

MISSOURI RURAL SERVICES WORKERS' COMPENSATION INSURANCE TRUST

YOUR MEMBERSHIP, YOUR TRUST

The Trust was formed as a self-insured group, governed by the Department of Labor and Industrial Relations, Division of Workers' Compensation in 1992. At that time there were few options for public entities other than the Assigned Risk Pool. A small number of insurance companies wrote the majority of cities and other types of public entities in the State of Missouri. Missouri Rural Services Corp., located in Jefferson City, partnered with Cowell Insurance Group from Kansas City to form the Missouri Rural Services Workers' Compensation Insurance Trust, also known as MRSWCIT or the Trust. It was the first time in many, many years public entities in Missouri had a viable option for workers' compensation coverage. Today, the Trust is the largest self-insured group in Missouri and the only group which partners with local independent insurance agents to deliver coverage for Members.

The Trust is made up of almost 700 Members, both public entities and nonprofits. Members pool their premiums together to pay claims. Ideally, at the end of the year the Trust will "break even". This philosophy of keeping rates as low as possible, while paying claims and keeping the Trust viable has been the mission from the beginning. Over \$18,000,000 in dividends has been paid back to Members, which equates to 8% of premium.

Currently the State of Missouri, and much of the country, is experiencing escalating claim costs due to the increase in medical expenses and an aging workforce. In addition, the number of litigated claims has become more expensive because of the older workforce, increased medical bills, and higher settlements. For example, the average cost of a non-litigated claim is about \$4,000 while the average cost of a litigated claim is nearly \$70,000. All of this affects the bottom line of insurance companies and the bottom line of the Trust. *CONTINUED BELOW*



MELISSA RECORD-MRSC, JASON FORGE, TODD COWELL & CHRISTIAN FULLER-CJFIG, RENEE KINGSTON-CITY OF CAMDENTON, SUSAN WOODS-MRSC, ROGER HAYNES-CITY OF MEXICO, LINDA MYERS-SEDALIA SCHOOL DISTRICT, LARRY DOWDY-SEMO PORT AUTHORITY, JANELLE BEAUCHAMP-CJFIG, LANNY COWELL-CJFIG, CONNIE LATIMER-SALINE COUNTY, DIANA HOEMANN-CARE CONNECTION. NOT PICTURED: DANA TARPENING-CITY OF BROOKFIELD, CURT STUEVE-JOACHIM-PLATTING AMBULANCE DISTRICT, CHRISTY MAGGI-CITY OF CLINTON

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The Trust will be here for you, providing the best claims services, medical providers, nurse case managers, and legal services. Most importantly the Trust emphasizes a safety culture and has invested in a new interactive safety website providing state of the art training and resources to serve you! Remember your independent agent or the Missouri Rural Services office is just a phone call or email away.

The Trust has been serving its Members for 28 years and many of the Members have been in the Trust since the beginning. Unlike an insurance company, which will write hundreds of different types of accounts, your Trust is focused on public entities and nonprofits in Missouri. Other carriers enter the state to write workers' compensation insurance, but once the going gets tough and their loss ratios get high, they jump ship and leave. We have seen this time and again. The Trust has been around for almost 30 years and with a strong Membership it will be around for another 30!

Thank you for being a Member of the Trust and look forward to providing your entity with coverage throughout 2021 and beyond.



CAN EMPLOYERS MANDATE EMPLOYEES TO TAKE A COVID-19 VACCINE?

BY J. BRADLEY YOUNG
HARRIS, DOWELL, FISHER, & YOUNG L.C.

As the Covid-19 virus continues to spread throughout our communities, many employers have been asking me about whether they can mandate that employees receive the Covid-19 vaccine as a condition of employment. Because there is no law or regulation that directly addresses this issue, employers considering a mandatory COVID vaccination policy should analyze how mandatory flu vaccination policies have been interpreted. There are no federal laws, nor any state laws in Missouri, that prevent an employer from requiring a vaccine as a

condition of employment. If the employer can prove that a vaccination is job-related and consistent with business necessity, an employee who refuses to vaccinate can be legally terminated.

Employers do NOT have to make accommodations for employees' social, political or economic beliefs. So, if an employee simply doesn't want the vaccine for personal reasons, the employer is not required to continue to employ that person.

However, even in a pandemic, the Equal Employment Opportunity Commission (EEOC) has emphasized that an employee may be exempt from a mandatory vaccine if the employee has a disability covered by the Americans with Disabilities Act (ADA) that prevents them from taking the vaccine. An exemption would be considered a reasonable accommodation under the ADA unless there is undue hardship, which the ADA defines as significant difficulty or expense for the employer.

For example, if the employee has an underlying medical condition that would be adversely affected by the vaccine, this would be an example of a situation where the employer could not require the vaccine.

