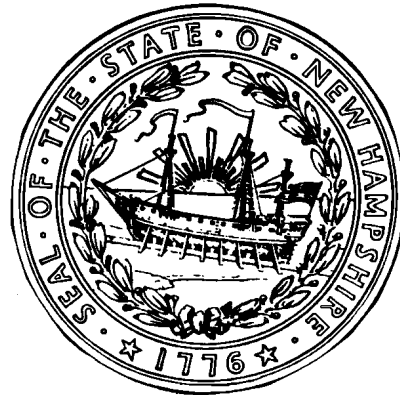


STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR



60th Biennial Report

July 1, 2011 – June 30, 2013

STATE OF NEW HAMPSHIRE

DEPARTMENT OF LABOR

60th BIENNIAL REPORT

JULY 1, 2011 – JUNE 30, 2013

NOVEMBER 2013

RSA 273:10 AND 281-A:61

STATE OF NEW HAMPSHIRE

GOVERNOR AND EXECUTIVE COUNCIL

THE HONORABLE MAGGIE HASSAN
GOVERNOR

THE HONORABLE RAYMOND S. BURTON
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 DEBORA B. PIGNATELLI
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 & 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

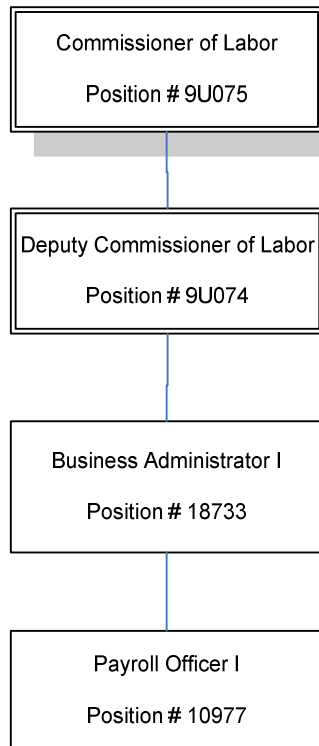
Organizational Chart

Commissioner of Labor
Position # 9U075

Deputy Commissioner of Labor
