

COMP CONTROL

The Official KMIT Member Newsletter

Workers' Compensation Basics

By Victoria Vanderhoof, KMIT Claims Adjuster

Feeling unsure about what to do if one of your employees is involved in a work-related injury? We will devote some time in this issue to review the basics of handling a workers' compensation claim, and also review some of the forms you will need to be aware of. You can access and print the forms discussed here either on the KMIT website, www.kmit.net, or directly from the State's workers' compensation website, www.hr.state.ks.us.

The State requires employers to post the **K-WC 40** posting notice in *one or more conspicuous locations*. This form provides injured workers with information regarding their rights and responsibilities in the event they suffer an injury. The bottom portion of the posting notice should be completed, with the KMIT adjuster's name, address, and phone number, to provide injured workers with contact information for their claim handler. Please note, if you have more than one location (city hall, police station, street barn, etc.), you *must* have this form posted in **EACH** of those locations. (KMIT also provides a KMIT-specific poster, which you can also download from www.kmit.net.)

Once an employee reports an injury, the employer is required to complete the "Employer's Report of Accident", **K-WC 1101-A**, *even if you do not believe this to be a valid claim*. Forward the completed form to the KMIT claims adjuster, Victoria Vanderhoof, who will complete an investigation and determine whether or not the claim will be covered. Please provide Victoria with as much information as you have, in order to assist in the investigation. If the accident involves a very minor injury that does not require medical treatment, a report does not need to be completed. However, we would recommend that the *injury be noted in some fashion*, in the event that the employee does require medical treatment we can verify that the accident was reported timely.

In situations where the injured employee is in need of medical treatment, where practical, they must be directed specifically to the *city's designated physician* for treatment. If the injury is serious or occurs after hours, the employee can be directed to the nearest emergency room. Keep in mind, however, that the cost of an average emergency room visit is over \$500, whereas an office visit with the designated physician will likely cost between \$50 and \$100. If it seems reasonable to ask the employee to wait until normal business hours to see the designated physician, rather than going to the emergency room, you **CAN** do that, and this is an effective way to limit your costs. Employees are entitled to *\$500 of unauthorized medical treatment*, by statute, which they can use to see a doctor of their choice *without need of our authorization*.

Wage benefits begin after an employee has been off work for a total of *seven days following the date of injury*. Wages are paid at a rate of 2/3 of the pre-injury wage, which does take into consideration an average of the overtime earned in the 26 weeks preceding the date of accident. The employee **MUST** have a note from the *designated physician* taking them off work in order to be eligible for this benefit. If an employee is missing time from work, you will be asked to complete a wage statement itemizing the hourly rate and any overtime that has been earned in the 26 weeks preceding the accident, so that the wage rate can be properly calculated.

(Continued on page 3)

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CompControl is a publication of the League of Kansas Municipalities and the Kansas Municipal Insurance Trust for the purpose of educating and informing cities about loss control methods and risk management. If you have any questions concerning KMIT workers' compensation or risk management that you would like to see answered in this newsletter, please direct those inquiries to:

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Letter from the Pool Administrator

Dear KMIT Members and Others,

Bring on the Summer!

I trust your spring has gone well. To this point (cross your fingers), not much damage from tornasties has been inflicted this year, though not for a lack of sheer numbers of the things. Hail has hurt some folks a lot, though. Here's hoping each of your cities stays unhurt and healthy during this annual bad-weather season and, especially, that your employees stay on-guard and alert—spring and summer is also the most dangerous time for people and for city workers performing warm-weather tasks.

In this edition, our kindly claims adjuster, **Victoria Vanderhoof**, offers up her periodic reminder of the **basics of work comp**. Please review this carefully. Sometimes this stuff gets rusty, especially for cities which might not have frequent claims (which is good, mind you). Victoria also touches on our continuous challenge to have all KMIT cities adopt a "Return to Work" policy. I know we have "preached" extensively on this issue lately, and so, perhaps, some of you are tired of hearing about the subject. However, a recent casual poll we conducted gave us feedback that many of our cities still have not adopted such a policy...and, surprisingly, given the amount of "press" we've devoted to this, some were not even aware of the fact that KMIT promotes this concept or that we have a model policy to use. So, Victoria is certainly "right on" when she gives us yet one more reminder that adopting and USING a Return to Work policy is clearly one of the very most effective ways to reduce dollar losses in each and every work comp program.

Also in this issue, **Derby Police Chief Mike Hauschild** ("Surviving Life's Roller Coasters") points out that **police officer "safety"** definitely extends to the psychological needs/requirements of the job. Mike has provided us with a very thoughtful piece, as well as some excellent advice for further education. Thanks Mike. Much appreciated.

Last time, I incorrectly stated the date of the **2004 KMIT Annual Meeting**, which will be on the Monday afternoon of the Annual League Conference in **Overland Park**. Mark your calendars: **Monday, October 4, 2004**. See you there, if not before.



