

An aerial, high-angle photograph of the Kansas State Capitol building in Topeka, Kansas. The building is a large, white, neoclassical structure with a prominent central dome topped by a statue. The surrounding cityscape is visible in the background, with various buildings and green spaces. The image is slightly faded to serve as a background for the text.

# 2021 ANNUAL REPORT



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### Mission Statement

The Kansas Department of Labor (KDOL) assists in the prevention of economic insecurity through unemployment insurance and workers compensation, by providing a fair and efficient venue to exercise employer and employee rights, and by helping employers promote a safe work environment for their employees. This facilitates compliance with labor laws while enabling advancement of the economic well-being of the citizens of Kansas.

## MESSAGE FROM THE SECRETARY

In my message for the 2020 Annual Report, I laid out a vision to move the agency forward in 2021. I am pleased to report that there were many positive steps taken in efforts to begin the recovery process from the challenges presented by the COVID-19 pandemic.

Kansas saw record-high unemployment rates during the height of the pandemic in the spring and summer of 2020. By December of that year, the state's unemployment rate was 4.7%, but a year later in December 2021, that rate had dropped to 3.3% which is the lowest since before the pandemic began. In addition, Kansas nonfarm jobs increased each of the last seven months of 2021, with a total increase of 38,600 jobs for the year. Estimates indicate continued job expansion and a continued recovery in manufacturing in Kansas.



As Kansas businesses began returning to normal operations, KDOL's Industrial Safety and Health (ISH) Division continued to serve the state by identifying safety hazards and assisting private businesses and public sector entities in eliminating unsafe practices. The team promoted safety programs designed to help Kansas workers avoid job-related injuries and provide a safe working environment. In addition, the Safety and Health Achievement Recognition Program (SHARP) in Kansas remains strong. Our state continues to have the greatest number of SHARP sites in the nation at 140, which includes the addition of two new sites in 2021.

For the second consecutive year, the annual Workers Compensation Seminar was held virtually due to increased COVID-19 cases. The pandemic also caused hearings in contested workers compensation claims to be conducted by phone or video conference, which helped avoid delays in the hearing process. The Workers Compensation Fraud and Abuse Unit opened 23 fraud and abuse administrative cases in 2021, resulting in the collection of more than \$200,000 in fines, penalties and restitution. We expect this work to continue to grow as we hold fraudsters to account.

With COVID-19 numbers still relatively high through most of the year, the agency worked with the Kansas Department of Administration to develop and implement a structured Remote Work Policy for KDOL employees. Many employees now split their time between working remotely and reporting to their assigned KDOL building location. This hybrid working arrangement has contributed to the feeling of a nearer-to-normal work atmosphere again.

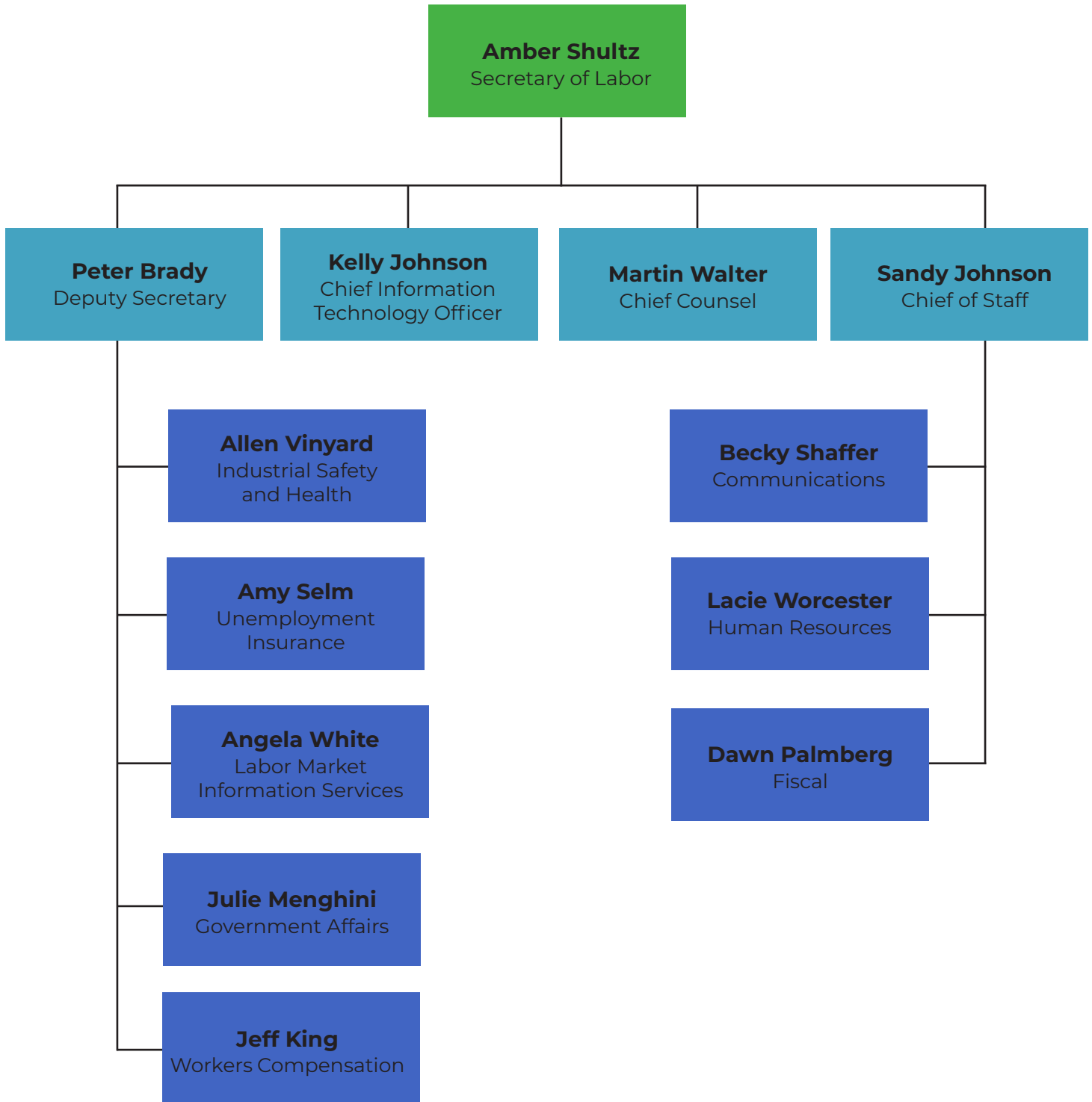
There were several new agency initiatives that directly involved KDOL employees in 2021. Virtual Town Hall meetings are now conducted monthly at two different times on the same day. Employees can attend a meeting live or view a recording of one of the meetings later. I enjoy hosting these gatherings which include a wide variety of topics and information of interest to agency employees across the state. In the fourth quarter of last year, a community outreach project provided employees in the Topeka area the opportunity to donate to the annual Toys for Tots campaign. Special drop boxes were placed in the Topeka offices and a total of 256 new toys were collected. Community outreach opportunities for all KDOL employees will be offered in each quarter this year.

