

Bill as
Introduced

HB 1333-FN-A - AS INTRODUCED

2010 SESSION

10-2059
06/05

HOUSE BILL ***1333-FN-A***

AN ACT relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

SPONSORS: Rep. Shurtleff, Merr 10

COMMITTEE: Finance

ANALYSIS

This bill provides a death benefit for the family of a seasonal department of transportation employee and makes an appropriation.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Appropriation; Provision of Death Benefit for the Family of a Seasonal Department of
2 Transportation Employee. The sum of \$20,000, the death benefit he would have been entitled to had
3 he been a permanent employee, is appropriated for the fiscal year ending June 30, 2011 to the
4 department of administrative services for payment to the beneficiaries of Brent Jackson Jr., a full-
5 time seasonal employee of the department of transportation who died while employed by the
6 department. The governor is authorized to draw a warrant for said sum out of any money in the
7 treasury not otherwise appropriated.

8 2 Effective Date. This act shall take effect July 1, 2010.

LBAO
10-2059
11/10/09

HB 1333-FN-A - FISCAL NOTE

AN ACT relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

FISCAL IMPACT:

The Department of Administrative Services and the Department of Transportation state this bill will increase state general fund expenditures in FY 2011. There will be no fiscal impact to state, county, and local revenue or on county and local expenditures.

This bill appropriates \$20,000 from the general fund in FY 2011 to the Department of Administrative Services for the purposes of this bill.

METHODOLOGY:

The Department of Administrative Services and the Department of Transportation state this bill provides a death benefit for the family of a Department of Transportation full-time seasonal employee in the amount of \$20,000, the amount that his family would have been entitled to had he been a permanent employee when he died. The Departments state the funds are appropriated in FY 2011 to the Department of Administrative Services for payment to the beneficiaries.

Committee Minutes

HOUSE FINANCE COMMITTEE

Legislative Office Building, Rooms 210-211
Concord, NH
Wednesday, January 20, 2010

HOUSE BILL 1333-FN-A, AN ACT relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

TESTIMONY OF:

Rep. Thomas Buco. Pg. 1

CHAIRMAN SMITH: The House Finance Committee is back in session. I open the hearing on House Bill 1333, and in the absence of the sponsor would ask Representative Buco to introduce the bill.

THOMAS BUCO, State Representative, Carroll County, District #01: Thank you, Chairwoman Smith, and Members of the Committee. My name is Tom Buco and I represent Carroll County, District 1. And I'm introducing House Bill 1333 to provide a death benefit for the family of a seasonal Department of Transportation employee and making appropriation therefor. And this bill appropriates \$20,000 in Fiscal Year 2011 for this purpose.

CHAIRMAN SMITH: Thank you very much, Representative Buco. Is there anyone here who would like to testify concerning House Bill 1333?
Representative Kurk.

REP. KURK: Thank you, Madam Chairman. I notice that the prime sponsor is Representative Shurtleff. Could we retain this bill or recess the hearing until he might have an opportunity to join us?

CHAIRMAN SMITH: Someone has gone down to see if

he can join us, and I would intend to recess the hearing. But if there was someone else here who wanted to speak now, I wanted to call. Okay.

Are you making -- I need a motion, I guess, to recess, don't I? Can I just do that?

REP. KURK: You can do that.

CHAIRMAN SMITH: I -- the Chair recesses the hearing on 1333 to a time --

REP. ANDERSON: Uncertain.

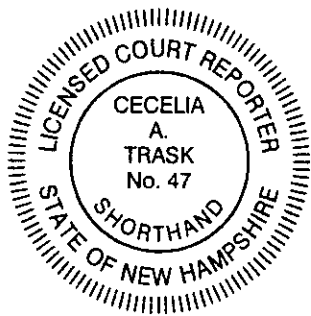
CHAIRMAN SMITH: -- uncertain. Thank you. Committee is in recess until 1:30.

(Hearing recessed)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask
Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire
License No. 47



HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: January 26, 2010

LOB ROOM: 210-211 **Time Work Session Called to Order:** 2:10

Time Adjourned: 2:20

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Eaton, Barood, Benn, Leishman, Dedore, Bucor, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Kodeschin, Wendelboe, L. Ober, Oskno, Bergin, Belvin and R. Elliot.

