL TIME TEMP.	\$	-	\$	-
60 BENEFITS	\$	1,931,130.00	\$	1,914,321.00
61 UNEMPLOYMENT COMPENSATION	\$	2,172.00	\$	869.00
62 WORKERS COMPENSATION	\$	55,534.00	\$	3,394.00
64 RETIREE-PENSION BENEFIT-HEALTH INS	\$	283,954.00	\$	316,857.00
70 IN STATE TRAVEL REIMBURSEMENT	\$	51,727.00	\$	59,084.00
80 OUT OF STATE TRAVEL REIMBURSEMENT	\$	102.00	\$	1,220.00
92 CONTRACTUAL/TRAINING	\$	-	\$	-
TOTAL EXPENDITURES	\$	22,071,506.00	\$	23,384,812.00

VI. Legislation

LEGISLATIVE CHANGES

Significant Legislative Changes During this Biennium to the Statutes Administered by the Department Of Labor

157-A:6 – amended to clarify that certain boiler inspection exemptions apply only to private residences. Effective 9/19/2014

157-B:8-a – elevator mechanics certification reciprocal with other states. Effective 9/22/2013

273:11-a – clarifies Commissioner of Labor’s power to enforce statutes in title XXIII. Effective 7/26/2014

273:11-b, I – amended to clarify that the Penalty Appeal Board has jurisdiction over any civil penalty imposed by the Commissioner of Labor. Effective 8/4/2015

275:37 to 41 – amended generally to define and enforce pay equity protection. Effective 1/1/2015

275:41-b – adds protection for an employee who discloses own wages. Effective 1/1/2015

275:43 – amended to permit equalized, but less frequently than weekly, pay to school district employees, if collectively bargained. Effective 8/25/2015

275:48 – amendment permits withholding from wages of a charity employee for the benefit of that charity. Effective 7/26/2014

275:49 – requires a new poster in the workplace about pay equity. Effective 1/1/2015

275:71 and 72 – adds workplace protections for victims of domestic violence. Effective 9/9/2014

275:74 and 75 – adds protection for employee, preventing compelled disclosure of social media and email. Effective 9/30/2014

275-A:4-a – amended to modernize language to prove an employee’s eligibility to work in the U.S. Effective 8/15/2014

277-A – amended generally to follow language of federal law regarding handling and transport of toxic substances. Effective 1/1/2016

279:21 – amended to allow employees at ballrooms to be treated as tipped employees. Effective 4/10/2015

279:22-a and 22-aa – amended to forbid subminimum wages for persons with disabilities. Effective 7/6/2015

281-A:23 – amended to assure the injured worker has the right to choose a pharmacy; but unless “medically necessary”, prescriptions will be generic. Effective 1/1/2014

281-A:24 – amended to require that health providers have the burden of proof in any dispute as to the reasonable value of medical services to be paid on behalf of an injured worker. Effective 9/4/2015

281-A:32-a – adds a special payment by the state for certain permanent impairments to municipal first responders. Effective 7/21/2014

281-A:38 – amend independent medical examination procedure to give notice to injured worker that the exam is at opponent’s request and not for treatment. Effective 1/1/2014

281-A:42-aa – corrects name of attorney group “NH Association for Justice.” Effective 5/23/2014

VII. Workers' Compensation Division

WORKERS' COMPENSATION

The Workers' Compensation Division of the New Hampshire Department of Labor was created in 1947 and has the responsibility for administration of the State's Workers' Compensation Law (RSA 281-A). This law originally enacted in 1911, requires employers to maintain insurance coverage to provide no fault workers' compensation for employees in case of accidental injury, death or occupational disease, "arising out of and in the course of employment" (RSA 281-A:2 XI).

The law specifies the level of medical and wage replacement income benefit to be paid to injured workers and at the same time bars the employee from suing the employer for the injury. The division's coverage section is responsible for ensuring that all employers maintain this specific insurance coverage. The claims section's duties include scheduling and conducting hearings on contested cases, and monitoring the service of the insurance carriers to determine that benefit payments are provided timely. The Vocational Rehabilitation section is responsible for monitoring the vocational rehabilitation process.

Administering and enforcing the many provisions of the workers compensation law is the division's primary objective. Educational efforts to inform all parties involved of the workers' compensation process have been a top priority of this division. It is crucial that employers, employees and insurers understand their rights and responsibilities under the law. An annual educational conference sponsored by the New Hampshire Adjusters' Association with assistance from the Department of Labor, business community round table meetings and periodic special topic workshops, along with over 9,862 individual contacts each year comprise the division's educational efforts.

To further educate employees and employers alike, the division has developed a web site. The website address is www.NH.gov/labor. Included in this web site are the laws and regulations, frequently asked questions, forms and explanations as to benefits, rights and responsibilities of all parties involved.

The legislative initiatives over the last 25 years have provided a significant opportunity to improve the overall performance of the New Hampshire Workers' Compensation System. Employers have demonstrated strong efforts in consistently providing alternative work for employees who are unable to perform the duties of their regular job. Employees have joined management staff in addressing workplace safety issues with the formation of joint loss management committees. The division continues to receive input as a result of this effort on behalf of both parties.

**REPORTED INJURIES AND COMPENSABLE DISABILITIES
 COMPARED WITH AVERAGE ANNUAL EMPLOYMENT IN FISCAL
 YEARS 2011-2015**

Injuries reported to the Department of Labor increased to 39,408 in FY 2014 from injuries reported for 2013 with a low incidence rate of 6.1. In FY 2015, the number of injuries reported was 38,864 with an incidence rate of 5.9. The chart below represents a decrease in the incidence rate of injuries reported over the past 5 years with an increase in non-agricultural employment in fiscal year 2015.

The pattern of incidence rates of lost time cases seems to be consistent over the period of the last five fiscal years, which is reflected in the section below. In FY 2014 there were 3,529 injuries that represented cases where the employee was disabled from work or out of work due to their injury for four or more days. There were 3,437 lost time cases in FY 2015.

REPORTED INJURIES

COMPENSABLE DISABILITIES

FISCAL YEAR	NON-AGRICULTURAL EMPLOYEE	INJURIES REPORTED	INCIDENCE RATE	LOST TIME	INCIDENCE RATE
2011	631,200	39,954	6.3	3,810	0.95
2012	641,600	39,502	6.2	3,535	0.89
2013	644,000	38,998	6.1	3,530	0.91
2014	640,300	39,408	6.1	3,529	0.90
2015	647,800	38,864	5.9	3,437	0.88

NON-AGRICULTURAL EMPLOYMENT BASED ON NH DEPARTMENT OF EMPLOYMENT SECURITY, BUREAU OF LABOR STATISTICS FINAL MONTHLY ESTIMATES, AS REVISED.

