

# COMP CONTROL<sup>®</sup>

*The Official KMIT Member Resource*

## GETTING EMPLOYEES BACK TO WORK

As you are all probably well aware by now, premiums having just been collected, the cost of workers' compensation claims (and therefore your premiums) continues to rise. While the ever-increasing cost of medical treatment accounts for much of this increase, there are some things you can do as an employer to minimize the cost of your claims, and keep your premiums as low as possible. **Returning your injured workers to modified duty as early as it is medically appropriate is their key thing you can do to mitigate the cost of your claims.**

The lost wage portion of a claim can be very significant. You can eliminate or greatly reduce this exposure with an aggressive return to work philosophy. There is a seven day waiting period before wage loss is payable, if you can return your workers within that seven day period, we will not pay any lost wages at all. If you aren't able to bring them back within seven days; you can still greatly reduce the wage loss paid by bringing them back as soon as possible. An employee who has back surgery generally would not be expected to be released to full duty, regular work for 26 weeks following surgery. If this employee was entitled to the maximum rate of \$417 per week, KMIT would pay \$10,842 in lost wages. However, most doctors will release employees to modified work with restrictions at 4 weeks post-surgery. If you were able to accommodate these restrictions, and bring the employee back to work, we would only pay \$1,668 in lost wages. Obviously, this would be a far less significant claim, in terms of impact to your premium, than if the employee was not allowed to return with restrictions.

The first step is to implement a **Return To Work Policy**. KMIT can provide you with a "sample" policy to review, if you do not already have one in place (see insert). You should stress that your intention is to aggressively return injured workers to work as early as medically possible. Make certain that you communicate this to your supervisors and first line managers, as many times they are the ones who are in contact with the injured worker. Your injured workers should be bringing you disability slips back from the treating physician on a regular basis; this will alert you when it is appropriate to bring an employee back to work. It is the physician's responsibility to tell you what activities are medically appropriate for the employee, **NOT TO TELL YOU WHETHER THE EMPLOYEE CAN WORK OR NOT**. If you know what is medically appropriate for the employee to do, you can then decide whether you have work available within those restrictions. If you do receive a slip saying that the employee cannot work, do not hesitate to contact the doctor's office directly and ask them to provide you with restrictions, or make suggestions of some work you might have available and ask if the employee can do these things. Too often the employee tells the doctor that there is "no light duty" in their job, so the doctor just takes them off work, when you might have had some tasks that the employee could do, had you known what their limitations were.

Many employers are under the misconception that if they bring an injured worker back to modified duty, and they hurt themselves again, that the employee will then be able to sue them. This is simply NOT TRUE. If a re-injury were to occur, the worst that could happen is that they could file a new workers' compensation claim; but, more than likely, it would just be handled as a continuation of the original claim. Employees are barred from suing their employers in civil court in exchange for the no-fault system in workers compensation.

Keep in mind that **you do not have to return employees to their usual position, department, or at the same rate of pay**. For example, if you had an injured police officer, you could have him/her do some mowing in the parks department, if it was within his/her restrictions. If the mowing position is not paid at the same rate as a police officer, you could pay him/her whatever that position pays, and workers' compensation would make up 2/3 of the difference between that and his/her usual salary. I often find that there are tasks employees can do in the office, such as filing, photocopying, answering phones, inventory, billing, etc..., also custodial work, cleaning, painting, etc... We even had one city have an employee come in for a couple of hours each day to watch safety videos, which was a great idea, not only to limit the wage loss, but also to help prevent future accidents! Be creative when trying to come up with modified duty assignments, and ask all of your supervisors to think of those tasks that get put on the back-burner because they don't have the manpower or inclination to do them; some of those tasks can become great modified duty jobs.

*(Story continued on page 4)*



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Assistant Risk Control Manager  
Risk Management Associates

*CompControl* is a publication of the League of Kansas Municipalities and the Kansas Municipal Insurance Trust for the purposes 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:

**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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## Dear KMIT Members:

**It's a New Year, and KMIT is off to a great start in 2002! I am VERY pleased to announce that three cities** have joined our KMIT family since the last CompControl went out—Great Bend and Augusta both came on board on January 1, and Caldwell starts February 1. All three cities were brought to us by their existing agents of long standing—the John Jaso Agency in Great Bend; Madrigal & Associates in Wichita (who also represent Haysville for work comp), and Insurance Services, Inc. in Caldwell. There are now 103 KMIT members, and we expect to add several more in the next two months.

