

COMPCONTROL

Changes to the Kansas Workers' Compensation Act

As of May 15, 2011, there is a new set of laws with **substantial changes** governing workers compensation in Kansas. This new reform includes a number of issues that can have an impact on the outcome of workers compensation claims, but which **will require some modifications in the city's policies and procedures in order to be effective**. Outlined below are five of the changes that the employers should be made aware of along with information on how the employer can impact this change.

1. **Prevailing Factor** – Most fundamentally, the employee's burden of proof with respect to causation has been greatly increased. Before these changes, an employee just had to show that his work injury aggravated, accelerated, or increased the symptoms. With the new law change, an employee will now have to show that the work injury is the prevailing or primary factor in order to receive benefits. This will eliminate workers with chronic pre-existing conditions from recovering for a minor subsequent work incident.

EMPLOYER IMPACT – *Require employees complete post-hire physicals and/or functional capacity evaluations, along with completing medical questionnaires. Provide copies of this information to the claims adjuster when an injury occurs.*



2. **Notice of Injury** – Under the new law, the injured worker must provide notice of his injury or accident, either written or oral, **to a designated individual or department** within 30 days of the date of accident. This will eliminate workers from recovering benefits when they only report to a co-worker and not the required individual. The notice requirement is waived if the employer has actual knowledge of the injury.

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CompControl/City Safe are publications 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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KMIT City Workers Beware: Meth 'Labs' Pose Environmental, Public Safety Hazards

by Neil Springer*

Did you know that a relatively **new form of methamphetamine (meth) manufacturing** has placed our Kansas communities in serious jeopardy of chemical contamination and exposure? The 'One-Pot Method', commonly referred to as **shake & bake**, is a quick, and easy, way to make meth. Shake and bake is rapidly replacing the anhydrous ammonia method of manufacturing. This new method only takes a couple hours to complete, and the entire process does not involve much equipment. All the items used to make meth can easily be stored or hidden inside a back pack or a similar item—which makes the meth lab mobile and extremely dangerous.

Meth manufacturers, known as cooks, often discard the remnants of the manufacturing process in haphazard ways. The remnants of meth labs are often found inside of plastic grocery sacks that are tied shut. Many times, the remnants of the labs are thrown out to the curb in everyday trash, dumped in wooded areas, burned, stored inside homes and buildings, or thrown casually into creeks, ditches, rivers, etc. **This places both public employees and the general public in harm's way.**

Many of the chemicals used in meth production are highly acidic and caustic. The manufacturing process itself creates phosphine gas, which can be fatal if inhaled.

Not only does it create a deadly gas, the lithium battery strips used could be ignited just by being exposed to oxygen. This deadly chemical process can be reactivated by moving containers. During the cook, intense pressure builds up inside the container, and if the pressure is not relieved, it could explode.

First Responders, utility workers and sanitation



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personnel are at high risk for being exposed to meth labs. **Remnants can be found just about anywhere, and may not be discovered until after exposure occurs.**

So what should people be looking for? These are common items used during the one-pot meth cook. Many times the following items remain from a cook:

- Plastic bottles—Generally soda and water bottles, but can be other kinds, such as salad dressing bottles. (20 oz. is the most common, but 32 oz. and 64 oz. have also been found). The bottles will have a substance inside that looks like small colored gravel.
- Plastic tubing—Tubing is inserted into the bottle through the cap.
- Plant Food, Rose Food, Fertilizer Sticks, Cold Packs—Source of Ammonium Nitrate
- Drano Crystals, Liquid Fire, Drain Cleaners—Contain Sulfuric Acid
- Starting Fluid (Ether)
- Lighter Fluid
- Coleman Camp Fuel
- Ephedrine and Pseudoephedrine packaging, pills, blister packs.
- Rock Salt, Table Salt, Ice Cream Salt—Source of Sodium
- Lithium batteries—Packaging and casing. The lithium metal is stripped out of the casing and unrolled. They are black on one side and have foil strips on the edges.
- Coffee Filters—Used coffee filters may be discolored and often will contain residue that looks like gravel.

If you suspect that you have found a meth lab, do not disturb anything! Keep a safe distance away from the lab and contact law enforcement immediately. Stay in sight of the suspected lab and make sure no one else disturbs it.

