

Workers Compensation Changes 2011

To: All USD 259 Principals

From: Employee Benefits & Insurance Management

Subject: Legislative Changes K.S.A. 44-508

- Notice of an injury must be made to the supervisor and employee benefits immediately following an accident.
- Reporting an injury to a clerk, nurse, or fellow employee does not serve as notice.
- Failure to properly provide notice of an injury can result in denial of benefits.
- There must be a casual connection between work and the accident not just an injury incurred during the employee's normal course of duties or activities of daily living such as walking.
- Just because an "injury" occurs during the employees work day does not automatically mean that it is compensable under the workers compensation law.

The "prevailing factor" is defined as the primary factor, in relation to any other factor. "An injury will not be deemed to arise out of employment if it merely happened to occur while working but work was not a prevailing factor and the risk involved is one in which the worker would have been exposed equally in normal non-employment life." Miller v. Missouri Highway & Transp. Comm'n, 287 S.W.3d 671, 674 (Mo. 2009)

Required Action

- Have employees complete the EROI and contact Employee Benefits immediately following a reported incident.
- Supervisors complete the second page of the EROI and fax to Employee Benefits
- Supervisors should watch for email communications regarding employee status and respond to request for temporary accommodations if applicable.
- Any questions regarding the prevailing factor will be the responsibility of the authorized physicians to determine the prevailing factor of an employee's injury.

Please direct any questions regarding recent legislative changes to Employee Benefits at 973-4581.