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Mr. Jeff Pattison, Legislative Budget Assistant (LBA): Source of funds for this benefit. Key lines 6 & 7. Words mean general fund. Administrative Services noted with a technical flaw. Bill came through with note to change to general fund.

Chairman M. Smith: Where do funds come from under the law, Administrative Services or department employing individual?

Mr. Pattison: Department.

Chairman M. Smith: Jackson's claim, if paid, would it come from highway?

Assist. Comm. Joseph Bouchard, Department of Administrative Services (DAS): Yes. Jackson received worker's comp claim charged to Department of Transportation (DOT).

Rep. Kurk: How much has Jackson family received?

Assist. Comm. Bouchard: \$5,000.

Rep. Kurk: Normal for payment when employee on a lunch hour?

Assist. Comm. Bouchard: Don't know.

Rep. Kurk: Confused about \$1,000 in statute and request for \$20,000.

Rep. D. Scamman: Under what provision did worker's comp pay?

Rep. Benn: Would payment be through appropriations?

Assist. Comm. Bouchard: Appropriations.

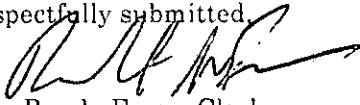
Rep. Elliott: Any suits?

Assist. Comm. Bouchard: Will check.

Chairman M. Smith: We'll continue this work session to Tuesday, February 2 at 10:00.

Work session adjourned.

Respectfully submitted,



Rep. Randy Foosc, Clerk

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

①
2:10
1
2:20

Bouchard
Pattison
benefit

Source of funds for this

Key lines 6 & 7 words mean general fund.

Admin Services noted with a technical flaw

Bill came through with note to change to general fund

Smith: Where do funds come from - under the law - Admin services or department ~~having~~ employing individual

Pattison: department

Smith - Jacksons claim, if paid, would it come from highway

Bouchard - yes

Jackson received workers comp claim charged to DOT

Kirk - how much has Jackson family received

Bouchard - \$5,000

Kirk - normal for payment when cc or a lunch hour

Bouchard - don't know

Kirk - confused about \$1,000 in statute.

And request for \$20,000

Bouchard - need to do more research.

Seaman - under what provision did workers comp pay?

Bawn - would payment be through
Appropriation

Bouchard - appropriation

Elliot - any suits

Bouchard - will check

Smith - continuing work sessions Feb 2
to at 10:00 am

HOUSE FINANCE COMMITTEE

Legislative Office Building, Rooms 210-211
Concord, NH
Tuesday, January 26, 2010

HOUSE BILL 1333-FN-A, AN ACT relative to providing a death benefit for the family of a seasonal Department of Transportation employee and making an appropriation therefor.

TESTIMONY OF:

Rep. Stephen Shurtleff.	Pg. 1
Brent Jackson, Sr.	Pg. 3
Jay Ward.	Pg. 4

CHAIRMAN SMITH: I'd like to call the Finance Committee to order. This is -- and reopen the recessed hearing on House Bill 1333 and recognize the prime sponsor, Representative Shurtleff.

STEPHEN J. SHURTLEFF, State Representative, Merrimack County, District #10: Thank you, Madam Chair, and Members of the Committee. For the record, my name is Steve Shurtleff, and I represent Merrimack District 10, which is Concord, Wards 1, 2, and 3. And, Madam Chair, I want to start my remarks by apologizing to you for missing the hearing last week and to thank the Committee for the courtesy it extended to me by continuing that hearing till this week so that I could be here. I do appreciate that.

Madam Chair, in July of 2006, Brent Jackson, Jr., was a 22-year old man who worked full-time seasonally for the New Hampshire Department of Transportation. He was assigned to work with a work crew in the western part of the state and while working in Alstead repaving and repainting

the highways out there, on a day when the temperature was in the 90s, and even hotter as you're working close to the pavement, his crew took a lunch break by a swimming area called Vilas Pool in the Town of Alstead. Brent asked -- Brent and another worker asked their foreman if they could go swimming to help cool off during the lunch break and the foreman said, sure, you can.

