

AGENDA

COMMITTEE ON HUMAN RESOURCES/INSURANCE

March 4, 2008
Aldermen Gatsas, Lopez,
Pinard, Shea, Garrity

6:00 P.M.
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Gatsas calls the meeting to order.
2. The Clerk calls the roll.

TABLED ITEM

A motion is in order to remove the following item from the table.

3. Communication from Virginia Lamberton, Human Resources Director, requesting an amendment to Section 33.064(B)(2) of the Code of Ordinances which addresses sick leave benefits for Fire and Police Department employees.
(Note: Tabled 2/4/08 pending further drafting/info from Solicitor and HR; re-tabled 2/11/08. Updated communications, 2/26/08, enclosed from Harry Ntapalis, Risk Manager and Mike Roche, United Steelworkers of America.)
4. If there is no further business, a motion is in order to adjourn.



CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065
www.ManchesterNH.gov



MEMORANDUM

To: City Department Heads
Labor Unions

From: David Hodgen, Acting Human Resources Director *DH*

Date: February 13, 2008

Re: Proposed Amendments to City Human Resources Ordinance, Section 33.064 –
Employees Injured in the Line of Duty

Enclosed please find a copy of the proposed amendments to the above-referenced ordinance. Please be advised that the Human Resources and Insurance Committee intends to address this matter at their next meeting on March 4, 2008.

Enclosure:

cc: Human Resources and Insurance Committee
Frank Guinta, Mayor
Jeffrey Kantorowski, H.R. Director, School District

City of Manchester New Hampshire

In the Year One Thousand Nine Hundred and

AN ORDINANCE

"Amending Section 33.064 Employees Injured in the Line of Duty to apply to all employees and to require the the repayment of sick leave benefits upon a determination of employee eligibility for workers compensation benefits

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 33.064 EMPLOYEES INJURED IN THE LINE OF DUTY.

~~(A) Employees, other than employees of the Police Department and employees of the Fire Department, injured in the line of duty shall be entitled to compensation as provided under the Worker's Compensation Law.~~

~~(B) For employees of the Police Department and employees of the Fire Department the following shall apply:~~

(1A) Any employee of the city who sustains an injury which is compensable under the Workers Compensation Law and who is entitled to receive compensation benefits either by agreement of award shall, in addition to workers compensation benefits, receive supplemental pay benefits from the city so that combined worker compensation and supplemental pay benefits shall equal 80% of regular gross salary if the employee is covered under Social Security, and 87% if the employee is not covered under Social Security. Regular gross salary means gross wages as shown in the salary and wage schedules in the city and the school department compensation plans. The Finance Human Resources Department shall make such adjustments as are necessary to ensure that employees will actually receive the supplemental pay benefit provided above.

(2B) Pending determination of workers compensation eligibility, the employee may receive sick leave benefits. On a determination that the employee is eligible of eligibility for workers compensation benefits, the employee shall repay to the city all sick leave benefits the employee has received. Upon repayment sick leave credit shall be restored.

(3C) To the extent authorized by law, the city, during the period the employee is receiving supplemental pay benefits, shall continue to contribute to the employee's retirement system on the employees' regular gross salary provided the employee maintains his contributions to the system.

(4D) Disabled employees may authorize deductions first from this supplemental portion of his pay and then from his workers compensation disability payments for medical insurance, credit union payments, bonds or savings plans, retirement, and United Fund contributions, or other authorized deductions, upon approved forms.

(5E) In cases of third party liability the city shall be entitled to the same lien and rights with respect to supplemental pay as are afforded employers under the Workers Compensation Law. As a condition to receiving supplemental pay benefits, the employee shall execute a written assignment of such lien and rights to the city in such form as is required by the Risk Manager. The Risk Manager is authorized to make third party lien

settlements on behalf of the city and the employee with respect to supplemental pay benefits, provided however, that a full report shall be made to the Aldermanic Insurance Committee.

