

# COMP CONTROL<sup>®</sup>

*The Official KMIT Member Resource*

## **VOLUNTEER ISSUES**

Volunteers provide an invaluable service to many of our KMIT Member Cities. While we recognize the importance of taking care of these volunteers so that they will continue to provide those services, they do present our cities with a unique exposure under workers' compensation. Kansas Statute, KSA 44-508 specifically includes city volunteers in the definition of employees who are automatically covered under workers' compensation

" 'Workman' or 'employee' or 'worker' means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include, but not be limited to . . . persons serving on a volunteer basis as duly authorized law enforcement officers, ambulance attendants, mobile intensive care technicians, firefighters, but only to the extent and during such periods as they are so serving in such capacities; . . . persons in the service of the state or any department, agency or authority of the state, **any city**, school district, or other political subdivision or **municipality** or public corporation and any instrumentality thereof, under any contract of service, express of implied . . . "

In this statute, the legislature has brought all volunteers in the service of cities and municipalities, regardless of the type of work they do, within the definition of "employee" to ensure that they will be provided workers' compensation benefits in the event that they become injured while volunteering. While there is no question that we would provide medical benefits for these volunteers, the difficulty arises in trying to calculate wage loss benefits when a volunteer is rendered unable to work due to an injury sustained while volunteering. Some of these volunteers are professional and earn substantial salaries at their regular jobs, others work for minimum wage, and others may be entirely unemployed.

During the past legislative session, a change was made in the way that wage loss benefits are calculated for volunteer firefighters, EMT's, MICT's, and law enforcement officers. For these individuals, we are now required by Statute to pay the maximum TTD rate, currently \$417 per week, regardless of earnings, or whether the individual is regularly employed outside of their volunteer work. It is also to be paid regardless of whether the individual is receiving sick pay or short term disability pay from their regular employer. As such claims for volunteers are going to become much more costly than they have been in the past, and therefore, will have a greater impact on the Member City's premiums. Because of the negative impact these claims might now have on premium, it

*(Story continued on page 4)*



## Letter from the Pool Administrator

**Ron Pickman** - President  
Goodland

**Gary Hobbie** - Vice President  
Russell

**Kelly DeMeritt** - Treasurer  
Atchison

**Nancy Clakins**      **Keith DeHaven**  
Mission                      Sedgwick

**Carol Eddington**      **Willis Heck**  
Oswego                      Newton

**Larry Kenton**      **Cheryl Lanoue**  
Dodge City                      Concordia

**Shawne Morgan**      **Rhonda Schuetz**  
Derby                      Hiawatha

**Don Moler**  
LKM Executive Director  
Ex Officio

**Don Osenbaugh**  
Pool Administrator

**Victoria Vanderhoof**  
Claims Adjuster  
Insurance Management Associates

**Paul Davis**  
Assistant Risk Control Manager  
Risk Management Associates

*Comp Control* is a publication of the League of Kansas Municipalities and the Kansas Municipal Insurance Trust for the purposes of educating and informing citizens 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:

**Kansas Municipal Insurance Trust**  
300 SW 8th Avenue  
Topeka, KS 66603  
Phone: (785) 354-9565  
Fax: (785) 354-4186

**Wendy Flowers**  
Editor

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Happy Holidays KMIT Members!

**It is December already? Can this be true? Wasn't it 100 degrees just yesterday?**

Yes, time does fly by. The days are short. A New Year awaits.

At this writing, your KMIT staff is busy trying to get out quotes for 2002—they should be in your hands before you read this missive. Please contact us, quickly, with any questions you may have about your 2002 premium notice.

Working alongside Paul Davis of IMA, I am also working to place the excess coverage for the upcoming year. We visited with two of our bidding companies, in St. Louis, on November 2, and expect one of or both of them to produce acceptable bid(s). [Two other options are also being pursued.] As of this writing (early Thanksgiving week), Paul and I are scheduled review and analyze the bids later this week. We then would seek input and approval from the Board of Trustees or Executive Committee (very likely via phone or email, prior to the next regularly-scheduled Board meeting, which is in Russell, on December 7).