Sadly, Brent swam halfway out, got a cramp, and drowned. Under New Hampshire law, if Brent had been a full-time state employee, his family would have been eligible for the State's \$20,000 death benefit. As a result of the death of Brent Jackson, Jr., Mr. and Mrs. Jackson came to me and said we know nothing can be done for us, but we don't want this to happen to somebody else again to lose a son, or a loved one, and not have any compensation to take care of expenses. So on behalf of the Jacksons I filed legislation that now those passed by both bodies and signed into law by Governor Lynch at a very emotional public bill signing that the State will now provide death benefits for any full-time state seasonal employee. And the cost to the State is 20-cents a week per employee.

At the same time, I also filed a bill to seek compensation for the Jackson family in the equivalent of what they would receive as a death benefit, the \$20,000. That bill did not pass and I told Mr. and Mrs. Jackson then that I'd be back next session, I would refile the bill, and that is what brings me before the Committee today. And Madam Chair, I'd be glad to answer any questions I can.

CHAIRMAN SMITH: Thank you very much, Chairman Shurtleff. And we know full well why you weren't able to be here last week. The lines outside of your hearing room would have made it impossible for

you to get out in any event. But thank you very much for bringing this bill to us.

Does anyone have any questions for Representative Shurtleff? If not, thank you very much --

REP. SHURTLEFF: Thank you, Madam Chair.

CHAIRMAN SMITH: -- for bringing this bill and the Chair recognizes Mr. Brent Jackson.

BRENT JACKSON, SR., Pembroke, NH: I'm Brent Jackson, Sr.

CHAIRMAN SMITH: Mr. Jackson, why don't you come and sit right there. Very good.

MR. JACKSON: All right.

CHAIRMAN SMITH: Thank you very much for coming. And, of course, on behalf of all of the Committee, we acknowledge the sadness of your loss.

MR. JACKSON: All right. Thanks. What I'd like to actually say is that the reason that we are here again is based on we went in front of the Board of Claims and Susan Cusack, who works for the Attorney General's Office, and Mr. Peter DeCato, our attorney, we went in front of the Board of Claims and we also decided that we should be compensated going forward due to the fact that Junior did lose his life while he was an employee of the State. And I feel that every -- anybody that has an opportunity to work should be -- have a death benefit. And that benefit and that bill did pass.

However, for myself and my wife, we sit here and we have nothing. And we feel this way. We feel as if our son lost his life and there was no -- no

compensation due at all. I think it's totally unfair. It's like our son's life was worth zero to the State of New Hampshire. And I feel if this was a State Trooper or any other State employee, I wouldn't be sitting here today. So I hope you guys take all this into consideration and, you know, pass this bill. I appreciate it. Thanks.

CHAIRMAN SMITH: Thank you very much. Does anyone have any questions for Mr. Jackson? I don't see anyone. Thank you again very much for being here. The Chair recognizes Jay Ward.

JAY WARD, State Employees Association: Hi, Madam Chairman, Members of the Committee. For the record, my name is Jay Ward, and I'm here representing the State Employees Association. And I am asking that you do look favorably upon this bill. While it's a tragic loss for the family and for the State that a State employee was lost, we believe that extending the same benefits as anyone currently would have is the proper thing to do. And while it doesn't bring back the individual, it certainly will validate the fact that the State does care about every single one of its employees. So I urge you to pass it, please. Thank you.

CHAIRMAN SMITH: Thank you very much. Representative Anderson has a question for Mr. Ward.

REP. ANDERSON: Thank you, Madam Chair. Mr. Ward, I guess I'm not familiar with all other State departments. This bill pertains only to employees, seasonal employees of the Department of Transportation. What happens with people with DRED or other groups and organizations within state government? Are they currently covered, a seasonal employee, in the case of death?

MR. WARD: Thank you for the question. So every full-time State employee in the Executive Branch is now covered. Previously to the legislation that extended that same benefit to full-time seasonals, it was only the full-time Executive Branch employees. So right now every single full-time seasonal and Executive Branch employee is covered.

