

# COMPCONTROL

The Official KMIT Member Newsletter

## “MUTUAL AID” AGREEMENTS

By **Don Osenbaugh, KMIT Pool Administrator**  
with **Sandy Jacquot, LKM General Counsel**

Cities in Kansas often team up with other cities (and sometimes with counties and townships) to perform functions for and with each other. Quite often, such teaming is done during, and/or following, an emergency of some type which individual cities would be hard-pressed to manage by themselves. This type of teaming is generally known as “mutual aid.” Examples of mutual aid could include such functions as electrical and other utility work following a storm event, fire department assistance in a large fire event, and other urgent and dramatic events such as explosions, drownings, “SWAT”-type events, etc. “Mutual aid” could also be as routine as one city agreeing to help another one with street or water repairs through an ordinary contract for services.

The one thing all of the above circumstances have in common is the need to have a clear and precise understanding as to the responsibilities of each city (county, township) when “teaming” or performing “mutual aid” tasks with and for one another. And, certainly, KMIT is mostly concerned about making sure work comp agreements are well understood. In other words, who pays if an employee gets hurt performing “mutual aid” duties?

Formal “mutual aid” agreements should be the norm. And, in most cases, the statutorily-specific “interlocal agreement” need not be followed. Here are the key elements to consider when a “mutual aid” situation exists or is being proposed:

- 1) Reduce the agreement to writing.
- 2) Have the **governing body** of each city (county, township) *formally* approve the agreement—which process should insure that the policymakers are aware of the agreement and have thoughtfully considered the advisability of city participation.
- 3) And, most importantly for work comp and KMIT, each agreement should contain a paragraph devoted to specifying *which entity will be responsible for the workers’ compensation liability*. The easiest and least confusing option would be to specify that each entity will be responsible for the injuries of its own employees, *regardless of the location where injured or who had “command and control” of the employees*.

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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,**

Well, is it hot enough for you yet? Only a couple of weeks of really sizzling weather, and I'm ready for October! A training journey to Colby in late July, on a 110-degree day, was plenty enough for me, thank you.

This edition's 'feature' story is about "**Mutual Aid**;" a very important subject. Be sure to read the article well and, if you have ANY questions, please contact me and we can talk it over. AND, be very sure that your city commits to writing and **formally approve** every "mutual aid" agreement you are working under (or contemplate doing), and make sure the **work comp issues** (who pays, etc.) are known to all (along with *all* issues, for that matter—liability, for example). This fall's **renewal apps** (for 2006 quotes) will seek information about each KMIT city's mutual aid agreements, and ask that copies be submitted to KMIT.

Also, as found elsewhere in this publication, nominations for **KMIT Board of Trustee positions** are being accepted until August 18. Board members whose current terms expire in October include: **Cheryl Lanoue** (Concordia), **Lana McPherson** (De Soto), **Carol Eddington** (Oswego), **Keith DeHaven** (Sedgwick), **Linda Jones** (Osage City), and **Bud Newberry** (Ulysses)—all of whom are eligible for re-election this time around. Let me know if you need a nomination form.

Your **KMIT Board of Trustees** last met in Augusta on June 23 and meets next in Oswego on August 26.

Mark your calendars: the **KMIT Annual Meeting** will be in Wichita, on **Monday, October 10**, at 3:30 (or as soon after the last League session as we can get started). We are planning a short, but fun, meeting...food, drink, and prizes galore. And, YES, we also plan on conducting some business.

See you in Wichita.



Pool Administrator

## Q&A

Q: Why does KMIT require member cities to have a designated work comp provider?

A: The most obvious answer is **consistency of care**—if your city has one provider or clinic managing workers' compensation injuries, all of your employees will receive the same level of care and be treated in the same manner. Utilizing one provider also aids in **communication**—your provider will come to be familiar with the forms that KMIT uses, will understand and abide by our requirements that they obtain pre-authorization for referrals and specialized testing, and we will be able to develop a dialogue between claims adjuster, employer, and medical provider, thus allowing for **better communication** and **more effective management** of your claims.

