

MEMORANDUM

TO: KWORCC Member Counties

RE: Mandatory and Recommended Policies

This section of your manual contains mandatory and recommended policies for your use. These policies have been compiled by KWORCC and its insurance advisors and are described as follows:

Mandatory Policies—KWORCC suggests that these mandatory policies be adopted immediately by each Member County.

1. Independent Contractors Policy
2. Policy Concerning Coverage for Volunteer Workers and Prisoners/Community Service Workers
3. Autopsy Policy
4. Drug and Alcohol Testing

Recommended Policies—KWORCC believes that it is in the Member County's interest to adopt additional policies emphasizing safety and loss prevention. These additional recommended policies are listed below:

1. Safety and Accident Prevention
2. Safety Bulletin Board
3. Safety Belt Policy
4. Safety Belt Program
5. County-Owned Motor Vehicles
6. Footwear Policy
7. Physical Examination to Determine Performance Related to Substance Abuse
8. Privately Owned Motorcycles
9. All Terrain Vehicles (ATVs)
10. Cell Phone

Member Counties may already have adopted these policies and may be currently operating under them. We urge each Member County to adopt the mandatory policies as soon as possible and review the recommended policies so you may decide whether your current policies need to be updated or revised.

Statement of Policy Independent Contractors

By virtue of membership in the KWORCC pool, each Member County (County) agrees to require that all individuals or businesses (contractors) who perform any type of service or work (other than those exclusively supplying goods) to enter a written agreement with the County that requires the contractor at all times to maintain workers compensation insurance coverage and to provide written proof of such coverage. The proof of insurance shall be presented to KWORCC at time of payroll audit. In the absence of such proof of insurance or other similar evidence, KWORCC shall have the discretion to include such expenditure in the Member County's payroll at the time of audit. If workers compensation benefits are paid by KWORCC to any employee or agent working for such contractors as a result of an on-the-job injury while performing work for Member County, KWORCC shall have the right to charge said Member County the premium on the dollar amount paid for work performed by the contractor.

Statement of Policy Coverage for Volunteer Workers and Prisoners/Community Service Workers

KWORCC Member Counties are required to file a K-WC-123 to cover all volunteer workers and/or a K-WC-135 to cover all prisoner or community workers who perform services for the Member County. It is mandatory under the Kansas Workers Compensation Act that the employer “elect in” such workers so that they are eligible to receive workers compensation benefits and are limited to workers compensation as their exclusive remedy for on-the-job injuries.

Statement of Policy

Autopsies

In the event that an employees death occurs suddenly and the cause of death is not apparent, it shall be the policy of _____ County to direct the county coroner to conduct an autopsy.

NOTE: Pursuant to K.S.A. 22a-231 and K.S.A. 22s-232, when a person dies by casualty (which would include an on-the-job injury), the coroner shall be notified and shall take charge of the dead body, make inquiries regarding the cause of death and reduce the findings to a report in writing. Such report shall be filed with the clerk of the district court of the county in which the death occurred.

Statement of Policy

Drug and Alcohol Testing

It shall be the policy of _____ County to conduct tests of all its employees for the presence of drugs and/or alcohol following a work-related injury. The purpose of this policy is to protect _____ County against workers compensation liability when the injury, disability or death of an employee was contributed to by the use or consumption of alcohol or drugs, chemical or other compounds or substances. All current employees of the County shall immediately sign a consent form for such drug testing and persons hired hereafter by the County shall sign such consent at time of hire.

Important: The DRUG TESTING NOTICE AND CONSENT form can be found in the General Forms folder on our website, as follows: <http://kworcc.com/Forms.htm>. KWORCC's claim adjuster should be notified immediately following an accident or injury. If it is suspected that drugs and/or alcohol are involved the procedures listed below should be followed.

Further, these steps need to be followed in order for such testing to be admissible into evidence in a workers compensation proceeding.

1. There must be a judgment made by the employer that there was probable cause (i.e. it is more likely than not) to believe that the employee used, had possession of or was impaired by drugs or alcohol while working.
2. The test sample must be collected at a time contemporaneous with the events establishing the probable cause. (i.e. last week is less contemporaneous than a few moments or perhaps an hour or so prior to the accident.)
3. The collecting and labeling of the test sample must be performed by, or under the supervision of, a licensed health care professional. This would include medical doctors and registered nurses.
4. The test must be performed by a laboratory approved by the United States Department of Health and Human Services or licensed by the Department of Health and Environment. Blood samples may be tested for alcohol content by a laboratory commonly used for the purpose by state law enforcement agencies.
5. Except for blood alcohol samples, the test must be confirmed by gas chromatography-mass spectroscopy or other comparably reliable analytical methods.
6. The test sample must be proven "beyond a reasonable doubt" to have come from the employee. What this means is that there must be a strict chain of evidence from the employee to the sample in order to present the evidence to the judge. Therefore, in the event of a blood sample, it must be an "evidence draw." Similarly, the drug testing must be carefully traced and initialed by all persons who handled the sample at all stages of testing and storage.
7. A split sample sufficient for testing shall be retained and made available to the employee within 48 hours of a positive test.

