KWORCC INJURY MANAGEMENT PROGRAM

KWORCC
KANSAS
WORKERS RISK COOPERATIVE
for COUNTIES

Injury Management Program for Kansas County Governments

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Reference: www.kworcc.com

Reference: www.dol.ks.gov

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Purpose & Scope

The KANSAS WORKERS RISK COOPERATIVE for COUNTIES (KWORCC) Injury Management Program represents a commitment to safety. It sets forth philosophy and policy goals, organizational authority, safety program components and methods of injury prevention. The full implementation of the injury management program for all employees at every level is the goal established by the Board of Directors of KWORCC. The guidelines outlined in this manual are considered minimums and should not be construed to limit individual initiative to implement more comprehensive procedures to reduce or prevent injuries.

Injury Management Policy Statement

The Board of Trustees of the Kansas Workers Risk Cooperative for Counties considers the health, safety and well-being of employees of member counties to be of paramount importance. Therefore, the Board actively promotes and supports the implementation of an injury management program with the objective of reducing workplace injuries and illnesses, and to minimize costs associated with workplace injuries and illnesses.

The injury management program adopted by the Board of Trustees will be administered by the KWORCC Administrator, but will require the involvement of all levels of county employees. Every elected official or appointed person, director, commissioner, manager, supervisor, administrator and employee is strongly encouraged to make loss prevention and safety a matter of continuing concern.

The KWORCC Board does hereby go on record as pledging their support and commitment to the implementation and administration of this policy.

Policy Statement for KWORCC Member Counties

An injury management policy statement that is adopted by the County Commissioners will demonstrate that the county is committed to identifying and controlling workplace risks and preventing injuries. All employees should receive a copy of the policy statement and should be held accountable for their actions. The following injury management policy statement can be used as a model for writing your own statement:

_____ County recognizes that its employees are its most valuable asset.

_____ County is dedicated to managing the risks of providing services for its citizens. Recognizing that injuries will inevitably occur, the county considers no injury to be acceptable and will make every effort to identify and address all workplace hazards for the prevention of work related injuries.

The Safety Committee is empowered to make decisions concerning all operations of the county that effect the safety and well-being of employees and elected officials and the financial well-being of _____ County.

Every employee and elected official will adhere to the policies and practices established by the Safety Committee.

Every department head and elected official will make a concerted effort to modifying an injured employee's job duties to comply with all work restrictions from the employee's treating physician, to return the injured employee back to work as soon as possible.

_____ _____

Chair, County Commission County Administrator or Department Head

Date of Issuance: _____

Allocation of Responsibilities

Employer

Designate an individual to handle workers' compensation claims (Claims Administrator). Indicate to employees who the Claims Administrator is, in writing, and post the Claims Administrator's name and contact information with all other work related notices.

The Claims Administrator shall comply with all claims reporting requirements as specified in the next section of this document.

A written accident report shall be filed by the Claims Administrator with KWORCC as soon as reasonably possible, but no later than within 28 days from the date of injury or employee notification.

The Claims Administrator shall provide all necessary information to the injured employee or legal beneficiary as needed to assist in the claims process.

The Claims Administrator shall notify KWORCC and CIS immediately if a work-related accident or injury results in death of an employee, in-patient hospitalization, amputation, or loss of an eye.

The Claims Administrator will be responsible for the modified duty program; however, all supervisors and elected officials are required to assist in locating or creating modified duty assignments for injured employees at the request of the Claims Administrator.

The Claims Administrator will lead the Safety Committee. This includes setting the agenda, the meeting time and location, and submitting a budget to the County Commissioners annually for safety committee operations.

The Claims Administrator shall post form K-WC 40-A “Workers Compensation Rights and Responsibilities” in an employee work area for each county building. See page 16.

The Claims Administrator shall issue each injured worker with form K-WC 27-A (or for Spanish-speaking employees, form K-WC 270-A) “Information for Injured Employees”. See pages 17-20.