Thank you,

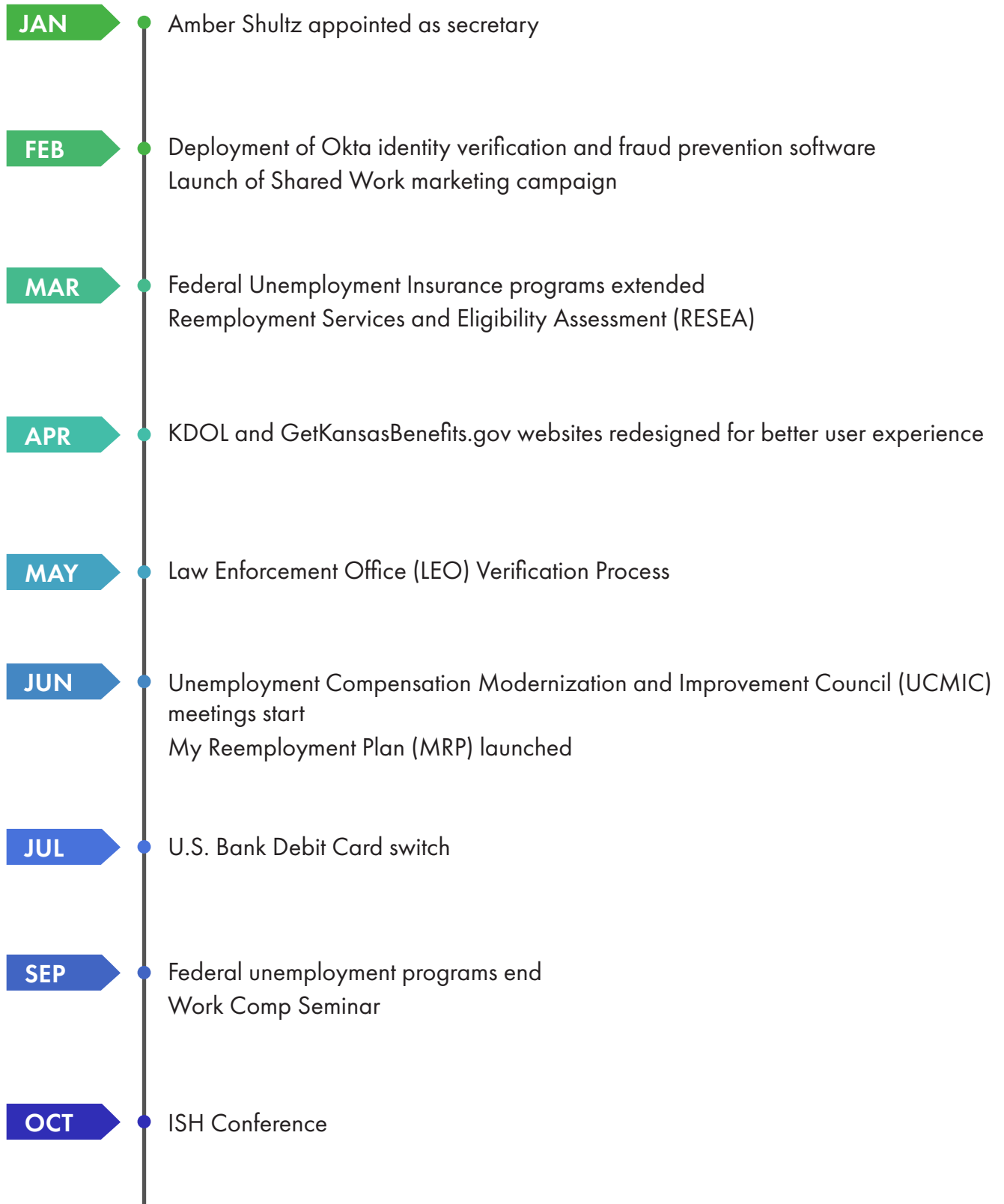
A handwritten signature in black ink that reads "Amber Shultz". The signature is written in a cursive, flowing style.

