



State of New Hampshire

Department of Labor

NH Department of Labor
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George N. Copadis
 Commissioner of Labor

David M. Winby
 Deputy Labor
 Commissioner

INSPECTOR'S REPORT

2-5-08

10-4-07	1-10-08	O'Shaughnessy	6	31479
DATE BEGAN	DATE ENDED	INSPECTOR	NUMBER	CASE #
Hillsborough County				
Nursing Home		nursing home	627-5540	
ESTABLISHMENT		TYPE OF BUSINESS	TELEPHONE NUMBER	
400 Mast Rd		Goffstown 03045	02-6000392	
MAILING ADDRESS		CITY/TOWN LOCATED	EMPLOYER ID #	

same as above

PARENT COMPANY

ADDRESS

Bruce Moorehead, Administrator

Bruce Moorehead Administrator 2/5/2008

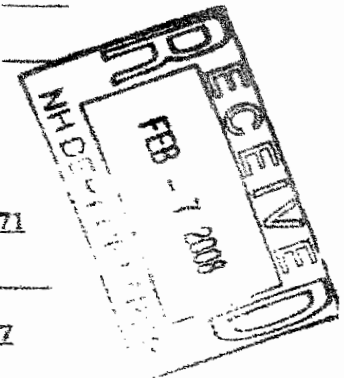
PRINT REPRESENTATIVE'S NAME & TITLE SIGNATURE AND TITLE DATE

NUMBER EMPLOYED		TYPE OF INSPECTION		
<u>MALES:</u>	ADULT	50	FIRST	XXX
	MINOR	9	RE-INSPECTION	___
<u>FEMALES:</u>	ADULT	335	SPECIAL	___
	MINOR	26	REQUEST	___
	TOTAL	420		

MATERIAL GIVEN EMPLOYER

VIOLATION

MINIMUM WAGE POSTER	X	PROTECTIVE LEGISLATION	971
PROTECTIVE LEGISLATION POSTER	X	CITIZENS JOB PROTECTION	___
WHISTLE BLOWERS PROTECTION ACT POSTER	X	YOUTH EMPLOYMENT	17
LAW BOOK WITH ADMINISTRATIVE RULES	X	MINIMUM WAGE	___
		WORKERS' COMPENSATION	___
		BOILER	___
		ELEVATOR	___



NOTE: TO BE INFORMED OF CHANGES IN LAWS, RULES, NEWS, ETC. LOG ON TO WWW.LABOR.STATE.NH.US AND SIGN UP FOR E-MAIL ALERTS.

EMPLOYER: Hillsborough County Nursing Home

DESCRIPTION OF VIOLATIONS

1. Violation RSA 275:43 I (365 violations)

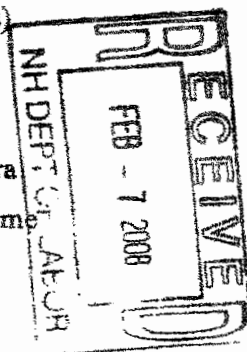
Employer not paying all wages within 8 days of the expiration of the work week and on the designated payday.

- the nursing home follows the 7-8 minute rule for punching in and out which means if an employee works more than half of a 15 minute segment of time, they are paid for it. If they work less than half of a 15 minute segment of time, they are not paid for it. However, if an employee punches out 1 minute early (and up to 7 minutes), they are docked for this time. In effect, employees are not being paid for time worked. One violation is being cited for each of the 365 days during the inspection period.

2. Violation RSA 275:49 (400 violations)

Employer not keeping true and accurate records of hours worked by the employees. There are a number of inconsistencies in the system.

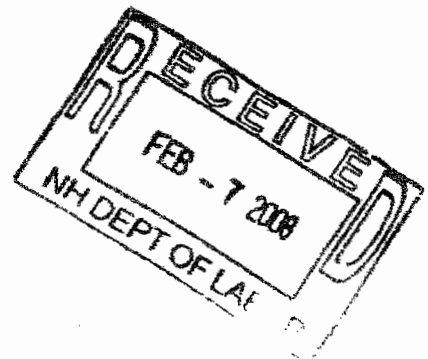
- A) some employees get paid for all time worked including the extra rounding minutes. Eg: Heather White 9-16-07 thru 9-20-07. Some do not get paid Karen Valenti 9-16-07 thru 9-20-07.
- B) If a manager adds or changes an employees IN punch, the time clock calculates the time to the exact minute including extra rounding time, Eg: Eileen Barnes 9-19-07 thru 9-20-07 and Sarah McKinnon 9-20-07
- C) if a manager adds or changes an employees OUT punch, the time clock does not include the rounding minutes in the total calculation – sometimes resulting in no OT. Eg: Belinda August 9-21-07
- D) some employees records in the same week round while others calculate to the exact minute Eg: Nicole Blais 3-14-07