**Neil Springer is the Community Resource Detective for the Parsons Police Department*

NEWS & NOTES

Debbie Price is Newest KMIT Trustee



Debbie Price

Marysville City Clerk **Debbie Price** was named to the KMIT Board of Trustees by President Bobby Busch, at the Board meeting in Neodesha, in April.

Debbie replaces Sharon Brown on the Board. Sharon previously was the mayor in Clay Center. Debbie has been with the **City of Marysville** since 2003. She was hired by the City of Marysville as a Cashier/Clerk II in November 2003. Debbie was promoted to Deputy City Clerk in July 2005 and became the City Clerk in February 2008.

Before working at the City of Marysville, Debbie was employed with Valley Vet Supply in Marysville. Her interests include spending time with family and friends, traveling and reading.



KMIT Annual Meeting...Different Day & Time

Mark your calendars, and note the day and time change. This year's **KMIT Annual Meeting** will be held, on **SUNDAY** of the **LKM Annual Conference**—this year that means on **Sunday, October 9**, in Wichita. And, the **Annual Meeting** will start at 5:00 p.m.

As always, a brief reception of appetizers and drink will be served prior to the start of the business portion of the meeting. Also as always, GREAT prizes will be awarded at the conclusion of the meeting. Please feel free to bring all of your cities' conference attendees to your KMIT Annual Meeting.





City Safe

Summer 2011

Safety Alert - Helpful Hints For You

by Renee Rhodes

Safety Question From A KMIT City:

What are the signs to look for to know if our employees are experiencing overexposure to heat?

Answer:

Workers exposed to hot and humid conditions are at risk of heat illness, especially those doing heavy work tasks or using bulky protective clothing and equipment. Some workers might be at greater risk than others if they have not built up a tolerance to hot conditions, are in poor physical condition, are older, or if they have heart disease, high blood pressure, or are taking certain medications.

Remember three simple words: **water, rest, shade**. Drinking water often, taking breaks, and limiting time in the heat can help prevent heat illness. Also, it's important to know and look out for the symptoms of heat illness in yourself and others during hot weather.

Signs that you are developing Heat Exhaustion:

- Headache
- Dizziness or fainting
- Weakness
- Wet Skin
- Irritability
- Thirst
- Nausea or vomiting

• **WARNING: If you feel FAINT, CONFUSED, or if you VOMIT – you need help FAST!**

Each department should take steps that help workers become acclimated, especially workers who are new to working outdoors in the heat or have been away from work for a week or more. Gradually increase workloads and allow more frequent breaks during the first week of work.



Renee Rhodes
Risk Control Consultant, IMA

Safety Training Videos...Don't Delay - Order Today!

Videos Offered in the IMA Safety Video Library

Maintenance on Landscape Equipment Safety

This safety training landscaping video is more of an all encompassing landscaping training program than anything else. The equipment particular to grounds workers is covered, but so is much, much more. This landscaping training video covers commonly used equipment and safe landscaping practices. The program covers the general safety rules to follow when operating mowers, cutters, knives, trimmers, and weed eaters. Also it covers safety when dealing with chemicals and hazardous materials associated with this industry.

Heat Stress: Don't Lose Your Cool

Heat Stress: Don't Lose Your Cool was developed to urge employees to protect themselves from the effect of heat stress while on the job. This video is designed with bumpers throughout which allow you to stop the video to discuss specific content. This is great timely information for all employees during this time of year.

To order these and many other videos to complement your employee safety training, contact Kristi McCosh with IMA, (316) 266-6297 or email Kristi.mccosh@imacorp.com. For a complete video library listing, go to KMIT.net and click on the document center (top right corner) then click on IMA Safety Video Library.

SAFE CITIES as of June 30, 2011

If you would like assistance returning an injured employee to work, or need ideas for modified duty, please contact Marla or Gene, 1-800-288-6732 or kmitclaims@imacorp.com.