Secretary Amber Shultz

# KDOL LEADERSHIP STRUCTURE



## 2021 HIGHLIGHTS



# 2021 REVIEW



30  
PRESS RELEASES



1,850,379  
AMELIA CHATS



937  
SOCIAL MEDIA\* POSTS

\*Social Media includes Facebook, Twitter and LinkedIn

1,029,547  
ENGAGEMENTS  
(Likes, Reactions, Comments, Shares and Link Clicks)

8,410  
NEW FOLLOWERS

## COMMUNICATIONS

The Communications division keeps employers, claimants, media and the general public informed of activities of the agency through media such as news releases, website updates, marketing and social media posts. The division also supports internal communications for KDOL staff.

### Social Media

The continued challenges of the pandemic elevated the urgency of providing information and resources to Kansans in a timely manner. KDOL increased communications across all platforms, with significant gains in the volume of news releases, social media interaction and online resources at [www.dol.ks.gov](http://www.dol.ks.gov). Social media platforms, including Facebook, Twitter, LinkedIn and YouTube, became an increasingly important and effective way of communicating updates on unemployment programs, providing resources for unemployed workers and promoting job fairs. There were a total of **92,550** website referrals from social media platforms to [dol.ks.gov](http://dol.ks.gov), [GetKansasBenefits.gov](http://GetKansasBenefits.gov) and PUA. [GetKansasBenefits.gov](http://GetKansasBenefits.gov).

### Chat Feature

To provide virtual support to thousands of Kansans through a new chat feature, Amelia Chatbot, on our website launched in July 2021. The chatbot allows the agency to serve customers after hours and on weekends. As a result, a total of **1,850,379** conversations were held during regular business and after hours.

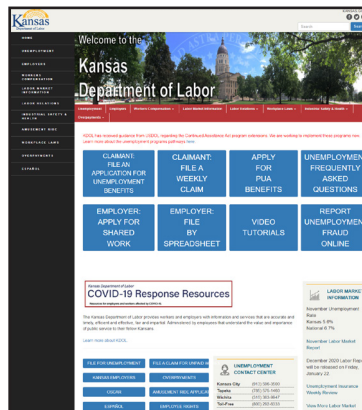
### My Reemployment Plan

In May 2021, the Kansas Legislature passed HB 2196, which established in law the My Reemployment Plan (MRP) program. This program is a collaboration between the Kansas Department of Commerce and KDOL to provide early-intervention job search assistance and career counseling to unemployment claimants. Initial outreach was delivered by the KDOL Communications division through email, social media and broadcast media.

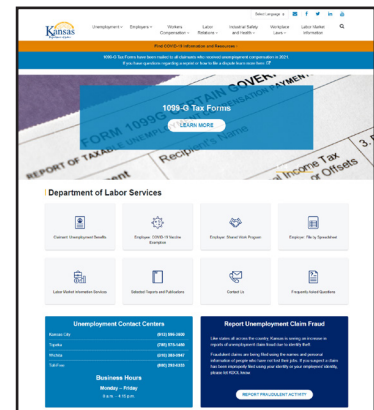
### Website

The new Kansas Department of Labor website launched in April 2021 with more robust content and user-friendly features. The website, [www.dol.ks.gov](http://www.dol.ks.gov), provides information and services to connect Kansas workers and employers to resources, monetary benefits, workplace protections, and labor market information to promote financial independence, workplace justice and a strong economy.