Employee

Employees shall give oral or written notice to the Claims Administrator within 30 calendar days of injury, or 20 calendar days after the last day of work for the employer. ***However, employees should make every effort to notify their direct supervisor immediately after an injury occurs so that necessary medical treatment can be arranged.***

In the case of occupational disease, the employee shall provide written notice to the Claims Administrator within 90 days of disability’s onset, and a written claim to the Division of Workers Compensation within one year.

The employee’s written notice must include time, date, place of the injury, and it must be apparent that the employee is claiming benefits under the workers’ compensation act for a work-related injury.

Claims Handling Procedures

Introduction

KWORCC is a state-qualified workers' compensation program designed to offer its members a powerful mechanism for controlling and minimizing workers' compensation expenses. KWORCC provides its Member Counties with up-to-date cost control approaches that offer bottom-line performance that are better than those of the "traditional" insurance companies.

Careful, energetic claims handling is part of the KWORCC cost control approach. In fact, effective claims management is a key to the overall success of the program and its ability to deliver long-term savings to its members.

KWORCC maintains a contract with Cowell Insurance Solutions (CIS), a professional, Kansas-based third-party claims adjusting service for work-related injuries and illnesses. Beyond this professional service support, the program will depend on the attention and input of Member Counties, with an involvement that some will find different from their "traditional" insurance company environment. By necessity—and for maximum benefit within the self-insured program—Member Counties must become involved in the claims process and must be knowledgeable about their claims.

Close, ongoing communication between KWORCC's administrative office, its Member Counties (via the Claims Administrator), and the claims adjuster is paramount to KWORCC's success. The quality of service provided to Member Counties by the claims adjuster will depend heavily on the information provided by the county. To be effective, the claims adjuster must know everything about the circumstances surrounding a claim. Most, if not all, Member Counties welcome this chance for meaningful input in the claims handling process.

To help ensure effective claims adjusting, KWORCC has established uniform procedures to be followed by all Member Counties.

Claims Reporting

Time Requirements

1. All claim forms should be submitted electronically within 48 hours of an occurrence that will or may give rise to a claim (or within 48 hours of the county's first knowledge of such an occurrence).
2. In the event of a serious loss such as a death, amputation, in-patient hospitalization or loss of an eye, the Claims Administrator shall call KWORCC and CIS immediately and follow up with the necessary forms later.
3. The KWORCC program has provided for legal representation as part of the program cost when required; therefore, if the county receives certain demand letters, requests for information concerning a filing with the Workers

Compensation Division, notice of hearing, petitions or other such documentation, do not delay in sending them to CIS.

Where to Report

All claims, suits, injuries or losses are to be reported directly to KWORCC's claims adjuster at Cowell Insurance Services as follows:

Amanda Chamberland
KWORCC Claims
P.O. Box 26721
Overland Park, KS 66225
316-252-1078
Fax 816-214-4080
achamberland@cisinsurancesolutions.com

Employers Report of Accident

Online accident report can be found at https://www.kworcc.com/forms.html

Sending Additional Information

All information and documentation such as hospital/doctor reports, inspection reports or internal investigations may not be available in time to send the information with the claim form.

As a claim matures and you develop or receive additional information such as doctors' reports, medical bills, applications for hearing or suit papers such as summonses and petitions, send these to KWORCC's claims adjuster at CIS.

When sending this information, it must be properly identified so that it will be matched to the correct file and handled promptly. For the claims adjuster to promptly find the correct file, he or she must know the name of the claimant, the date of loss, and the Member County involved.

Medical Case Management

First Aid Treatment

It is strongly recommended all employees be given the opportunity to become certified in first-aid/CPR techniques. The other key area of medical training for county employees is bloodborne pathogen safety procedures. In either case, proper first-aid and biohazard cleanup kits need to be readily available in every county building and vehicle. If proper first-aid is given at the time of an injury, the effect of the injury can be minimized and further medical treatment may not even be necessary. If treatment by a physician is necessary, the following areas should be considered.