Statement of Policy

Safety and Accident Prevention

_____ County recognizes the need for the development of safe working practices for every employee and desires to promote on-the-job safety by encouraging the proper design and use of buildings, equipment, tools and other devices.

Administration of the safety program shall be the job of the department head or supervisor. He or she shall be constantly on the alert to observe and report unsafe working practices of existing hazardous working conditions with the aim of immediate correction. Each department head or supervisor shall make sure that the employee under his or her supervision is well acquainted with the existing safety rules and shall see that the rules are uniformly enforced. Safety education of all employees shall be promoted by the department head or supervisor adhering to all safety rules.

It is the responsibility of all employees to cooperate in making the safety program work. Employees must:

1. Be informed of and observe established safety practices;
2. Notify the department head or supervisor of any unsafe conditions they discover;
3. Use personal protective equipment such as steel toed shoes, safety vests, safety glasses, and hard hats where required;
4. Not remove guards or other protective devices from machinery and equipment;
5. Not engage in "horseplay";
6. Attend any required training or orientation to increase safety awareness;
7. Not report to work under the influence of alcohol or drugs that alter normal behavior or ability to function safely;
8. Report all job-related injuries or illnesses to their department head or supervisor promptly;
9. Assist authorized personnel in their investigation of any accident of which they have knowledge (accident investigations are fact finding, not fault finding);

10. Refrain from smoking in “no smoking” areas;
11. Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.

The employee’s safety and health committee meets _____ to review accidents that have occurred, discuss recommendations for improved safety and formulate safety rules and procedures.

A safety bulletin board will be provided for the display of safety meeting minutes, safety posters and other safety education material. A safety bulletin board will be maintained at each _____ County facility.

Employees are encouraged to provide safety material for the safety bulletin board and safety meetings.

Safety complaint/suggestion forms are available from the office of the County Clerk or any member of the Safety and Health Committee.

If medical care is requested by a citizen or person visiting a _____ County facility, emergency services should be called at _____. All incidents should be reported on the county’s official incident report form and filed with the loss prevention specialist at KWORCC soon as possible.

_____ County maintains worker’s compensation insurance to cover accidents/illnesses incurred by _____ County employees when on duty. Liability insurance is carried to cover accidents to citizens and visitors if there is negligence by staff of _____ County.

Statement of Policy Safety Bulletin Boards

_____ County recognizes the need for the development of safety training and to keep employees apprised of notices and other information concerning work safety. Accordingly, each department and/or facility shall establish and/or have access to a Safety Bulletin Board. The following considerations should be made for bulletin boards:

1. Place in a spot where there is greatest employee exposure (e.g., lunch room, break room or near a time clock).
2. Postings should be attractively arranged.
3. Posters, safety committee minutes and other information that becomes dated or worn should be changed periodically.
4. A specific safety bulletin board or portion of an existing board should be designated, and that spot should be reserved exclusively for safety material.
5. The safety and health committee chairperson is designated to maintain the bulletin board as recommended above.
6. Citations and notices are required to be posted on the safety bulletin board.

Statement of Policy

Safety Belts

_____ County (County) recognizes that safety belts are an important and effective item of personal protective equipment, that failure to wear a safety belt in a motor vehicle is a violation of Kansas Law and the County intends to follow the law and provide a safe and healthy work environment for its employees.

Therefore, the County adopts the following statement as its official policy on safety belt usage:

Whenever a county worker drives or rides in any motor vehicle or mobile equipment equipped with a safety belt while on County business, that worker is required to wear a safety belt.

Whenever a person rides as a passenger in any county vehicle or any other vehicle utilized for county business, that person is required to wear a safety belt.

The purpose of this policy statement is to establish mandatory safety belt usage as a county policy of the highest value, and to designate responsibility and enforcement.

Statement of Policy

Successful Safety Belt Program

Management Commitment

The key component of a successful safety belt program is the employer's continued commitment to employee safety.

The commitment to safety belt use of management helps to convince employees of the need to comply with Kansas seatbelt laws, making the messages contained in the program more believable and gives impetus to compliance efforts.

On-the-job safety belt use by employees should be regarded as critical to an effective and efficient operation. When a worker drives or rides in a motor vehicle while on the job, the vehicle is the workplace and the use of a safety belt should be required for safe operation.