Before



After





## FISCAL YEAR 2021 ACTUAL EXPENDITURES

	Actual Expenditures	Percent
	\$2,023,225,045	100%
<b>State General Fund (SGF):</b>		
General Administration	\$750,962	
Legal Services	\$179,574	
Employment Standards	\$244,018	
Amusement Ride Safety	\$267,730	
<b>Total SGF</b>	<b>\$1,442,284</b>	<b>0.07%</b>
<b>Fee Funded Programs:</b>		
Wage Claims Assignment Fund	\$74	
Workers Compensation	\$11,839,864	
<b>Total Fee Funds</b>	<b>\$11,839,938</b>	<b>0.59%</b>
<b>Federal Funded Programs:</b>		
Unemployment Insurance	\$75,719,236	
Wagner Peyser (LMI One-Stop)	\$360,302	
OSHA	\$777,843	
Labor Force Statistics (BLS)	\$710,906	
OSH/CFOI	\$89,851	
Coronavirus Relief Fund	\$30,000,000	
<b>Total Federal Funds</b>	<b>\$241,551,023</b>	<b>5.32%</b>
<b>Lost Wages Assurance Payments (LWAP) Benefits</b>	<b>\$133,892,883</b>	<b>6.62%</b>
<b>Unemployment Insurance Benefits</b>	<b>\$1,764,754,157</b>	<b>87.22%</b>
<b>Other Funds:</b>		
Penalty & Interest Funds	\$279,782	0.01%
Indirect Cost Fund	\$2,953,530	0.15%
Amusement Ride Safety Fund	\$3,163	0.00%
Human Resources Special Projects Fund	\$2,504	0.00%
Special Wage Payment Clearing Trust Fund	\$8,353	0.00%
KDOL Off Budget (MOUs)	\$390,311	0.02%
<b>Total Other Funds</b>	<b>\$3,637,643</b>	<b>0.18%</b>

# 2021 REVIEW



## MODERNIZATION UPDATE

1. Completion and approval of Kansas Information Technology Office (KITO) Project Feasibility Study
2. Completion and submission of Project Request for Proposal (RFP)
3. Numerous engagements with the Unemployment Compensation Modernization and Improvement Council (UCMIC)
4. Analysis of Vendor Responses
5. Demonstrations by Agency Subject Matter Experts from Vendors
6. Approval from the Legislative Coordinating Council to proceed with contract finalization

## INFORMATION TECHNOLOGY

The Information Technology division delivers technology services and solutions that help further KDOL's mission of providing customer service to Kansans. This year, the division has maximized personnel, technology, and infrastructure to transform organizational processes, which has elevated functional operations and improved agency outcomes.

### Security Upgrade

During the start of the pandemic, cases of identity theft, malware and scam emails were on the rise worldwide. In July, KDOL partnered with Okta and LexisNexis to deploy identity verification software for unemployment insurance accounts and claims. The new technology also provides two-factor authentication to ensure claimant accounts will be more secure from hijacking attempts.

### Server Migration

In March, KDOL upgraded its server capacity to support the contact center. The server migration expanded the ability for customer services representatives to simultaneously engage with software to handle claim data and information, and to upload claimant documentation.

### Unemployment Insurance Modernization

After 40 years, KDOL is modernizing the Unemployment Insurance system, developing a new cloud-based system that will replace the current mainframe based legacy system. In 2021, in coordination with legislators and stakeholders, the agency engaged in a competitive bid process to identify a vendor for this project. In 2022, Kansas selected Tata Consultancy Services (TCS) to work with agency staff to complete the modernization project.





# 2021 REVIEW



**350**

OSHA SAFETY AND  
HEALTH VISITS

**876**

OSHA HAZARDS  
IDENTIFIED



**174**

PUBLIC SECTOR  
INSPECTIONS

**607**

ACCIDENT PREVENTION  
PROGRAM AUDITS



**1,238**

AMUSEMENT RIDE  
PERMITS ISSUED

**124**

ACCIDENT PROTECTION  
PROGRAM AUDITS

## INDUSTRIAL SAFETY & HEALTH

The Industrial Safety and Health (ISH) division is responsible for identifying safety hazards and helping private businesses and public sector entities eliminate unsafe practices. The division promotes programs throughout the state designed to help Kansas workers avoid on-the-job injuries and provide a safe working environment.

### OSHA Consultation Program

The OSHA Consultation Program is administered under a cooperative agreement with the Occupational Safety and Health Administration (OSHA). The eight Safety and Health Consultants assigned in the OSHA grant conducted **350** safety and health visits. These visits identified **876** hazards in a variety of industries. OSHA has placed an emphasis on construction, oil and gas, silica, trenching, grain handling and manufacturing facilities with amputation hazards. The focus of this program continues to be companies with less than 250 employees on-site that are considered a high hazard industry. We continue our outreach providing the opportunity for employers to discuss concerns and ask questions pertaining to OSHA consultation services.

### Public Sector Program

The division is responsible for investigating safety and health issues pertaining to public sector entities including cities, counties, school districts and community colleges. During state Fiscal Year 2021, eight safety and health consultants assigned to this unit conducted **174** inspections. These inspections identified **1,855** hazards and involved **11,717** employees.

### State Workplace Health and Safety Program

The division has assisted the Kansas Department of Health and Environment (KDHE) with the State Workplace Health and Safety Program, created under K.S.A 44-575 (f). During state Fiscal Year 2021, the division conducted **7** ergonomic assessments at 7 locations with **29** recommendations, assisting **16** employees; and **76** safety and health inspections, assisting **1,355** employees. Additionally, our safety and health consultants have identified and assisted in abating **229** hazards.

### Amusement Ride Permitting Program

The program conducts audits and evaluates documentation of amusement ride operations per the Kansas Amusement Ride Act, K.S.A. 44-1601, et seq. In 2019 the Amusement Ride Unit launched the Amusement Ride Permitting Program (ARPP). This program allows amusement ride owners and operators to submit all of their information and paperwork electronically and renew permits much quicker. This streamlining of these services has been highly beneficial to both KDOL staff and our customers. In 2021 the Amusement Ride Unit conducted audits of **124** amusement ride entities, registered **153** entities and issued **1,238** amusement ride permits.

