

MISSOURI RURAL SERVICES WORKERS' COMPENSATION INSURANCE TRUST



Mark Your Calendar!
MRSWCIT Annual Meeting
Members, Agents and Vendors are Invited!

June 15th

The Lodge at Old Kinderhook
Safety topics, Orthopedic Surgeon
Guest Speaker, MRSWCIT Updates

MISSOURI WORKERS' COMPENSATION LEGAL UPDATE J.

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Missouri voters recently passed Amendment 3, legalizing recreational marijuana in Missouri. Best estimates are that recreational marijuana could be sold in Missouri as early as February 2023. **WHAT DOES THIS MEAN FOR EMPLOYERS** Marijuana will now be treated like alcohol - - a legal drug that can still be banned in the workplace:

§287.120.6 – *“Where the employee fails to obey any rule or policy...related to a drug-free workplace... the compensation and death benefit provided for herein shall be reduced 50% if the injury was sustained in conjunction with the use of alcohol or non-prescribed controlled drugs”*

This means that if an employee tests positive for marijuana, the benefits paid to the employee can be reduced by 50% in light of the following:

1. The Employer **MUST** have a “Drug-Free Workplace Policy”. If an Employer does not have this in place, benefits cannot be reduced even with a positive drug test.
2. There is a rebuttable presumption that being under the influence of marijuana (or marijuana metabolites) was the proximate cause of the injury.
3. Refusal to take a drug test results in forfeiture of benefits if:
 1. Employer had sufficient cause to suspect use of drugs by claimant, and
 2. If the Employer’s policy authorized post-injury drug testing.
4. The initial testing **MUST** be administered within twenty-four hours of the accident or injury.
5. The employee **MUST** be given an opportunity to perform a second test (at his/her expense) upon the original sample.
6. The Employer must ask for the drug test to be performed, **NOT** the carrier.



OSHA CONSIDERATIONS (MISSOURI WORKERS' COMPENSATION LEGAL UPDATE CONTINUED)



29 C.F.R. 1904.36 Prohibition against Discrimination: An Employer cannot discriminate against an employee for reporting a work-related injury. OSHA interprets this rule as meaning that an Employer cannot use drug testing as a form of punishment for reporting a work injury.

Drug testing policies should limit post-incident testing to situations in which the alleged drug use is likely to have contributed to the accident. OSHA gives these examples of situations where drug testing would NOT be reasonable:

1. Bee sting, Repetitive trauma, Injuries resulting from the absence of machine guarding

While some believe that OSHA has banned post-accident drug testing, this is simply not true! OSHA cannot ban all post-accident drug testing because this provision under Federal Law: 29 USC Sec. 653(b)(4): *“Nothing in this chapter shall be construed to...in any manner affect any workmen’s compensation law or to...diminish or affect in any other manner the...statutory rights...of employers...under any law with respect to injuries...of employees arising out of, or in the course of, employment.”*

BOTTOM LINE

Yes - - Legalizing recreational marijuana WILL impact Employers across Missouri. However, safety managers and HR managers must ensure that their company has the proper policies in place, along with the proper systems and safety rules to ensure a safe and drug-free workplace even the presence of legalized marijuana.

The White House and members of Congress are discussing the legalization of marijuana on a Federal level. (<https://news.yahoo.com/marijuana-legalized-federal-level-141058900.html>). If that occurs, Missouri will need to immediately modify the workers compensation act to specifically allow for the testing of marijuana. Here’s why: §287.120.6 – *“Where the employee fails to obey any rule or policy...related to a drug-free workplace...the compensation and death benefit provided for herein shall be reduced 50% if the injury was sustained in conjunction with the use of alcohol or non-prescribed controlled drugs”*

Marijuana is no longer a “controlled drug” under state law, but it is still a “controlled drug” under Federal law. If Federal Law is changed to allow each state to determine whether-or-not marijuana is a controlled drug, and now that Missouri has determined that it is not, then workers’ compensation benefits could not be reduced of a claimant does test positive for marijuana.



Great news! The MRSWCIT Trust Performance Review Valued 11/30/22 is looking good!

With 624 Members and over 216M of payroll, the Trust is having a great year. The benchmark areas are frequency, severity, loss rate and loss ratio. During this period our loss ratio was 33.5%, compared to 47.2% in 2021, and 53.6% in 2020.

Safety does pay off so keep up the great work!



Spinach Salad with Apples and Raisins – Healthy and Delicious!

10 oz. Baby Spinach (washed)

1-2 Granny Smith Apples –

peel can be left on – chopped

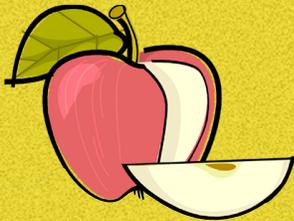
¼ C. Raisins

¼ C. Canola Oil

¼ C. Apple Cider Vinegar

½ C. Sugar

1 teas. Garlic Powder



Preparations:

- 1 Combine Spinach, Apples and Raisins
- 2 Mix remaining ingredients
- 3 Pour dressing over salad just prior to serving

December 20, 2022

To: Members and Agents

Re: **2023-24 Renewal**

The Board of Trustees thank you for your support and participation in the Missouri Rural Services Workers' Compensation Insurance Trust program as we approach our **32nd year**. The program started on April 1, 1992, with 28 Members and has grown to 625 Members because of your efforts.

We are preparing the renewal process for the April 1, 2023-24 policy period. **The audited payrolls from the 2021-22 policy year will be used as the renewal estimates for the 2023-24 policy year.** For those Members entering during the April 1, 2021-22 term and thereafter, the renewal payroll estimates will be based on current estimates. If the payroll estimates need adjustment, please contact Missouri Rural Services at (800) 726-9304 as soon as possible for the changes to be reflected in the renewal.

The renewal information will be sent before March 1, 2023. Payment will need to be received by the Trust no later than March 21, 2023. If payment is not received within a 10-day grace period, a termination of coverage letter will be sent on April 1, 2023.

Since 1995 the Trust **has paid \$18,617,342 in dividends**. If a decision is made to leave the Trust for any reason, the member would be ineligible to rejoin for **two years**. Also, written notification must be given to the Trust 90 days prior to April 1, 2023; failure to do so will result in the forfeiture of your Trust surplus for the immediate past year.

A great deal of thanks must go to **YOU** who realize the viability of the group self-insured concept as the long-term solution to controlling workers' compensation costs. If you have any questions about the renewal procedure contact Janelle Beauchamp at (816) 412-6582.

Again, thank you for helping make this program a continuing success.

MRSWCIT Board of Trustees



Introducing our new Medical Only Claims Adjuster, Brian Sanders.

New Medical Only Claims Adjuster
Brian Sanders (photo)

bsanders@ccmsi.com

Direct Line: 314-418-5548

Dedicated Fax: 314-621-0345