Similarly, management's concern for employee safety should include a positive commitment to support off the job accident prevention activities. Three out of four deaths and more than half of the injuries suffered by workers occur off-the-job. About two-thirds of the off-job deaths and one-third of the off-job injuries of workers are motor vehicle related. Management's commitment to promoting off-the-job safety belt use by employees has considerable potential for reducing these off-job losses.

Goals of a Successful Program

The goals of a successful employee safety belt program are to:

1. Improve knowledge of the effectiveness and operation of safety belts by employees;
2. Create a receptive, positive attitude toward safety belts by employees;
3. Stimulate consistent and proper use of safety belts by employees.

Accountability of Employees

These guidelines apply to all employees and to all occupants of vehicles driven by employees on official business. It is especially important that all managers and supervisors demonstrate their commitment to and support of this project by their strict adherence to it.

Establish enforcement procedures, including penalties and disciplinary procedures for noncompliance with the safety belt use policy.

1. Penalties should be consistent with those involved in other safety regulation violations within the organization.
2. The policy, penalties and disciplinary procedures for noncompliance should be well-publicized among all employees.
3. The certainty of enforcement is more important than the severity of the discipline.

The driver of the vehicle is responsible for enforcing seat belt use by all occupants. The ranking occupant, if other than the driver, shares this responsibility. Peer pressure is a powerful enforcement aid and should be fostered.

Safety Belt Enforcement

All employees are mandated to wear lap or lap and shoulder belts (as equipped) while driving or riding on county business, whether in county-owned or personally owned vehicle.

1. The penalty for first-time noncompliance; the employee gets a reminder and warning of the possibility of disciplinary measures.
2. The penalty for second-time noncompliance; the recommended disciplinary action is _____ (each county shall consider and adopt the appropriate disciplinary action).
3. The penalty for third-time noncompliance; may result in demotion of position or termination of employment.

Recommended Letter to Employees

Dear Employees:

When you get behind the wheel of a car or mobile equipment, do you fasten your safety belt? Every time?

The sad fact is, millions of Americans fail to buckle up—with tragic results. Motor vehicle accidents are the leading cause of death for people under the age of 40. They kill and cripple more children than any disease. Every 12 minutes, someone in this nation dies in a motor vehicle crash. Each year more than 30,000 people are killed in motor vehicles, but more than 9,000 of them could survive if they wore safety belts.

(INSERT YOUR MESSAGE HERE)

There are many excuses for not wearing safety belts, ranging from “seat belts are uncomfortable,” to “I’m only taking a short trip.” There is no excuse for not protecting yourself and your loved ones. By pledging to use your safety belt every time you get into a car, as a driver or a passenger, you can show your family how much you care.

Very truly yours,

Commissioner (Chair)

Statement of Policy

County-Owned Motor Vehicles

1. _____ County-owned motor vehicles shall be used for official _____ County business only.
2. _____ County vehicles shall not be taken home overnight except as follows:
 - a) Employees may take a _____ County-owned vehicle home for one night when attendance to an out-of-county meeting takes place late at night after normal working hours or early in the morning prior to normal working hours.
 - b) Those employees designated by the department head or supervisor to be “on 24-hour call” for department or division emergencies.
 - c) For more than one night when specifically authorized by the department head or supervisor.
3. Approval for Item 2(a) above may be granted orally by the employee’s department head or supervisor.
4. Approval for 2(b) above must be requested in writing to the department head or supervisor and concurrence obtained in writing from the department head or supervisor.
5. _____ County vehicles must be available for _____ County business at all times.
6. _____ County vehicles may be used for travel to lunch:
 - a) When an employee is on county business;
 - b) When an employee is in town in a county vehicle in a location where driving to obtain his or her personal car would result in an extra and unnecessary expenditure of fuel.
7. Transporting family members in _____ County vehicles shall be allowed only when the family member is accompanying a county employee to a business meeting or official function.
8. _____ County vehicles shall be legally and appropriately operated and/or parked at all times. Driving citations issued to the driver of the vehicle will be the responsibility of the driver, not the county.
9. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver’s responsibility to ensure use of seat belts by all passengers.
10. Department heads or supervisors may establish supplemental department vehicle policies. Such policies shall be published in the county’s administrative policy manual.

Statement of Policy

Footwear

Because of the nature of the work undertaken by county workers, and the county's desire to protect its workers from injury, it shall be the policy of _____ County to require each county worker to wear proper footwear depending on the nature and location of the job undertaken by the worker.

