KASB Workers Compensation Board issues refunds

The KASB Workers Compensation Fund, Inc., Board of Trustees is pleased to announce its decision to provide refunds to the 2004-2005 school year members of the Fund. The amount of the refund is based on a portion of each member’s supplemental contribution collected in 2004-2005.

“This is an unprecedented action,” said Liz Maisberger-Clark, administrator of the KASB Workers Compensation Fund, Inc. “It is a great thing to be able to do for those who were members during that fund year and who paid supplemental contributions into the fund.”

The Board of Trustees took this good faith action during its regular meeting on April 27, 2013, in Topeka. Board members credit a conservative approach that includes quarterly actuarial studies and aggressive claims management for the strong condition of fund reserves. Over the past eight years the Board and staff have worked diligently to resolve open claims and bring down the open reserves.

“Our success in claims management has produced a significant surplus for the 04-05 plan year,” Maisberger-Clark said. “This gives us the opportunity to make this distribution to the 04-05 members.”

The KASB Workers Compensation Fund, Inc. serves KASB members and specializes in public education workers compensation insurance. The Fund was established in 1987 to make sure KASB members have continued access to workers compensation insurance they can count on. The Fund is administered by KASB with an in house claims department, and is governed by a separate Board of Trustees comprised of locally-elected board of education members.

“We offer competitive rates, personalized service and are specialists in school business,” Maisberger-Clark said. “The Fund is in a very healthy position to continue to serve current and future members.”

The first-of-its kind refund will be distributed according to Kansas Insurance Department guidelines. Members of the Fund during the 04-05 school year received a letter explaining the refund.

State Board meeting dominated by Common Core Standards

The May Kansas State Board of Education meeting was highlighted by a number of staff updates, including: Next Generation Science Standards (NGSS), the Teaching in Kansas Commission II, Emergency Safety Intervention, formally referred to as Seclusion and Restraint, Character Education and the Digital Citizen, Legislative Update, Assessment Development, and Teacher Licensure Fees. Two other discussions provided the most drama.

The Open Forum item, generally allocated 30 minutes and taking less than that, went for three times that long as a number of people wanted to address the Common Core Standards the board has already adopted but have become a lightning rod for criticism for much of the legislative session.

KASB offered a statement of support for the standards and the role they play in KASB’s First in Education, the Kansas Way.

There were also comments addressing the ESI policy language under development, and responses to controversial comments made at the April meeting by Steve Roberts, R-Overland Park, which have led to recent demands by Sen. Anthony Hensley, D-Topeka that he resign. The comments made by Mr. Roberts were part of a discussion on the history/social; Studies Standards.

The Open Forum turnout was part of a concerted effort to defund the implementation of the Common Core Standards. The group had also held a rally at the Statehouse the week earlier.
Norma Stinnett was a fine board clerk and risk manager for Emporia USD 253. One of Norma’s responsibilities was to manage our insurance programs. I would occasionally ask Norma if we should give the KASB Workers Comp plan a look, to which she would reply, “you know, they had to assess their members.” That was always the end of the discussion. Even though Norma retired a few years ago, and Emporia joined the KASB Fund, you cannot imagine how happy I was to email Norma last week to tell her the KASB Workers Compensation Fund, Inc. is so financially strong it is issuing refunds!

Norma was referring to the year 2006, when the Kansas Insurance Department advised the KASB Fund to assess its members to increase financial stability. This was a difficult time for the Fund, and many members decided to seek insurance elsewhere.

Since that time the KASB Workers Compensation Fund, Inc. has made significant changes in management and business practices. These changes have yielded dramatic results. The Fund now carries over $6 million in unencumbered reserves and the Board of Trustees determined it is time to pay some money back in the form of a refund.

How did we go from assessments to refunds in less than a decade? By examining management and business practices and adopting a conservative fiduciary approach. Claims management in workers compensation can require forecasting decades of medical treatments and payments to claimants. It is essential those forecasts are accurate. KASB now handles claims in-house, with specially trained claims managers who only deal with education-related claims and issues. Specialization leads to better claims forecasting and to improved risk management.

