

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160823

Amending Chapter 2, Article IX, Division 5, Code of Ordinances, entitled “Workers’ Compensation” to provide for supervision of the City’s workers’ compensation program by a new Workers’ Compensation Board composed of the City appointees to the Healthcare Trust or any successor organization.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Article IX, Division 5, Code of Ordinances, is amended to read as follows:

DIVISION 5 - WORKERS' COMPENSATION

Sec. 2-1301. Declaration of policy.

It is the policy of the city to extend to all eligible persons who are not otherwise excluded the benefits of the Missouri Workers' Compensation Law. It is the policy of the City that covered individuals be provided the benefits they seek under the Workers’ Compensation Law in a fair manner within the context of each case.

Sec. 2-1302. Administration of Workers' Compensation Law.

(a) *Establishment of the board.* There is established the Workers’ Compensation Board for the purpose of supervising the City’s workers’ compensation program.

(b) *Membership.* The Board shall consist of the Kansas City members of the Healthcare Trust, or any successor organization to the Healthcare Trust. These members shall select a person to serve as board chair, as board vice-chair, and any other officers deemed necessary by the Board.

(c) *Rules and regulations.* The Board may create rules and regulations pertaining to the proper administration of the City’s workers' compensation program by appropriate administrative regulations consistent with applicable laws and ordinances. Upon adoption, such regulations shall be filed in the office of the City Clerk. Applicable provisions of any collective bargaining agreement shall be considered when adopting rules and regulations.

(d) *Reporting.* The Board will report to the Mayor and City Council at least annually on the operation of the workers’ compensation program, including but not limited to numbers and types of injuries and financial impacts including medical payments and settlement of claims. This report shall be a holistic review of the program, including, but not limited to, direct and indirect costs and savings, such as savings that may be experienced by safety and training programs, and other operational actions such as return to work programs. The City Attorney, Director of Finance, and Director of

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General Services shall provide relevant information to the Board for inclusion in its report.

(e) *Third-party administrator.* The Board will recommend to the City Council a third-party administrator for operation of the workers' compensation program. Final approval of the third-party administrator and the terms and conditions under which the third-party administrator works is the responsibility of the City Council.

(f) *Staff.* The City Manager will provide necessary staff to the Board, including appropriate administrative personnel to assist the Board with conducting its meetings and maintaining records of the Board, procurement staff, financial services staff, and operational staff to perform day-to-day tasks to properly monitor the work of the third-party administrator. The City Attorney or an assistant shall attend meetings and provide legal services to the Board. Staff will remain part of their assigned departments, but the Board may provide to the appropriate department director observations relating to the employee's annual performance evaluation.

(g) *Transition.* The Board will assume its responsibilities on February 1, 2017. Until that time, the Board is authorized to take the steps necessary to provide for an appropriate transition from the current system of supervision to that established by this division.

Sec. 2-1303. Payments during temporary disability.

(a) When an employee is absent from duty and unable to perform the duties of the employee's employment with the city because of an injury sustained arising out of and in the course of employment, such employee shall be paid compensation for that period of temporary total disability, as provided by the Missouri Workers' Compensation Law, which payments shall be subject to the right of subrogation and credits provided by law.

(b) A member of the firefighting force receiving compensation for temporary total disability under subsection (a) of this section may elect to enter into an agreement with the city which will permit such employee to receive supplemental payments up to the employee's full wages during the period of temporary total disability in addition to that compensation provided by law. Such supplemental wages shall be treated by the agreement as an advance of any additional benefits the employee may be entitled to receive as a result of the injury, and the city will be entitled to take credit for the wages against such additional benefits.

Sec. 2-1304. Authority of city attorney to settle claims.

The city attorney may adjust, settle or compromise any action, cause of action, account, award, claim, claim for compensation, death or funeral benefit, demand, dispute, disability rating, request or demand for medical aid or any other matter in which the city is concerned under the Workers' Compensation Law now existing or which may hereafter arise and not involving or requiring an additional lump sum payment by the city in excess

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of \$25,000.00, and with approval of the risk management committee may do likewise in matters not involving or requiring additional lump sum payment in excess of \$50,000.00; provided that the money for such purposes generally has been appropriated and is available therefor. Settlement of all other claims shall be approved by the City Council.

Approved as to form and legality:

William Geary
City Attorney