However, *THE most important benefit of designating a provider* is that we expect the provider you select to **understand the importance of returning injured workers' to modified duty whenever medically appropriate**, and to **exhibit the same commitment to return to work** as we expect of our cities. As we hope you have heard before, through various articles and KMIT supervisor training sessions, *we strongly recommend that KMIT member cities adopt some type of "Return to Work Policy"*, through some formal mechanism, such as a resolution adopted by your governing body. This management commitment to return-to-work is something that **MUST be shared with your designated physician**, with the expectation that the physician be equally as committed to return to work as are you—the employer. The most committed employer cannot return an injured work to modified duty if the physician is keeping the employee off work. The process MUST begin with the physician, and that is why *selecting a physician who is committed to return-to-work is one of the key things you can do to manage the cost of your workers' compensation claims*.

If you need help in locating, selecting or designating a physician, please contact KMIT claims adjuster, Victoria Vanderhoof, [victoria.vanderhoof@imacorp.com](mailto:victoria.vanderhoof@imacorp.com) or toll-free 1-877-502-9897.

## Safe Cities as of July 28, 2005

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](mailto:victoria.vanderhoof@imacorp.com).

Abilene	Concordia	Greeley	Melvern	Russell
Allen	Conway Springs	Grenola	Minneapolis	Satanta
Altamont	Council Grove	Halstead	Moline	Sedgwick
Andale	Cullison	Hays	Montezuma	Spearville
Andover	Derby	Hiawatha	Mound City	Stafford
Atlanta	De Soto	Holcomb	Neodesha	Stockton
Baldwin City	Douglass	Horton	Newton	Tescott
Basehor	Eastborough	Hoxie	Oberlin	Tipton
Baxter Springs	Edgerton	Jetmore	Ogden	Tonganoxie
Bel Aire	Elkhart	Johnson City	Olpe	Treece
Belleville	Ford	Kinsley	Osage City	Turon
Beverly	Fowler	Lenora	Oskaloosa	Valley Center
Bird City	Frankfort	Leoti	Oswego	WaKeeney
Brewster	Galena	Lincoln Center	Ozawkie	Wakefield
Caldwell	Girard	LKM	Palco	Walton
Centralia	Glasco	Lucas	Park City	Wamego
Chautauqua	Glen Elder	Maize	Peabody	Wellsville
Cherryvale	Goodland	Marysville	Princeton	
Clay Center	Grainfield	McFarland	Roeland Park	
Columbus	Grandview Plaza	Medicine Lodge	Rose Hill	

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Of course, there will be rare times when cities send crews far from home to do emergency work for other cities in need of help (after storms, cities often send crews many miles to help out...sometimes even outside the region). Cities should also consider adopting a formal policy which would apply in all such extraordinary, but occasionally-required circumstances.

KMIT will start asking about “mutual aid” agreements, and ***will begin requesting copies*** of all “mutual aid” agreements (including interlocal agreements and ordinary contractual arrangements, as well), ***starting with the 2006 renewals this fall***. Please make sure your city’s governing body has formally adopted any and all mutual aid agreements needed to properly identify the various arrangements and understandings that your city currently has in place.

It is important to the welfare of your city and to the KMIT Pool, for **every** KMIT member city to understand its respective obligations, to reduce the specifics of those agreements to writing, and to formally approve each such “mutual aid” agreement.

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## **Ombudsmen Answer Your Workers Comp Questions**

Within the Workers Compensation Division are KDOL employees who specialize in aiding employers and insurance professionals and injured workers with claims information and questions arising from job-related injuries and illnesses.

These “ombudsmen” act in an impartial manner to assist all parties in all aspects of the claim. They are available to provide information about current issues within the workers compensation system.

The ombudsmen want to increase involvement with Kansas employers. They can assist both new and existing employers. Information and assistance with regulations and filings is available to employers through telephone contacts, on-site visits, presentations, and training.

