

*Kingman County
Kansas
Personnel Policy Manual*

Policy #29
Workers' Compensation Insurance

Commission Approved
Date: 4-26-10

29 Workers' Compensation Insurance

- 29.1 All County employees are covered under the provisions of the State of Kansas Workers' Compensation Act which provides medical treatment and partial compensation for loss of pay and death benefits for any employee injured or killed by an accident or occupational exposure arising out of and in the course of their employment with the County.
- 29.2 It is the injured employee's responsibility to inform their Department Head (DH) of any workplace injury or occupational exposure immediately, regardless of where the situation occurs. Failure to timely inform the County of an injury or illness could result in denial of benefits. Upon notification of the injury or illness, it will be the Department Head's responsibility to assist the employee with filling out a "Employer's Report of Accident" (K-WC1101A) form within 48 hours and forwarded to the Human Resource Administrator (HRA).
- 29.3 The HRA is responsible to either mail or deliver to the employee or legal beneficiary a clear and concise description of the County's Workers Compensation Policy, Form K-WC 27 (Information for Injured Employees), a Written Claim for Workers Compensation form K-WC 15 (described in K-WC 27), and a Workers' Compensation Doctor's Visits form.
- 29.4 Temporary Total Disability (TTD) exists when the employee, on account of injury, is unable to engage in any type of substantial and gainful employment. Benefits are paid for the duration of the TTD. There is a one-week waiting period before TTD benefits are paid. If the disability continues for three consecutive weeks, the employee is reimbursed for the waiting period. Employees may collect medical benefits during the first week. The Kansas Worker's Compensation Law requires that an injured employee be paid two-thirds of the employee's gross average weekly wage, but not less than \$25 nor more than the statutory maximum.
- 29.5 Employees who are receiving TTD for a workplace injury or illness may elect to use earned paid Sick Leave or Vacation Leave pay etc. to make up the difference in such amount as is necessary so the employee's total income equals their normal salary while receiving such disability payments. Payment from the County under this section shall continue only so long as the employee has available leave accrued.
- 29.6 If the employee is injured and does not qualify for TTD due to: the ability to continue their work, non paid 1 week mandatory waiting period, post-injury doctor visits not covered by Workers' Compensation, and post case closing hearings; the County has the option of keeping the employee's normal salary whole. Each individual case will be reviewed separately and judged accordingly by the Board of County Commissioners and the Human Resource Administrator.
- 29.7 As with any type of disability, a doctor's note stating the employee is unable to work will be required. Also, when the employee returns to work, a doctor's note stating that the employee is able to perform their job duties will be required.

- 29.8 An employee should always obtain authorization from the Department Head and Human Resource Administrator for any post-injury doctor visits after an incident by filling out a "*Workers' Compensation Doctor Visit Form*". The employee will need to inform the DH and HRA throughout their healing process and medical treatment of their progress. **Schedule doctor appointments as late in the day as possible to minimize time off from work.**
- 29.9 If an employee is under Worker's Compensation doctor's care and receive work restrictions, do not violate those restrictions on or off duty. An employee's violation of physician imposed work restrictions may lead to disciplinary action up to and including termination.
- 29.10 Fraud and abuse - The Workers' Compensation Act contains penalties for acts of fraud or abuse. Anyone making false reports, working while drawing disability benefits, or otherwise abusing the Workers' Compensation system, are to be reported by contacting: Kansas Workers Compensation, Fraud and Abuse Investigation Section, 800 SW Jackson, Suite 600, Topeka, KS 66612-1227. Phone number is toll free (800) 332-0353.
- 29.11 Transitional Duty – It is the goal of the County to have employees return to work as soon as possible following an on the job injury. The County will try to provide meaningful work activity for all employees who temporarily become unable to perform all, or portions, of their regular work assignments due to work-related injury or illness. By providing temporary transitional work activity, injured employees remain an active and vital part of Kingman County. Transitional duty may be in the form of either changed duties within the scope of their current position, or other available duties for which they may be qualified, or through a reduced work-hours schedule. If the DH cannot accommodate the employee's restrictions, then the DH will notify the HRA to determine if accommodated work can be found in another department within the County.
- 29.12 If it appears that an employee will never be able to return back to work, an examination of how long an employee's position will remain open will be determined on a case by case basis by the Board of County Commissioners, County Attorney, Department Head, and the Human Resource Administrator.
- 29.13 To the extent that this policy conflicts with any provisions of State or Federal Law, then the appropriate State or Federal Law shall govern.