### **Safety and Health Achievement Recognition Program**

The Safety and Health Achievement Recognition Program (SHARP) remains strong in Kansas with **140** active sites. Kansas continues to have the greatest number of SHARP sites in the nation and the highest percentage of SHARP sites per workplace establishment in the United States under both state and federal OSHA jurisdiction. In 2021 two new sites were added to SHARP: Skyland Grain-Twin Forks Sept. 21, 2021; Skyland Grain-Jetmore Oct. 29, 2021.

### **Accident Prevention Program**

For 20 years, as a prerequisite for authority to provide workers compensation insurance coverage, Kansas insurance companies and group-funded plans, have been required to provide accident prevention programs upon request of a covered employer. KDOL is charged with inspecting these programs. The division completed **607** audits of these programs during state Fiscal Year 2021.



# LABOR MARKET INFORMATION SERVICES

The Labor Market Information Services (LMIS) division provides timely, relevant labor market and economic data to many users, including the executive and legislative branches, economists, academia and the public. LMIS produces a wide range of products that are available free of charge to view or download at [www.klic.dol.ks.gov](http://www.klic.dol.ks.gov). KDOL also maintains a public Tableau page of visualizations at <https://public.tableau.com/app/profile/kdol#!>.

## Monthly Labor Report

Each month, KDOL releases the Kansas labor report, which includes data on jobs and the labor force. The report includes labor force, employment, unemployment and unemployment rate data at the city, county, Metropolitan Statistical Areas (MSAs), and statewide levels. Also included is the jobs data for the MSA and statewide.

## Occupational Safety and Health Statistics Program

This program, in cooperation with the U.S. Department of Labor (USDOL) and the Bureau of Labor Statistics (BLS), conducts the Annual Survey of Occupational Injuries and Illnesses (SOII) and Census of Fatal Occupational Injuries (CFOI) to provide data on the work related injuries, illnesses and fatalities in Kansas. Data from the SOII estimates annual counts and incident rates of nonfatal workplace injuries and illnesses of Kansas employers. Case circumstances and workers characteristics for cases that involve days away from work are included in the data. Data is collected from over 3,500 Kansas employers each year.

## Kansas Wage Survey

The Kansas Wage Survey produces employment and wage estimates for more than 700 occupations. Estimates are available for the state, its metro areas and designated non-metro areas, including all Kansas counties. This survey is the most requested and used product from LMIS.

## High Demand Occupations

The list of high demand occupations in Kansas combines the number of projected job openings with the number of current job openings to rank occupations by demand from Kansas employers. Occupations are ranked by the number of job openings at the current time, in the next two years and in the next 10 years. The job vacancy survey, short-term projections program and long-term projections program are all used to compile the list of high demand occupations. This list is widely used by groups such as the Kansas Legislature, the Kansas Department of Commerce and the Board of Regents in crafting policies and programs related to workforce development.

## Special Requests

Throughout the year, LMIS fulfills many special data requests. These can be from a variety of individuals, including individual business owners, economic development groups, other government agencies, media and schools. The data requested covers a wide variety of sources, such as BLS data, Census data, projections and high demand data, unemployment data and job vacancy data. LMIS continues to achieve a fast response rate and a high level of customer satisfaction. Requests may be submitted via email at [KDOL.LaborStats@ks.gov](mailto:KDOL.LaborStats@ks.gov). In 2021, LMIS received a total of **639** data requests.

Type of Data	Count
Unemployment Insurance (UI)	387
Local Area Unemployment Statistics (LAUS)	100
Occupational Employment Statistics (OES)	66
Quarterly Census of Employment and Wages (QCEW)	58
Other	38
Current Employment Statistics (CES)	31
Census	14
North American Industry Classification System (NAICS)	11
Projections	8
Job Vacancy Survey (JVS)	3

Type of Customer	Count
KS Dept of Commerce	154
College/University	131
Economic Development	128
Non-Profit Organization (not incl. Econ Dev)	55
Local Government	46
KS Correctional Industries (KCI)	25
KS State Agency (not incl. GO, KCI, KDOC, or Leg.)	21
Business	19
Legislator	18
Media	15
Other	12
Governor's Office (GO)	7
Individual	5
K-12 School	3

# 2021 REVIEW

## BOARD OF REVIEW



**1,267**  
REGULAR UI  
APPEALS

**54**  
PUA APPEALS



**544**  
NEW WAGE CLAIMS

## LEGAL SERVICES

The Legal division provides legal counsel to the agency and represents KDOL at all levels of state district and appellate courts, as well as all levels of federal district and appellate courts and administrative agencies. KDOL attorneys have expertise in a wide variety of areas of law. For more information visit [www.dol.ks.gov/laws](http://www.dol.ks.gov/laws). To learn more about KDOL and labor relations, visit [www.dol.ks.gov/lr](http://www.dol.ks.gov/lr).