Although it is difficult to define proper footwear precisely, it is general excepted that sturdy shoes or boots designed for work would constitute proper footwear at a construction site or other outdoor job. Sandals, tennis shoes or other lightweight footwear would not be appropriate for heavy, construction related work and therefore will not be allowed. Going barefooted will not be allowed. When there is the possibility of items falling on an employee's foot, the employee must wear steel-toed shoes or boots.

It is not permissible for county workers to be barefoot on the job at any time.

The county requires employees to wear steel-toed shoes or boots if they are working in an environment where there is a reasonable probability of heavy items falling on the worker's foot at any time.

If you have any questions about the appropriateness of your footwear, ask your immediate supervisor. Employees who come to work without the appropriate footwear will be sent home, without pay, until they return with the proper footwear, as determined.

Statement of Policy

Physical Examination to Determine Job Performance Related to Substance Abuse

When a department head has determined there is reasonable suspicion to believe an employee has used a controlled substance or has consumed alcoholic beverages in violation of county policy, the employee will be taken to a doctor or hospital where appropriate test(s) will be taken to determine the extent of impairment. Should the employee object or refuse to submit to such testing, such action shall be considered as insubordination for failure to follow a lawful and reasonable directive of the supervisor, causing the employee to be subject to disciplinary action and possible termination.

If the results of the initial drug screening test are inconclusive, a second more specific test shall be performed on the sample. Should the results of the second test be positive, the employee shall be required to participate in a substance abuse program and may be subject to disciplinary action. All costs for the physical examination and any testing shall be borne by the county.

Statement of Policy

Privately Owned Motorcycles

WHEREAS Kansas Workers Risk Cooperative for Counties (KWORCC) has incurred catastrophic losses (fatality and near-fatality) as a result of county employees driving personal and privately owned motorcycles on county business;

WHEREAS KWORCC has recommended that its membership adopt a policy prohibiting the use of privately owned motorcycles while performing work or service for the county; and,

WHEREAS it is in the best interest of _____ County to provide a safe workplace and protect its employees from catastrophic loss;

NOW, THEREFORE, it shall be the policy of _____ County that no employee of _____ County is authorized to drive a privately owned motorcycle on county business. Furthermore, use by an employee of a privately owned motorcycle on county business shall be subject to disciplinary action up to and including discharge.

Statement of Policy

All Terrain Vehicles (ATV)

WHEREAS Kansas Workers Risk Cooperative for Counties (KWORCC) has members who operate ATV for county business;

WHEREAS ATV operation is inherently dangerous and proper training and protective clothing is essential;

WHEREAS KWORCC has recommended that its membership adopt a policy encouraging training and proper protective clothing for ATV operators; and,

WHEREAS it is in the best interest of _____ County to provide a safe workplace and protect its employees from injury and loss while operating ATV for county business;

NOW, THEREFORE, it shall be the policy of _____ County that any employee of _____ County that is required to operate ATV for county business shall wear protective clothing, including: approved motorcycle helmet, eye protection, boots, gloves, long trousers and long-sleeved shirt or jacket. Furthermore, said employees shall attend an ATV Rider Course as soon as administratively possible.

Use of ATV by a _____ County employee without proper protective clothing and training shall cause such county employee to be subject to disciplinary action up to and including discharge.

Statement of Policy

Cellular Phones

WHEREAS Kansas Workers Risk Cooperative for Counties (KWORCC) has members who use cellular phones for county business;

WHEREAS the use of cellular phones while driving is inherently dangerous;

WHEREAS KWORCC has recommended that its membership adopt a policy encouraging county employees to refrain from using cellular phones while driving; and,

WHEREAS it is in the best interest of _____ County to provide a safe workplace and protect its employees from injury and loss while using cellular phones for county business;

NOW, THEREFORE, it shall be the policy of _____ County that any employee of _____ County is required to abide by the following policy:

An employee who uses a county supplied vehicle is prohibited from using a cell phone, hands on or hands free, or similar device while driving, whether the business conducted is personal or county-related. This prohibition includes, but is not limited to, receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, or checking for phone messages.

_____ County is aware that employees utilize their personal or county-supplied cellular phones for business purposes. At the same time, cell phones are a distraction in the workplace. To ensure the effectiveness of meetings, employees are asked to leave cell phones at their desk. Or, on the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be carried to the meeting on vibrate mode.

_____ County is aware that employees currently use their cell phones for business purposes while driving in their personal vehicle. Due to research that indicates that cell phone use while driving is dangerous, and may even approach the equivalent danger of driving while drunk, the county prohibits employee use of personal cellular phones for county business while driving. In the event of an emergency and you need to place a call while driving, you are required to stop your vehicle in a safe location so that you can use your cell phone or similar device. Engaging in county business using a cell phone or similar device while driving is prohibited.