INCIDENCE RATE IS PER HUNDRED OF EMPLOYMENT.

OCCUPATIONAL INJURY AND DISEASE STATISTICS

The following three reports include statistics developed from the First Reports of Injury (FROI) received from employers. The first report breaks the FROI up by body part injured as reported by the employer. The second report represents the cause of the injury, and the third report represents the outcome of the injury as best described by the employer.

These reports must be sent in within 5 days of the employer receiving notice of the injury. The reporting of first reports is now done electronically through EDI.

INJURY BY BODY PART					
Code	Body Part	FY 2012	FY 2013	FY 2014	FY 2015
00	Unknown- Zeros	123	119	227	138
01	NonApplicable	300	292	262	243
10	Neck	47	40	43	62
11	Back	952	975	926	828
12	Lower Back	4,188	3,991	3,936	4,021
13	Buttocks	154	166	207	165
20	Heart	55	45	46	45
21	Brain	55	84	126	102
30	Thumb	1,211	1,221	1,207	1,210
31	Finger	4,655	4,552	4,517	4,541
32	Hand	2,875	2,764	2,737	2,613
33	Wrist	1,755	1,688	1,590	1,765
34	Arm	2,306	2,420	2,357	2,260
35	Elbow	795	728	793	741
36	Shoulder	2,086	2,181	2,156	2,152
40	Toe	358	303	339	351
41	Foot	1,082	1,115	1,042	1,039
42	Ankle	1,398	1,292	1,388	1,387
43	Leg	275	278	270	268
44	Lower Leg	967	966	1,015	926
45	Knee	2,785	2,777	2,941	2,747
46	Upper Leg	23	15	22	23
47	Hip	318	324	339	368
50	Head	1,809	1,939	1,991	2,063
51	Mouth	252	240	235	218
52	Nose	220	188	200	180
53	Eye	1,616	1,541	1,455	1,509
54	Ear	102	112	136	118
60	Lungs	158	137	164	145
70	Neck & Head	12	11	14	10
71	Neck & Shoulders	17	11	11	5
72	Neck & Back	14	18	24	15
73	Back & Leg	12	3	7	5
74	Hip & Leg	4	5	2	4
75	Foot& Ankle	6	6	11	5
76	Hand & Wrist	215	189	199	182
77	Other Multiples	3,802	3,601	3,804	3,707
97	Other	2,580	2,653	2,652	2,688
99	Fatal	10	8	17	15
	Totals	39,502	38,998	39,408	38,864

INJURY BY CAUSE					
Code	Cause Description	FY 2012	FY 2013	FY 2014	FY 2015
AL	Animal	693	687	679	721
AP	Airborne Particles	883	930	819	800
CA	Criminal Act	126	83	68	62
CL	Chemicals	173	187	147	168
EL	Electricity	59	47	53	56
HL	Hot Liquid	722	720	719	683
HO	Hit by Object	4,180	4,101	3,729	3,668
IN	Insect	42	35	47	55
LA	Lifting Action	7,606	7,359	6,882	6,890
MV	Motor Vehicle Accident	688	737	752	747
MY	Machinery	420	416	374	371
NA	NonApplicable	1,449	1,364	1,236	1,255
ND	Needle	43	86	64	81
OT	Other	4,219	4,371	4,329	4,161
PL	Plant	417	386	425	465
PR	Person	2,488	2,663	2,689	2,931
PS	Pinch/Squeeze	839	826	780	778
QA	Quality of Air	89	34	42	48
RP	Repetitious	1,286	1,221	1,225	1,095
SL	Slip or Fall	7,539	7,617	9,110	8,566
SO	Sharp Object	2,187	2,120	2,205	2,280
TO	Tool	2,153	1,883	1,884	1,908
TW	Twist	991	952	840	804
UK	Unknown	206	175	306	265
WE	Weather	4	4	4	6
	Totals	39,502	38,998	39,408	38,864

INJURY BY OUTCOME					
Code	Outcome Description	FY 2012	FY 2013	FY 2014	FY 2015
100	Unknown	4,622	4,266	4,450	4,344
101	NonApplicable	1,114	1,093	1,199	1,051
102	Cut or Puncture	7,671	7,703	7,550	7,543
104	Bruise	6,301	6,888	7,174	7,000
105	Muscle Pull/Strain	15,257	13,926	13,783	13,473
106	Burn	64	762	865	851
107	Bites and/or Scratches	230	240	224	332
108	Broken or Fractured Bone	1,120	1,029	1,154	1,127
109	Amputation	43	34	36	33
110	Splinter	1,099	1,040	987	1,022
120	Heart Attack	76	52	53	57
121	Stroke or Seizure	8	2	2	4
130	Carpal Tunnel	141	180	148	120
131	Tendonitis	5	2	3	2
132	Frost Bite	2	9	9	15
140	Heat Exhaustion	20	19	33	18
141	Occupational Disease (Other)	297	281	307	421
142	Hepatitis Exposure	0	6	5	4
143	Cancer or Exposure (asbestos)	1	1	1	2
144	Body Fluid Exposure	25	36	44	32
145	Electrical Shock	60	58	66	69
146	Hernia	103	116	99	119
147	Rash or Dermatitis	202	193	179	160
148	Allergic Reaction	10	9	18	11
149	Stress	779	838	767	822
160	Fumes, Dust, Smoke Inhale	44	17	24	19
161	Other Respiratory	122	104	104	89
170	Eyeglasses & Contacts	0	1	2	2
171	Vision	43	51	62	66
180	Hearing Aid	18	13	18	22
181	Hearing Loss	15	21	25	19
199	Death	10	8	17	15
	Totals	39,502	38,998	39,408	38,864

Injuries by Industry Codes

This report uses the industry code provided by the employer on the first report of injury when submitted. Often this industry code is not provided by the employer. To obtain a more comprehensive report of injuries by industry, the information provided on our coverage records was matched to the first reports providing a greater sample for the analysis of injuries by industry.