Pool Administrator

(Continued from page 1)

An *early and safe return to work* is **THE** most effective tool you have in controlling your work comp costs. The KMIT Board of Trustees has asked every member city to adopt a formal **Return to Work** policy (KMIT has a model policy, which is also available at www.kmit.net), to underscore your (and our) commitment to returning employees to some form of modified duty as quickly as is medically appropriate following an injury. Once an employee is given a release to return to work by the treating doctor, ***every effort should be made to find work for the employee within the medical restrictions.*** You may wish to consider temporarily moving the injured worker to another department if modified duty cannot be accommodated in their usual department. If an employee is returned to work within the seven day waiting period, no wage loss benefits are accrued, thus dramatically reducing the cost of the claim. (You may recall that we recently changed the criteria for appearing on the Safe City list, to include cities that had incurred no claims with wage loss, as we recognize that accidents do happen that are out of your control. However, it is our intent to recognize cities that make a concerted effort to return injured workers to work within the waiting period, as that is something that is in your control.) ***We would strongly urge every member-city to make it their goal to return every injured worker to some form of modified duty within the seven-day waiting period.***

If the designated physician fails to release the injured worker to modified duty, do not hesitate to contact the physician's office, and inquire whether modified duty would be appropriate. Be prepared to provide the physician with some specific suggestions for modified work. There is no reason why an employee with a knee injury should be unable to do desk work, or an employee with an arm injury cannot do one-handed work. Many times, the employee tells the physician that there is no light duty available, and without any additional information, the doctor will base his/her decision on the information the employee has provided. If the doctor is aware that modified duty is an option, and understands that it is your goal to return employees to modified work, they will release the employee with appropriate restrictions, in most cases.

Keep in mind that restrictions are not intended to make an injured worker pain-free. Restrictions ARE intended to *prevent re-injury or aggravation* of the original injury. Injuries do take time to heal and do involve an element of pain, sometimes weeks after the original injury. However, as the employee would experience pain if they were sitting at home, there is no reason that

(Continued on page 4)

Safe Cities as of May 28, 2004

If you would like assistance returning an injured employee to work, or need ideas for modified duty, please contact Victoria Vanderhoof, 1-877-502-9897 or victoria.vanderhoof@imacorp.com.

Allen	Conway Springs	Greeley	Medicine Lodge	Russell
Altamont	Council Grove	Grenola	Melvorn	Satanta
Andale	Cullison	Haysville	Minneapolis	Sedgwick
Andover	Derby	Hesston	Mission	Spearville
Atlanta	De Soto	Hiawatha	Montezuma	Spring Hill
Augusta	Douglass	Hill City	Mound City	Stafford
Baldwin City	Edgerton	Hillsboro	Neodesha	Stockton
Basehor	Elkhart	Hoisington	Oberlin	Tescott
Baxter Springs	Esbon	Holcomb	Ogden	Tipton
Bel Aire	Eudora	Horton	Olpe	Tonganoxie
Belleville	Ford	Hoxie	Osage City	Treece
Beverly	Fort Scott	Jetmore	Oskaloosa	Turon
Bird City	Fowler	Johnson City	Oswego	Ulysses
Bonner Springs	Frankfort	Kingman	Ozawkie	Valley Center
Brewster	Fredonia	Kinsley	Palco	WaKeeney
Caldwell	Girard	Leoti	Paola	Wakefield
Centralia	Glasco	Lincoln Center	Park City	Walton
Chautauqua	Glen Elder	LKM	Peabody	Wamego
Cheney	Goodland	Lucas	Princeton	Wellington
Cherryvale	Grainfield	Maize	Ransom	Wellsville
Columbus	Grandview Plaza	Marysville	Roeland Park	
Concordia	Great Bend	McFarland	Rose Hill	

(Continued from page 3)

they should not be sitting at work. Many workers are under the mistaken impression that if they stay within their restrictions, they should be pain free, and that is simply not the case. The doctor provides restrictions in an effort to allow the injury to heal without worsening, while allowing some productivity during healing. If a worker continually complains that he/she is in too much pain to continue working, they should be sent back to the doctor to review the restrictions and to confirm they are appropriate or make any necessary adjustments. The injured worker should *not* be allowed to go home simply because they complain of pain. Employees should be made aware that restrictions **MUST** be followed in their personal life as well as at work for optimal recovery.

Please remind your injured employees that workers' compensation DOES require pre-authorization, just like health insurance. If the designated physician wishes to make a referral to a specialist or for any specialized testing (i.e. CT-scans, MRI's, etc the physician's office MUST contact the KMIT adjuster, Victoria Vanderhoof, for pre-authorization. ***Failure to obtain pre-authorization may jeopardize your employee's entitlement to benefits.*** If you become aware that a referral has been made, PLEASE contact Victoria immediately, in order to preserve your employees' rights to benefits.