(6F) It shall be the duty of each department head to monitor the payment of supplemental pay benefits to employees within his department. On recommendation of the department head, the Risk Manager may require employees receiving supplemental pay benefits to be examined by a physician or physician chosen by the city at the city's expense at intervals not more frequent than the requirements set forth in R.S.A. 281-A:38.

(7G) In no event shall this section provide more than 52 weeks of supplemental pay benefits for the injury or any recurrence thereof. Employees unable to resume normal work duties after one year shall be examined by a physician or physicians chosen by the city at the city's expense. If on such examination the employee is found to be unable to fulfill the requirements of his/her normal work duties, such employee shall be terminated.

(8H) Any employee so terminated shall be entitled to a hearing before the Aldermanic **Human Resources/Insurance** Committee. Requests by employees for a hearing must be submitted to the Committee no later than 15 calendar days after the receipt of notification of termination. The Aldermanic **Human Resources/Insurance** Committee shall hold a hearing within 30 calendar days of the receipt of the request.

(9I) If the employee prevails in the hearing before the Aldermanic **Human Resources/Insurance** Committee, employment will not be terminated but in no event shall the supplemental pay benefits exceed the maximum of 52 weeks of cumulative benefits. The determination of the Aldermanic **Human Resources/Insurance** Committee is subject to review by that Committee each 30 calendar days. The decision of the Aldermanic **Human Resources/Insurance** Committee shall be final.

~~(10) Effective date and retroactivity. This section shall take effect on its passage. Employees who sustained compensable injuries from May 12, 1982, to the effective date of this section shall be entitled to supplemental pay benefits subject to all of the terms and conditions of this section retroactive to the date of the injury, except the formula for calculating the amount of the supplemental pay benefit shall be in accordance with the previous provisions of this section, having an effective date of July 6, 1982, provided that the total amount of the supplement paid shall not exceed 52 weeks of cumulative benefits. Sick leave payments taken in lieu of supplemental pay benefits, shall be restored. Employees who believe their previous Workers' Compensation claims are affected by this change to a total cumulative benefit of 52 weeks must file a claim with the Risk Manager no later than 12 months from the date of passage of this section.~~

This ordinance shall take effect upon its passage



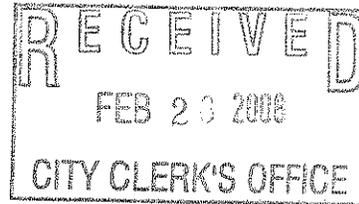
**City of Manchester
Office of Risk Management**

Harry G. Ntapalis
Risk Manager

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6503 Fax (603) 624-6528
TTY: 1-800-735-2964

February 26, 2008

Human Resources and Insurance Committee
c/o City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101



Re: Worker's Compensation

Dear Chairman Gatsas:

The Interim Human Resources Director informed me that during your February meeting, while discussing sick leave reimbursements for employees injured at work, you had questions regarding the Worker's Compensation process as well. I am enclosing a spreadsheet for your review listing the last one hundred employees who lost time due to work related injuries and the time that it took for their claims to be accepted or denied. Please note, claims that went to hearing or were appealed or had motions for reconsideration, could remain in the process for months.

I will be happy to respond to any general questions, however, specific claims, settlement strategies or issues protected by privacy laws should not be addressed in public.

Should you have any questions, please feel free to call me.

Sincerely,

Harry G. Ntapalis
Risk Manager

cc: Tom Clark, Solicitor
Dave Hodgen, Interim HR Director

February 25, 2008

City of Manchester
Risk Management Dept
Mr. Harry Ntapalis
City Hall Annex 27
Market St
Manchester NH 03101

Dear Mr. Ntapalis,

Per the City's request CCMSI has queried our claims system to select 100 of the City's claim files to ensure that CCMSI is meeting the New Hampshire State requirements of determining compensability of a claim within 21 days. Please see attached Exhibit

A summary of the Exhibit:

Compensability Determination findings:

7 days or less =	7 claims
14 days or less =	52 claims
21 days or less =	36 claims
22 days or less =	5 claims

It is CCMSI's objective and responsibility to our clients to investigate and pay compensable or meritorious claims promptly and fairly. Each claim is evaluated on specific actions and initiatives taken to assess and mitigate exposure in the areas of compensability, liability, causation/damages, injury evaluation, and negotiations, as well as medical and litigation management. All claims are aggressively and proactively managed to reach appropriate resolution quickly, effectively and efficiently.