Position # 9U074

Business Administrator I
Position # 18733

Payroll Officer I
Position # 10977

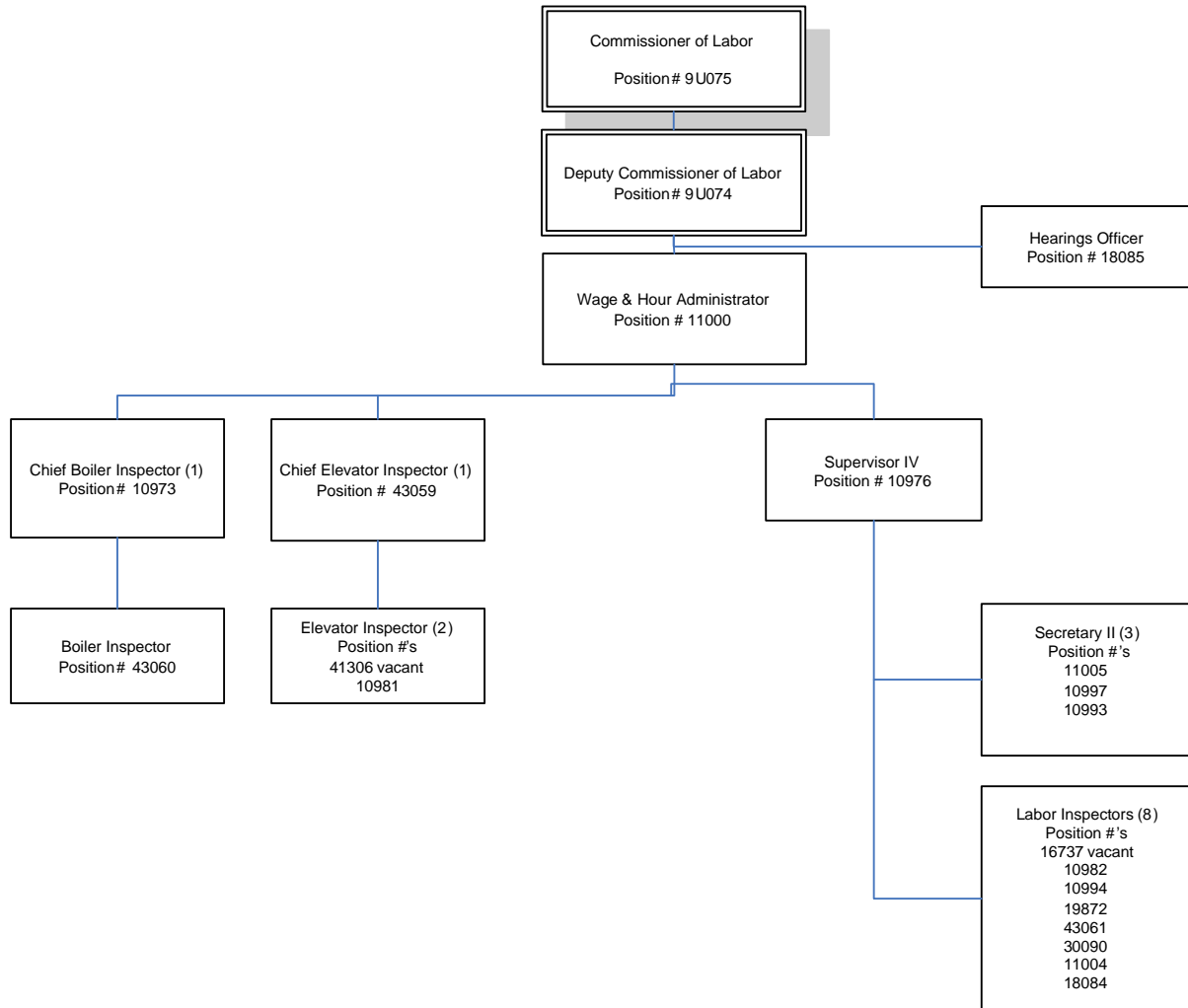


NH DEPARTMENT OF LABOR

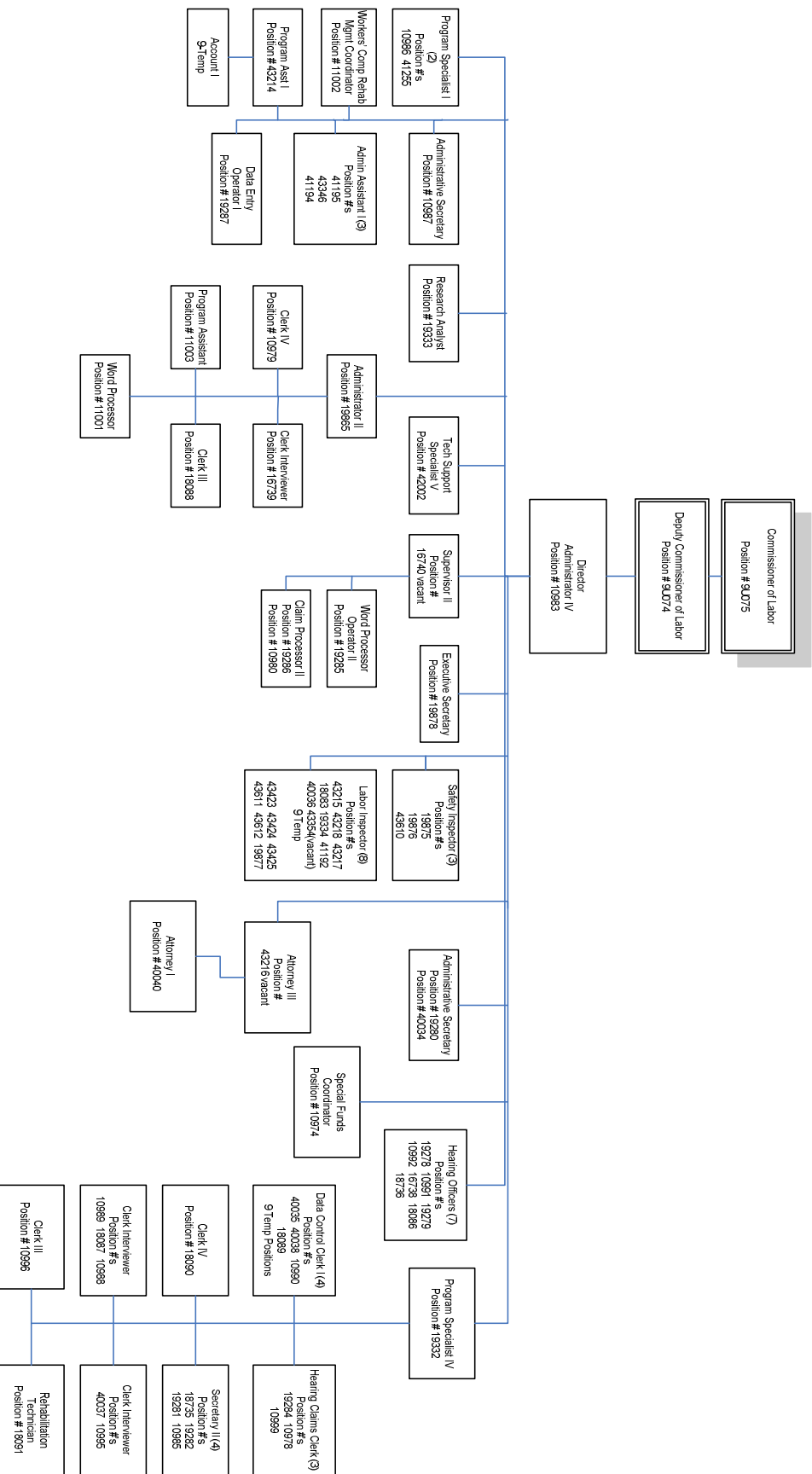
Inspection Division

Organization Code: 6100

Organizational Chart



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



III. Personnel Data

PERSONNEL DATA

NUMBER OF AGENCY EMPLOYEES AS OF:

	6/30/12	6/30/13
UNCLASSIFIED	2	2
CLASSIFIED	94	94
TEMPORARY	4	5
<hr/>		
TOTAL	100	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
NORTHFIELD, 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

TERENCE R. PFAFF - LABOR
HOOKSETT, 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 TERAVALINEN - MANAGEMENT
HOOKSETT, NH