EMPLOYER: Hillsborough County Nursing Home

DESCRIPTION OF VIOLATIONS

3. Violation RSA 275:43 I (183 violations)
Employer not paying all wages within 8 days of the expiration of the work week and on the designated payday.
183 employees were not paid on the designated payday of July 26, 2007 they did not receive their checks until the next day, July 27, 2007
4. Violation RSA 275:43 I (1 violation)
Employer not paying all wages within 8 days of the expiration of the work week and on the designated payday.
The employer did not pay Deena Van Den Bergh on the designated payday of 8-9-07. She did not receive her pay until 3 days later.
5. Violation RSA 275:43 I (1 violation)
Employer not paying all wages within 8 days of the expiration of the work week and on the designated payday.
The employer paid Karen Tibbetts one pay period late. She was due to be paid 8 hours on 9-20-07 and was not paid until 10-4-07.
6. Violation RSA 275:43 I (1 violation)
Employer not paying all wages within 8 days of the expiration of the work week and on the designated payday.
- Sharon Richards was told by her supervisor not to use vacation time prior to her May 15 anniversary date and she would be allowed to carry it forward. She was later told she could not carry it and therefore lost 3 days pay in 2007
 - Payment must be paid to Sharon Richards
24 hrs @ \$15.09 = \$362.16



DESCRIPTION OF VIOLATIONS

7. Violation RSA 275:43 I (1 violation)
Employer not paying all wages within 8 days of the expiration of the work week and on the designated payday.
- Celina Foster forgot to punch out on Sept 3, 2006 and never got paid.
- Payment must be paid to Celina Foster
8 hrs @ \$11.28 = \$90.24
8. Violation RSA 276-A:4 viii (17 violations)
Employer permitted 17 youths, age ~~16~~ 17, to work without parental permission. See attached worksheet – some late, some not received at all.
9. Violation RSA 275:48 I (1 violation)
Employer is withholding or diverting wages for a purpose not authorized by law.
- when employees lose their name tag/badge, they are required in some cases to pay for a replacement. This is normally a \$5.00 charge and it is paid in cash. Because it appears to be an infrequent occurrence and is not an across the board practice, no repayment is being required.
10. Violation RSA 275:48 I (1 violation)
Employer is withholding or diverting wages for a purpose not authorized by law.
- when employees in the nursing division lose the "gait belt" that is assigned to them, they are required to pay for a replacement. That replacement cost is \$10.00. Based on employee interviews, it appears to be a frequent occurrence. Because there is no record available to review, the employer is hereby directed to reimburse each person who is assigned a gait belt the amount of \$10.00 on the next scheduled payday.

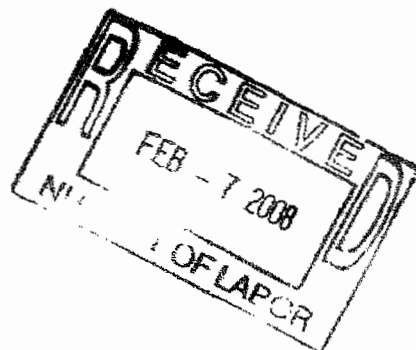
EMPLOYER: Hillsborough County Nursing Home

DESCRIPTION OF VIOLATIONS

Notes: Workers Comp coverage – OK
Safety Summary Form – current per NHDOL
Elevator and Boiler certificates – current per NHDOL
I-9 and identification – OK (reviewed at Human Resources Department
at 329 Mast Rd Goffstown.
Permission to pay bi-weekly – OK per NHDOL
Amounts to be paid to employees:
- see violations # 6,7,10

Based on employee interviews, both in person and by written response, a large percentage of those people indicated a concern about the intimidating manner in which they are treated by the administrator, Bruce Moorehead. They feel that based on this treatment, it makes it very difficult to carry out their assigned duties and they live in constant fear of losing their jobs.

The New Hampshire Department of Labor reminds Administrator Moorhead that we will absolutely support any employee on a Whistle-blower's claim if their job is in any way negatively affected as a result of their cooperation with the NHDOL either in filing a claim against or participating in the investigation/inspection of the Hillsborough County Nursing Home.





THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
P.O. Box 2076
Concord, New Hampshire 03302-2076

Inspection []
Safety
Tel: 271-6
Tel: 271-6

SAFETY INSPECTION REPORT

Date: 2/15/08 Inspector: Roy #17 INL

Establishment: Hillsborough County Nursing Home Type of Business: 687

Mailing Address: 400 Mast Rd. Goffstown, NH - 03045 City/Town: Goffstown Zip: 03045

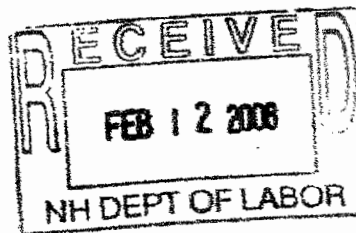
Parent Company & Address: 02-6000 Feder: 02-6000