Medical Authorization

Instruct employees to get authorization from their immediate supervisor prior to seeking medical attention, unless it is an emergency. Instruct employees that if they are unable to contact a supervisor and feel they need to seek treatment by a physician for a work-related injury, they need to inform their supervisor as quickly as possible thereafter.

Designated Physician

Kansas employers have the right to direct medical care for employees. Exercise of such control immediately upon notification of an accident is a significant part of a medical case management program. A KWORCC claims adjuster will work with each Member County to establish a designated physician or physicians. The designated physician, or group of designated physicians, will be the first point of medical contact for an injured employee. The designated medical provider will be able to provide a high quality of medical care at a reasonable cost while maintaining a clear understanding of the county's need to return the injured employee to work as quickly as possible, in compliance with any medical restrictions deemed necessary by the treating physician.

Since the State of Kansas allows employers to select the physician for initial treatment, they must exercise this element of control. Employees should be advised to seek the initial care from their county's designated physician prior to seeking care from a chiropractor. The physician may or may not believe it is necessary to refer the employee to a chiropractor. If a county chooses to allow injured employees to go to the doctor they wish, lost time from the job and certain associated costs may be increased.

Return to Work Program

Modified return-to-work programs can substantially reduce the amount of time an employee is off work and thereby reduce the indemnity portion of a workers' compensation claim. It is in the best interests of the Member County to have the injured employee return to work as quickly as possible. It is a well-established fact that this practice reduces the chances of long-term dependency and abuse of the workers' compensation system. A sample modified duty letter is on page 21 of this document.

The Claims Administrator shall obtain from the treating physician a statement of the employee's work restrictions. The Claims Administrator will then make every effort to return the employee to work, by (in this order):

- Modifying the employee's existing job to comply with the restrictions;
- Locating work in the employee's same department that complies with the restrictions, or;
- Locating work in another county department that complies with the employee's work restrictions.

The work that the injured employee may be required to perform during the period of restriction may be drastically different than their original job. Modified duty assignments are mandatory; refusal by the employee to comply will be deemed a voluntary termination of employment, and lost wage benefits will not be paid.

Once the treating physician releases the employee back to work with no physical restrictions, the employee will be returned to their normal job. If the employee is determined to have continuing physical restrictions or permanent partial disability after reaching maximum medical improvement, all efforts will be made to accommodate the disability.

Incident Investigation

Investigation of any accident is an invaluable tool in controlling losses. Each incident must be investigated to determine causation, and all contributing deficiencies are corrected. Thorough investigation, recording and correct follow up of each accident can be time consuming, but these steps are critical if we are to learn anything from the experience.

The accident investigation shall be conducted by the Claims Administrator. Other staff that may need to be brought into the investigation may include:

- The injured employee.
- The employee's supervisor.
- Witnesses.
- Maintenance staff.

As quickly as possible after an incident occurs, while the facts are still fresh in everyone's mind, the KWORCC Injury/Incident Investigation form should be completed. See pages 22-23 of this document for this form. The back side of the form should be reviewed prior to filling out the front page. The back of the form helps you to remember what types of questions need to be asked in the investigation process. Also, included in this section is a guide for conducting the investigation and a supervisor's self-rating sheet.

Below are several questions that should be considered in most injury investigations:

1. What was the injured person doing at the time of the accident? Was he or she performing his or her assigned task? Was he or she assisting another worker?
2. Was the injured employee working on a task he or she was authorized to do? Was he or she qualified to perform the task? Was he or she familiar with the process, equipment and machinery?
3. What were other workers doing at the time of the accident?
4. Was the proper equipment being used for the task? What was the condition of the equipment?

5. Was the injured person following approved procedures?
6. Was the process, operation or task new? Have they received training on the new task?
7. Was the injured person being supervised?
8. Did the injured person receive hazard recognition training prior to the accident?
9. What was the location of the accident? What was the physical condition of the area when the accident occurred?
10. What permanent action could have prevented the accident or minimized its effect?
11. Had corrective action been recommended in the past but not adopted?

Near-Miss Reporting

Accident investigation does not only apply to injuries and/or property damage—it can and should also be used to learn from "near misses." A near miss means there is a problem in the work system which surfaced, but no one was hurt. However, someone might have been hurt had it not been for a fraction of a second or some other factor.