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

WORKERS' COMPENSATION ADVISORY COUNCIL

DR. DOUGLAS GOUMAS
MANCHESTER, NH

JAMES W. CRAIG
COMMISSIONER OF LABOR

STATE REP. JEFFREY GOLEY
MANCHESTER, NH

JAMES YOUNG
DEPARTMENT OF INSURANCE

STATE SEN. ANDY SANBORN
BEDFORD, NH

MARGARET CROUCH
BEDFORD, NH

THOMAS CALLAHAN
SUNAPEE, NH

WILLIAM MCQUILLEN
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

EDWARD F PATCH, ESQ
BOW, NH

GAYLE TROY
DUNBARTON, NH

DAVID W. LAUGHTON
AUBURN, NH

V. Receipts & Expenditures

RECEIPTS AND EXPENDITURES

	FISCAL YEAR 2012		FISCAL YEAR 2013	
	7/1/11 TO 6/30/12		7/1/12 TO 6/30/13	
RECEIPTS				
GENERAL FUND	\$	1,907,705.00	\$	1,597,941.00
003 REVOLVING FUND	\$	7,562.00	\$	7,510.00
006 AGENCY INCOME	\$	989,282.00	\$	962,672.00
009 ADMINISTRATION FUND	\$	6,839,866.00	\$	6,201,049.00
ARRA FUNDS			\$	-
FEDERAL FUNDS			\$	-
TOTAL RECEIPTS	\$	9,744,415.00	\$	8,769,172.00
EXPENDITURES				
10 PERMANENT PERSONNEL	\$	3,815,011.00	\$	3,422,453.00
20 CURRENT EXPENSES	\$	190,731.00	\$	190,010.00
22 RENTS + LEASES	\$	27,970.00	\$	26,545.00
24 MAINTENANCE OTHER THAN BUILDING	\$	10,463.00	\$	9,049.00
26 ORGANIZATIONAL DUES	\$	2,000.00	\$	3,748.00
27 OIT	\$	826,341.00	\$	978,967.00
28 TRANSFER TO GENERAL SERVICES	\$	210,876.00	\$	219,021.00
30 EQUIPMENT	\$	3,076.00	\$	690.00
40 INDIRECT COST	\$	63,260.00	\$	63,829.00
42 ADDITIONAL FRINGE BENEFITS	\$	226,931.00	\$	181,248.00
46 CONSULTANTS	\$	-	\$	-
49 TRANSFER TO OTHER STATE AGENCIES	\$	2,300.00	\$	2,300.00
50 OTHER PERSONNEL SERVICES	\$	375,911.00	\$	329,714.00
59 FULL TIME TEMP.	\$	-	\$	-
60 FRINGE BENEFITS	\$	1,782,818.00	\$	1,780,444.00
61 UNEMPLOYMENT COMPENSATION	\$	11,255.00	\$	13,931.00
62 WORKERS COMPENSATION	\$	4,314.00	\$	955.00
70 IN STATE TRAVEL	\$	75,281.00	\$	74,876.00
72 GRANTS - FEDERAL	\$	-	\$	-
72 ARRA FUNDS	\$	-	\$	-
80 OUT OF STATE TRAVEL	\$	-	\$	2,413.00
92 CONTRACTUAL/TRAINING	\$	-	\$	-
TOTAL EXPENDITURES	\$	7,628,538.00	\$	7,300,193.00

VI. Legislation

LEGISLATIVE CHANGES

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

279:21—Eliminating the state minimum wage.

279:22-aa—Allowing approval for sub-minimum wage or no wage for workers with disabilities.

275:48—Allowing wage withholding for any matter agreed between employer and employee.

273:11-a—Unless there is a danger to public safety or welfare, DOL must give a 30-day warning before imposing a civil penalty for certain violations.

275-F:2—WARN Act applicable only to employers with 100 or more employees.

279:26-b—Employer may help administer tip pools.

281-A:2—Definition of “employee”, compared to criteria identifying an independent contractor, is simplified.

281-A:23—Injured workers have the right to select own pharmacy.

281-A:38—Notice to attend an Independent Medical Examination must include a statement that the exam is at the request of the employer, not for treatment of the work injury.

281-A:64—Safety program summary, required only from employers of 15 or more, must be filed with NHDOL only once, but updated internally by the employer every two years.

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 8,526 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 23 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 2009-2011**

Injuries reported to the Department of Labor decreased to 39,502 in FY 2012 from injuries reported for 2011 with a low incidence rate of 6.2. In FY 2013, the number of injuries reported was 38,998 with an incidence rate of 6.1. 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 2013.

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 2012 there were 3,535 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 3,530 lost time cases in FY 2013.

REPORTED INJURIES

COMPENSABLE DISABILITIES

FISCAL YEAR	NON-AGRICULTURAL EMPLOYEE	INJURIES REPORTED	INCIDENCE RATE	LOST TIME	INCIDENCE RATE
2009	654,008	42,184	7.6	3,860	0.92
2010	623,300	39,399	6.3	3,863	0.98
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

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 2010	FY 2011	FY 2012	FY 2013
00	Unknown- Zeros	241	685	123	119
01	NonApplicable	189	269	300	292
10	Neck	94	87	47	40
11	Back	1,226	1,159	952	975
12	Lower Back	4,039	4,279	4,188	3,991
13	Buttocks	118	171	154	166
20	Heart	47	52	55	45
21	Brain	55	58	55	84
30	Thumb	1,209	1,333	1,211	1,221
31	Finger	4,526	4,361	4,655	4,552
32	Hand	2,875	2,770	2,875	2,764
33	Wrist	1,657	1,723	1,755	1,688
34	Arm	2,163	2,204	2,306	2,420
35	Elbow	731	808	795	728
36	Shoulder	1,967	2,195	2,086	2,181
40	Toe	389	336	358	303
41	Foot	1,080	1,073	1,082	1,115
42	Ankle	1,399	1,372	1,398	1,292
43	Leg	316	327	275	278
44	Lower Leg	849	886	967	966
45	Knee	2,791	2,849	2,785	2,777
46	Upper Leg	56	38	23	15
47	Hip	330	333	318	324
50	Head	1,815	1,783	1,809	1,939
51	Mouth	242	255	252	240
52	Nose	190	205	220	188
53	Eye	1,673	1,658	1,616	1,541
54	Ear	117	96	102	112
60	Lungs	168	158	158	137
70	Neck & Head	26	29	12	11
71	Neck & Shoulders	36	35	17	11
72	Neck & Back	31	34	14	18
73	Back & Leg	32	19	12	3
74	Hip & Leg	4	4	4	5
75	Foot& Ankle	33	17	6	6
76	Hand & Wrist	211	237	215	189
77	Other Multiples	4009	3,533	3802	3,601
97	Other	2453	2,513	2580	2,653
99	Fatal	12	10	10	8
	Totals	39,399	39,954	39,502	38,998