CHAIRMAN SMITH: Representative Anderson.

REP. ANDERSON: Thank you, Madam Chair. Is the Department of Transportation not an Executive department?

MR. WARD: Yes. At the time of the death, the State law was not inclusive of the full-time seasonals. It was only full-time.

CHAIRMAN SMITH: So, Mr. Ward, are you saying that -- that the bill that Representative Shurtleff talked about was passed after Mr. Jackson, Jr., lost his life so that he wasn't covered at the time of his death.

MR. WARD: Apparently you have said it much clearer than I have, yes.

REP. ANDERSON: That clarifies. Thank you, Madam Chair.

CHAIRMAN SMITH: Representative Benn.

REP. BENN: Thank you, Madam Chairman. Mr. Ward, do you know of if there are other cases that are similar, retroactive cases?

MR. WARD: I have not heard of any and I believe that this is the first time the issue has ever come up. And I think many of us were surprised to learn that full-time seasonals were not included in the

coverage.

REP. BENN: Thank you.

CHAIRMAN SMITH: Thank you. Are there any other questions for Mr. Ward? Is there anyone here from the Department of Administrative Services or the Department of Transportation who could speak to the Fiscal Note? Or perhaps if the LBA can. This language says the departments, which would apply to both departments, state the funds are appropriated in Fiscal Year 2011 to the Department of Administrative Services for payment to the beneficiaries. I guess in what -- under what umbrella were those funds appropriated?

GERARD MURPHY, Budget Analyst, Office of Legislative Budget Assistant: I'm not -- I'm not sure I understand the question.

CHAIRMAN SMITH: Well, if the law did not cover Mr. Jackson's situation, help me understand how the funds could have been appropriated for this \$20,000 expenditure?

MR. MURPHY: I believe the bill appropriates. They were not previously appropriated. This bill would appropriate funding.

REP. SCAMMAN: Would you ask if it's highway funds or general funds?

CHAIRMAN SMITH: Well, it's just that it says the funds are appropriated in Fiscal Year 2011 to the Department of Administrative Services. That's the last sentence. It doesn't say that the funds would be. It says that they are appropriated and we've already passed the '10 and '11 budget. It says that -- but it also says that it will increase the State general expenditures. So if -- if it's

already appropriated, and then the funds were expended here, well, yeah. I mean, we could say anything in the budget -- we could say anything that's in the budget would increase general fund expenditures because if the Department chose not to spend a dime, then anything would. But so that's what I'm a little unclear about.

MR. MURPHY: My understanding, Chairman Smith, is that this -- I think this sentence reads incorrectly. I do not believe the funds are currently appropriated. I think that this bill would appropriate the funds. They're not currently appropriated.

REP. ANDERSON: It would appropriate.

CHAIRMAN SMITH: Well, I mean, because Lines 6 and 7 say the Governor's authorized to draw a warrant for said sum out of any money in the Treasury not otherwise appropriated. So there's not a good match between the Fiscal Note and the bill. Representative Kurk.

REP. KURK: Thank you, Madam Chairman. I don't know if we're still in the public hearing?

CHAIRMAN SMITH: Yes.

REP. KURK: Is there somebody who could testify from the Department as to the appropriateness of taking money out of the general fund to pay for a Highway Fund response -- or what I believe is a Highway Fund responsibility?

CHAIRMAN SMITH: I don't see anyone who appears to be ready to testify on that. We are going to have a work session on this bill this afternoon. And it might be that we would put off discussing that particular bill for an hour or so to give

someone from either the Department of Transportation or the Department of Administration time to give us the information necessary so we could act.

Is there anyone else here who would like to testify on House Bill 1333? If not, I'll close the hearing.

(Hearing concluded)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.



Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire
License No. 47



House Finance Committee

January 26, 2010

House Bill 1333-FN-A

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: February 02, 2010

LOB ROOM: 210-211 **Time Work Session Called to Order:** 11:08

Time Adjourned: 11:25

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoie, Bue, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Seaman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Obe, Dokmo, Bergin, Belvin and R. Elliott

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Chairman M. Smith: Welcome **Assist. Comm. Bouchard** and **Ms. Sally Jeffrey** (Human Resources Specialist, Personnel Division, Department of Administrative Services (DAS)).