Industry Description	Industry Code	FY14	FY15
Agriculture, Forestry, Fishing and Hunting	11	288	185
Mining, Quarrying, and Oil and Gas Extraction	21	45	81
Utilities	22	164	174
Construction	23	1679	1746
Food Manufacturing	31	769	659
Wood Manufacturing	32	534	648
Metal Manufacturing	33	2206	1812
Wholesale Trade	42	888	807
Motor Vehicle and Parts Dealers	44	3080	3220
Sporting Goods, Hobby, Book, and Music Stores	45	1251	1234
Air Transportation	48	494	512
Postal Service	49	188	224
Information	51	271	217
Finance and Insurance	52	518	550
Real Estate and Rental and Leasing	53	388	591
Professional, Scientific, and Technical Services	54	602	658
Management of Companies and Enterprises	55	127	18
Administrative and Support and Waste Management	56	1570	1580
Educational Services	61	1629	1445
Health Care and Social Assistance	62	5376	5426
Arts, Entertainment, and Recreation	71	1043	1043
Accommodation and Food Services	72	1749	1539
Other Services (except Public Administration)	81	940	864
Public Administration	92	910	865
Subtotals		26,709	26,098
Unknowns		12,699	12,766
Totals		39,408	38,864

Injuries by Classification Codes

This report shows the number of injuries by classification codes. This report has been furnished by the National Council of Compensation Insurance (NCCI). The report only records compensable injuries paid by insurance carriers.

Class Group	04/2011 - 03/2012	04/2010 - 03/2011
010-ESTATES, GARDENING AND FARMING	119	136
011-PRIVATE RESIDENCES (PER CAPITA)		3
040-QUARRYING	32	46
050-BAKING	58	50
052-CONFECTIONS AND FOOD SUNDRIES	25	6
053-DAIRY PRODUCTS	17	16
056-BREWING AND BOTTLING	84	81
063-MISCELLANEOUS	65	42
070-CLOTHING AND FURNISHING GOODS	69	37
080-LAUNDERING, CLEANING AND DYEING	78	87
100-RUBBER PRODUCTS	57	85
101-COMPOSITION, IVORY, HORN, SHELL OR BONE PRODUCTS	166	194
120-PULP, PAPER AND PULP PRODUCTS	25	12
121-PAPER GOODS	25	47
123-PRINTING, BOOKBINDING AND ENGRAVING	94	132
140-LUMBER MILLING	85	115
141-BARRELS, BOXES AND VENEER PRODUCTS	20	22
142-WOOD PRODUCTS NOC		9
143-FURNITURE	59	53
171-FOUNDRIES AND MISCELLANEOUS PIPE OR TUBE MFG.	54	55
173-STRUCTURAL AND ORNAMENTAL METAL AND TANK FABRICATION	34	49
174-TOOL MANUFACTURING	26	14
176-SHEET OR STAMPED METAL PRODUCTS	163	183
177-WIRE PRODUCTS	11	28
180-MACHINE SHOPS	437	450
181-FINE SPECIALTY MACHINES	92	100
182-MISCELLANEOUS MACHINED PRODUCTS	91	89
184-ELECTRICAL EQUIPMENT	251	283
185-INSTRUMENTS	161	172
201-AUTOMOBILE BODIES	6	5
211-CEMENT, PLASTER AND CONCRETE PRODUCTS	28	6
212-GRINDING, CUTTING AND POLISHING STONE AND MINERALS	12	
Class Group	04/2011 - 03/2012	04/2010 - 03/2011

231-MISCELLANEOUS GLASS PRODUCTS	29	17
240-CHEMICAL PRODUCTS NOC AND DYESTUFF RATING PLAN	13	
241-GASES AND MISCELLANEOUS INORGANIC CHEMICALS	6	
242-EXTRACTS, DRUGS AND MEDICINES	35	29
243-PAINTS, INK AND POLISHES	27	33
251-PHARMACEUTICAL OR SURGICAL PRODUCTS	7	27
252-PAINTING AND UPHOLSTERING	9	13
261-STREET AND ROAD CONSTRUCTION	34	41
263-DRILLING	11	12
264-CLEARING, GRADING AND EXCAVATING	216	199
265-PILE DRIVING	32	30
268-WELDING	5	
269-ELECTRIC POWER AND COMMUNICATION LINE CONSTRUCTION	5	
270-RIGGING, STRUCTURAL AND ORNAMENTAL METAL ERECTION	29	21
271-PLUMBING AND SHEET METAL ERECTION	323	353
272-INSTALLATION OF MACHINES AND EQUIPMENT	237	242
273-CONCRETE CONSTRUCTION	105	94
274-CARPENTRY	334	393
275-PAINTING AND DECORATING	58	45
276-MASONRY AND PLASTERING	50	47
277-ROOFING AND WATERPROOFING	29	35
279-MISCELLANEOUS CONSTRUCTION AND ERECTION	123	119
280-SHIP OR BOAT BUILDING OR REPAIRING	20	25
320-OPERATION OF VEHICLES	703	697
330-PUBLIC UTILITIES	193	192
331-MISCELLANEOUS PUBLIC WORKS OPERATION	16	18
340-FOOD AND PROVISION DEALERS	381	354
341-STORES-LIGHT MERCHANDISE	409	422
342-STORES-HEAVY MERCHANDISE	579	614
343-STORES-MISCELLANEOUS	1138	1182
344-DEALERS IN ICE, FUEL, BUILDING MATERIALS AND FEED	387	360
345-DEALERS IN SCRAP METALS AND JUNK	8	
346-DEALERS IN SECONDHAND MATERIALS	401	412
347-AUTOMOBILE SERVICE AND ACCESSORIES DEALERS	454	430
Class Group	04/2011 - 03/2012	04/2010 - 03/2011
348-LIVESTOCK		14
349-WAREHOUSING AND STORAGE	71	59

350-CLERICAL	867	903
351-INSTRUCTIONAL AND MEDICAL PROFESSIONS	3078	2811
352-MISCELLANEOUS INSIDE OCCUPATIONS	49	65
353-ENGINEERING, APPRAISALS AND INSPECTION	208	225
354-MISCELLANEOUS OUTSIDE OCCUPATIONS	234	246
360-MISCELLANEOUS BUILDING OPERATION	1101	1070
361-HOTELS, RESTAURANTS, CLUBS	1878	1882
362-AMUSEMENTS-INSIDE	3	
363-AMUSEMENTS-OUTSIDE	375	317
370-PERSONAL SERVICE	48	27
371-STREET OR SEWER CLEANING AND GARBAGE COLLECTING	72	78
372-POLICE OFFICERS AND FIREFIGHTERS	44	42
373-AIRCRAFT OPERATION	53	47
Total	16,931	16,849

Lowest Experience Modifications

In accordance with RSA 281-A: 61, Reports of the Commissioner and in conjunction with the National Council of Compensation Insurance (NCCI), below is a list of the best performers based on the experience modification factors promulgated by NCCI.