Please feel welcome to contact Sherrie Darcy, Claims Manager or myself should you have any question regarding the enclosed.

Respectfully,

Christine Boyer
Branch Manager

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DATE OF LOSS	CLAIM RECEIVED	DATE NOTIFIED OF DISABILITY	DATE OF DENIAL	DENIAL PURSUED	DATE OF FIRST INDEMNITY PAYMENT	CLASS	DEPARTMENT	DAYS TO DETERMINE COMPENSABILITY
04/19/06	05/12/06		05/31/06	EE did not request a hearing with the DOL	N/A	N/A	PARKS, RECREATION & CEMETERIES	20
04/23/06	04/26/06		N/A		05/04/06	IND.TTD	FIRE DEPARTMENT HIGHWAY	9
04/24/06	04/27/06		N/A		05/11/06	IND.TTD	DEPARTMENT	15
04/24/06	09/15/06		N/A		10/05/06	IND.TTD	FIRE DEPARTMENT	21
05/01/06	05/02/06		N/A		05/09/06	IND.TTD	SCHOOL FOOD & NUTRITION SERVICE HIGHWAY	8
05/02/06	05/03/06	Surgery 9-11-06	N/A		09/21/06	IND.TTD	DEPARTMENT	11
05/02/06	05/04/06		N/A		05/25/06	IND.TTD	DEPARTMENT	22
05/08/06	05/10/06		N/A		05/25/06	IND.TTD	POLICE	16
05/11/06	05/12/06		N/A		05/25/06	IND.TTD	HIGHWAY	14
05/11/06	05/25/06		N/A		06/08/06	IND.TTD	DEPARTMENT	15
05/15/06	11/30/06		12/21/06	EE did not request a hearing with the DOL	N/A	N/A	HIGHWAY DEPARTMENT	22
05/22/06	05/23/06	08/24/06	N/A		08/31/06	IND.TPD	POLICE	8
05/23/06	05/23/06		N/A		06/08/06	IND.TTD	POLICE	17
05/26/06	05/26/06		N/A		06/15/06	IND.TTD	HIGHWAY	21
05/30/06	05/31/06		N/A		06/08/06	IND.TTD	HIGHWAY	9
06/01/06	06/01/06		N/A		06/15/06	IND.TTD	DEPARTMENT	15
06/02/06	06/02/06		N/A		06/15/06	IND.TTD	HIGHWAY	14

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06/05/06	06/06/06		N/A	06/15/06	IND.TTD	HIGHWAY DEPARTMENT HIGHWAY	10
06/05/06	06/13/06		N/A	06/22/06	IND.TTD	DEPARTMENT	10
06/11/06	06/14/06		N/A	06/22/06	IND.TTD	AVIATION	9
06/12/06	06/12/06		N/A	06/22/06	IND.TTD	FIRE DEPARTMENT HIGHWAY	11
06/14/06	06/16/06		N/A	07/06/06	IND.TTD	DEPARTMENT POLICE	21
06/22/06	06/26/06		N/A	07/06/06	IND.TTD	DEPARTMENT POLICE	11
06/22/06	06/26/06		N/A	07/06/06	IND.TTD	DEPARTMENT ENVIRONMENTAL PROTECTION	11
06/23/06	06/26/06	07/06/06	N/A	07/20/06	IND.TTD	DIVISION	15
07/06/06	07/07/06		N/A	07/27/06	IND.TTD	OFFICE OF YOUTH SERVICES	21
07/17/06	07/25/06		N/A	08/03/06	IND.TTD	MANCHESTER WATER WORKS	10
07/27/06	07/28/06		N/A	08/10/06	IND.TTD	FIRE DEPARTMENT	14
08/03/06	11/14/06	Disability began 12-1-06	N/A	12/21/06	IND.TTD	FIRE DEPARTMENT ENVIRONMENTAL PROTECTION	21
08/11/06	08/15/06		N/A	08/31/06	IND.TTD	DIVISION	17
08/15/06	09/01/06		09/12/06	N/A	N/A	HIGHWAY DEPARTMENT POLICE	12
08/28/06	08/31/06		N/A	09/07/06	IND.TTD	DEPARTMENT HIGHWAY	8
10/04/06	10/04/06		N/A	10/19/06	IND.TTD	DEPARTMENT	16