* **Assist. Comm. Bouchard:** I've returned with information and staff to answer question. Documents were passed out.

Ms Jeffrey: Worker's Comp paid by servicing agency and reimbursed from highway.

Assist. Comm. Bouchard: Described life insurance structure. We would have paid \$21,000 for full time. **Mr. Jackson** was full time, seasonal employee.

Chairman Smith: Under current contract?

Assist. Comm. Bouchard: Full time seasonal employee has to have worked for 6 months. **Mr. Jackson** only worked from June to July.

Rep. Kurk: What is source of funds? Insurance for employee charged to fund that pays for employee?

Rep. Wendelboe: Are there any other cases when we've addressed a problem like this on a retrospective basis?

Assist. Comm. Bouchard: This was not a qualified event.

Rep. DeJoie: When we passed Michele's Law we did include **Officer Briggs** on a retrospective basis.

Assist. Comm. Bouchard: Mr. Jackson started in June and died in July.

Rep. L. Ober: If I'm hired on June 01, I'd have to work until December 01 to be eligible?

Assist. Comm. Bouchard: Full time employees would not be eligible either.

Rep. Mitchell: Was swimming death determined to be work related?

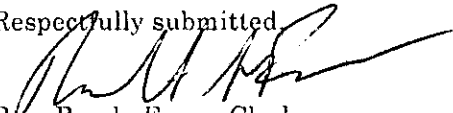
Ms. Jeffrey: No. State made an exception.

Rep. Wendelboe: Could we have full description of his status?

Ms. Jeffrey: Single at time of death.

Work session adjourned.

Respectfully submitted


Rep. Randy Foose, Clerk

Motions: OTP, OTP/A, I/TL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, I/TL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: February 02, 2010

LOB ROOM: 210-211

Time Work Session Called to Order: 11:08

Time Adjourned: 11:25

(please circle if present)

Committee Members: Reps. M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoiè, Bucc, Foose, Mitchell, Kean, Casey, Harris, Kirk, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliot.

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Smith: Welcome Mr Bouchard, Ms ^{Murison} Justice

Bouchard: I've returned with information and staff to answer questions. passed out documents

Justice - W.C. paid by ^{services} Agency and reimbursed from high way

Bouchard - described life insurance structure we would have paid \$21,000 for full time

Mr Jackson was full time, seasonal employees

Smith under current ~~law~~ contract?

Bouchard: FT seasonal employee has to have worked for 6 months Mr Jackson only worked from June to July

Kirk what is source of funds?

Insurance for employees charged to fund that pays for employee

Woodlawn: Are there any other cases when we've addressed a problem like this on a retrospective basis

Bouchard - This was not a qualified event

DeJoy - When we passed Michaels law, we did include officers Briggs on a retrospective

Bouchard - Mr Jackson started in June and died in July

Ober If I'm hired on June 1, I'd have to work until December 1 to be eligible

Bouchard: Full time employees would not be eligible either

Mitchell: Was swimming death determined to be work related

Jaffee No state made an exception

Wendelboe - could we have full description of his status

Jaffe - single at time of death

HB 1333-FN-A
Life Insurance Information
Department of Administrative Services February 2, 2010

Page 1

	<u>Prior to 2005-2007 Collective Bargaining Agreement</u>	<u>Changes in 2005-2007 Collective Bargaining Agreement</u>	<u>Current Collective Bargaining Agreement</u>
Amount	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00
Waiting Period	6 months	1st of the month following 30 days of full-time State employment	Coverage starts on the Effective Date. The Effective Date of an Eligible Person will start on the first day of the period for which premium is paid following the date the person becomes an Eligible Person, unless otherwise approved by AnthemLife.
Eligibility	Active Full-time employees working a minimum of 30 hours per week and not employed on a temporary or seasonal basis.	Active Full-time employees working a minimum of 30 hours per week and not employed on a temporary or seasonal basis.	Active Full-time employees working a minimum of 30 hours per week and Full-time seasonal employees. (See RSA 98-A:6-c)