Employer	Rating Effective Date	Experience Modification	Employer Location
HITCHINER MANUFACTURING CO INC	12/31/2014	0.60	MILFORD, NH 030554306
PEOPLES LINEN SERVICE	1/1/2014	0.62	KEENE, NH 034312019
ST PAUL'S SCHOOL	4/1/2014	0.63	CONCORD, NH 033012552
ANDROSCOGGIN VALLEY HOSPITAL INC	10/01/2014	0.63	BERLIN, NH 035703531
SEACOAST REDICARE	1/1/2014	0.63	SOMERSWORTH, NH 038781433
FRISBIE MEMORIAL HOSPITAL	1/1/2014	0.63	ROCHESTER, NH 038673226
FELTON INC	1/1/2014	0.64	LONDONDERRY, NH 030537435
EPSOM MANOR	1/1/2014	0.65	EPSOM, NH 032344329
MAPLE LEAF HEALTHCARE CENTR	1/1/2014	0.65	MANCHESTER, NH 031044357
VILLA CREST HEALTH CARE CENTER	1/1/2014	0.65	MANCHESTER, NH 031045623
NORTH BRANCH CONSTRUCTION	1/1/2014	0.66	CONCORD, NH 033015242
AREA AGENCY OF GREATER NASHUA	7/1/2014	0.66	NASHUA, NH 030642886
BAYSIDE DISTRIBUTING INC	7/1/2014	0.67	BRENTWOOD, NH 038336026
H & M METALS LLC	9/30/2014	0.67	AMHERST, NH 030312306

TIMELINESS OF FILING

Employers are required by law to file an injury report with the Department of Labor within five days of being notified by the employee that an occupational injury or illness requiring medical attention has occurred. Failure to file in a timely manner results in delays in payments owed to claimants and health care providers alike. To discourage this, the statute provides this department with authority to assess civil penalties of up to \$2,500 to employers for each late report. The division monitors the filing process and contacts employers who fail to report within the required time. An "Employer's Guide to Workers' Compensation" is enclosed with these contact letters to help the employer handle claims properly in the future. First time offenders are assessed a civil penalty of \$100, with the penalty increasing on a graduated basis to \$2,500 for repeat offenders.

In fiscal years 2014 and 2015, the division assessed 2,504 civil penalties on employers who had exceeded the maximum time allowed for their injury reporting. This breaks down to 1,320 penalties assessed in FY 2014 totaling \$95,150. In FY 2015, 1,184 penalties totaling \$98,600 were issued to employers who sent late first reports. The number of civil penalties assessed decreased significantly in this biennia due to electronic filings of first reports by employers and carriers. If an employer does not pay the fine within a month, the fine will be raised and is represented within the figures given. Since the pool of New Hampshire employers is in a constant flux and these businesses undergo staff changes as well, a continued effort is ongoing in educating employers about their obligations under the Workers' Compensation Law.

INDEMNITY BENEFITS

The maximum and minimum levels of workers' compensation benefits are tied to the State's Average Weekly Wage (SAWW), a figure calculated annually by the Department of Employment Security. The SAWW in calendar year 2012 was \$922.00 increasing to \$936.00 in calendar year 2013. The maximum workers compensation rate is determined by multiplying the State's Average Weekly Wage by 150%, as such, the associated maximum compensation rates were \$1,383 in FY2014 and \$1,404 in FY 2015.

PERMANENT IMPAIRMENT AWARDS

Permanent impairments involve injuries that cannot be resolved or substantially improved through medical treatment. These also include injuries such as amputations, loss of vision or hearing, or permanent loss of function of an extremity. The Workers' Compensation Law provides for payment of an award in the event a worker's injury results in one of the impairments scheduled in RSA 281-A:32. The following two tables present figures relating to the occurrence of injuries causing permanent impairments, the types of injuries recorded and average awards paid.

PERMANENT IMPAIRMENT INCIDENCE AND COST FY14-15

FY	PERMANENT IMPAIRMENT		COMPENSABLE DISABILITIES		INCIDENCE RATE		IMPAIRMENT TOTAL COST			
2011	860		8,573		9.9		9,990,414			
2012	946		7,860		8.3		10,120,681			
2013	909		7,820		8.6		10,322,841			
2014	836		7,592		9.1		9,975,142			
2015	850		7,034		8.3		10,992,573			
		FY11		FY12		FY13		FY14		FY15
		AVG.		AVG		AVG		AVG		AVG
	#	AWARD	#	AWARD	#	AWARD	#	AWARD	#	AWARD
ARM	324	\$9,639	389	\$9,341	366	\$9,823	315	\$11,193	368	\$13,242
HAND	28	\$8,813	32	\$9,729	25	\$9,334	29	\$11,105	18	\$13,265
THUMB	18	\$6,129	23	\$5,601	29	\$5,909	16	\$4,492	10	\$2,595
FINGER	9	\$1,613	67	\$3,472	70	\$4,989	59	\$3,576	55	\$4,677
LEG	215	\$7,906	231	\$7,487	199	\$7,404	219	\$7,055	211	\$7,380
FOOT	34	\$6,703	21	\$5,381	23	\$7,539	17	\$6,294	26	\$6,282
TOE	0		2	\$3,181	0		0		2	\$2,432
HEARING										
Binaural	0		0		1	\$22,286	1	\$2,267	1	\$10,498
One Ear	1	\$10,243	1	\$3,878	1	\$10,928	1	\$4,437	0	
VISION										
Both Eyes	0		0		0		0		0	
One Eye	5	\$35,443	2	\$33,769	1	\$8,467	3	\$37,871	2	\$24,453
WHOLE/MULT	76	\$22,245	62	\$18,071	54	\$23,103	65	\$24,014	44	\$20,541
WHOLE/BACK	129	\$21,354	116	\$23,769	140	\$21,416	111	\$22,337	113	\$25,341
AVERAGE	891	\$11,566	946	\$10,698	909	\$11,356	946	\$10,698	850	\$12,932

IT SHOULD BE NOTED THAT THE NUMBER OF AWARDS IN EACH FISCAL YEAR INCLUDE ONLY THOSE MEMOS OF PERMANENT PARTIAL DISABILITY AWARDS FORMS WHICH HAVE BEEN REVIEWED, APPROVED AND PAID BY THE INSURANCE CARRIERS AND SELF INSURERS.