We had a terrific year in 2001, both in terms of the addition of new members, and in the overall financial health and safety record of the pool. KMIT membership climbed 13.6% (from 88 to 100) in 2001; our total premiums increase to just under \$2.1 million (17.4%); but claims went up by a mere 3.4% (to 571); and, though 58 cases are still open from 2001 and 16 from 2000, it appears that our losses are down as well (perhaps even significantly, though it's really too soon to tell). To date, our cost-per-claim in 2001 is down about 24% from 2000.

As promised, this issue will start the focus of our effort this year to enhance and improve overall pool claims management. KMIT dedicated claims adjuster, Victoria Vanderhoof, who last edition addressed the volunteer employee issue, this time out presents some thoughts on the subject of "Returned to Work". Returning employees to a work situation, even if different from their "normal" duties, is absolutely imperative in reducing pool costs associated with lingering claims. **We urge ALL cities to adopt and STAND BEHIND a "Return to Work" policy for ALL employees.** (KMIT's model policy is an insert in this publication.)

We also are introducing, in this issue, "KMIT Q & A", which this time focuses on the need to track and report volunteer hours and wages. This subject has been sometimes erroneously addressed; more than once by this author. We hope this edition's Q&A clears up the question. If you have a "Q" that needs an "A", which you think could benefit the rest of the members, let us know.

**A reminder: it's payroll audit time!** KMIT's contracted payroll auditors, ChoicePoint Commercial Specialists, will be starting their work any day. About half of the KMIT members will be audited by phone; the other half will get a physical audit. When the ChoicePoint auditor calls your city, please have someone on your staff take the time to work closely and thoroughly with him/her, so that the most accurate results can be achieved. The auditors will be wanting to see **2001 payroll records** for all paid city employees (full-time, part-time, seasonal, temporary, etc.), and will also need to know about volunteers hours and wages, and will need to assign all personnel to a specific code by job description. The process is that last year's estimated payroll ultimately must be compared to the actual payroll. If the overall actual, after being adjusted by code rates, is less than the estimate, KMIT will write the city a check; with the reverse being true if the actual is more than the estimate. The auditors hope to finish their work by around March 15.

Lastly, we will soon say goodbye to our KMIT Program Manager and Agent, Mylena Sutton, who leaves us February 15 to become a Deputy City Manager. Congratulations, Mylena, and good luck always.

As always, please contact me or any other KMIT staff at the League with ANY question you may have.

Don Osenbaugh  
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 Cities".

## Safety

The following cities had not reported any claims in 2002 as of 1/23/02.



Abilene  
Allen  
Altamont  
Andale  
Andover  
Augusta  
Baldwin City  
Basehor  
Baxter Springs  
Bel Aire  
Beverly  
Bird City  
Bison  
Bonner Springs  
Brewster  
Centralia  
Chautauqua  
Cheney

Cherryvale  
Conway Springs  
Cullison  
Derby  
De Soto  
Edgerton  
Elkhart  
Ebson  
Ford  
Fort Scott  
Fowler  
Frankfort  
Galena  
Glasco  
Glen Elder  
Goodland  
Grainfield  
Great Bend

Greeley  
Grenola  
Halstead  
Haysville  
Hiawatha  
Hill City  
Holcomb  
Hoxie  
Independence  
Jetmore  
Kingman  
Kinsley  
Lenora  
Lindsborg  
LKM  
Lucas  
Maize  
Marysville

McFarland  
Medicine Lodge  
Melvern  
Minneapolis  
Mission  
Moline  
Montezuma  
Mound City  
Newton  
Oberlin  
Ogden  
Olpe  
Osage City  
Oskaloosa  
Oswego  
Ozawkie  
Paola  
Park City  
Peabody  
Princeton  
Ransom  
Roeland Park  
Russell  
Sedan

Sedgwick  
Spring Hill  
Tescott  
Tipton  
Tonganoxie  
Treece  
Turon  
Ulysses  
Valley Center  
Wakefield  
Walton  
Wamego  
Wellington  
Wellsville

Your employees do not have to accept the modified work you offer them. **However, if you have work available for them that is within their medical limitations and they choose not to accept it, they are not entitled to receive workers' compensation wage loss benefits.** You might allow them to take sick leave for this time, if you chose to do so, but you are not obligated to and that would depend upon each individual city's policy.

Coming up with modified duty assignments can sometimes require a little creativity, however the benefits are substantial. Not only in the tangible savings by way of reduced lost wage payments, but also in intangible ways. Getting employees back to work helps to encourage a mindset of "ability" rather than "disability". It helps the morale of the injured worker, fosters communication between the employee and city, and helps to limit the involvement of claimant attorneys. Possibly the best incentive is that in bringing our injured workers' back to work, we prevent them from sitting in front of the television set all day long, watching commercials from plaintiff attorneys trying to drum up business! Please don't hesitate to call me if you have questions about modified work or need help coming up with some ideas for modified duty work assignments. Toll-free, 1-877-502-9897.