Additionally, an employee may be excused from the vaccine mandate under the religious accommodation provision of Title VII of the Civil Rights Act of 1964. An employee may be exempted if taking the shot would violate his or her sincerely held religious beliefs, practices, or observances. An employer must provide a reasonable accommodation unless it would pose an undue hardship, which under Title VII is "more than *de minimus cost*" to the operation of the employer's business. This is a lower standard than the undue hardship standard under the ADA.

continued below

Can employers mandate employees to take a Covid 19 vaccine

If an exemption under either of these laws is requested by an employee, employers should engage in an interactive dialogue with the employee to determine whether a reasonable accommodation would enable the employee to continue to perform their essential job functions without compromising the safety of other employees, patients or customers.

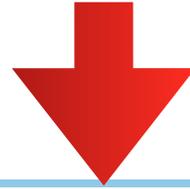
Potential accommodations could include (but are not limited to) additional personal protective equipment (PPE), moving the employee's work station, a temporary reassignment, teleworking, or even a leave of absence.

Although, subject to these exemptions, the EEOC does not prohibit employers from mandating vaccines, it recommends private employers consider encouraging employees to take the vaccine rather than requiring employees to take the vaccine.

It is possible the EEOC may approach the COVID-19 vaccine differently than its traditional position on mandatory flu vaccinations. From the beginning of the pandemic, the EEOC has recognized COVID-19 meets the higher threshold "direct threat standard," which allows employers to conduct more extensive medical inquiries and controls than normal. As the EEOC noted in its Pandemic Preparedness in the Workplace and the Americans with Disabilities Act Guidance, COVID-19 supports a finding that "a significant risk of substantial harm would be posed to having some with COVID-19, or symptoms of it, present in the workplace at the current time." Further, other federal agencies have issued guidance documents in support of COVID-19 vaccinations. For example, the Centers for Disease Control (CDC) has issued guidance recommending vaccination for critical industries, including health care and community support agencies as well as first responders.

Bottom line - - If the employer can prove that a vaccination is job-related and consistent with business necessity, that employer can require all or even selected employees to obtain the Covid-19 vaccination as a condition of continued employment. This information is provided for general information purposes only and should not be construed as specific legal advice.

Radio Podcast LINK



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Your Claims -

Lengthy Absence or Quick Recovery?

by Susan Woods

What if I told you that you could have happier employees and cut your loss ratio after an injury by doing only two things?

The first is easy. Within 2 days of an injury, call your injured employee. Ask them how they are doing. Show them you care about them. You see, employees hire an attorney in the first two weeks of an injury. This is because they are sitting at home wondering about their future and feeling low. You have some control over this by making the phone call.

The second step is a bit harder, but many, many of the Trust Members have taken this step. Provide modified duty and bring that employee back to work asap. Use the assistance of your adjuster, and nurse case manager, physician and safety specialist. If you need help with a modified duty work list, ask the adjuster to send a nurse case manager or safety specialist to your entity to assist you. By taking advantage of this support network provided by MRSWCIT and bringing your injured employee back to work as soon as possible you are:

- You are easing their financial fears and providing a genuine feeling of concern
- You are treating your employees with dignity and respect
- You are decreasing their anxiety level
- You are decreasing their number of surgical procedures as the number of procedures increases the longer they are off work
- You are lowering attorney involvement in the claim. Claims settled without attorney involvement are significantly lower than those involving an attorney. 80% of litigated claims result in higher settlements.
- Workers who retain an attorney see an average of 5 doctors. Those who don't see an average of 2.
- By contacting the employee within the first two days, or even the first week, you are positively reinforcing the positive self-image and personal value of the person. You are also reducing the likelihood of attorney involvement by 50%.

Other benefits:

- Minimized disruptions to his/her life
- Gives a sense of security and stability
- Demonstrates management is committed to employee's welfare
- Reinforces a positive self-image to the employee by focusing on what he can do versus what he cannot do
- Provides reinforcement needed for employees to recover quickly
- Discourages the "Disability Syndrome" thought process
- Encourage normal working relationships with other employees
- Reinforces the daily work routine
- A way to keep from getting bored or worrying that they will never get back to normal
- A gradual return to normal work and rebuilding the body that can actually speed recovery
- Maintaining a productive mindset
- Avoiding dependence on a disability system

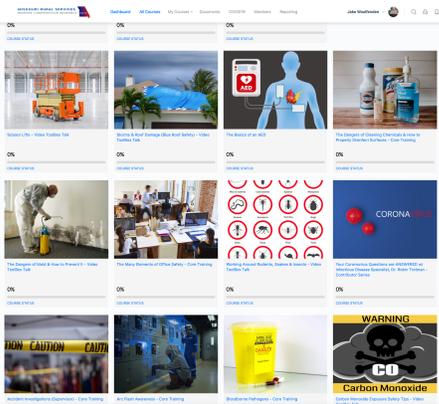
Modified duty has many benefits for the Employer:

- Reduces workers' compensation insurance costs
- Promotes a positive work environment
- Encourages an active partnership in the employee's recovery
- Reduces the costs of temporary/replacement workers
- Reduces litigation
- Maintain an experience workforce
- Improve employee/management relations
- Fosters teamwork among co-workers and supervisors

In the Trust you have a support network built in to assist you with setting up modified duty for your injured workers. Contact your adjuster and ask them to initiate the process. Either a nurse case manager or a safety specialist will get in touch with you to provide assistance setting this up. If you are unsure who your adjuster is, please contact Melissa Record at 800-726-9304, ext. 210 or Stacy Thoenen at 800-726-9304, ext. 216 and they will assist you.

The Upgraded MRSWCIT Learning Management System

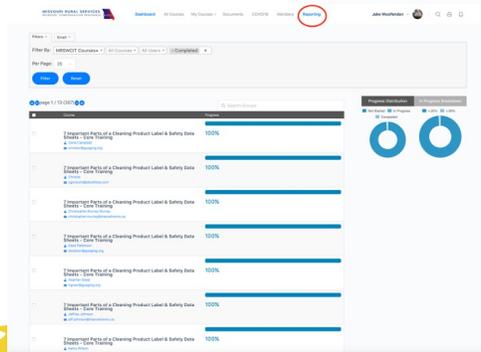
Since launching the new MRSWCIT website/learning management system on April 6, 2020, we've had some great participation from the members of the Trust. If you're not taking advantage of this platform just yet, here are 3 great reasons why you should:



#1

A Growing Safety & HR Training Library

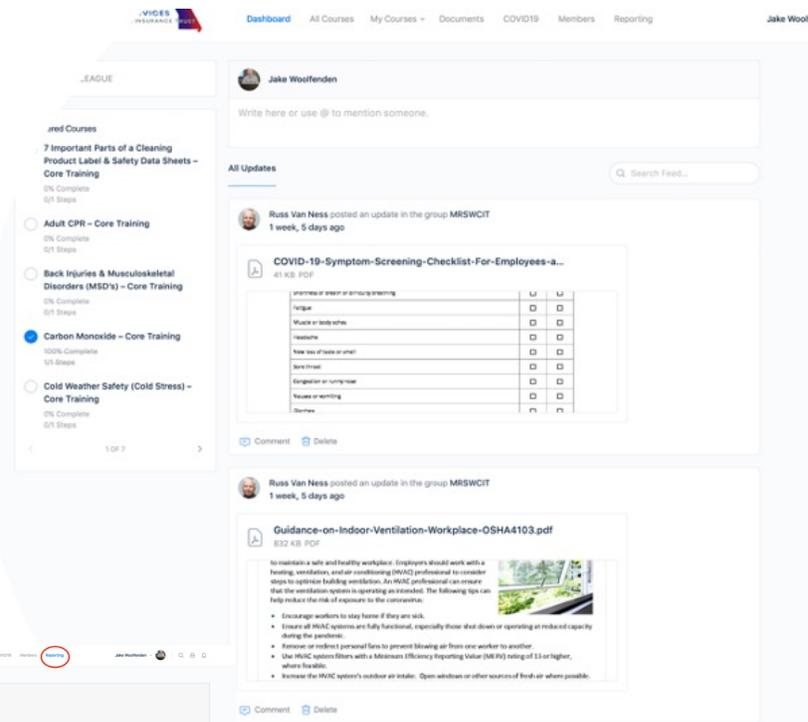
The training platform now boasts 80+ training courses specifically created for the members of the MRSWCIT Trust & the many hazards each entity faces. This library will continue to expand in the months ahead. If you have a training request, reach out to us at MRSWCIT@CJFIG.com!



#2

Track Your Team's Course Completion

Managers have the ability to track completed/incomplete course work. If you assign certain courses to be completed by a certain date, you can quickly access the most current course records right from the front end of the side under "Reporting" & see where your team is!



#3

Access Hundreds of Printable Resources

There are hundreds of helpful resources you can access on the site. Everything from employee training tools, accident investigation tools, templated forms & permits, COVID resources, & MUCH more.

Simply click on the "Documents" tab in the top, middle portion of the site & you'll get immediate access to a well-organized group of printable resources!

The consistent use of these training programs is critical to maintaining a safe mindset, so let the MRSWCIT Safety Team help you in getting this set up at your city, entity, township or district. Reach out to us directly by emailing MRSWCIT@CJFIG.com & we'll get you & your team taken care!