INJURY BY CAUSE					
Code	Cause Description	FY 2010	FY 2011	FY 2012	FY 2013
AL	Animal	599	554	693	687
AP	Airborne Particles	867	812	883	930
CA	Criminal Act	246	117	126	83
CL	Chemicals	212	228	173	187
EL	Electricity	69	76	59	47
HL	Hot Liquid	754	748	722	720
HO	Hit by Object	4,896	4,340	4,180	4,101
IN	Insect	81	49	42	35
LA	Lifting Action	7,133	7,438	7,606	7,359
MV	Motor Vehicle Accident	720	737	688	737
MY	Machinery	439	461	420	416
NA	NonApplicable	1,330	1,301	1,449	1,364
ND	Needle	145	100	43	86
OT	Other	3,295	3,899	4,219	4,371
PL	Plant	370	419	417	386
PR	Person	2,248	2,221	2,488	2,663
PS	Pinch/Squeeze	822	867	839	826
QA	Quality of Air	59	77	89	34
RP	Repetitious	1,321	1,365	1,286	1,221
SL	Slip or Fall	7,680	8,385	7,539	7,617
SO	Sharp Object	2,432	2,285	2,187	2,120
TO	Tool	1,817	1,850	2,153	1,883
TW	Twist	1,286	1,197	991	952
UK	Unknown	574	419	206	175
WE	Weather	4	9	4	4
	Totals	39,399	39,954	39,502	38,998

INJURY BY OUTCOME					
Code	Outcome Description	FY 2010	FY 2011	FY 2012	FY 2013
100	Unknown	6,328	5,603	4,622	4,266
101	NonApplicable	828	1,094	1,114	1,093
102	Cut or Puncture	7,310	7,208	7,671	7,703
104	Bruise	5,487	5,962	6,301	6,888
105	Muscle Pull/Strain	14,360	15,400	15,257	13,926
106	Burn	919	532	64	762
107	Bites and/or Scratches	379	318	230	240
108	Broken or Fractured Bone	1,046	1,089	1,120	1,029
109	Amputation	39	34	43	34
110	Splinter	785	902	1,099	1,040
120	Heart Attack	48	62	76	52
121	Stroke or Seizure	7	8	8	2
130	Carpal Tunnel	221	170	141	180
131	Tendonitis	8	12	5	2
132	Frost Bite	3	8	2	9
140	Heat Exhaustion	19	36	20	19
141	Occupational Disease (Other)	249	221	297	281
142	Hepatitis Exposure	10	15	0	6
143	Cancer or Exposure (asbestos)	1	1	1	1
144	Body Fluid Exposure	68	49	25	36
145	Electrical Shock	70	79	60	58
146	Hernia	95	120	103	116
147	Rash or Dermatitis	193	188	202	193
148	Allergic Reaction	21	14	10	9
149	Stress	622	561	779	838
160	Fumes, Dust, Smoke Inhale	37	37	44	17
161	Other Respiratory	137	136	122	104
170	Eyeglasses & Contacts	1	1	0	1
171	Vision	57	52	43	51
180	Hearing Aid	10	17	18	13
181	Hearing Loss	29	15	15	21
199	Death	12	10	10	8
	Totals	39,399	39,954	39,502	38,998

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	FY12	FY13
Agriculture, Forestry, Fishing and Hunting	11	182	148
Mining, Quarrying, and Oil and Gas Extraction	21	50	30
Utilities	22	81	104
Construction	23	1,844	1,600
Food Manufacturing	31	802	676
Wood Manufacturing	32	711	660
Metal Manufacturing	33	1,924	2,022
Wholesale Trade	42	834	729
Motor Vehicle and Parts Dealers	44	2,973	3,086
Sporting Goods, Hobby, Book, and Music Stores	45	1,521	1,438
Air Transportation	48	593	481
Postal Service	49	171	169
Information	51	292	243
Finance and Insurance	52	546	644
Real Estate and Rental and Leasing	53	344	334
Professional, Scientific, and Technical Services	54	889	604
Management of Companies and Enterprises	55	236	77
Administrative and Support and Waste Management	56	1,285	1,296
Educational Services	61	1,620	1,755
Health Care and Social Assistance	62	5,063	5,013
Arts, Entertainment, and Recreation	71	1,019	974
Accommodation and Food Services	72	1,896	1,893
Other Services (except Public Administration)	81	845	936
Public Administration	92	1,296	930
Subtotals		27,017	25,842
Unknowns		12,485	13,156
Totals		39,502	38,998