Over the past several months, we have received quite a few questions concerning coverage for “volunteer” city workers. I believe that the response to those questions, put forth by KMIT’s dedicated claims adjuster, Victoria Vanderhoof, and located elsewhere in this publication, will stand as a guideline for most cases—don’t hesitate to contact Victoria if you not sure about a specific instance. (By the way, though Victoria is most certainly as DEDICATED as they come, the term “dedicated” in this context means that she is the ONLY claims adjuster who works our KMIT claims.)

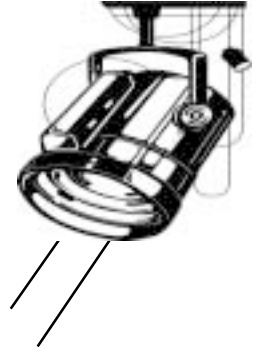
In the upcoming months, KMIT will be working on issues related to returning injured employees to work. This is one area in which we feel there is room for improvement in our pool. Some discussion of this topic will likely show up in the next Comp Control, and we hope to put together some training sessions for supervisors and department heads, etc. next year.

Those of you who were able to attend the KMIT Annual Meeting, in Wichita in early October, know that we now have several new Trustees on the Board, and a nearly-entirely new Executive Committee. Our new President is last year’s VP, Ron Pickman of Goodland. The 2001-2002 Vice President is Gary Hobbie of Russell. Our Treasurer is Kelly DeMeritt of Atchison. New Trustees are Larry Kenton of Dodge City (who is a former Trustee), Carol Eddington of Oswego, Rhonda Shuetz of Hiawatha, and Cheryl Lanoue of Concordia. (All eleven Trustees are listed elsewhere in this publication.)

As I’ve stated in earlier letters, it’s been a very good year for KMIT. Our pool is healthy, and now “**100 Strong**”. We will continue to endeavor to make it even healthier and stronger in 2002.

**Don Osenbaugh**  
KMIT Pool Administrator

**We encourage you to make copies of this newsletter and distribute to city employees.**



*Spotlight*  
*on*  
*"Safe Cities"*

**Spotlight Your City's Safety Program**

Has your city worked hard to develop a unique safety program that you would like to share with others? Have you already been featured but have come up with some new and interesting ways to promote safety in the workplace? *Comp Control* is the perfect place to tell your fellow KMIT members about it. Contact Wendy Flowers, [Wflowers@networksplus.net](mailto:Wflowers@networksplus.net) for more information about how you can get your city featured in "Safe City Spotlight".

**Safety**

*The following cities had not reported any claims in 2001 as of 11/26/01.*



Altamont  
Andale  
Bel Aire  
Bird City  
Bison  
Brewster  
Chautauqua  
Cheney  
Conway Springs  
Esbon  
Galena  
Glen Elder

Grenola  
Jetmore  
Lenora  
LKM  
Lucas  
McFarland  
Melvern  
Moline  
Montezuma  
Mound City  
Oskaloosa  
Oswego

Ozawkie  
Princeton  
Ransom  
Sedan  
Sedgwick  
Tonganoxie  
Turon

**Have a safe  
and happy  
holiday  
season!**

**From  
KMIT**



becomes even more critical that cities carefully screen prospective volunteers, provide adequate training, and regularly monitor the ability of their volunteers to perform the functions required of them, as they would with their paid employees.

All other volunteers continue to be compensated for wage loss based upon the actual average number of hours worked in the volunteer position for the 26 weeks preceding the date of injury, at an hourly rate paid by comparable employers to employees who are not volunteers, performing similar services.

We are, of course, required to pay for the medical treatment necessary to cure or relieve the effects of an on the job injury for our volunteers. However, it is important for Member Cities to remember that, as with our paid employees, the employer retains the right to direct the volunteer to the medical provider of the city's choosing. If the volunteer seeks medical treatment on their own, payment for those services will be limited to the \$500 unauthorized medical treatment allowance, per KSA 44-510h(b)(2).

The only "volunteers" we are not responsible for under workers' compensation are those persons working off a court ordered community service sentence, or for inmates on a work release program. These people are not true "volunteers", and in these cases, there is no employment contract, either express or implied, as required by Statute for coverage under workers' compensation. Additionally, the benefit is being derived by the person doing the community service work, rather the city, which is one way that courts determine whether an "employment relationship" exists. Therefore, our legal counsel has advised that we are not responsible for paying claims for these individuals, either for medical treatment or lost wages. This is the only exception to the coverage for volunteers, in all other cases, we will be responsible for compensable claims. These, and all other claims, are always subject to investigation as to whether the injury truly arose out of and occurred in the course of employment.