WORKER'S COMPENSATION HEARINGS

Hearings are scheduled to resolve disputes, which arise between the parties under the New Hampshire Worker's Compensation Law, RSA 281-A. In fiscal year 2014, 2,224 hearings were scheduled and in fiscal year 2015, 2,210 hearings were scheduled. The table that follows illustrates the number of hearings actually concluded either by decision or lump sum settlement.

NUMBER OF FORMAL HEARINGS

	FY2012	FY2013	FY2014	FY2015
TOTAL SCHEDULED	2410	2333	2224	2210
HEARING/DECISION	1741	1688	1649	1622
LUMPSUM SETTLEMENT	719	725	728	677
TOTAL HEARINGS CANCELLED	102	108	67	127
\$ OF SETTLEMENTS (MILLIONS)	\$30.8	\$33.9	\$36.0	\$34.0
TOTAL CONCLUDED	2460	2413	2377	2299

The injured employees request the bulk of hearings as the carrier has the obligation to review the claim and either accept or deny the claim within 21 days of the receipt of the claim. Claims are often denied because the carrier has not received the requested records from the treating physician. Often times after a claim has been denied, the carrier will reverse their denial and accept the claim upon receipt of the medical documentation.

A review of the total sample of all requests for hearings indicates that in FY 2014, 63.6% of the hearings were requested by claimants, 36.3% by the carriers and .1% by another party. In 2015, 62.9% of requests were made by claimants, 37.0% by the carriers and less than .1% by another party. The most common issues requested by injured workers are causal relationship to employment (did the injury happen out of and in the course of employment), extent of disability (is the injured employee entitled to indemnity benefits) and medical, hospital and remedial care (are the medical bills related to the injury). Carrier requested hearings are mostly on the issue of extent of disability (is the employee still disabled as a result of the injury) and non-cooperation with vocational rehabilitation (is the injured employee cooperating with the vocational rehabilitation process).

Decisions rendered in FY 2014 reflect that 35.6% favored the claimant and that 56.6% favored the carrier with 7.8% producing a split decision in which both parties won on some aspect. Statistics for FY 2015 show 39.8% for the claimant, 53.6% for the carrier and 6.6% for both.

An analysis of the time that elapses between the request for the hearing and the date on which the hearing was first scheduled reflects that an average of 70.49 days elapsed from request to

scheduled hearing date in FY 2014 with the time decreasing to 66.59 days in FY 2015. The time delay generally occurs in clarifying issues and parties needed for attendance at the hearing.

In New Hampshire, parties to workers compensation hearings are not required to be represented by legal counsel, but many choose to retain an attorney. At the time of hearing, 83.2% of the claimants retained counsel in FY2014, with 81.4% retaining counsel in FY2015. Carriers retained counsel 95.5% of the time in FY2014, and 95.7% of the time in FY2015.

WORKERS' COMPENSATION APPEALS

The Compensation Appeals Board began conducting appeal hearings on April 12, 1991.

APPEAL HEARINGS	FY2012	FY2013	FY2014	FY2015
APPEALS REQUESTED	631	610	569	586
APPEALS SCHEDULED	550	525	535	525
APPEALS CANCELLED*	324	308	349	323
DECISIONS RENDERED	226	217	186	202
DECISIONS SUSTAINED	139	145	121	132
DECISIONS REVERSED	87	72	65	70

(* Appeals Cancelled also includes appeals that were Continued and Withdrawn.)

Since the appeal to the Compensation Appeals Board results in a new or de novo hearing at which additional evidence may be introduced, the decision of the appeal board may be different from the one issued by the hearing officer at the department level. For statistical purposes if the board decision is substantially different, it is counted as reversed. If it is substantially similar, it is counted as sustained.

WORKERS' COMPENSATION COVERAGE

The goal of the coverage unit is to educate and elicit compliance with New Hampshire Workers Compensation Laws to ensure that all employers in the State of NH provide their employees with workers compensation coverage. The coverage unit within the Department of Labor tracks employers through their coverage activity and allows the department to identify and pursue employers in violation of coverage requirements. The following charts are demonstrative of the activity within the coverage area.

	FY 2012	FY 2013	FY 2014	FY 2015
COVERAGE ACTIVITY:				
VOLUNTARY COVERAGE	67,306	64,725	65,821	60,584
ASSIGNED RISK	20,591	22,969	25,372	25,793
SELF INSURED	910	868	1,085	897
REINSTATEMENTS	19,508	18,924	19,958	19,644
<u>TOTALS</u>	<u>108,315</u>	<u>107,486</u>	<u>112,236</u>	<u>106,918</u>
TERMINATION ACTIVITIES:				
1. CHANGE OF CARRIER	2,008	1,686	1,655	1,548
2. OUT OF BUSINESS	437	488	429	450
3. BUSINESS SOLD	290	195	237	227
4. NO EMPLOYEES	307	299	289	299
5. PREMIUM PAYMENT DUE	15,066	14,977	14,910	13,627
6. REQUEST OF CARRIER	11,419	11,060	11,920	12,424
<u>TOTALS</u>	<u>29,527</u>	<u>28,705</u>	<u>29,440</u>	<u>28,575</u>

The following amounts reflect a summary of statistical data for civil penalties collected in the Workers' Compensation Coverage Division. These penalties are collected from carriers for failure to accurately file coverage forms with the department and are collected from employers for failure to obtain or maintain workers' compensation coverage.

COLLECTED FROM	FY2012	FY2013	FY2014	FY2015
CARRIERS	\$571,520	\$595,603	\$502,841	\$449,120
EMPLOYERS	\$245,952	\$247,183	\$290,895	\$196,944
<u>GRAND TOTAL</u>	<u>\$817,472</u>	<u>\$842,786</u>	<u>\$793,736</u>	<u>\$646,064</u>

**PAID OUTS BY CARRIER AND SELF INSURED
DIRECT LOSSES PAID BY CALENDAR YEAR**

	TOTAL	CARRIER	SELF INSURED
1997	149,252,541	108,328,336	40,924,205
1998	146,366,459	109,011,525	37,354,934
1999	155,752,534	118,108,466	37,644,068
2000	157,765,656	121,963,011	35,802,645
2001	171,805,723	132,906,795	38,898,928
2002	173,592,437	137,214,741	36,377,696
2003	181,268,664	142,406,240	38,862,424
2004	176,355,359	133,333,292	43,022,067
2005	178,870,260	136,540,976	42,329,284
2006	179,237,459	132,895,999	46,341,460
2007	175,263,530	126,370,716	48,892,814
2008	196,043,393	140,430,888	55,612,505
2009	194,768,531	137,918,058	56,850,473
2010	198,794,947	139,082,743	59,712,204
2011	193,604,595	133,422,786	60,181,809
2012	190,897,981	130,063,383	60,834,598
2013	188,221,994	125,386,066	62,835,928
2014	180,836,485	118,488,790	62,347,695

VOCATIONAL REHABILITATION SERVICES

It is the understanding and philosophy of the department that the vocational rehabilitation of occupationally disabled individuals is the most efficient and economical approach to the resolution of problems experienced by injured employees to establish an alternative to their previous occupation. It is the department's goal to ensure that, when appropriate, full rehabilitation is afforded to each individual, with a return to suitable employment as the eventual outcome. The department monitors and, as necessary, directs the process.