The services offered by the ombudsmen provide the most current and accurate information in complying with Kansas Workers Compensation laws, rules, and regulations.

Ombudsmen serve as a liaison between health care providers, attorneys, employers, employees, and insurance carriers or self-insured businesses.

If you need assistance, the ombudsmen can be contacted by phone at either (785) 296-2996, or toll free at (800) 332-0353 (select the first option on the menu). If you are interested in presentations or trainings on workers compensation issues, please ask for Carol Cast. Information also is available on the KDOL website at [www.dol.ks.gov](http://www.dol.ks.gov).

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## **Board of Trustees Nominations Due August 18**

Every year, at the **KMIT Annual Meeting**, the general assembly of all KMIT member cities vote (one vote per city) on Board of Trustee positions; typically, there are five or six positions open (the 11 members of the Board serve two-year terms and can serve as many as three full terms). This year there are six positions open. Nominations of elected or appointed KMIT city officials may be submitted to the KMIT Pool Administrator anytime up to the **cutoff of 5:00 PM, Thursday, August 18**. Nomination forms may be obtained by contacting Don Osenbaugh, at [dosenbaugh@cox.net](mailto:dosenbaugh@cox.net) or (316) 259-3847.

A “slate” of candidates will be selected by the **KMIT Nomination Committee**, meeting in conjunction with a Trustee meeting on August 26, and will be presented to the attendees of the **KMIT Annual Meeting** in Wichita, on Monday afternoon, October 10. Of course, nominations may also be submitted from the floor.

# Claims

Top 5 Frequency and Cost Analysis  
January 1, 2005 through June 30, 2005

<u>By Department</u>	<u>Frequency</u>	<u>Claims Cost</u>
Police	75	\$392,590
Maintenance	43	76,202
Fire	31	72,011
Electric	29	627,284
Street	25	65,812

<u>By Accident Type</u>	<u>Frequency</u>	<u>Claims Cost</u>
Strain or injury by lifting, pushing, carrying, etc.	66	\$312,148
Fall or slip injury	54	159,297
Occupational Hazard	46	57,450
Miscellaneous causes	43	326,870
Cut/Puncture/Scrape	31	23,877

<u>By Body Part</u>	<u>Frequency</u>	<u>Claims Cost</u>
Lower arm	4	\$ 17,650
Chest	3	1,150
Multiple Upper Extremities	2	570,300
Internal Organs	2	4,100
Lower Back Area	2	1,839

## KMIT Annual Meeting in Wichita on October 10

Please plan to attend the **KMIT Annual Meeting**. As always, the Annual Meeting will be held in conjunction with the LKM Annual Conference, which is in Wichita this year.

The **KMIT Annual Meeting** will be held on **Monday, October 10, at 3:30 PM**, in one of the host hotel (Hyatt) conference rooms (exact location yet to be determined), immediately following the last conference afternoon sessions. The meeting will last one hour (maximum)...giving attendees plenty of time to take a breather before the start of the evening event.

While some essential business will be conducted at the Annual Meeting (election of Trustees, President's Report, etc.), the meeting is also planned as a fun occasion...there will be an **open bar, great snacks, and many prizes** given out by drawing (attendance is limited to KMIT city officials/spouses, please). See you there!

## KMIT Calendar

### August

26 KMIT Board of Trustees Meeting, *Oswego*

### October

10 KMIT Annual Meeting, *Wichita*

### December

9 KMIT Board of Trustees Meeting, *De Soto*

## Video Library

Does your city take advantage of IMA's Video Library? KMIT encourages cities to take advantage of these training videos to use as tools for training current employees along with new employees. KMIT member cities can borrow up to five videos at one time at **NO COST**. To obtain a complete list of videos and ordering information, go to [www.kmit.net](http://www.kmit.net), on the left hand side, and click on IMA Safety Video Library.



## Kansas Municipal Insurance Trust

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