If you have specific questions regarding volunteer issues, or wish to discuss a pending claim, contact your KMIT dedicated claims adjuster, Victoria Vanderhoof at 1-877-502-9897 or by e-mail, [victoria.vanderhoof@imacorp.com](mailto:victoria.vanderhoof@imacorp.com)

Article By Victoria Vanderhoof @ IMA

## ***IMPORTANT NOTICE***

Please be aware that the Division of WC is going to begin fining employers \$250 for failing to file an accident report within 28 days of the employer's knowledge of the accident. In addition, the accident reports will be rejected by the Division if they are incomplete or on a pre-1996 report form. Questions 1, 12, 16, 18, 21, 23, and 24 are mandatory in order for the accident report to be accepted by the Division. You will be receiving a mailing in the near future with more details and a copy of the updated accident report. If you have questions, please contact Victoria Vanderhoof, 1-877-502-9897.

# Claims

## 2001 Frequency and Cost Analysis—Top 5 1/01 through 11/26/01

### By Job Classification

Classification	Frequency	Claim Costs
Police Officers & Drivers	105	\$ 58,438
Waterworks Operators/Drivers	71	\$ 108,473
Street/Road Construction	62	\$ 98,034
Firefighters & Drivers	59	\$ 98,586
Park	46	\$ 44,615

### By Accident Type

Type	Frequency	Claim Costs
Occupational Injury, abrasion, burn, etc.	482	\$665,494.66
Fall or Slip Injury	108	\$134,509.43
Strain or Injury by lifting, pushing, carrying, etc.	104	\$278,294
Miscellaneous Cause, animal, insect, robbery, etc.	90	\$ 37,645
Cut/Puncture or Scrape	61	\$ 4,432

### By Part of Body

Part of Body	Frequency	Claim Costs
Low Back Area	69	\$110,747
Knee	48	\$175,327
Fingers	45	\$ 5,094
Upper Arm	38	\$ 115,189
Hand	29	\$ 29,364

*Note—The above figures are based on claims reported as of 11/26/01. Amounts listed for claim costs are amounts incurred to date.*

Your Pool in Action

# Member Notes



www.kmit.net

Revenues & Expenses  
October 31, 2001

## Calendar of Events

### December

- 1 MLA-Technology Issues  
*Lawrence*
- 7 KMIT Board Meeting *Russell*
- 13 League Governing Body Meeting *Topeka*
- 14 League Governing Body Meeting/  
KAC Joint Meeting *Topeka*
- 24 LKM/KMIT Office Closed from  
noon to 5:00 PM for Holiday
- 25 LKM/KMIT Office Closed for  
Holiday

### January

- 1 LKM/KMIT Office Closed for  
Holiday
- 12 MLA-Economic Development,  
*Abilene*
- 14 Legislature Convenes
- 23 Governing Body Meeting *Topeka*
- 24 City Hall Day at the Capitol

### February

- 1 MLA-Disaster Preparedness,  
*Garden City*
- 2 MLA-Disaster Preparedness,  
*Hutchinson*
- 8 MLA-Disaster Preparedness,  
*Topeka*

### March

- 15 MLA-Municipal Finance *Dodge  
City*
- 16 MLA-Municipal Finance *El  
Dorado*
- 23 MLA-Municipal Finance *Beloit*

<i>Combined Assets</i>	
Cash in Bank	151,203
Premiums Outstanding	
Investments	1,809,567
<b>Total Assets</b>	<b>1,960,770</b>
<i>Combined Liabilities &amp; Equity</i>	
Claims and Accrued Expenses Outstanding	(516,030)
Reserved for Losses	531,728
Incurred But Not Reported (IBNR)	1,501,430
<b>Total Liabilities</b>	<b>1,517,129</b>
<b>KMI Statutory Fund Balance</b>	<b>443,641</b>
<b>Total Liabilities and Equity</b>	<b>1,960,770</b>

### Kansas Municipal Insurance Trust

300 SW 8th Avenue  
Topeka, KS 66603

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