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 Description	04/2009 thru 03/2010	04/2008 thru 03/2009
010-ESTATES, GARDENING AND FARMING	139	147
011-PRIVATE RESIDENCES (PER CAPITA)	3	4
040-QUARRYING	33	28
050-BAKING	68	74
051-GRAIN, SUGAR AND STARCH PRODUCTS	7	6
052-CONFECTIONS AND FOOD SUNDRIES	45	43
053-DAIRY PRODUCTS	29	36
054-LIVESTOCK HANDLING AND MEAT PRODUCTS	3	6
055-PRESERVING AND CANNING	8	2
056-BREWING AND BOTTLING	96	122
061-WOOL FIBER AND FABRICS		1
062-SILK FIBER AND FABRICS	5	8
063-MISCELLANEOUS	51	50
065-FINISHING OF TEXTILES		2
070-CLOTHING AND FURNISHING GOODS	54	100
080-LAUNDERING, CLEANING AND DYEING	109	105
091-LEATHER PRODUCTS	8	11
100-RUBBER PRODUCTS	129	105
101-COMPOSITION, IVORY, HORN, SHELL OR BONE PRODUCTS	247	187
102-LINOLEUM, OIL CLOTH AND IMITATION LEATHER	9	6
120-PULP, PAPER AND PULP PRODUCTS	27	41
121-PAPER GOODS	38	40
122-PROCESSING OF PAPER	8	10
123-PRINTING, BOOKBINDING AND ENGRAVING	102	149
140-LUMBER MILLING	51	49
141-BARRELS, BOXES AND VENEER PRODUCTS	17	22
142-WOOD PRODUCTS NOC	12	15
143-FURNITURE	98	90
144-MUSICAL INSTRUMENTS		4
145-BROOMS AND BRUSHES		1
160-ORE DRESSING, SMELTING AND REFINING	4	2
170-ROLLING MILLS, PIPE OR TUBE MFG. AND WIRE OR WIRE ROPE	9	21
171-FOUNDRIES AND MISCELLANEOUS PIPE OR TUBE MFG.	57	108
172-FORGING	3	4
173-STRUCTURAL AND ORNAMENTAL METAL AND TANK FABRICATION	67	73
174-TOOL MANUFACTURING	15	18
175-HARDWARE	12	4

Class Group Description	04/2009 thru 03/2010	04/2008 thru 03/2009
176-SHEET OR STAMPED METAL PRODUCTS	47	64
177-WIRE PRODUCTS	23	35
179-PLATING	1	1
180-MACHINE SHOPS	373	389
181-FINE SPECIALTY MACHINES	76	170
182-MISCELLANEOUS MACHINED PRODUCTS	108	107
184-ELECTRICAL EQUIPMENT	296	322
185-INSTRUMENTS	134	139
186-JEWELRY AND SILVERWARE	4	1
200-VEHICLES	131	179
201-AUTOMOBILE BODIES	11	13
210-CEMENT AND PLASTER	4	8
211-CEMENT, PLASTER AND CONCRETE PRODUCTS	24	44
212-GRINDING, CUTTING AND POLISHING STONE AND MINERALS	17	29
221-POTTERIES	1	6
231-MISCELLANEOUS GLASS PRODUCTS	33	55
240-CHEMICAL PRODUCTS NOC AND DYESTUFF RATING PLAN	10	9
241-GASES AND MISCELLANEOUS INORGANIC CHEMICALS	20	19
242-EXTRACTS, DRUGS AND MEDICINES	37	38
243-PAINTS, INK AND POLISHES	32	27
244-VEGETABLE OILS AND ANIMAL BY-PRODUCTS	1	2
245-COAL, WOOD AND PETROLEUM PRODUCTS AND DISTILLATION	7	13
246-EXPLOSIVES AND AMMUNITION	6	3
250-PHOTOGRAPHIC PRODUCTS	2	1
251-PHARMACEUTICAL OR SURGICAL PRODUCTS	32	50
252-PAINTING AND UPHOLSTERING	14	21
253-MISCELLANEOUS PRODUCTS		1
261-STREET AND ROAD CONSTRUCTION	54	66
263-DRILLING	13	11
264-CLEARING, GRADING AND EXCAVATING	212	257
265-PILE DRIVING		1
266-CANALS, CONDUITS, SEWERS AND SUBWAYS	28	52
268-WELDING	9	4
269-ELECTRIC POWER AND COMMUNICATION LINE CONSTRUCTION	31	27
270-RIGGING, STRUCTURAL AND ORNAMENTAL METAL ERECTION	27	29
271-PLUMBING AND SHEET METAL ERECTION	364	308
272-INSTALLATION OF MACHINES AND EQUIPMENT	287	313
273-CONCRETE CONSTRUCTION	111	102
274-CARPENTRY	345	445
275-PAINTING AND DECORATING	54	46
276-MASONRY AND PLASTERING	61	62
277-ROOFING AND WATERPROOFING	26	29
279-MISCELLANEOUS CONSTRUCTION AND ERECTION	145	174
280-SHIP OR BOAT BUILDING OR REPAIRING	24	31
290-ADMIRALTY-VESSELS	3	

Class Group Description	04/2009 thru 03/2010	04/2008 thru 03/2009
300-STEVEDORING AND FREIGHT HANDLING	1	3
320-OPERATION OF VEHICLES	643	594
330-PUBLIC UTILITIES	163	186
331-MISCELLANEOUS PUBLIC WORKS OPERATION	23	18
340-FOOD AND PROVISION DEALERS	327	354
341-STORES-LIGHT MERCHANDISE	425	347
342-STORES-HEAVY MERCHANDISE	677	760
343-STORES-MISCELLANEOUS	1,208	1,322
344-DEALERS IN ICE, FUEL, BUILDING MATERIALS AND FEED	371	319
345-DEALERS IN SCRAP METALS AND JUNK	28	15
346-DEALERS IN SECONDHAND MATERIALS	17	15
347-AUTOMOBILE SERVICE AND ACCESSORIES DEALERS	390	373
348-LIVESTOCK	17	17
349-WAREHOUSING AND STORAGE	114	81
350-CLERICAL	966	1,078
351-INSTRUCTIONAL AND MEDICAL PROFESSIONS	3,209	3,348
352-MISCELLANEOUS INSIDE OCCUPATIONS	70	62
353-ENGINEERING, APPRAISALS AND INSPECTION	219	228
354-MISCELLANEOUS OUTSIDE OCCUPATIONS	261	280
360-MISCELLANEOUS BUILDING OPERATION	1,168	1,282
361-HOTELS, RESTAURANTS, CLUBS	1,903	1,882
362-AMUSEMENTS-INSIDE	8	15
363-AMUSEMENTS-OUTSIDE	312	330
370-PERSONAL SERVICE	38	30
371-STREET OR SEWER CLEANING AND GARBAGE COLLECTING	81	71
372-POLICE OFFICERS AND FIREFIGHTERS	44	61
373-AIRCRAFT OPERATION	65	82
374-FINIS	5	9
010-ESTATES, GARDENING AND FARMING	139	147
Totals:	17,554	18,559