Abilene	Cheney	Eureka	Hiawatha	Montezuma	Sedgwick
Admire	Cherryvale	Florence	Hill City	Mound City	Sharon Springs
Allen	Clay Center	Ford	Horton	Neosho Rapids	Spearville
Altamont	Columbus	Fort Scott	Independence	Ogden	Spring Hill
Andale	Concordia	Fowler	Jetmore	Olpe	St. Francis
Andover	Conway Springs	Frankfort	Johnson City	Oskaloosa	Stafford
Atlanta	Cottonwood Falls	Fredonia	Kingman	Oswego	Stockton
Baldwin City	Council Grove	Glasco	Kinsley	Palco	Tampa
Basehor	Cullison	Glen Elder	La Cygne	Paola	Tescott
Bel Aire	Damar	Goodland	LEAGUE	Park City	Tipton
Belleville	De Soto	Grainfield	Lenora	Parsons	Tonganoxie
Bennington	Douglass	Grandview Plaza	Leoti	Peabody	Treece
Beverly	Eastborough	Greeley	Lincoln Center	Princeton	Turon
Bird City	Edgerton	Grenola	Lucas	Ramona	WaKeeney
Blue Mound	Edwardsville	Grinnell	Maize	Ransom	Wakefield
Blue Rapids	El Dorado	Halstead	Marysville	Reading	Walton
Bonner Springs	Elkhart	Hamilton	McFarland	Rose Hill	Wamego
Brewster	Ellsworth	Hartford	Medicine Lodge	Russell	Wellington
Centralia	Esbon	Hays	Melvorn	Satanta	Wellsville
Chautauqua	Eudora	Haysville	Moline		

KMIT cities are considered Safe Cities if no lost time claims have been reported during the calendar year, beginning January 1, 2011.

KMIT Injury Stats 2011 as of June 30, 2011

<u>Department</u>	<u># Injuries</u>	<u>Cost</u>	<u>Department</u>	<u># Injuries</u>	<u>Cost</u>
Administration	7	\$138,417	Miscellaneous	4	\$5,730
Airport	1	\$1,484	Park	20	\$23,317
Animal Control	1	\$1,300	Police	58	\$155,683
Electric	16	\$47,148	Recycling	1	\$320
Emergency	5	\$46,687	Sanitation	13	\$73,694
Fire	20	\$70,433	Street	34	\$292,731
Health	1	\$1,397	<u>Water</u>	32	\$57,474
Maintenance	23	\$35,090	TOTAL	236	\$950,905

Calendar of Events

July 2011

- 1-31 Ultraviolet Safety Month
- 7-8 KSIA Annual Conference, *Wichita*
(*registration closed*)

August 2011

- 26 KMIT Board of Trustees
Meeting, *Goodland*

September 2011

- 1-30 Fruit and Veggies - More Matters Month
- 24 Family Health and Fitness Day USA
- 15 Fall Edition - CompControl/City Safe

October 2011

- 3-7 Drive Safely Work Week
- 4-5 37th Annual DWC Workers Compensation
Seminar, *Overland Park*
- 9 KMIT Annual Meeting & Board of Trustees
Meeting, *Wichita*
- 10 World Mental Health Day

KMIT Balance Sheet as of March 31, 2010

Assets

Checking and Savings	\$4,529,720
Investments	\$8,150,000
A/R net of reserve	(\$457)
Premium Receivable (net)	-
Specific Receivable	\$47,743
Aggregate Recoverable	\$124,171
Accrued Interest Income	\$93,836
Prepaid Expenses	\$381,222
Total Assets	\$13,326,235

Liabilities & Equity

Accounts Payable	-
Excess Insurance Payable	-
Reserve for Losses	\$3,299,407
Specific Recoverable	\$(462,753)
IBNR Reserved	\$3,197,260
Accrued Taxes, Licenses & Fees	\$389,654
Deposits on Premium	\$3,490,679
Deposits on Premium Return	-
Total Liabilities	\$9,914,247
Total Equity (NET WORTH)	\$3,411,989

Budgeting for 2012

by Don Osenbaugh, Pool Administrator

Each year at this time I attempt to look into my crystal ball and give KMIT member cities ‘some idea’ (my professional view) of how budgeting for work comp for the next year might look. So, here goes...

Last fall (2010), the KMIT Board of Trustees **REDUCED the operating pricing-rate** of the pool (Loss Cost Multiplier or ‘LCM’) by 7.25%, for the 2011 (current) year. That action meant that, all other variables being equal, **the annual work comp premium for each of our KMIT cities was 7.25% lower in 2011 than in 2010**. That action could not have been possible without the pool doing very well, and it could not have come at a better time for cities struggling to meet their needs in a continuing and prolonged down-turn economy.