Victoria Vanderhoof, AIC  
Claims Adjuster

## ***KMI T Q & A***

Each month we will feature a Question & Answer Section in the CompControl Newsletter. If you have a question you would like answered, please email it to Wendy Flowers @ [wflowers@networksplus.net](mailto:wflowers@networksplus.net).

Q: Must KMI T Cities track volunteer hours?

A: **Yes** - - if the City wants them covered, and most volunteers are covered under law, as well (see last month's CompControl). Volunteer firemen are charged at the rate of \$100/year, UNLESS they're on the actual payroll. Other volunteers are figured at the rate for the job by KMI T's auditors (ChoicePoint Commercial Specialists). If the volunteer would receive work comp benefits if injured, they must show up on the payroll audit.

Q: What do the Cities need to track and submit, then?

A: Number of hours, type of work, average pay rate for classification or new hire rate.

Q: Where can KMI T Cities get a copy of the classification code used by KMI T and ChoicePoint?

A: Call or email Wendy Flowers at KMI T, at 785-354-9565 or [wflowers@networksplus.net](mailto:wflowers@networksplus.net) .

Assisting with this month's Q&A was Carma Drehle-Neth, of ChoicePoint ([carma.drehle@choicepointinc.com](mailto:carma.drehle@choicepointinc.com)).

# KMIT “Model”\*

## Return to Work Policy

Workers Comp claims costs continue to rise and are a major expense to our city. There are several methods of controlling claims costs, but one of the most effective methods is returning employees to work as soon as possible.

The responsibility of the physician is to determine what, if any, restrictions apply to employees who are injured. It is NOT the physician’s responsibility to determine whether or not an injured employee is able to work.

It is the policy of the City of \_\_\_\_\_ to aggressively return employees to work, within the restrictions provided by the physician. Department heads, managers, and/or supervisors will be responsible for finding productive work for each injured employee. Assistance for this effort is available through our work comp carrier, KMIT, and its contracted representatives, Insurance Management Associates (IMA) and Precept CorVel.

Temporary restricted duty work reassignment need not be confined to the current department in which the employee is ordinarily employed. Pay grade for injured employees will be based upon temporary work assignments.

Returning injured employees to work as soon as possible benefits both the employee and the City of \_\_\_\_\_, therefore, this policy will be enforced. Any questions concerning this policy should be addressed to \_\_\_\_\_.

The City of \_\_\_\_\_ has identified and created alternative or modified work-duty tasks, and matching a worker’s impaired physical capability from an injury to these tasks can control accidents costs, improve employee morale and productivity, and enhance our “bottom line”.

\* all KMIT cities are strongly encouraged to adopt this or a very similar policy regarding Returned to Work. This model policy is available in digital format (Word) by contacting KMIT.



The State of Kansas has recently begun strongly enforcing the timely submission of Employer's Report of Accident forms. Please see form K-WC 1101-A (Rev. 6-00) on the opposite page. This is the form that **MUST** be used when reporting your worker's compensation claims.

The following information is **MANDATORY** with every report of injury:

Lines 1 – 12 (every question on these lines)

Line 16: Was worker admitted to hospital? Provide dates and names!

Line 18: Has employee returned to work? List dates if no or light duty!

Line 21: Did employee die?

Line 23: Insurance carrier – we've filled this portion out for you.

Line 24: Date of report, Completed by, Title

\* The State asks that the other lines be completed when at all possible.

Note: The reports must be typed or printed legibly.

**Any reports received by the State that are incomplete or illegible, will be rejected and returned to the employer. If the properly completed report is not received within 28 days from the time the employer becomes aware of the injury, a fine of \$250 may be assessed against the employer.**

Please mail or fax the completed accident report to IMA as soon as possible, once you become aware of the injury. Call Victoria Vanderhoof toll free at 1-877-502-9897 or Annette Duncan toll free at 800 288-6732 Ext. 6360, if you have any questions.



DIVISION OF WORKERS COMPENSATION  
 KS DEPT OF HUMAN RESOURCES  
 800 SW JACKSON STE 500  
 TOPEKA KS 66612-1227

# EMPLOYER'S REPORT OF ACCIDENT

**Submit original report only**

OSHA Case or File Number \_\_\_\_\_  
 There is a \$250 penalty for repeated failure to file Accident Reports within 28 days of the employer's receipt of knowledge of the accident.  
 This form contains all items requested on OSHA Form Number 101. "Supplementary Record of Occupational Injuries and Illness."