All referrals of injured employees by the insurance companies for vocational rehabilitation are reported to the department. Other documents required are the Individual Written Rehabilitation Plan (IWRP), as of 01/01/91, and the notification of the closure of services. In FY12, the rehabilitation unit staff received 85 referrals, and the injured employees were contacted via mail to reinforce their cooperation with the process. All cases are now closed in the following statuses: 19 have returned to work; 19 received lump sum settlements; 10 cases were closed because the injured employee was too disabled for services; 25 referrals were closed at the carrier's request; and, 12 were closed for "other reasons". This last category includes reasons such as relocation out of state, refused service, death, Labor Department Hearing Decision, medical management only, and other circumstances not elsewhere classified.

In reviewing FY13, there were 81 referrals. All but one of these cases are currently closed. (One injured employee is finishing school.) The closure breakdown is: 13 have returned to work; 23 have received lump sum settlements; 3 cases were closed because the injured employee was too disabled; 15 referrals were closed at the carrier's request; and, 26 were closed for "other reasons".

In FY12, the average length of time from date of injury to date of referral has increased to 747 days. In FY13, the average increased to 788 days. To achieve a positive outcome, VR referrals need to be made much, much earlier in the process. The average duration of services (from date of referral to date of closure) increased to 190 days in FY12 and decreased to 214 days in FY13. The time frame needed for a vocational rehabilitation case to progress from the date of injury to the date of closure has increased to 31.3 months in FY12 and to 32.7 months in FY13. Since the vocational rehabilitation statistics are based on the date of referral to vocational rehabilitation, the data collected reflect the FY12 and FY13 years even though some closures may have occurred during 2014. Data for the fiscal years 2014 and 2015 will be available in the next biennial report.

The following is a summary of the services being provided in the Individual Written Rehabilitation Plans filed with the department on behalf of the employees receiving vocational rehabilitation services. In FY12 and 13, job placement occurred in 38.5% of the cases, while 9.5% were receiving vocational counseling, exploration, and/or testing. Educational and skill training in FY12 and FY13 occurred in 9% of the cases, an increase of 4.5% from the previous biennium. Many injured employees still continue to need various skills training to enhance their job placement. There have been 13 formal Training Agreements approved by the department in FY12, and 14 in FY13. This is a very slight increase from the previous biennial report. The percentage of cases having no IWRPs written for service was 47% of all the referrals in FY12 and 37% for referrals in FY13.

Other functions of the vocational rehabilitation staff include dispute resolution, review of requests for job modification reimbursement, and review of reports of extended disability (form 74 WCA). Most dispute resolution is done via the telephone. However, there were occasions when rehabilitation meetings were held at the department. In this biennium, the number of hearings scheduled for non-cooperation with vocational rehabilitation has decreased by 75% while the number of hearings scheduled on eligibility for vocational rehabilitation has decreased by 30%. On the Appeal level, the number of hearings has risen by 42% for eligibility for VR and remains the same for non-cooperation with VR.

All requests for reimbursement for job modification are reviewed and approved or denied by this office. In calendar year 2012, 28 applications were approved, and 3 were denied. A total of \$9,700.28 was reimbursed to 17 employers, none of whom received the maximum reimbursement of \$5000.00. In 2013, 37 applications were approved, and none were denied. The 21 employers received a total of \$23,300.02. Only one employer received the maximum reimbursement of \$5000.00. Even though the application process is simple, the number of employers taking advantage of this program continues to be very small.

With regards to Reports of Extended Disability (74WCA), 101 were reviewed in FY12 and 84 were done in FY13. The number of cases submitted for review in this biennium dropped by 37%. But as the number of First Reports continues to drop, so will the number of 74 WCA's submitted.

Effective 01/01/95, any person providing vocational rehabilitation services under RSA 281-A:25 as a vocational rehabilitation provider has to be certified by the Department of Labor. The governor appoints a Vocational Rehabilitation Provider Advisory Board. The responsibilities of this Board include the review of the applications and renewals. Currently, there are 38 Certified Vocational Rehabilitation Providers (CVRP) in 7 states serving injured employees from NH. The number of available CVRPs continues to decrease every biennium. Many providers are seeking other areas of work because of the lack of Workers' Compensation referrals. Training sessions are provided several times a year to these individuals by the department's Vocational Rehabilitation staff.

Formal presentations and informal discussions are on going. The educational effort is continuous. With all the parties being well informed, the injured employee should benefit by being returned to the employment world with a restored earning capacity.

WORKERS' COMPENSATION MANAGED CARE

Workers' Compensation Managed Care has been providing case management to injured workers since 1994. There are currently seven (7) approved Managed Care Organizations in New Hampshire that provide case management services statewide. Approval to operate a managed care organization in NH is granted by the Workers' Compensation Advisory Council on the recommendation of the Department of Labor.

The program criteria and approval process is outlined in the Workers' Compensation Managed Care rules, LAB 703. The organization is required to submit to the Department of Labor a copy of their managed care program. The Commissioner reviews the program criteria to confirm that it meets the necessary components as specified in managed care rules. Additionally, the commissioner shall review each managed care program for purposes of determining the program's continued compliance with the standards for approval and delivery of service prior to the expiration of 3 years from the date the program's approval was ratified by the advisory council. Subsequent reviews shall take place at least once every 5 years thereafter, or whenever the commissioner determines that such a review is required.

Managed Care Organizations offer the services of an injury management facilitator (IMF) and a comprehensive network of medical providers to assist the employee with their workers' compensation claim. The IMF is able to provide education on the workers' compensation process to employers and employees. These services are the keys to successful implementation of managed care.

