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STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
DIVISION OF ADMINISTRATION

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August 1, 2019

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, NH 03301

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

REQUESTED ACTION

Pursuant to the provisions of Chapter 145, subparagraph I, (a), Laws of 2019, the Department of Corrections, retroactively requests authorization to exceed the 3/12 limitation of said resolution for the accounts listed on the analysis below, in the total amount of **\$2,500,000**, to the extent shown as projected deficits effective upon Fiscal Committee and Governor and Executive Council approval for the period of July 1, 2019 through September 30, 2019. **100% General Funds**

OVERTIME - 100% General Fund

| Account | Bureau/Division | Class | Cont. Res. Budget | Estimated Expenditures | Projected Deficit |
|----------------------------|--------------------------------|-------|----------------------|---------------------------|----------------------|
| 02-46-46-461010-83000000 | FINANCIAL SERVICES | 018 | 1,572 | 5,838 | (4,266) |
| 02-46-46-462510-59290000 | PROFESSIONAL STANDARDS | 018 | 5,787 | 13,413 | (7,626) |
| 02-46-46-463510-33720000 | NH STATE PRISON FOR MEN | 018 | 590,962 | 1,900,188 | (1,309,226) |
| 02-46-46-463510-33730000 | NORTHERN NH CORRECTIONAL FCLTY | 018 | 263,118 | 620,855 | (357,737) |
| 02-46-46-463510-33740000 | NH CORRECTIONAL FACILITY/WOMEN | 018 | 45,833 | 433,435 | (387,602) |
| 02-46-46-464010-83020000 | DISTRICT OFFICES | 018 | 599 | 48,674 | (48,075) |
| 02-46-46-464510-41060000 | CONCORD TRANSITIONAL WORK CTR | 018 | 17,858 | 91,139 | (73,281) |
| 02-46-46-464510-51720000 | SHEA FARM | 018 | 8,727 | 34,853 | (26,126) |
| 02-46-46-464510-71070000 | NORTH END-TRANSITIONAL HOUSING | 018 | 5,345 | 32,656 | (27,311) |
| 02-46-46-464510-78740000 | CALUMET HOUSE | 018 | 15,976 | 37,587 | (21,611) |
| 02-46-46-465010-58330000 | SECURE PSYCHIATRIC UNIT | 018 | 62,432 | 161,938 | (99,506) |
| 02-46-46-465010-82340000 | MEDICAL-DENTAL | 018 | 29,287 | 62,767 | (33,480) |
| 02-46-46-465010-82350000 | RESIDENTIAL TREATMENT PROGRAM | 018 | 35,941 | 93,440 | (57,499) |
| 02-46-46-465510-66320000 | MAINTENANCE | 018 | 3,508 | 21,412 | (17,904) |
| 02-46-46-465510-66330000 | LAUNDRY | 018 | 1,190 | 4,068 | (2,878) |
| 02-46-46-465510-66340000 | KITCHEN | 018 | 7,238 | 33,110 | (25,872) |
| Total General Funds | | | 1,095,373 | 3,595,373 | (2,500,000) |

EXPLANATION

The Department of Corrections respectfully requests that above expenditure classes in specific accounting units be increased for the amounts noted, in excess of the 3/12 limitation established pursuant to Chapter 145, subparagraph I, (a), Laws of 2019.

The deficits projected through the end of the Continuing Resolution, September 30, 2019, are the result of anticipated overtime obligations, which will exceed the 25% level of funding for FY 2019.

Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15, "Positions Authorized", or both, and all emergency requests pursuant to "Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

1. Is the action required of this request a result of the Continuing Resolution for FY 2020?

Yes, this request is a result of the Continuing Resolution. This action would not have been requested if the FY 2020-2021 Operating Budget proposal had been approved. A transfer of funds would have been requested at a later date to cover any deficit in Class 18 *Overtime*.

2. If this request is retroactive what is the significance and importance of the action being effective from an earlier date?

Yes, this request is retroactive due to overtime expenditures exceeding the 3/12 limitation established pursuant to Chapter 145, subparagraph I, (a), Laws of 2019. The State is obligated to make payments to individuals for the work that they perform on our behalf and payments for overtime worked have already been made.

3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)

This request is not related to prior Fiscal Committee and/or Governor and Council action.

4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?

The FY 2018-2019 enacted budget included \$5,413,007 in FY 2018 and \$4,489,346 in FY 2019. The overtime expenditures for FY 2018 was \$10.5M and for FY 2019 was \$12.5M. In FY 2018-2019, the Department utilized Administrative Rule 316.13 a (5) to transfer appropriations to cover the overtime deficit. Administrative Rule 316.13 a (5) allows the payments of overtime due to sick leave, extended leave of absence, or pending recruitment from permanent personnel classes.

5. Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?

Funding was requested in the amount of \$4,489,526 along with the following transfer authority:

Department of Corrections; Transfer Authority. The following classes within the department of corrections shall be exempt from the transfer restrictions in RSA 9:17-a, 9:17-c, classes 10-personal services-perm classified, 11-personal services-unclassified, 12-personal services-unclassified, 18-overtime, 19-holiday pay, 50-personal service temp/ appointed and 60-benefits. The department may transfer funding in these classes within and among all accounting units provided that any transfer shall require prior approval of the fiscal committee of the general court and governor and council.

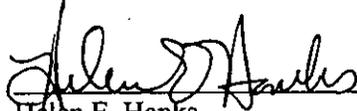
6. *Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)*

This request is for overtime payments to current Departmental staff.

7. *What would be the effect should this program be discontinued or not initiated as a result of this request being denied?*

The State is obligated to make payment to individuals for the work that they perform on our behalf. The Department will need to continue to make payments to individuals for overtime worked.

Respectfully Submitted,


Helen E. Hanks
Commissioner