So, what could happen to change things throughout the rest of 2011 and into 2012, affecting prices, and your budget, in 2012? Well, a lot of things COULD happen. IF, for example, a number of KMIT cities were to have a ‘bad’ work comp year this year, that could change things—because the health of the pool depends to a large degree on how well its cities, collectively, in limiting and managing frequency and severity of claims. Depending upon the performance of the entire pool in the first nine months or so of 2011, it is at least possible that the KMIT rate (LCM) would need to go back up some

when our Board sets the rate for 2012 later this year. While, I DO NOT EXPECT that to happen, at least not as it stands right now, it COULD. Would the rate be higher than it was for the 2010 year? Not likely.

As with many of the other elements of your city’s budget, it can VERY TRICKY to try to look out far into the future. But, the nature of city budgeting is that we all have to TRY to do that, and sometimes we must make ‘educated (calculated) guesses’—and that bit of ‘wisdom’ comes from somebody who actually prepared sixteen city budgets in Kansas.

So, the question remains: how much to budget for work comp for 2012? I have to take off my KMIT hat and put on my ‘budgeter’ hat to give you my best answer, and that is to play it safe. If you KNOW your city’s loss history is trending poorly, I would suggest that you budget a modest increase over this year’s work comp budget. If you KNOW your history is MUCH IMPROVED, then I would likely budget about the same as this year. In other words, playing it safe means putting enough money into the budget to be **relatively sure** that you are not going to have to pay more than you budgeted for later on. There you have it. I wish I could tell you that budgeting is all about science, but, in reality, there is about as much art and ‘feel’ to budgeting as facts and math.

And, just as I said last year... “please do feel free to call or email me with any budget questions.”

...WC Changes

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EMPLOYER IMPACT – *Designate an individual or department to have all injuries reported to such as the department supervisor, Human Resources or City Clerk. This must be in writing and signed by the employee.*

3. **Drug Testing** – Before these changes, if an injured worker tested positive for drugs or alcohol, employers had to prove that the impairment contributed to the injury in order for compensation to be denied. Now, there will be a rebuttable presumption, upon a positive drug or alcohol test, that the impairment contributed to the injury and will result in forfeiture of benefits. Refusal to submit to a chemical test will also result in forfeiture of benefits.

EMPLOYER IMPACT – *Have a policy in place that requires an injured worker to submit for a drug test.*

4. **Work Disability** – After the Bergstrom decision prevented any wage imputation in the calculation of wage loss for the purpose of work disability and injured workers were receiving 100 percent wage loss even for “for cause” terminations. It also eliminated the requirement of injured workers to have to make good faith effort in finding other employment. Now, wage loss will be calculated based on what the employee is capable of earning. Wage loss caused by voluntary resignation or termination for cause shall in no way be construed to be caused by the injury.

EMPLOYER IMPACT – *Employers can follow their normal policies and procedures for termination of injured workers, when necessary, without risk of exposure to a \$100K work comp claim.*

5. **Notice of Fraud** – An employer shall provide the following notice to an injured worker on or with the first check for Temporary Disability benefits:

Warning: Acceptance of employment with a different employer that requires the performance of activities you have stated you cannot perform because of the injury for which you are receiving temporary disability benefits could constitute fraud and could result in loss of future benefits and restitution of prior workers compensation awards and benefits paid.

EMPLOYER IMPACT – *None at this time. The KMIT claims adjuster will send this Warning Notice with payment of the first TTD check.*

The above information is an overview of just a few of the many changes that have taken place in the Kansas Workers’ Compensation Act. As with any law change, future interpretation will be determined through the judicial process.

If you have any questions regarding any of this information, please contact your KMIT claims adjuster at 1-800-288-6732 or via e-mail at kmitclaims@imacorp.com.

Three Questions...

Do you ever wonder if your crew members are following good safety practices when their supervisor (YOU) is not around?

Train your folks to ask themselves these three questions:

1. Am I putting myself or my co-workers at risk RIGHT NOW?
2. What would everyone else here say about my actions?
3. Would I be proud of myself if the rest of my group knew I was doing the job this way?

If city workers can get themselves into the good habit of asking themselves these three questions, they are less likely to take risky shortcuts which lead to workplace injuries.

[Adapted from an article in the April 20, 2011 edition of *Supervisors Safety Bulletin*, 370 Technology Drive—Malvern, PA 19355 (800) 220-5000]



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