Injury management facilitators, who are approved by the WC Advisory Council, provide case management to the injured employee. The IMF's role is to coordinate among the injured employee, health care professional and insurer to provide the employee with timely, effective and appropriate health care services in order to achieve maximum medical improvement and an expeditious return to work. They must follow the protocols of the Managed Care Organization who has retained their services.

The Department of Labor closely monitors the performance and impact of managed care organizations in NH. Injury management facilitators are required to participate in training seminars and/or use training tapes on the laws and rules of Managed Care and benefit provisions of the Workers' Compensation law.

VIII. Inspection Division

INSPECTION DIVISION

The Inspection Division is responsible for administering and enforcing the NH Protective Legislation Law, NH Citizens Job Protection Law, NH Whistleblowers' Protection Act, NH Youth Employment Law, NH Minimum Wage Law, NH WARN Act (Worker Adjustment and Retaining Notification Act), NH Boiler and Pressure Vessel Law, NH Elevator and Accessibility Lift Law, Safety & Health Laws, and the Worker's Right to Know Law. Along with these laws, the division also enforces administrative rules dealing with the payment of wages, safety and health, whistleblowers' protection, youth employment, boilers, pressure vessels, and elevators.

The division staff processes and adjudicates wage claims and whistleblowers' complaints. Hearings are held concerning the claims as well as the disbursement of checks secured concerning the disputes. The division also settles many disputes via telephone and e-mail when possible.

The division conducts full inspections to ensure employers are in compliance with all NH labor laws, which may result in payment of wages due to employees as well as civil penalties assessed against employers. The Division has implemented an informal settlement process for employers to attend to show compliance and settle civil penalties often without the need for a formal hearing.

Education has been a major objective of the Inspection Division through seminars being held throughout the state as well as e-mail alerts sent out to employers.

Monitoring of all workers under 18 is another task of the Division, by checking for compliance with the NH Youth Employment laws concerning permits, hours worked and type of occupations held.

Students participating in school-sponsored work programs are being afforded the protections provided by labor laws. Such programs as School-To-Work, Co-op Programs, Internships and Building Trades Programs are required to be registered and approved by the Division to ensure a safe quality learning experience.

Another part of the Division's responsibility is to ensure continued compliance with elevator, accessibility lift, boiler, and pressure vessel safety codes adopted by New Hampshire. This is done by inspection, enforcement, administration and licensing processes, which protect employees and other citizens who may go into a building where there are elevators and/or accessibility lifts, boilers, or pressure vessels.

Along with performing safety related inspections in various work places, the Division performs safety related training seminars throughout the state to inform employers of the law and their responsibilities. The staff assists employers on developing their own personalized safety program. Also, Safety Summary Forms required to be filed with the Department of Labor are monitored and reviewed for compliance with NH safety laws and rules.

Information is available at www.NH.gov/labor.

VIII. Inspection Division

Appendix A: Wage & Hour

W&H TOTAL COLLECTED

	FY 2014	FY 2015
WAGE CLAIMS	\$ 447,577	\$ 871,174
WAGE COMPLAINTS	\$ 140,946	\$ 134,126
WAGE ADJUSTMENTS	\$ 322,284	\$ 569,764
TOTAL MONIES TO EMPLOYEES	\$ 910,807	\$ 1,575,064

WAGE CLAIM PROCESS

Written claims are filed by employees for unpaid wages, commissions and unpaid fringe benefits, such as vacation pay, holiday pay, severance pay, sick pay, bonuses, expenses, etc. The process is by mail and/or online and may or may not include a hearing.

	FY 2014	FY 2015
TOTAL EMPLOYERS	653	585
TOTAL EMPLOYEES	752	620
WAGES COLLECTED	\$ 447,577	\$ 871,174

WAGE COMPLAINT PROCESS

The wage complaint process occurs when an employee notifies the division via telephone or email with a wage complaint and an inspector calls the employer. As a result of a call, the employer subsequently pays the wages.

	FY 2014	FY 2015
TOTAL EMPLOYEES	353	356
TOTAL COLLECTED	\$ 140,946	\$ 134,125

WAGE ADJUSTMENTS

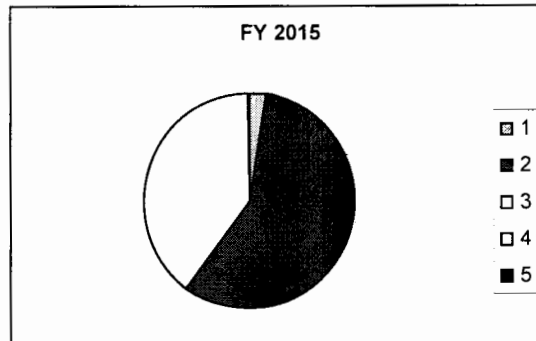
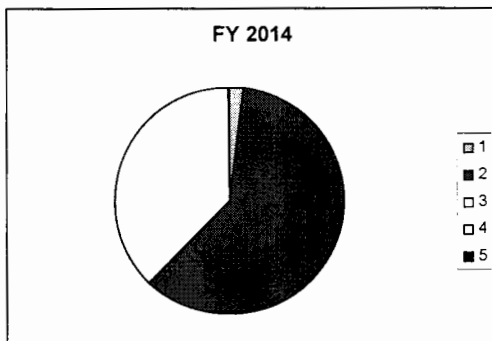
	FY 2014	FY 2015
NUMBER OF EMPLOYERS FOUND IN VIOLATION	148	136
DOLLARS COLLECTED	\$ 322,284	\$ 569,794

ONSITE INSPECTIONS

INSPECTIONS CONDUCTED	FY 2014	FY 2015
FIRST INSPECTION	639	831
COMPLAINT	1	
REINSPECTION	17	4
SPECIAL	43	79
<u>TOTAL INSPECTIONS</u>	<u>700</u>	<u>914</u>

% BREAKDOWN OF VIOLATIONS

	FY 2014	FY 2015
YOUTH EMPLOYMENT	6.9	11.8
PROTECTIVE LEGISLATION	61.8	58.3
MINIMUM WAGE	23.6	25.8
BOILERS	0	0
ELEVATORS	0	0
CITIZEN PROTECTIVE LEGISLATIVE	6.5	3.5
SAFETY	.8	.3
WORKERS COMP	.4	.3
<u>TOTAL %</u>	<u>100</u>	<u>100</u>



WHISTLEBLOWERS' PROTECTION ACT

The Whistleblowers' Protection Act process allows employees who feel they were discriminated against or discharged for either reporting an alleged violation of law, or that they participated in an investigation regarding the violation, or for refusal to execute an illegal directive to file a claim. These employees could be seeking back wages, benefits, reinstatement of their job, seniority level or any other injunctive relief the department believes should be provided. The Departments issue a decision after the hearing is held.