### Employment Standards Unit

The Employment Standards Unit of the legal division is responsible for receiving and processing claims filed by employees against their employers for unlawfully withholding wages owed, in violation of the Kansas Wage Payment Act. The agency received **544** new wage claims in 2021 compared with 507 in 2020. A total of **\$428,838.50** was collected and returned to Kansas employees during 2021.

### Asset Recovery

The Bankruptcy Unit of the Legal Division filed **18** adversary proceedings in federal bankruptcy courts in 2021, **12** of which resulted in a total of **\$84,923.38** being declared non-dischargeable and **6** of which remain pending. This debt represents fraudulently obtained UI benefits. The Legal Division is committed to recovering these debts, including taking active measures to ensure debtors do not attempt to escape their fraud debt through bankruptcy.

### Public Employee Relations Board

The Public Employee Relations Board (PERB) is a five-member appointed board that makes determinations as to the appropriate bargaining unit, conducts representation elections, and adjudicates charges of prohibited practices under the Public Employer-Employee Relations Act (PEERA). In 2021, there were five impasse and 10 prohibited practice complaints filed under PEERA. In addition, two cases went to arbitration. This is an increase from 2020 when there were only two impasse cases and eight prohibited practice complaints filed under PEERA. KDOL attorneys advise and represent PERB on appeal. No appeals were made to PERB in 2021.

### Professional Negotiations Act

The Professional Negotiations Act (PNA) governs negotiations of the terms and conditions of professional service between school districts and professional employees of school districts, such as teachers. No prohibited practice complaints were filed under the PNA in 2021. However, six impasse cases were filed, and KDOL conducted three Unit Representation Elections.

### Employment Security Board of Review

This Board is a three-member appointed board that reviews higher appeals of claims for regular Unemployment Insurance (UI) benefits. In 2021, the board also began reviewing higher appeals of claims for Pandemic Unemployment Assistance (PUA) benefits as provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act. KDOL attorneys defended **43** cases, an increase from 27 cases in 2020, involving regular UI benefits and **1** case involving PUA benefits in district court. One case involving regular UI benefits was appealed to the Kansas Court of Appeals. KDOL attorneys filed **5** subpoena enforcement actions in district court seeking to enforce subpoenas issued pursuant to the Kansas Employment Security Law. The Employment Security Board of Review reviewed

**1,267** appeals of claims for regular unemployment insurance benefits and **54** appeals addressing **146** PUA claims.

### Special Investigations Unit

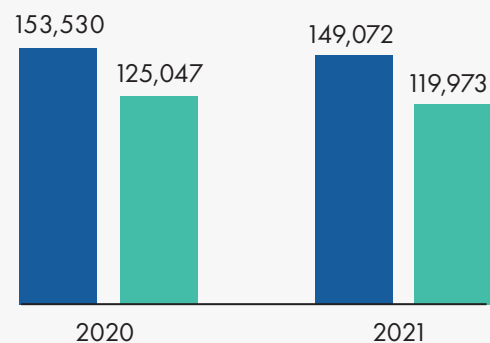
Prior to the pandemic, the Special Investigations (SI) Unit focused on overpayment investigations, fraudulent benefit filings, and UI law violations, which generally consisted of less than 100 cases per year. However, as a result of the pandemic, in 2021, the SI Unit was required to address approximately **126,000** cases of identity theft, which were added to the 120,000 identity theft cases that were received in 2020.

A graph has been included to depict the number of cases reported to KDOL from August 2020-December 2020 and the entire year of 2021. KDOL implemented additional identity verification and other fraud proofing procedures, in February 2021. Once those measures were implemented, the number of fraud cases reported significantly dropped. It is also important to note these are reported cases and not all of them are determined to be fraud. Each case must be processed through KDOL's Fraud Division.

The SI Unit continues to work with the Office of Inspector General (OIG), the Kansas Bureau of Investigation (KBI), the U.S. Secret Service, and the Federal Bureau of Investigation (FBI) to address the large scale and extended investigations involving fraud. The SI Unit has referred **930** identified cases of Kansas ID theft victims to the OIG and the U.S. Secret Service for inclusion in Federal cases. Of those cases, approximately 4.5 million dollars in Kansas UI funds are in the process of being recovered and returned to Kansas.

### Fraudulent Cases Reported to KDOL Year to Date

■ Cases with Duplicates   ■ Cases without Duplicates



### Areas of Law Practiced by KDOL Attorneys

- Americans with Disabilities Act
- Amusement Ride Insurance Act
- Civil Collections and Enforcement, including the U.S. Bankruptcy Code
- Civil Litigation, including the Kansas Judicial Review Act
- Civil Rights Laws
- Coronavirus Aid, Relief, and Economic Security Act (CARES)
- Contract Formation and Enforcement
- Continued Assistance Act
- Data-Sharing Agreements
- Employment Security Law
- Fair Labor Standards Act
- Families First Coronavirus Response Act
- Family and Medical Leave Act
- Governmental Ethics
- Governmental Records Preservation
- Hatch Act Kansas
- Kansas Administrative Procedure Act
- Kansas Child Labor Law
- Kansas Minimum Wage and Maximum Hours Law
- Kansas Open Records Act
- Kansas Open Meetings Act
- Kansas Wage Payment Act
- Kansas Workers Compensation Act
- Professional Negotiations Act
- Public Employer-Employee Relations Act
- Social Security Act
- Subpoena Enforcement
- Various Kansas Administrative Regulations
- Workforce Innovation and Opportunity Act
- Act prohibiting discrimination and retaliation against an employee who is a victim of domestic violence or sexual assault