Establishment Representative: Bruce Mosukal Title: ADMINISTRATOR Sign: [Signature]

Number of Employees: 720 Full-time: _____ Part: _____

REASON FOR VISIT

- | | |
|---|--|
| <input checked="" type="checkbox"/> Compliance Inspection | <input type="checkbox"/> Assistance |
| <input type="checkbox"/> Initial | <input type="checkbox"/> Written Program |
| <input type="checkbox"/> Re-inspection | <input type="checkbox"/> Committee |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Training |
| <input type="checkbox"/> Accident Investigation | <input type="checkbox"/> Hazard Assessment |
| <input type="checkbox"/> No Summary on File | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> No Workers Compensation | |
| <input type="checkbox"/> Other _____ | |



Comments: Visit to investigate the blue inc
involving ^{response} perforation waste cause
by sewage line back-up.
The Nursing home must put a plan in
place to manage this issue or similar issue
Will revisit in 30 to 40 days for Inspector
closure.

SUBJECT: Sewer Line Back-Up Prevention Plan

OBJECTIVE:

To implement sewer line prevention procedures and a plan to address a possible future sewer line back-up. Main objectives are to protect residents, employees and the public, and to quickly resolve any back-up.

STATEMENT:

The facility feels that the risk of employee exposure during the period of a sewer back-up is generally equal to that of a staff member caring for a resident/patient on precautions. Therefore, we feel that following standard (universal) precautions, including protective wear, when indicated, is the proper technique to minimize employee risk when working on or near an affected area.

PREVENTION:

- Maintenance department to monitor, on a weekly basis, by checking clean out on Unit A1 and document same.
- The main sewer line from dietary to the town main, outside of A1, will be hydro jet cleaned (or equivalent) and inspected annually by an internal sewer line camera by an outside sewer drain and/or drain maintenance contractor.
- Maintenance will continue their chemical preventative maintenance program on dietary grease traps on a daily basis.
- Nursing and dietary staff will be inserviced on an annual basis or more frequently, as needed, on proper disposal of garbage, disposable wipes, washcloths, etc.
- Warning signs of items not to go into the sewer were posted in December 2007. Signs will be maintained and replaced, as needed, in the future. Safety committee bulletin board, bathrooms, tub rooms, dietary department and other appropriate bulletin boards will be utilized as needed.
- Maintenance staff to wear PPE when inspecting sewer lines.

BACK-UP PLAN:

- Should a sewer line back-up occur during normal work hours, person(s) discovering the back-up are to immediately contact the maintenance director or his designee. During off hours, the person discovering the back-up is to contact the shift supervisor, who will contact the "on call" maintenance employee, the maintenance director, the administrator, infection control monitoring nurse and the environmental services director.
- All other departments to be informed of situation subsequent to the above.
- All laundry washing, dish machine use, general limiting of toilet, sink and tub use, will be minimized/suspended until further notice, as applicable. This will be announced on the overhead paging system during off hours by the switchboard staff.
- The maintenance staff will isolate the area of concern and attempt to free the sewer line of the obstruction(s). Other staff will be kept out of the immediate area whenever possible. Should the problem occur in a resident area, the residents and direct care staff will be moved away from the immediate area of contamination.
- Staff working on the sewer line will utilize PPE at all times to include, but not limited to: facial masks, gloves, protective eyewear, clothing protectors and other equipment, as required.

- Staff will be instructed to not walk in soiled water. Staff to be instructed to wash hands frequently and thoroughly.
- The dietary department will utilize paper products, in order to minimize water/dish washer use until further notice.
- Maintenance will have, on hand, the telephone number of at least two (2) local plumbing companies available to assist with back-up should the maintenance staff fail to clear the obstruction(s).
- The maintenance department staff will not be permitted to pump soiled water to the outside of the building unless it is pumped into a sewer line. Additional pump hose lengths will be available to pump soiled water, as necessary, from one clean-out to another, bypassing a suspected blockage.

CLEAN UP:

- Doors and vents in the infected area that may be a carrier of exposed material will be closed and/or sealed off.
- Clean up and sanitizing of the affected area(s) will be supervised by the director of environmental services or his/her designee.
- All clean up staff will be provided appropriate PPE, which will be utilized by the housekeeping staff.
- All areas of concern will be disinfected by housekeeping staff with Dispatch bleach cleaner or equivalent, as directed by the director of environmental services.
- Residents and/or staff will not be permitted into the soiled area(s) until after the entire affected area(s) have been sanitized by the housekeeping department.

MATERIALS AND SUPPLIES

Facility will keep on hand an adequate supply of the following:

1. disposable gloves
2. gowns/Tyvek suits, as required
3. masks
4. foot coverings
5. protective eye wear
6. fans
7. odor control enzymes/deodorizers
8. blankets – to create soiled water barrier(s)
9. disposable cleaning rags/cloths

2/08 BCM

Approved by HCNH Safety Committee on February 26, 2008.