	FY 2014	FY 2015
HEARING- CLAIM VALID	0	0
HEARING- CLAIM INVALID	4	6
HEARING- NO APPEARANCES	0	0
NO JURISDICTION	1	0
APPEAL	0	0
CLAIMANT DID NOT PURSUE	2	1
SETTLED	0	0
<hr/>		
TOTAL CASES CLOSED	7	7

HEARINGS

One of the functions of the Department is to hold hearings regarding the wage claim, Whistleblowers' and Civil Penalty assessments. *The Civil Penalty process also allows an informal meeting to occur previous to a formal hearing. This process has been very successful which has decreased the necessary for formal hearings, including employers with many locations and multiple cases. In response to the wage claims, we did additional Orders for Payments, which do not involve holding a hearing, as allowed by the statute. Also, civil penalty appeals board hearings are held by the appeals board at the department.

	FY 2014	FY 2015
WAGE CLAIM HEARINGS	338	299
CIVIL PENALTY HEARINGS	153	110
CIVIL PENALTY APPEALS BOARD HEARING	5	15
WHISTLEBLOWERS' HEARINGS	4	4
WAGE ADJUSTMENT HEARINGS	34	23
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TOTAL HEARINGS CONDUCTED	534	451
INFORMAL MEETINGS HELD	296	193
ORDERS FOR PAYMENT	31	20

CIVIL PENALTIES

Civil penalties are assessed to employers when violations of the New Hampshire Labor Laws have been cited.

ASSESSMENTS-COLLECTED:	FY 2014	FY 2015
SAFETY	\$ 58,075	\$ 28,865
YOUTH EMPLOYMENT	66,492	76,000
MINIMUM WAGE	17,050	45,230
PROTECTIVE LEGISLATION	170,240	294,390
BOILER	19,150	17,850
ELEVATOR	26,700	68,100
PRESSURE VESSEL	11,375	11,850
CITIZENS PROTECTION	6,800	20,525
<u>WORKERS COMPENSATION</u>	<u>829,906</u>	<u>689,019</u>
TOTAL	\$1,205,788	\$1,251,829

YOUTH EMPLOYMENT

To ensure that minors are not placed in hazardous jobs, the Division monitors all NH Youth Employment Certificates issued by the school principals and superintendents. The NH Youth Employment Law does not require certificates for 16 and 17 year old minors to be reported to this division. Written parental permission is required to be kept on file at each employer for 16 and 17 year old minors.

FY 2014

AGE	MALES	FEMALES	TOTALS
12 & 13	77	114	191
14 & 15	1476	1622	3,098

TOTAL: 3,289

FY 2015

AGE	MALES	FEMALES	TOTALS
12 & 13	69	88	157
14 & 15	1,670	1,813	3,483

TOTAL: 3,640

VIII. Inspection Division

Appendix B: Boiler & Elevator Inspections

BOILER AND ELEVATOR ACTIVITY

	FY 2014	FY 2015
REC'D FOR BLUE PRINTS	\$35,346	\$38,110
REC'D FOR CERTIFICATES & LICENSES & SVC FEES	\$1,012,321	\$976,471
TOTAL	\$ 1,047,667	\$ 1,014,581

INSPECTIONS CONDUCTED

	FY 2014	FY 2015
PRESSURE VESSELS	4,123	3,869
BOILERS	7,320	6,245
ELEVATORS	5,038	5,186
ELEVATOR SAFETY TESTS	644	610
ACCEPTANCE TESTS CONDUCTED	126	137
BY STATE BOILER INSPECTOR	1159	753
BY STATE ELEVATOR INSPECTOR	632	612

TOTAL LICENSES ISSUED

	FY 2014	FY 2015
BOILER INSPECTORS	114	99
ELEVATOR INSPECTORS	93	92
ELEVATOR MECHANICS	316	153

VIII. Inspection Division

Appendix C: Safety

SAFETY INSPECTIONS

Safety and health inspections and safety and health training sessions continue to be an important function of the Inspection Division. We continually provide these services to numerous public and private employers. Compliance inspections conducted in the public sector encompass all municipalities and public schools.

SAFETY COMPLIANCE INSPECTIONS		
	FY 2014	FY 2015
Initial	32	40
Re-Inspection	11	25
Complaints	2	5
Accident Investigation	2	0
No Safety Summary Form	493	190
Investigations		475
Other	26	15
Totals	566	750

VIII. Inspection Division

Appendix D: Training

STATE APPRENTICESHIP ADVISORY COUNCIL

Report 7/1/2013– 6/30/2015

The State Apprenticeship Advisory Council is established by RSA chapter 278. It is composed of representatives from the Department of Labor, Department of Employment Security, and the Department of Education along with two appointed members who represent employers and two who represent employees. The Council meets quarterly or as often as needed to establish, maintain, review and recommend the approval of apprenticeship programs and assist the USDOL Office of Apprenticeship in any way necessary.

During the period of July 1, 2013 to June 30, 2015, the State Apprenticeship Advisory Council met **7** times and reviewed and recommended **276** program sponsors. In addition, **3,367** apprentices were served of which **786** completed with an average wage of **21.60**.

The Council approves curriculum, reviews credit requests, receives information on the progress of ongoing apprenticeship programs, and stays up-to-date on changes in the federal regulations regarding apprenticeship, and also discuss many other topics that affect the apprenticeship program.

LABOR LAW TRAINING

The Inspection Division held seminars in different locations around the State offering training to employers, both in the public and private sectors in order to assist them in understanding how to stay in compliance with NH labor laws. Free packets consisting of the NH Labor laws, Administrative Rules, Posters and other forms are supplied to all participants.

	FY14	FY15
TRAINING SESSIONS	27	27
EMPLOYERS TRAINED	1,648	1,649

IX. Physical Plant & Property

PHYSICAL PLANT AND PROPERTY APPRAISAL

	End of FY 2014	End of FY 2015
EQUIPMENT	\$ 1,273,282	\$ 1,250,207
PHYSICAL PLANT		
FARM		
<u>HIGHWAY</u>		
TOTAL	\$ 1,273,282	\$ 1,250,207