

## 2023 Kansas Statutes

**75-37,169. Powers, duties and functions related to state workers compensation self-insurance fund transferred from department of health and environment; administration of fund; state workplace health and safety program established; transfer of orders, directives, property, officers and employees.**

(a) All powers, duties and functions of the staff of the department of health and environment established in K.S.A. 44-575 through 44-580, and amendments thereto, involving the administration of the state workers compensation self-insurance fund are hereby transferred to and imposed upon the department of administration, under the direction of the secretary of administration, and its division of the state employee health benefits plan, under the direction of the director of the state employee health benefits plan.

(b) The secretary of administration shall administer the state workers compensation self-insurance fund and all payments from such fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or a person or persons designated by the secretary. The director of accounts and reports may issue warrants pursuant to vouchers approved by the secretary for payments from the state workers compensation self-insurance fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for the fiscal year in which the state workers compensation self-insurance fund first became liable to make such payments.

(c) The secretary of administration shall remit all moneys received by or for the secretary in the capacity as administrator of the state workers compensation self-insurance fund, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state workers compensation self-insurance fund.

(d) The balances of all funds or accounts thereof appropriated or re-appropriated for the division of health care finance of the department of health and environment or any state agency, department, board, commission or council, relating to the powers, duties and functions involving the administration of the state workers compensation self-insurance fund are hereby transferred within the state treasury to the department of administration for the division of the state employee health benefits plan and shall be used only for the purpose for which the appropriation was originally made. Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of administration and the division of the state employee health benefits plan pursuant to this order shall be assumed and paid by the division of the state employee health benefits plan of the department of administration.

(e) There is hereby established the state workplace health and safety program within the state workers compensation self-insurance program of the department of administration. The secretary of administration shall implement and the division of industrial health and safety of the Kansas department of labor shall assist in administering the state workplace health and safety program for state agencies. The state workplace health and safety program shall include, but not be limited to:

- (1) Workplace health and safety hazard surveys in all state agencies, including onsite interviews with employees;
- (2) workplace health and safety hazard prevention services, including inspection and consultation services;
- (3) procedures for identifying and controlling workplace hazards;
- (4) development and dissemination of health and safety informational materials, plans, rules and work procedures; and
- (5) training for supervisors and employees in healthful and safe work practices.

(f) Except as provided in this order, the secretary of administration shall be the successor in every way to the powers, duties and functions of the secretary of health and environment that relate to the state workers compensation self-insurance fund, in which the same were vested prior to the effective date of this order.

(g) All orders and directives of the secretary of health and environment that relate to the state workers compensation self-insurance fund in existence immediately prior to

the effective date of this order shall continue to be effective and shall be deemed to be the orders or directives of the secretary of administration, until revised, amended, repealed or nullified pursuant to law.

(h) The secretary of administration shall succeed to all property, property rights, contracts and records that were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of administration from the division of the state workers compensation self-insurance fund of the department of health and environment pursuant to this order. Any conflicts as to the proper disposition of property, property rights, contracts and records arising under this section shall be resolved by the governor, whose decision shall be final.

(i) All officers and employees of the division of the state workers compensation self-insurance fund of the department of health and environment who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions involving the administration of the state workers compensation self-insurance fund and transferred by this order, as well as all officers and employees of the department of health and environment who are determined by the secretary of administration to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the department of administration, under the direction of the secretary of administration, and its division of the state employee health benefits plan. All classified officers and employees so transferred shall retain their status as classified employees.

(j) Officers and employees of the division of the state workers compensation self-insurance fund of the department of health and environment transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the division of the state workers compensation self-insurance fund of the department of health and environment prior to the date of transfer.

**History:** Executive Reorganization Order No. 45, § 8; July 1, 2020.