RSA 21-I:29	
Permanent Group Life Insurance	The State shall provide a permanent life insurance, accidental death and dismemberment group plan for all permanent state employees. The permanent group life insurance program shall provide for a \$1,000 face value death benefit with a paid up value upon retirement or leaving state service. The state shall pay the term portion of the life insurance premium and the state employees shall pay for the permanent portion of the life insurance premium on payroll deduction. (eff. July 1, 1985)
RSA 98-A:6-c	
Death Benefits	Full-time seasonal employees shall be considered permanent employees only for the purposes of the death benefit under 21-I:29. (eff. Aug. 10, 2007)
Section 19.9 Collective Bargaining Agreement	
Term Life Insurance:	Effective January 1, 2006, Full-time employees shall be provided with group term life insurance of \$20,000. (This provision has to be read in conjunction with the preamble, which states, in part: "This Agreement is made and entered into between the State Employees' Association of New Hampshire, SEIU, Local 1984, CLC hereinafter referred to as the "Association", and the _____, * State of New Hampshire, hereinafter referred to as the "Employer", collectively referred to hereinafter as the "Parties". It is the intent and purpose of the Parties to this Agreement to promote and improve the efficient administration of the _____, * State of New Hampshire and the well-being of the classified employees within the meaning of New Hampshire Revised Statutes Annotated 273-A.")

HB 1333-FN-A
Life Insurance Information
Department of Administrative Services February 2, 2010
Page 2

<p>RSA 273-A:1,IX Defines "public employee" and specifically exempts from the definition any employee who is probationary, temporary or seasonal.</p>	<p>"Public employee" means any person employed by a public employer except: (a) Persons elected by popular vote; (b) Persons appointed to office by the chief executive or legislative body of the public employer; (c) Persons whose duties imply a confidential relationship to the public employer; or (d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call. For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed.</p>
<p>RSA 98-A:3 Position Made Permanent.</p>	<p>Any person appointed under a temporary appointment or any person appointed under a seasonal appointment who works the equivalent of 6 months or more, not necessarily consecutively, in any 12-month period shall be deemed to be respectively a permanent temporary employee or a permanent seasonal employee and entitled to all the rights and benefits of a permanent employee in the classified service of the state.</p>

HB 1331 FN-A
Workers Compensation Information
Department of Administrative Services February 2, 2010

Facts	Statutory Authority for Workers Compensation Payment	Administrative Process
Seasonal employee of DOT Traffic Division, (Loc. Code 965400) Brent Jackson, Jr., died while swimming during lunch break on July 18, 2006	Under RSA 21-I:24, I , "the commissioner of administrative services is... authorized to pay... sums as may be awarded to state employees under the provisions of RSA 281-A...II. If the injured claimant was employed in a department... which has received a legislative appropriation...the commissioner...shall charge ...sums to the legislative appropriation."	Risk Management Unit of DAS procures and manages the administrative services-only workers compensation contract with Liberty Mutual (through its division, Helmsman Mgmt. Services). The 2004-2008 contract includes Exhibit 2 (e), which requires cooperation with the State: "in all situations, Liberty Mutual will cooperate fully with the requests of the State and its agencies, whether the situation involves addressing legal requirements, litigation associated with the services covered by the contract or any other issue".
The workers compensation claim was denied on August 8, 2006 by Helmsman. The denial stated the accident was not causally related to his employment (it was not in the course and scope of employment) and also stated "We reserve our right of payment without prejudice on medical invoices presented and burial expenses up to \$5,000 per RSA 281-A: 26 IV."	In 2006, the allowable benefit for death for workers compensation was \$5,000. RSA 281-A:26, IV.	
	The workers compensation law authorizes payments "without prejudice". RSA 281-A:41 provides "no payment of any benefits under this chapter shall in any way prejudice the rights of an employer in any dispute regarding the question of whether or not an injury or occupational disease arose out of and in the course of an employee's service".	The State and Helmsman discussed the compensability of the claim. The State was represented by the Attorney General's office, the Governor's office, DOT and Administrative Services. The State viewed the claim as compensable. The State directed Helmsman to pay the workers compensation death benefit on humanitarian grounds. Two separate payments totaling \$5,000 were made by Helmsman directly to the funeral home and to the estate of Mr. Brent Jackson for the cemetery headstone.
		Helmsman bills the State on a monthly basis for claims it has paid. Bureau of Accounting in DAS pays the monthly invoice and sends a breakdown of agency specific claims to each agency. As usual, DOT reimbursed DAS for payment of this claim and others on the invoice that month.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: January 20, 2010