10/12/06	06/20/07	06/27/07	Currently in litigation - EE has not requested a hearing with the DOL yet, however, he has up to December 2008 to do so	N/A	N/A	FIRE DEPARTMENT	8
10/16/06	10/17/06	N/A	12-12-06 Denial overturned	N/A	12/12/06	SCHOOL DEPARTMENT	1
10/16/06	10/17/06	N/A		N/A	10/26/06	POLICE DEPARTMENT	10
10/19/06	10/26/06	11/08/06	EE did not request a hearing with the DOL	N/A	N/A	SCHOOL DEPARTMENT	14
10/23/06	11/02/06	N/A	Surgery 1-3-07	N/A	01/11/07	HIGHWAY DEPARTMENT	9
11/14/06	11/15/06	N/A		N/A	11/30/06	HIGHWAY DEPARTMENT	16
11/15/06	11/17/06	11/27/06	EE did not request a hearing with the DOL	N/A	N/A	SCHOOL DEPARTMENT	11
11/15/06	11/16/06	N/A		N/A	12/05/06	SCHOOL DEPARTMENT	20
11/16/06	11/17/06	N/A	Surgery 1-24-07	N/A	02/01/07	PARKS, RECREATION & CEMETERIES HIGHWAY	9
11/27/06	12/01/06	N/A		N/A	12/14/06	DEPARTMENT SCHOOL	14
12/05/06	12/06/06	N/A		N/A	12/19/06	DEPARTMENT HIGHWAY	14
12/05/06	12/08/06	N/A		N/A	12/28/06	DEPARTMENT SCHOOL	21
12/06/06	12/07/06	N/A		N/A	12/12/06	DEPARTMENT	6
12/26/06	12/29/06	N/A		N/A	01/11/07	FIRE DEPARTMENT	14

04/03/07	04/06/07	N/A	04/24/07	IND.TTD	SCHOOL DEPARTMENT HIGHWAY	19
04/24/07	04/25/07	N/A	05/10/07	IND.TTD	DEPARTMENT HIGHWAY	16
04/25/07	04/27/07	N/A	05/10/07	IND.TTD	DEPARTMENT HIGHWAY	14
04/26/07	04/27/07	N/A	08/30/07	IND.TTD	DEPARTMENT MANCHESTER	16
04/30/07	05/02/07	N/A	05/10/07	IND.TTD	WATER WORKS POLICE	9
05/03/07	05/03/07	N/A	05/10/07	IND.TTD	DEPARTMENT POLICE	15
05/04/07	05/04/07	N/A	05/17/07	IND.TTD	DEPARTMENT POLICE	14
05/15/07	05/17/07	N/A	05/31/07	IND.TTD	HIGHWAY	15
05/16/07	05/22/07	N/A	06/07/07	IND.TTD	DEPARTMENT PUBLIC BUILDING	17
05/18/07	05/25/07	N/A	06/21/07	IND.TTD	SERVICES POLICE	15
05/29/07	06/01/07	N/A	06/14/07	IND.TTD	DEPARTMENT HIGHWAY	14
06/12/07	06/13/07	N/A	06/28/07	IND.TTD	DEPARTMENT MANCHESTER	16
06/20/07	06/20/07	N/A	07/05/07	IND.TTD	WATER WORKS FIRE DEPARTMENT	16
06/26/07	06/27/07	N/A	08/16/07	IND.TTD	HIGHWAY	7
06/26/07	06/28/07	N/A	07/12/07	IND.TTD	DEPARTMENT MANCHESTER	15
06/27/07	06/27/07	N/A	07/12/07	IND.TTD	WATER WORKS MANCHESTER	16
07/23/07	07/25/07	N/A	08/02/07	IND.TTD	WATER WORKS HIGHWAY	9
08/05/07	08/06/07	N/A	08/16/07	IND.TTD	DEPARTMENT POLICE	11
08/10/07	08/15/07	N/A	09/20/07	IND.TTD	DEPARTMENT HIGHWAY	9