Injury analysis proves, in the average case, for every injury accident there are many other similar accidents that do not result in injuries. One study of the problem revealed for every major injury there is an average of more than 300 other opportunities to identify and eliminate the problem. This means a typical group of employees, either because of their repeated unsafe actions or repeated exposure to unsafe conditions, on the average, suffer 300 non-injury accidents and 29 minor injuries before a major, lost-time injury occurs.

Near misses are strong indications that something is wrong. If the causes of non-injury accidents are not remedied in time, they may well result in major injuries. Near misses will have the same causes as injury accidents and therefore can be prevented in the same ways. Both kinds of incidents need to be reported and investigated in the effort to prevent future losses.

The KWORCC Injury/Incident Investigation form can and should be used for reporting near misses as well as injuries. The form has a place to designate whether the report is for an injury or a near miss. The form is located on the "Forms" page of the KWORCC website.

The Investigation Report

Instructions

1. Investigate each accident immediately after it occurs.
2. Send one copy of the form to KWORCC.
3. Keep one copy for your department's file.
4. Send a third copy to the Safety Committee for their review.

Using the Form

What Happened?

1. Get all the facts by studying the job and conditions where the accident occurred.
2. Tell what the employee was doing when injured. **BE SPECIFIC**. If the employee was using tools or equipment or handling material, name them and tell how the employee was using them.
3. Tell how the accident occurred. Describe fully the events which resulted in injury. Tell what happened and how it happened. Name any objects or substances involved and tell how they were involved. Give full details on all factors which led or contributed to the accident.
4. Tell what thing directly injured the employee. Name the object that was struck against or struck by. If strain or hernia, name the object that was lifted, pulled, pushed, etc. If injury resulted solely from bodily motion, state the stretching, twisting, etc. that caused the injury.

Why Did It Happen?

Describe in detail the condition responsible for the accident. It will always involve one or more of the twelve operations control factors. Be specific in identifying the equipment, material and people involved and how they contributed to the accident.

What Should Be Done?

1. Determine what corrective action is needed to prevent a similar accident in the future. Are there engineering controls, administrative controls or personal protective equipment that could eliminate or reduce the threat?
2. What has been done thus far?
3. State what corrective action has been taken or recommended to the supervisor.
4. How will this improve operations?
5. State how the corrective action that has been taken or recommended will help prevent accidents.

Safety Committee

Purpose

The purpose of the safety committee is to make recommendations regarding county policies, procedures, equipment and facilities to reduce the frequency and severity of injuries to employees.

Structure

The Claims Administrator will lead the safety committee, and that position is determined by the County Commissioners. Members of the safety committee shall be non-elected county personnel, and one employee from each of the following departments shall serve on the safety committee: courthouse, sheriff’s department,

health department, EMS, road and bridge, and noxious weed. Those positions will be filled by a popular vote of the employees within each department. The term of service will be one year.

Duties

The safety committee will meet at least once per month, with extra meeting being called when the situation warrants. The time, date and location of the meeting will be determined by the Claims Administrator, as will the meeting agenda.

The primary duty of the safety committee is to review records of employee injuries and near misses, analyze the loss or near miss, and make recommendations to reduce the likelihood or severity of a recurrence. Secondary duties may include: policy/procedure review, safety walk-throughs of facilities, development of new safety and health programs, etc…

The Claims Administrator will nominate one committee member to act as Secretary and take minutes of the safety committee meetings. At each meeting, the minutes of the last meeting will be reviewed and, if there are no corrections, then posted to each county facility.

Recordkeeping

The Claims Administrator has the responsibility of creating, gathering, and storing accurate records regarding employee injuries. Records shall be maintained for five years, then destroyed. Records should include:

- Employer's First Report of Injury
- Investigation documentation
- Modified Duty assignments

The claims adjuster for CIS will be responsible for the recordkeeping for the workers' compensation claim, such as: medical bills, lost wage documentation, medical treatment records, etc…

Note: Kansas county governments are not under the authority of OSHA; they report all workplace injuries directly to the Kansas Department of Labor. The responsibility of reporting to KDOL is handled exclusively by CIS as a service to its members.