LOB ROOM: 210-211 **Time Public Hearing Called to Order:** 1:10

Time Adjourned: 1:15

(please circle if present)

Committee Members: M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoie, Buco, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Rodescina, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliott.

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Tom Buco introduced the bill.

Chairman Marjorie Smith recessed the hearing until 12:55 on Tuesday, January 26, to allow the bill's sponsor to attend.

Respectfully submitted,

Rep. Randy Foose, Clerk

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: {Type HEARING DATE here} 1-20-10

LOB ROOM: 210-211 Time Public Hearing Called to Order: {Time} 1:10
Time Adjourned: ^{recessed} {Time} 1:15

(please circle if present)

Committee Members: M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Deishman, DeJoie, Buco, Foose, Mitchell, Keans, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Nodschin, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliott.

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Bucco introduced bill
recessed to a time uncertain
12:35 1/26

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: January 26, 2010

LOB ROOM: 210-211 Time Public Hearing Called to Order: 12:55

Time Adjourned: 1:14

(please circle if present)

Committee Members: M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoie, Buco, Foose, Mitchell, Keans, Casey, Harris, Kurtz, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Ober, Dokma, Bergin, Belvin and R. Elliott

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

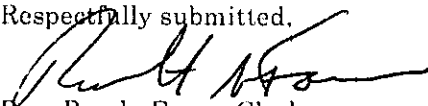
* Use asterisk if written testimony and/or amendments are submitted.

Rep. Stephen Shurtleff, Merr 10, Prime sponsor, spoke in support of the bill.

Mr. Brent Jackson, Sr., 10 Hutchins Street, Concord, NH, spoke in support of the bill.

Mr. Jay Ward, 207 N. Main Street, Concord, representing the State Employees Association (SEA), spoke in support of the bill.

Respectfully submitted,


Rep. Randy Foose, Clerk

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: January 20, 2010

LOB ROOM: 210-211 Time Public Hearing Called to Order: 1:10

Time Adjourned: 1:15

12:55
1:15

(please circle if present)

Committee Members: M. Smith, Nordgren, Foster, Eaton, Baroody, Benn, Leishman, DeJoie, Buco, Foose, Mitchell, Keane, Casey, Harris, Kurk, D. Scamman, E. Anderson, Emerton, Rodeschin, Wendelboe, L. Ober, Dokmo, Bergin, Belvin and R. Elliott.

Bill Sponsors: Rep. Shurtleff, Merr 10

- ① Shurtleff for
- ② Brent Jackson, Sr. for
- ③ Jay Ward for

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

~~Rep. Tom Buco introduced the bill.~~

~~Chairman Marjorie Smith recessed the hearing until 12:55 on Tuesday, January 26, to allow the bill's sponsor to attend.~~

Respectfully submitted,

Rep. Randy Foose, Clerk

Voting Sheets

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: February 04, 2010

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Bergin

Seconded by Rep. Leishman

Vote: 23-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

REGULAR or CONSENT CALENDAR VOTE: (Please Circle One.)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Robert A. Foose, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 1333-FN-A

BILL TITLE: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

DATE: ~~{Type DATE}~~ 02-04-2010

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Bergin

Seconded by Rep. Leichman

Vote: 23-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

REGULAR or CONSENT CALENDAR VOTE: (Please Circle One.)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert A. Foose, Clerk