08/20/07	08/23/07	N/A	09/06/07	IND.TTD	PARKS, RECREATION & CEMETERIES MANCHESTER	15
08/21/07	08/24/07	N/A	09/06/07	IND.TTD	WATER WORKS	14
08/23/07	08/23/07	N/A	09/13/07	IND.TTD	FIRE DEPARTMENT POLICE	22
09/04/07	09/06/07	N/A	09/13/07	IND.TTD	DEPARTMENT	8
09/07/07	09/10/07	N/A	09/27/07	IND.TTD	PARKS, RECREATION & CEMETERIES HIGHWAY	18
09/19/07	09/21/07	N/A	10/04/07	IND.TTD	DEPARTMENT MANCHESTER	14
09/23/07	09/24/07	N/A	10/10/07	IND.TTD	WATER WORKS	17
10/05/07	10/11/07	10/17/07	N/A	N/A	PARKS, RECREATION & CEMETERIES POLICE	7
11/17/07	11/20/07	N/A	12/06/07	IND.TTD	DEPARTMENT	17
12/04/07	12/05/07	Notified of Disability on 1-21-08	01/24/08	IND.TTD	FIRE DEPARTMENT POLICE	4
12/14/07	12/18/07	Notified of Disability on 1-28-08	01/31/08	IND.TPD	DEPARTMENT HIGHWAY	4
12/16/07	12/21/07	N/A	01/03/08	IND.TTD	DEPARTMENT HIGHWAY	14
12/28/07	12/31/07	N/A	01/10/08	IND.TTD	DEPARTMENT	11

United Steelworkers of America

AFL-CIO-CLC
AMALGAMATED
LOCAL UNION #8938

P.O. BOX 3762
MANCHESTER, NEW HAMPSHIRE 03105

Aquarion Water Company
1 Merrill Industrial Drive
Hampton, NH 03842

Manchester Water Works
281 Lincoln Street
Manchester, NH 03103

Pennichuck Water Works
4 Water Street
Nashua, NH 03060

Public Service Company of NH
370 Amherst Street
Nashua, NH 03063



February 26, 2008

Honorable Human Resources and Insurance Committee,

The proposed change to ordinance 33.064 to rectify the sick leave loophole is long overdue. Why did the City wait to fix this problem now when it has been going on for so many years?

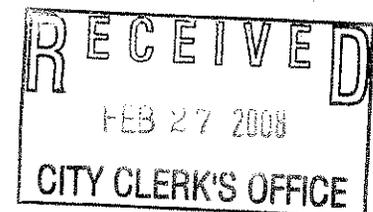
I feel the employees I represent have been the ones singled out because this changed for us in 2002. This was changed when the City last negotiated collaboratively with eight unions. Unfortunately the chief negotiator only focused on Water Works employees for something that was not unique. Our language is more strict than the proposed ordinance in that we only have thirty days to pay it back.

Fairness once again has not taken place. Please afford me the opportunity to address the Committee.

Sincerely,

Michael D. Roche

Michael D. Roche
President



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