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
UNITED CHURCH OF CHRIST RETIREMENT	5/1/2012	0.65	33 CHRISTIAN AVENUE
MAPLE LEAF HEALTHCARE CENTR	1/1/2012	0.66	198 PEARL STREET
VILLA CREST HEALTH CARE CENTER	1/1/2012	0.66	1276 HANOVER STREET
EPSOM MANOR	1/1/2012	0.66	901 SUNCOOK VALLEY PARKWAY
THE MENTAL HEALTH CENTER OF GREATER	9/12/2012	0.70	401 CYPRESS STREET
HITCHINER MANUFACTURING CO	12/31/2012	0.73	117 OLD WILTON ROAD
AREA AGENCY OF GREATER NASHUA	7/1/2012	0.73	144 CANAL STREET
EDGEWOOD MANOR INC	9/10/2012	0.73	928 SOUTH ST
SEABROOK INTERNATIONAL LLC	4/28/2012	0.74	15 WOODWORKER'S WAY
LEWIS BUILDERS INC	1/1/2012	0.74	54 SAWYER AVENUE
HAMPSTEAD AREA WATER CO INC	1/1/2012	0.74	54 SAWYER AVENUE
MARY HITCHCOCK MEMORIAL HOSPITAL	10/1/2012	0.74	ATTN: NATALIE GUZMAN, BENEFITS MANAGER

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 2012 and 2013, the division assessed 2,379 civil penalties on employers who had exceeded the maximum time allowed for their injury reporting. This breaks down to 1,203 penalties assessed in FY 2012 totaling \$88,350. In FY 2013, 1,176 penalties totaling \$81,800 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 2010 was \$878.00 increasing to \$903.00 in calendar year 2011. 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 \$1,317.00 in FY2012 and \$1,354.50 in FY 2013.

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 FY12-13

FY	PERMANENT IMPAIRMENT	COMPENSABLE DISABILITIES	INCIDENCE RATE	IMPAIRMENT TOTAL COST
2009	1,120	8,608	7.6	11,586,733
2010	1,087	8,402	7.7	12,343,196
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

	FY09		FY10		FY11		FY12		FY13	
	AVG.		AVG.		AVG.		AVG.		AVG.	
	#	AWARD	#	AWARD	#	AWARD	#	AWARD	#	AWARD
ARM	450	\$9,085	401	\$9,793	324	\$9,639	389	\$9,341	366	\$9,823
HAND	38	\$6,248	48	\$8,464	28	\$8,813	32	\$9,729	25	\$9,334
THUMB	26	\$6,521	20	\$5,178	18	\$6,129	23	\$5,601	29	\$5,909
FINGER	34	\$6,317	16	\$1,386	9	\$1,613	67	\$3,472	70	\$4,989
LEG	251	\$8,804	239	\$8,079	215	\$7,906	231	\$7,487	199	\$7,404
FOOT	25	\$6,854	52	\$6,463	34	\$6,703	21	\$5,381	23	\$7,539
TOE	0		0		0		2	\$3,181	0	
HEARING										
Binaural	2	\$2,910	1	\$4,197	0		0		1	\$22,286
One Ear	0		1	\$8,619	1	\$10,243	1	\$3,878	1	\$10,928
VISION										
Both Eyes	0		0		0		0		0	
One Eye	5	\$7,960	6	\$13,822	5	\$35,443	2	\$3,769	1	\$8,467
WHOLE/MULT	69	\$17,373	83	\$20,820	76	\$22,245	62	\$18,071	54	\$23,103
WHOLE/BACK	162	\$19,035	149	\$22,7343	129	\$21,354	116	\$23,769	140	\$21,416
AVERAGE	1120	\$10,345	1087	\$11,355	891	\$11,566	946	\$10,698	909	\$11,356

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 2012, 2410 hearings were scheduled and in fiscal year 2013, 2333 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

	FY2010	FY2011	FY2012	FY2013
TOTAL SCHEDULED	2816	2537	2410	2333
HEARING/DECISION	1209	1022	1741	1688
LUMPSUM SETTLEMENT	955	847	719	725
TOTAL HEARINGS CANCELLED	324	194	102	108
\$ OF SETTLEMENTS (MILLIONS)	\$41.5	\$38.1	\$30.8	\$33.9
TOTAL CONCLUDED	2164	1869	2460	2413

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 2012, 65.1% of the hearings were requested by claimants, 34.8% by the carriers and .1% by another party. In 2013, 63.6% of requests were made by claimants, 36.4% by the carriers and 0% 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 2012 reflect that 36.3% favored the claimant and that 54.8% favored the carrier with 9.5% producing a split decision in which both parties won on some aspect. Statistics for FY 2013 show 37.8% for the claimant, 53.9% for the carrier and 8.3% 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 56.47 days elapsed from request to scheduled hearing date in FY 2012 with the time increasing to 61.50 days in FY 2013. 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, 84.1% of the claimants retained counsel in FY2012, with 84% retaining counsel in FY2013. Carriers retained counsel 94.1% of the time in FY2012, and 95.5% of the time in FY2013.