FINANCE

Bill #: 1333-FN-A Title: _____

PH Date: / /

Exec Session Date: 02/04/2010

Motion: FIL

Amendment #: _____

MEMBER	YEAS	NAYS
Smith, Marjorie K, Chairman	23	
Nordgren, Sharon, V Chairman <i>LeGrand</i>	22	
Foster, Linda T	1	
Eaton, Daniel A	2	
Barody, Benjamin C	3	
Benn, Bernard L	4	
Leishman, Peter R	5	
DeJoie, John	6	
Buco, Thomas L	7	
Foose, Robert A, Clerk	8	
Mitchell, Bonnie	9	
Keans, Sandra B		
Casey, Kimberley S	10	
Harris, Sandra C	11	
Kurk, Neal M	12	
Scamman, W. Douglas	13	
Anderson, Eric	14	
Emerton, Larry A	15	
Rodeschin, Beverly T	16	
Wendelboe, Fran	17	
Ober, Lynne M	18	
Dokmo, Cynthia J		
Bergin, Peter F	19	
Belvin, William S	20	
Elliott, Robert J	21	
	23	00
TOTAL VOTE:		

Committee Report

CONSENT CALENDAR

February 4, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on FINANCE to which was referred HB1333-FN-A,

AN ACT relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Peter F Bergin

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	FINANCE
Bill Number:	HB1333-FN-A
Title:	relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.
Date:	February 4, 2010
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill came to the Finance Committee as a direct referral. The committee members were sympathetic to the family's tragic loss of their son. After his death a law was passed to provide life insurance coverage to seasonal employees who worked for the state for at least six months in any 12 month period. Even if that law had been in place in 2006 when the death occurred this young man would not have been covered. At the time of his death which was not work related he had worked for the state for six weeks. The department for which he had worked paid \$5,000 to the family, equivalent to what he would have received under workman's compensation if the death had been work related. The committee could not justify any additional payment.

Vote 23-0.

Rep. Peter F Bergin
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

FINANCE

HB1333-FN-A, relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.** Rep. Peter F Bergin for FINANCE. This bill came to the Finance Committee as a direct referral. The committee members were sympathetic to the family's tragic loss of their son. After his death a law was passed to provide life insurance coverage to seasonal employees who worked for the state for at least six months in any 12 month period. Even if that law had been in place in 2006 when the death occurred this young man would not have been covered. At the time of his death which was not work related he had worked for the state for six weeks. The department for which he had worked paid \$5,000 to the family, equivalent to what he would have received under workman's compensation if the death had been work related. The committee could not justify any additional payment. Vote 23-0.

Original: House Clerk
Cc: Committee Bill File

itl

This bill came to the Finance Committee as a direct referral. The committee members were sympathetic to the family's tragic loss of their son. After his death a law was passed to provide life insurance coverage to seasonal employees who worked for the state for at least six months in any 12 month period. Even if that law had been in place in 2006 when the death occurred this young man would not have been covered. At the time of his death which was not work related he had worked for the state for six weeks. The department for which he had worked paid \$5,000 to the family, equivalent to what he would have received under workman's compensation if the death had been work related. The committee could not justify any additional payment.

23-0


Bergin

New Hampshire General Court - Bill Status System

Docket of HB1333

Docket Abbreviations

Bill Title: relative to providing a death benefit for the family of a seasonal department of transportation employee and making an appropriation therefor.

Official Docket of HB1333:

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Finance; HJ 6 , PG.236
1/5/2010	H	Public Hearing: 1/20/2010 1:00 PM LOB 210-211 ==RECESSED==
1/21/2010	H	Continued Public Hearing: 1/26/2010 12:55 PM LOB 210-211
1/21/2010	H	Full Committee Work Session: 1/26/2010 1:00 PM LOB 210-211
1/26/2010	H	Full Committee Work Session: 2/2/2010 10:00 AM LOB 210-211
1/28/2010	H	Executive Session: 2/4/2010 10:00 AM LOB 210-211
2/4/2010	H	Committee Report: Inexpedient to Legislate for Feb 10 CC (vote 23-0); HC 13 , PG.527
2/10/2010	H	Removed from Consent Calendar (Rep Vaillancourt); HJ 16 , PG.748
2/10/2010	H	Special Ordered to Regular Place in Feb 17 Consent Calendar: MA Without Objection; HJ 16 , PG.783
2/17/2010	H	Inexpedient to Legislate: MA VV; HJ 18 , PG.955-956

NH House

NH Senate