As a second check to support good forecasting, the Fund’s Board of Trustees requires and reviews quarterly actuarial studies by an outside firm. This provides an independent review of current and projected claims, allowing quarterly adjustments to forecasts. Regular independent review, coupled with education-specific loss control services, has created significant financial results. The bounties of that success will now be shared with pool members.

The third step the KASB’s Worker’s comp program offers its members is specialized risk management. KASB’s risk managers specialize in school work and visit each member annually to review steps to reduce risk of injury on the job by offering practical safety improvements.

It’s a new era for the KASB Workers Compensation Fund, Inc. We invite you to review our financials and see for yourself. If you like what you see, ask us for a quote. You will find we are competitively priced, provide superior service and are financially secure.

I think Norma would approve.
Impasse procedures for negotiations

In Kansas groups covered by the Professional Negotiations Act are considered at impasse if they have not reached an agreement by June 1 of the current school year (KSA 72-5426). However, impasse may occur at any time as determined by the Kansas Secretary of Labor. The purpose of impasse is to provide outside assistance to parties in reaching an agreement when negotiations have stalled and the parties involved are unable to reach an agreement on the terms of professional employment.

Parties may continue to negotiate in good faith after the June 1 deadline. An extension of time form is available from the Secretary of Labor, who has not strictly adhered to the June 1 deadline in the past. This form should be filed if the parties plan to continue to negotiate.

As soon as it is evident the parties are at impasse, board of education members should familiarize themselves with the relevant provisions of the Professional Negotiations Act, KSA. 72-5426-5429. Failure to follow the law may result in a prohibited practice claim or a waiver of the board’s rights. The KASB Negotiations Handbook is a resource and will provide you with additional information on Impasse procedures.

When impasse is declared, the district should submit the impasse notice form to the Kansas Department of Labor, and a mediator will be appointed from the federal mediation and conciliation services. FMCS mediators do not charge a fee. In the event FMCS mediators are not available, the Secretary of Labor has the authority to appoint a mediator from a list maintained by his or her office.

The mediator will meet with the parties jointly and separately in an attempt to assist in reaching an agreement. Any communications with the mediator are considered confidential (KSA 72-5427). However, as a precaution, during mediation sessions tell the mediator only what you want the other party to know. No admission, representation, or statement made in mediation is admissible as evidence or subject to discovery. The mediator will arrange scheduling at the parties’ mutual convenience. The mediator usually meets with the parties jointly and separately to explore possible movement. The sole purpose of the mediator is to reach agreement, not necessarily a good agreement.

If agreement is reached in mediation, have a joint meeting and go over in detail all agreements and all previous tentative agreements to avoid misunderstandings. If no agreement is reached, then seven days after the first meeting with the mediator either party may, within the next ten days, request the Secretary to appoint a factfinder.

Fact finding is basically non-binding arbitration. Ultimately, if no agreement can be reached, the board may issue unilateral contracts (K.S.A. 72-5428a).

Your KASB Resources - call KASB at 800-432-2471
- KASB Negotiations Handbook: available for purchase online.
- Questions about negotiations, impasse or fact finding: please feel free to contact John Rasmussen or David Shriver of the KASB Legal Department.
- Questions about data on salaries, benefits and other negotiations information: please contact Jim Hays, KASB Research Department.

Online Resources from the Department of Labor
- Impasse and other negotiation forms located at www.dol.ks.gov under “Labor Relations and PNA Petitions and Other Forms.” These include:
  - PNA-010 (Extension of Time)

Let us bring the training to you!
Are you looking for assistance in sorting out new legislation or clarification on difficult areas? The KASB legal team is here to help. We will work with you to develop a program or presentation that best fits your specific needs. Here’s a list of some recent hot topics and ongoing areas of emphasis (based on calls to our legal staff and local, state and national trends).

- School Safety and Security
- Concealed Carry and Schools
- Bullying and Sexual Harassment
- Social Media - Student and Staff Legal Issues
- School Law for School Board Members
- Open Meetings/Open Records
- Student 504 Plans - What the Law Requires
- Employee Leave and the Family Medical Leave Act

Call KASB Legal at 800.432.2471 for more information!
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