

HB 1500-FN - AS INTRODUCED

2018 SESSION

18-2549

08/10

HOUSE BILL

1500-FN

AN ACT relative to workplace violence, workplace injuries and death in the workplace.

SPONSORS: Rep. MacKenzie, Hills. 17; Sen. Cavanaugh, Dist 16

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill defines workplace violence and workplace injuries and requires deaths and serious injuries in the workplace be reported to the commissioner of labor.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to workplace violence, workplace injuries and death in the workplace.

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

1 1 New Paragraphs; Safety and Health of Employees: Definitions. Amend RSA 277:1-b by
2 inserting after paragraph IV the following new paragraphs:

3 V. "Serious physical injuries" means an incident that results in an amputation, loss or
4 fracture of any body part or that necessitates immediate hospitalization or formal admission to the
5 inpatient service of a hospital or clinic for care or treatment.

6 VI. "Workplace violence" means an action, verbal, written, or physical aggression, which is
7 intended to control or cause, or is capable of causing, death or serious bodily injury to oneself or
8 others or damage to property. Workplace violence includes abusive behavior towards authority,
9 intimidating or harassing behavior, and threats.

10 2 New Sections; Inspections. Amend RSA 277 by inserting after section 14 the following new
11 sections:

12 277:14-a Inspections. In the case of serious injury or death or cases of workplace violence
13 involving the state, a state agency, a county, a municipality or municipal agency, a school district,
14 or other public corporation or political subdivision, the commissioner of labor, or his or her designee,
15 shall inspect such place of employment.

16 277:14-b Reports of Death or Serious Injury.

17 I. Every public employer shall report the death of any person in the workplace or on the
18 workplace premises within 8 hours of such occurrence to the commissioner of the department of
19 labor by telephone or electronically, stating as fully as possible the cause of the death and the place
20 where the body of the deceased person was sent, and supplying any other information relative to
21 the death that may be required by the commissioner. The commissioner may investigate the causes
22 of the death and require precautions to be taken that may prevent the recurrence of similar events.
23 A statement contained in any such report shall not be admissible in evidence in any action arising
24 out of the death reported.

25 II. Every public employer shall report the serious injury of any person in the workplace or
26 on the workplace premises within 24 hours of such occurrence to the commissioner of the
27 department of labor by telephone or electronically, stating as fully as possible the cause of the death
28 and the place where the injured person was sent, and supplying any other information relative to
29 the injury that may be required by the commissioner. The commissioner may investigate the causes
30 of the injury and require precautions to be taken that may prevent the recurrence of similar events.
31 A statement contained in any such report shall not be admissible in evidence in any action arising

1 out of the injury reported.

2 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1500-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to workplace violence, workplace injuries and death in the workplace.

FISCAL IMPACT: ☒ **State** ☒ **County** ☒ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2019	FY 2020	FY 2021	FY 2022
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	☒ General ☐ Education ☒ Highway ☒ Other - Various other Governmental Funds			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill would add “serious physical injuries” and “workplace violence” to the definitions in RSA 277:1-b concerning the safety and health of employees, require the Department of Labor to inspect places of employment where a serious injury, death, or workplace violence has occurred, and require employers to report such incidents to the Department of Labor within the specified time frames. The bill also provides the Commissioner may require precautions to be taken by employers to prevent reoccurrence of similar events.

The Department of Labor assumes since the Inspection Division already has inspection personnel and procedures there would be no additional cost to the agency. The Department indicates the potential costs to employers, including state, county and local governments, for reporting and the potential preventative measures are indeterminable. The Department further states, since there is no mention of civil penalties, there would be no impact on State revenue.

The Department of Administrative Services indicates the State is a public employer and subject to the Department of Labor regulations in RSA 277. The Department states the fiscal impact of

implementing the reporting requirement, responding to increased Department of Labor oversight, and of possible corrective measures is indeterminable.

The New Hampshire Association of Counties assumes there could be an indeterminable fiscal impact on county expenditures depending on the number of reports and the time spent to comply with the reporting requirement.

The New Hampshire Municipal Association states this bill is unlikely to have an impact on municipal revenues or expenditures.

AGENCIES CONTACTED:

Departments of Labor and Administrative Services, New Hampshire Association of Counties and New Hampshire Municipal Association