WORKERS' COMPENSATION APPEALS

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

APPEAL HEARINGS	FY2010	FY2011	FY2012	FY2013
APPEALS REQUESTED	778	651	631	610
APPEALS SCHEDULED	625	565	550	525
APPEALS CANCELLED*	323	299	324	308
DECISIONS RENDERED	302	266	226	217
DECISIONS SUSTAINED	209	174	139	145
DECISIONS REVERSED	93	92	87	72

(* 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 area 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 2010	FY 2011	FY 2012	FY 2013
COVERAGE ACTIVITY:				
VOLUNTARY COVERAGE	66,990	64,171	67,306	64,725
ASSIGNED RISK	23,391	20,808	20,591	22,969
SELF INSURED	1,021	1,269	910	868
REINSTATEMENTS	16,356	17,291	19,508	18,924
<u>TOTALS</u>	<u>107,758</u>	<u>103,539</u>	<u>108,315</u>	<u>107,486</u>
TERMINATION ACTIVITIES:				
1. CHANGE OF CARRIER	3,016	2,491	2,008	1,686
2. OUT OF BUSINESS	414	506	437	488
3. BUSINESS SOLD	194	254	290	195
4. NO EMPLOYEES	457	290	307	299
5. PREMIUM PAYMENT DUE	12,561	12,982	15,066	14,977
6. REQUEST OF CARRIER	11,673	11,818	11,419	11,060
<u>TOTALS</u>	<u>28,315</u>	<u>28,341</u>	<u>29,527</u>	<u>28,705</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	FY2010	FY2011	FY2012	FY2013
CARRIERS	\$1,196,085	\$1,127,423	\$571,520	\$595,603
EMPLOYERS	\$245,918	\$380,380	\$245,952	\$247,183
<u>GRAND TOTAL</u>	<u>\$1,442,003</u>	<u>\$1,507,803</u>	<u>\$817,472</u>	<u>\$842,786</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

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 FY 10, the rehabilitation unit staff received 142 referrals, and the injured employees were contacted via mail to reinforce their cooperation with the process. All but one case are now closed in the following statuses: 19 have returned to work; 43 received lump sum settlements; 4 cases were closed because the injured employee was too disabled for services; 38 referrals were closed at the carrier's request; and, 37 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 FY 11, there were 143 referrals. All these cases are currently closed. The closure breakdown is: 14 have returned to work; 50 received lump sum settlements; 3 cases were closed because the injured employee was too disabled; 45 referrals were closed at the carrier's request; and, 31 were closed for "other reasons".

In FY 10, the average length of time from date of injury to date of referral has increased to 665 days. In FY 11, the average increased to 790 days. To achieve a positive outcome, VR referrals need to be made much earlier in the process. The average duration of services (from date of referral to date of closure) increased to 214 days in FY 10 and decreased to 166 days in FY 11. The time frame needed for a vocational rehabilitation case to progress from the date of injury to the date of closure has increased to 29.2 months in FY 10 and to 32 months in FY 11. Since the vocational rehabilitation statistics are based on the date of referral to vocational rehabilitation, the data collected reflect the FY 10 and FY 11 years even though some closures may have occurred during 2013. Data for the fiscal years 2012 and 2013 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 FY 10 and 11, job placement occurred in 37% of the cases (that's a 2% increase), while 9.5% were receiving vocational counseling, exploration, and/or testing (a decrease of 1.5%). Educational and skill training in FY 10 and FY 11 occurred in only 3% of the cases, an increase of 1% from the previous biennium. Many injured employees still continue to need computer skills training to enhance their job placement. There have been 33 formal Training Agreements approved by the department in FY 10, and 27 in FY 11. This is a 9% decrease from the previous biennial report. The number of cases having no IWRPs ever written for service has remained the same at 45% of all the referrals.

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 25% while the number of hearings scheduled on eligibility for vocational rehabilitation has decreased by 16%. On the Appeal level, the decline is even more significant, down 58% for eligibility for VR and down 78% for non-cooperation with VR.

All requests for reimbursement for job modification are reviewed and approved or denied by this office. In calendar year 2010, 43 applications were approved, and none were denied. A total of \$25,170.46 was reimbursed to 23 employers, two of whom received the maximum reimbursement of \$5000.00. In 2011, 31 applications were approved, and one was denied. The 19 employers received a total of \$18,631.40. Again, two employers 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), 136 were reviewed in FY 10 and 157 were done in FY 11. The number of cases submitted for review in the previous biennium was higher. But as the number of First Reports drop, so will the number of 74 WCA 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 45 Certified Vocational Rehabilitation Providers (CVRP) in 6 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 mediates 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 prior to 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 2012	FY 2013
WAGE CLAIMS	\$ 904,942	\$ 629,200
WAGE COMPLAINTS	\$ 261,104	\$ 137,454
WAGE ADJUSTMENTS	\$ 498,260	\$ 424,398
TOTAL MONIES TO EMPLOYEES	\$ 1,664,306	\$ 1,191,052

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 2012	FY 2013
TOTAL EMPLOYERS	622	743
TOTAL EMPLOYEES	696	912
WAGES COLLECTED	\$ 904,942	\$ 629,200

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 2012	FY 2013
TOTAL EMPLOYERS	332	330
TOTAL EMPLOYEES	361	336
TOTAL COLLECTED	\$ 261,104	\$ 137,454