DO NOT WRITE IN THIS SPACE

**READ INSTRUCTIONS BEFORE FILLING IT OUT.**

\* 1. Federal Employers Identification Number \_\_\_\_\_

\* 2. Name of Employer \_\_\_\_\_ Telephone Number (\_\_\_\_) \_\_\_\_\_

\* 3. Mailing Address \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

\* 4. Location, if different from mailing address \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

\* 5. Nature of Business \_\_\_\_\_ S.I.C. Code \_\_\_\_\_ Dept. or Division \_\_\_\_\_

\* 6. Name of Employee \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_  
 First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

\* 7. Home Address \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

\* 8. Soc. Sec. # \_\_\_\_\_ Birth Date \_\_\_\_\_ Employee's Occupation \_\_\_\_\_ Home Phone Number (\_\_\_\_) \_\_\_\_\_

\* 9. Date of Injury or Occupational Disease \_\_\_\_\_ Time of Injury \_\_\_\_\_ A.M./P.M.  
 Date Disability Began \_\_\_\_\_ Gross Average Weekly Wage \$ \_\_\_\_\_

\* 10. Place of Accident or last exposure \_\_\_\_\_  
 City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

\* 11. Was accident or last exposure on employer's premises?  YES  NO

\* 12. How did accident occur? \_\_\_\_\_

13. What was employee doing when injured? \_\_\_\_\_

14. Name substance or object that directly caused injury \_\_\_\_\_

15. Describe in detail nature and extent of injury, indicate part of body involved \_\_\_\_\_

\* 16. Was worker admitted to hospital?  YES  NO Date \_\_\_\_\_ Treated by emergency room only?  YES  NO  
 Hospital name & address \_\_\_\_\_

17. Name and address of attending physician or clinic \_\_\_\_\_

\* 18. Has employee returned to regular duty?  YES  NO Light duty?  YES  NO Date \_\_\_\_\_

19. Is compensation now being paid?  YES  NO Date first/initial payment \_\_\_\_\_

20. Weekly compensation rate \$ \_\_\_\_\_ Is further medical aid needed?  YES  NO  UNKNOWN

\* 21. Did employee die?  YES  NO If so, give date of death \_\_\_\_\_ (File amended report within 28 days if death subsequently occurs.)

22. Name and address of dependents (death cases only) \_\_\_\_\_

\* 23. Insurance Carrier and Third Party Administrator \_\_\_\_\_ KMIT c/o Insurance Management Associates, Inc.  
 Address \_\_\_\_\_ PO Box 2992 \_\_\_\_\_ Wichita, \_\_\_\_\_ KS \_\_\_\_\_ 67205 (316) 773-5234  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_ Phone \_\_\_\_\_  
 Policy Number \_\_\_\_\_ Name of Agent \_\_\_\_\_ Don Osenbaugh  
 Claim Number \_\_\_\_\_ Name of Claim Representative \_\_\_\_\_ Victoria Vanderhoof

\* 24. Date of Report \_\_\_\_\_ Completed by \_\_\_\_\_ Title \_\_\_\_\_

AGE

OO

Y N

CAUSE

NATURE

SEVERITY

0 - NO TIME LOST

1 - TIME LOST

2 - MEDICAL

3 - FATAL

SOURCE

MEMBER

DO NOT WRITE IN THIS SPACE

Questions or comments can be directed to the Kansas Division of Workers Compensation, Topeka, KS - Phone: 1-800-332-0353

## General Instructions

1. Please answer every question on the accident report. Questions left unanswered may cause the accident report to be returned to the employer. Returned accident reports may cause delays in benefits being paid to your injured employees.
2. **Submit the original report only.** Reports must be **typewritten, computer generated,** or neatly **printed in black ink.** Please avoid submitting faxed or photostat copies of accident reports, they are difficult for the Division to microfilm.
3. It is the employer's responsibility to insure that an accident report is filed when necessary. This may be done by sending it directly to the Division within **28 days** of the date of **the employer's receipt of knowledge** of the accident. It is also permissible to send a report to your insurance carrier, third party administrator or pool association as long as the report is submitted to the Division within the required time limit. Whichever method is used, **please avoid filing duplicate reports of the same accident. Only accidents which cause an incapacitating injury to the employee are required to be reported to the Division.**
4. Submission of this Employer's Report of Accident **does not** constitute a **written claim.**

### Definition of an Incapacitating Injury

The Workers' Compensation Act sets forth a strict time frame for filing of accident reports with the Division. The controlling statute is K.S.A. 44-557(a), which reads as follows:

**(a) it is hereby made the duty of every employer to make or cause to be made a report to the director of any accident, or claimed or alleged accident, to any employee which occurs in the course of the employee's employment and of which the employer or the employer's supervisor has knowledge, which report shall be made upon a form to be prepared by the director, within 28 days, after the receipt of such knowledge, if the personal injuries which are sustained by such accidents are sufficient wholly or partially to incapacitate the person injured from labor or service for more than the remainder of the day, shift or turn on which such injuries were sustained.**

Accident reports are not necessary for every work related injury. The statute requires a report to be filed when the worker's whole or partial incapacity continues beyond the "day, turn, or shift which such injuries are sustained" as the result of accident. "Incapacity" is not specifically defined within the law, but the Division believes that the Legislature's intent was to reference a worker's whole or partial loss of the ability to perform his or her ordinary job tasks. Under that criterium, the decision of whether to file a report is relative to the particular job and demands a judgment regarding how, if at all, the accident limited the worker. When in doubt, keep in mind the law contains no penalty for filing a report that ultimately proves to be unnecessary. There are penalties, however, for failing to file a report when one was required. Those penalties are fines and limitations on the defenses the employer may assert should a claim be filed. The Division will of course, accept those reports the employer wishes to file.

### Instructions for Specific Items

Item 14: Name the object or substance which directly injured the employee. Example: machine or thing he/she struck or struck him/her; vapor or poison he/she inhaled or swallowed; chemicals or radiation which irritated his/her skin; if hernias, the thing he/she was lifting or pulling; etc.

Item 15: Please be as specific as possible indicating all that is known about the injury. Name part of body injured.



# Claims

## 2002 Frequency and Cost Analysis—Top 5 1/1/02 through 1/23/02

### By Job Classification

<u>Classification</u>	<u>Frequency</u>	<u>Claim Costs</u>
Police Officers & Drivers	122	\$ 148,579
Waterworks Operators/Drivers	82	\$ 111,726
Street/Road Construction	70	\$ 128,143
Firefighters & Drivers	65	\$ 102,972
Park	51	\$ 31,302

### By Accident Type

<u>Type</u>	<u>Frequency</u>	<u>Claim Costs</u>
Fall or Slip Injury	121	\$ 158,321
Strain or Injury by lifting, pushing, carrying, etc.	115	\$ 369,115
Miscellaneous Cause, animal, insect, robbery, etc.	96	\$ 2,798
Occupational Hazards	72	\$ 49,798
Cut, Puncture, or Scrape	68	\$ 12,658

### By Part of Body

<u>Part of Body</u>	<u>Frequency</u>	<u>Claim Costs</u>
Low Back Area	76	\$217,201
Knee	56	\$203,562
Fingers	48	\$ 16,523
Upper Arm	38	\$ 115,559
Hand	29	\$ 29,126

*Note—The above figures are based on claims reported as of 1/23/02. Amounts listed for claim costs are amounts incurred to date.*

Your Pool in Action

# Member Notes



www.kmit.net

## Calendar of Events

### February

- 1 MLA - Disaster Preparedness, *Garden City*
- 2 MLA - Disaster Preparedness, *Hutchinson*
- 8 MLA - Disaster Preparedness, *Topeka*
- 22 KMIT Board Meeting, *Newton***

### March

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

### April

- 13 MLA - Ethics, *Manhattan*
- 19 MLA - Ethics, *WaKeeney*
- 20 MLA - Ethics, *Wichita*

### May

- 31 MLA - Leadership Summit, *Kansas City*

### June

- 1 MLA - Leadership Summit, *Kansas City*
- 22 MLA - Guiding the Municipal Organization, *Independence*
- 28 MLA - Guiding the Municipal Organization, *Goodland*
- 29 MLA - Guiding the Municipal Organization, *Salina*

### July

- 12 MLA - Personnel Management, *Ottawa*
- 19 MLA - Personnel Management, *Scott City*
- 20 MLA - Personnel Management, *Lindsborg*

Revenues & Expenses  
December 31, 2001

#### Combined Assets

Cash In Bank	\$ 151,203
Premiums Outstanding	
Investments	1,809,567

**Total Assets** **1,960,770**

#### Combined Liabilities & Equity

Claims and Accrued Expenses Outstanding	(373,889)
Reserved for Losses	688,996
Incurred But Not Reported (IBNR)	1,228,493

**Total Liabilities** 1,543,600

**KMIT Statutory Fund Balance** 417,170

**Total Liabilities and Equity** **\$1,960,770**

### Kansas Municipal Insurance Trust

300 SW 8th Avenue  
Topeka, KS 66603

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