Safety Training

As a KWORCC member, you have many training resources available to you. KWORCC provides free on-site training through our Loss Prevention staff, as well as a large collection of safety videos and free online training.

On-Site Training

- Defensive Driving (4 hours). We recommend that every driver of a county vehicle attend this class every two years. Our Loss Prevention Staff are certified through the National Safety Council, and all attendees will receive a certificate of participation that will qualify them for a defensive driver discount on their personal auto insurance.
- Powered Industrial Truck (2 hours). All forklift operators are required by state law to have formal training every three years. Our Loss Prevention Staff are certified through the National Safety Council, and all attendees will receive a forklift license wallet card.
- Flagging (1 hour). Any person acting as a flagger in a construction zone must go through formal training every two years. Our Loss Prevention Staff are certified through the National Safety Council, and all attendees will receive a flagger license wallet card.
- Coaching the Emergency Vehicle Operator (CEVO) (4 hours). All operators of emergency vehicles should be required by the county to attend this training every two years. Our Loss Prevention Staff are certified through the National Safety Council, and all attendees will receive a certificate of participation.
- Additional classes are also available at your request. For a full list, please visit our website at https://www.kworcc.com/loss-prevention.html.

Online Training

KWORCC has partnered with J.J. Keller, to provide a robust system of online training for our members. Getting started with online classes is relatively simple, but it will take some work on your part. Contact Brandon Mann at brandonmann@kworcc.com for access to the J.J. Keller system.

A variety of free online classes will be available to you once you log in. KWORCC has selected a variety of classes so that every county employee should be able to find something that benefits them. The classes that are offered will rotate every quarter, so check back often to see what new classes are available. Employees will be able to print a certificate after the successful completion of a training program for your training records.

KWORCC has elected to keep a core group of classes available to you year-round; they do not rotate out every quarter like the other classes. These classes are essential to almost every employee and are required by the Kansas Department of Labor. They include:

- Emergency Action Plan
- Bloodborne Pathogens
- Personal Protective Equipment
- Lockout/Tagout

- Hazard Communication

Note: Kansas law requires that all law enforcement officers to complete 40 hours of continuing education per year. The certification agency in Kansas, C-POST, will allow up to 10 hours per year of an officer's recertification hours to be from an online source. KWORCC's free online training tool can be a cost-effective way for a Member County to deliver part of this training to their officers.

Video Library

KWORCC stocks a vast library of training videos that are available for your use for free. For the full list, please visit: https://www.kworcc.com/training-dvds.html. To request a video, please contact:

Monica Biggerstaff monica@kworcc.com
or
Nicole Jarboe-Paxson nicole@kworcc.com

Both can be reached at 785-357-1069

County-Level Training

It is the employer's responsibility to ensure that its employees are properly trained to do their job correctly and safely. Due to the tremendously varied nature of the types of jobs that county employees perform, it is not feasible to assign one individual to be responsible for training all new employees.

KWORCC recommends that new-employee orientation training begin with the Human Resources Department to train the new employee on general employment issues that are generic to all county employees. Once that training is completed, the employee should be moved into the specific department where they will be working to continue their training on the specifics of their position. This job-specific training should be overseen by the employee's direct supervisor.

On-going training needs to be considered for all employees during their employment. Some training needs to occur annually, or even every two to three years. Additionally, when an employee's job changes to any degree, the county may need to provide additional training.

Annual training for all employees should include:

- Emergency Action Plan
- Bloodborne Pathogens
- Personal Protective Equipment
- Lockout/Tagout
- Hazard Communication

Additionally, KWORCC recommends that employees periodically attend training on the following items when they apply to their position:

- Defensive Driving (2 years)
- Forklift (3 years)
- Flagging (2 years)
- Coaching the Emergency Vehicle Operator (CEVO) (2 years)