# 2021 REVIEW



## 2021 HIGHLIGHTS:

- New Fraud Prevention Measures Deployed
- Work Search Reinstated
- RESEA Relunched
- My Reemployment Plan (MRP) Implemented
- MEUC Launched



## TOTAL PAYMENTS IN FEDERAL PROGRAMS

Jan. 1 - Dec. 31, 2021

**\$33,892,701**

PUA

**\$163,224,460**

PEUC

**\$314,211,523**

FPUC

**\$80,012**

MEUC

## UNEMPLOYMENT INSURANCE

The framework of the Unemployment Insurance (UI) program is both state and federal. The program is administered under state law, but federal laws – the Social Security Act and the Federal Unemployment Tax Act – set forth broad coverage provisions, some benefit provisions and numerous administrative requirements. Further, the federal government provides administrative funding, ensures conformity and compliance with federal law and monitors state performance. The Kansas Employment Security Law both encourages employers to provide more stable employment and allows for financial reserves to be set aside for the sole purpose of being used by individuals who are unemployed.

### Federal Program Extensions

The pandemic UI programs were first created in the federal CARES Act which expired on Dec. 26, 2020. Congress then passed, and the President signed the Continued Assistance for Unemployed Workers Act of 2020 (CAA) and the American Rescue Plan Act of 2021 (ARPA), which became law on Dec. 27, 2020, and March 11, 2021 respectively. These programs extended certain federal unemployment programs including Pandemic Unemployment Assistance (PUA), Pandemic Emergency Unemployment Compensation (PEUC), and Federal Pandemic Unemployment Compensation (FPUC) and created Mixed Earners Unemployment Compensation (MEUC).

### Pandemic Unemployment Assistance

PUA was created in 2020 to provide unemployment benefits to individuals not usually eligible for regular unemployment, such as those who are self-employed, gig workers, and religious workers. Congress extended PUA twice in 2021 - to a maximum of 79 weeks of benefits per claimant. The PUA program was available through benefit week ending Sept. 4, 2021.

### Pandemic Emergency Unemployment Compensation

PEUC provided benefits beyond the regular state unemployment maximum benefit period. Congress extended PEUC twice in 2021 to a maximum of 53 weeks of benefits per claimant. KDOL began paying out additional PEUC benefits under the extension programs on February 19. The PEUC program was available through benefit week ending Sept. 4, 2021.

### Mixed Earners Unemployment Compensation

Mixed Earners Unemployment Compensation (MEUC) was a new program available for weeks ending Jan., 2, 2021, through the week ending Sept. 4, 2021. The program was only available to claimants who were monetarily entitled to regular UI requirements and earning \$5,000 or more a year in net earnings from self-employment. It provided claimants with an additional federal benefit of \$100 per week of benefits paid.

### Debit Card Bank Transition

Unemployment recipients may receive their benefits by direct deposit or debit card. In July, KDOL transitioned its debit card program from Bank of America (BOA) to the US Bank ReliaCard program. BOA cards remained active until January 23, 2022.



## Waiting Week Waiver Expired

On June 15, 2021, the waiting week waiver expired in Kansas. The waiting week is a required non-payable week that typically needs to be served on new benefit years. Claimants who filed an initial claim on June 16, 2021 or after were again subject to serve the non-payable waiting week. During the pandemic, March 31, 2020 through June 15, 2021, claimants did not have to participate in the traditional waiting week process.

## Benefit Weeks Changes from 26 to 16

On September 5, 2021, the maximum total of regular UI benefit weeks changed from 26 weeks to 16 weeks in Kansas.

## New Identity Verification and Fraud Prevention Measures

On Feb. 2, 2021, KDOL announced its partnership with Okta and LexisNexis to deploy identity verification software for unemployment insurance accounts and claims. The new process requires that every claimant initially verify their identity by answering questions specific to the person's credit history. Once an identity is verified, the system will prompt the claimant to setup two-factor authentication for their benefit account moving forward. This additional layer of security is an important factor in protecting claimant accounts.

Since its inception, the identity verification software system has blocked millions of fraudulent login attempts and bot attacks. A fraudulent login is a criminal trying to access the KDOL software system to file a fraudulent claim. A bot attack is the use of automated web requests to manipulate or disrupt a website, application or end-users online.

## Reemployment Services and Eligibility Assessment

On March 25, 2021, the RESEA program was relaunched to assist unemployed Kansans with job searches and career counseling. RESEA is a collaboration between the Kansas Department of Commerce and the Kansas Department of Labor to provide early-intervention job search assistance and career counseling to UI claimants that are deemed likely to exhaust their benefits. In order to continue receiving benefits, individuals who are selected are required to participate in this federal program.

## New UI Legislation - House Bill 2196

HB 2196 was signed by Governor Laura Kelly on April 26, 2021, published in the Kansas Register and effective on May 13, 2021. The new bill took bold steps to address employment security in Kansas.