If you have any questions about workers' compensation for your city specifically, or any questions about the items discussed here, please do not hesitate to contact Victoria, by phone (316-773-5234 or toll-free at 1-877-502-9897), fax (316-303-3711), or by e-mail (victoria.vanderhoof@icma.corp).



Surviving Life's Roller Coasters

By Chief Mike Hauschild, Derby Police Department

When Don Osenbaugh asked me to write an article about law enforcement officer's summertime safety, my first thoughts ran down the list of street survival skills: tactical movements for self-defense; vehicle stops; domestic violence interventions; fitness for duty; and use of force continuum. Thoughts of hot weather conditioning to prevent dehydration also hit my list. These are all physical readiness issues for each officer to train for. However, I would like to discuss an issue that is easily of equal or greater importance – an officer's "emotional survival".

Day after day, almost every officer hits the streets of our cities across Kansas wearing a ballistic vest—the standard issue, protective body armor for these crusaders. This is equipment that most officers would not dream of hitting the street without. Unfortunately, some of these well-armored officers are yet defenseless against themselves, their emotions.

As young officers, we crave the excitement of working the street; living for the next hot call. All too often, the devastating effects of these critical incidents have manufactured enough stressors that they trigger our psychological equilibrium to scramble like a wild roller coaster headed for disaster. Critical incidents, large or small, all have a negative impact on us. Whether it is a vehicle pursuit ending with a crash, an officer involved shooting, a citizen's complaint, a missed promotion, domestic disputes, inadequate pay, long hours, insensitive family members, irregular shift work, court time, little or no sleep, the fish bowl of public scrutiny, media, or the fear of civil litigation, any of these can make our day-to-day mold a little more stressful than other professions. When we add the normal physical aging transformations (the old bones and eyes just aren't what they used to be) to these psychological factors, the job takes its toll, mentally and physically.

Every officer and his/her department should seek various means to aid in detecting stress-related problems. Officers should develop a "mental tool bag" to face this challenge. This tool bag should include open discussions by the officer, the supervisor,

(Continued on page 5)

Claims

Top 5 Frequency and Cost Analysis

January 1, 2004 through May 28, 2004

<u>By Job Classification</u>	<u>Frequency</u>	<u>Claims Cost</u>
Police Officers & Drivers	57	\$ 65,249
Municipal	44	64,814
Firefighters & Drivers	28	14,990
Garbage, Ashed, Refuse Collection	16	370,457
Street/Road Construction	16	32,791

<u>By Accident Type</u>	<u>Frequency</u>	<u>Claims Cost</u>
Strain or injury by lifting, pushing, carrying, etc.	55	\$ 87,778
Fall or slip injury	42	18,723
Miscellaneous causes	35	36,312
Cut, puncture, or scrape	24	9,356
Struck or injured	23	6,284

<u>By Body Part</u>	<u>Frequency</u>	<u>Claims Cost</u>
Low back area	37	\$ 23,152
Finger(s)	20	7,177
Hand	15	28,769
Shoulder	14	78,207
Knee	13	20,395

(Continued from page 4)

and the significant others in the officer's life about off-duty inactivities, isolation, or any other red flags that act as early warning signs to possible emotional problems.

All around us are resources to take that next step for emotionally surviving a law enforcement career. A few are: peer support groups and counselors with your Employee Assistance Programs (EAP)—once thought to be only offered for officers after an officer involved shooting, but now are suggested for various personal concerns. Additionally, a great book from former cop Kevin Gilmartin, *Emotional Survival for Law Enforcement*, is a must in your tool box, plus an opportunity to attend an upcoming in-service training session on August 19, 2004, hosted by the U.S. Attorney's office in Wichita, featuring (retired) Lt. Colonel David Grossman, entitled, "The Bullet-Proof Mind: Psychological Preparation for Combat" will provide additional backup in dealing with emotion-related issues. Lt. Colonel Grossman is one of the world's foremost experts and speakers on the psychology of conflict. I would encourage you contact Joan May or Steve Nevil at the U. S. Attorney's office at (316) 269-6481 for registration information.



Take these steps for you and your love ones, and you'll enjoy the roller coaster.

KMIT Calendar

June

25 KMIT Board of Trustees Meeting, *Goodland*

August

20 KMIT Board of Trustees Meeting, *Hiawatha*

October

4 KMIT Annual Meeting, *Overland Park*



Revenues & Expenses April 30, 2004

Combined Assets

Cash In Bank	\$ 504,641
Premiums Outstanding	
Investments	<u>4,426,420</u>
Total Assets	\$4,931,061

Combined Liabilities & Equity

Claims and Accrued Expenses Outstanding	\$ 75,917
Reserved for Losses	1,258,063
Incurred But Not Reported (IBNR)	<u>2,486,518</u>
Total Liabilities	3,820,498
KMIT Statutory Fund Balance	<u>1,110,563</u>
Total Liabilities and Equity	\$4,931,061

Kansas Municipal Insurance Trust

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