WAGE ADJUSTMENTS

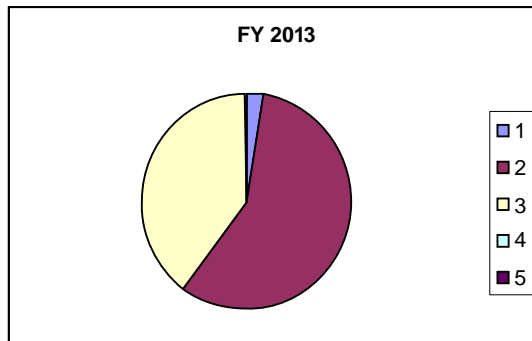
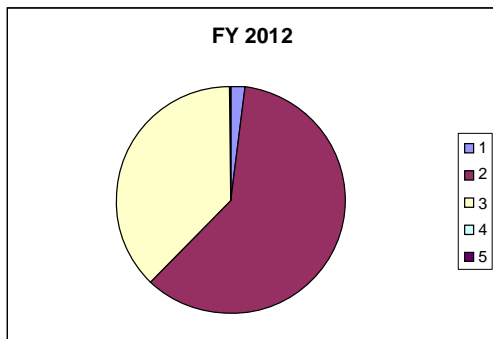
	FY 2012	FY 2013
NUMBER OF EMPLOYERS FOUND IN VIOLATION	188	191
DOLLARS COLLECTED	\$ 498,260	\$ 424,397

ONSITE INSPECTIONS

INSPECTIONS CONDUCTED	FY 2012	FY 2013
FIRST INSPECTION	589	986
REINSPECTION	7	9
SPECIAL	87	59
<u>TOTAL INSPECTIONS</u>	<u>683</u>	<u>1054</u>

% BREAKDOWN OF VIOLATIONS

	FY 2012	FY 2013
YOUTH EMPLOYMENT	6.0	5.8
PROTECTIVE LEGISLATION	53.4	55.3
MINIMUM WAGE	29.7	30.4
BOILERS	0	0
ELEVATORS	0	0
CITIZEN PROTECTIVE LEGISLATIVE	8.7	6.3
SAFETY	1.6	1.7
WORKERS COMP	.4	.4
<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 2012	FY 2013
HEARING- CLAIM VALID	0	1
HEARING- CLAIM INVALID	10	13
HEARING- NO APPEARANCES	0	0
NO JURISDICTION	3	4
APPEAL	0	0
CLAIMANT DID NOT PURSUE	6	19
SETTLED	1	4
<hr/>		
TOTAL CASES CLOSED	20	41

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 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 2012	FY 2013
WAGE CLAIM HEARINGS	360	329
CIVIL PENALTY HEARINGS	69	71
CIVIL PENALTY APPEALS BOARD HEARING	3	2
WHISTLEBLOWERS' HEARINGS	8	6
<hr/>		
TOTAL HEARINGS CONDUCTED	440	408
*INFORMAL (MEETINGS) HEARINGS HELD	222	296
ORDERS FOR PAYMENT	65	34

CIVIL PENALTIES

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

ASSESSMENTS-COLLECTED:	FY 2012	FY 2013
SAFETY	\$225,494	\$194,975
YOUTH EMPLOYMENT	142,421	70,471
MINIMUM WAGE	37,583	31,900
PROTECTIVE LEGISLATION	402,553	221,996
BOILER	7,800	8,450
ELEVATOR	10,500	27,900
PRESSURE VESSEL	2,800	6,975
CITIZENS LEG	10,500	29,758
<u>WORKERS COMP</u>	<u>942,591</u>	<u>897,925</u>
TOTAL	\$1,782,242	\$1,490,350

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 2012

AGE	MALES	FEMALES	TOTALS
12 & 13	88	73	161
14 & 15	1,434	1,556	2,990

TOTAL: 3,151

FY 2013

AGE	MALES	FEMALES	TOTALS
12 & 13	77	115	192
14 & 15	1,491	1,637	3,128

TOTAL: 3,320

VIII. Inspection Division

Appendix B: Boiler & Elevator Inspections

BOILER AND ELEVATOR ACTIVITY

	FY 2012	FY 2013
REC'D FOR BLUE PRINTS	\$36,948	\$35,031
REC'D FOR CERTIFICATES & LICENSES & SVC FEES	\$1,012,227	\$929,302
TOTAL	\$ 1,049,175	\$ 964,333

INSPECTIONS CONDUCTED

	FY 2012	FY 2013
PRESSURE VESSELS	4,278	3,624
BOILERS	7,406	6,075
ELEVATORS	4,891	4,851
ELEVATOR SAFETY TESTS	599	623
ACCEPTANCE TESTS CONDUCTED	124	220
BY STATE BOILER INSPECTOR	1260	841
BY STATE ELEVATOR INSPECTOR	441	463

TOTAL LICENSES ISSUED

	FY 2012	FY 2013
BOILER INSPECTORS	118	114
ELEVATOR INSPECTORS	84	96
ELEVATOR MECHANICS	315	139

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 2012	FY 2013
Initial	91	12
Re-Inspection	30	19
Complaints	2	1
Accident Investigation	2	0
No Safety Summary Form	535	370
Other	42	5
Totals	702	407

VIII. Inspection Division

Appendix D: Training

STATE APPRENTICESHIP ADVISORY COUNCIL

Report 7/1/2011– 6/30/2013

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, 2011 to June 30, 2013, the State Apprenticeship Advisory Council met **9** times and reviewed and recommended **48** program sponsors. In addition, **2545** apprentices were served of which **696** completed with an average wage of **22.30**.

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.

	FY12	FY13
TRAINING SESSIONS	18	20
EMPLOYERS TRAINED	1,767	2,055

IX. Physical Plant & Property

PHYSICAL PLANT AND PROPERTY APPRAISAL

	End of FY 2012	End of FY 2013
EQUIPMENT	\$ 1,258,829	\$ 1,193,663
PHYSICAL PLANT		
FARM		
<u>HIGHWAY</u>		
TOTAL	\$ 1,258,829	\$ 1,193,663