Highlights of the bill include:

- Creation of the Unemployment Compensation Modernization and Improvement Council (UCMIC)
  - The UCMIC provides support in the development of a modernized unemployment insurance information technology system.
- Updates to employer contribution rate determination and schedules.
- Holds employer accounts harmless for fraudulent or erroneous payments.
- Establishes within the Kansas Department of Commerce the My Reemployment Plan (MRP) to provide:
  - Job search and job matching assistance to claimants and employers; and
  - Workforce training program availability for claimants.
- A variety of other updates aimed at improving security and stabilization of the UI trust fund through amendments to: K.S.A. 44-758 and K.S.A. 2020 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-710a, 44-710b, 44-714, 44-719 and 44-757.

## Where are we now?

Kansas currently provides up to 16 weeks of regular UI. The Weekly Benefit Amount (WBA) is the amount of money an individual may receive each week. Currently the minimum weekly benefit amount is \$135 per week and maximum weekly benefit is \$540 per week. The WBA is calculated by multiplying the highest quarter in the base period by 4.25%. The claimant must have total wages of 30 times their WBA in their base period to be entitled.

# 2021 REVIEW



**25,000**

OSCAR REQUESTS FROM  
EXTERNAL PARTIES



**51,000**

LEGAL FILINGS IN OSCAR



**14,000**

WC HEARINGS  
CREATED IN OSCAR



**134**

APPEALS FILED



**421**

WC FRAUD AND ABUSE  
REFERRALS RECEIVED &  
INVESTIGATED

## WORKERS COMPENSATION

The Workers Compensation division is responsible for the administration of the Kansas Workers Compensation laws and rules. Our goal is to ensure employees injured at work, employers, health care providers and insurance carriers receive timely, impartial and fair claim resolution.

### Annual Workers Compensation Seminar

The division presents an annual seminar which provides attorneys, and other stakeholders practicing in the field, the opportunity to get current information on workers compensation and to earn continuing legal education credits. In addition, the seminar provides continuing medical education credits for nurses practicing in the area and credits for certified case managers. The 2020 seminar was the first virtual seminar the division ever held, and we continued the practice in 2021 due to the number of COVID-19 cases. Topics included legislative and case law updates, occupational medicine, and ethics training, as well as other medical and computation classes that qualified participants for mandatory educational credits. The virtual seminar was attended by **300** people and **288** attendees received continuing education credits.

### Judicial Section

Workers Compensation has 10 administrative law judges throughout the state whose primary function is to conduct timely hearings in contested workers compensation claims, and render orders based on the facts presented, as applied to the Workers Compensation Act. Although in person hearings were avoided due to the pandemic, the judges continued to hold hearings by phone or video conference throughout, avoiding any delay in the hearing process. For an initial determination of benefits, preliminary hearings are set on a priority basis, and preliminary hearing decisions are issued within five days of the hearing being closed. A list of the workers compensation law judges and their contact information is available at [www.dol.ks.gov/wc/mediation-and-judicial-services](http://www.dol.ks.gov/wc/mediation-and-judicial-services).

### Online System for Claims Administration Research/Regulation

Launched in November 2018, the Online System for Claims Administration Research/Regulation (OSCAR) is the Workers Compensation Division's information system. Almost all division operations are processed through this digital system. A large majority of digital filings in OSCAR are by attorneys for docketing workers compensation cases and requesting hearings before the division administrative law judges. Other external users of the system include legal assistants, court reporters, insurers, employers and workers compensation claimants. The division processes all records requests, elections, fraud investigations, self-insurance permits, compliance actions and assessments through OSCAR as well.

Last year, the WC Fraud & Abuse Unit received and investigated **421** referrals. There were **23** fraud and abuse administrative cases, including settlements, which were prosecuted, resulting in more than **\$200,000** in fines, penalties and restitution. There were over 5,500 registered external OSCAR users. There were around **25,000** requests of OSCAR records by external parties. The overwhelming majority of these requests relate to an offer of employment (20,500) while the rest are regarding workers seeking benefits (4,200) and requests of personal records housed in the

OSCAR system (34).

In 2021, there were over **51,000** legal filings made in OSCAR. In addition, there were **18,300** exhibits and transcripts uploaded to OSCAR for hearings. Requests for workers compensation benefits (3,441), requests for hearings (4,094), and entries of appearance by lawyers needing formal access to a case (5,256) constituted the majority of legal filings. There were **134** appeals filed.

In 2021, there were over **14,000** hearings created in OSCAR. Settlement hearings (3,158), preliminary hearings (3,597), prehearing settlement conferences (2,518) and regular hearings (1,093) made up the majority of hearing activity.

### **Workers Compensation Board**

The Workers Compensation Appeals Board was established in 1993 to decide appeals of orders and awards from the workers compensation administrative law judges. Hoping to obtain more uniform decisions throughout the state, the Kansas Legislature created the Board to replace the state's district court judges in the appeal process.

Current Board Members:

- Will Belden
- John Carpinelli
- Chris Clements
- Rebecca Sanders (Chair)
- Seth Valerius





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