

2014 Annual Report 2014

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Follow the Kansas Department of Labor:







Message from the Secretary

Greetings!

2014 saw continued improvement in many areas for the Kansas Department of Labor, especially as we saw positive change in the Kansas economy, including job growth and unemployment reaching pre-recession levels.

KDOL was one of the state agencies which joined with the Attorney General in drawing attention to the disturbing problem of human trafficking. Human trafficking is the criminal activity of holding another person for the purposes of exploitation. Even here in Kansas, men, women and children are forced to work for long hours under deplorable conditions for little or no pay without the freedom to leave. We developed a website dedicated to explaining and assisting with the reporting of any such exploitation (http://



<u>www.dol.ks.gov/HumanTrafficking.aspx</u>) and joined with the Governor in proclaiming January 2014, and January 2015, as Human Trafficking Awareness Month in Kansas

Some of the other highlights of the recent year, which are covered in greater detail in this report, include:

- The seasonally adjusted unemployment rate was under 5 percent all of 2014.
- The number of individuals claiming unemployment benefits also has dropped, from 20,342 at the first of the year to 14,992 at the end of 2014.
- Our Safety and Health consultants conducted more than 390 safety and health visits at Kansas businesses during the year. These visits identified 1,637 serious hazards in a variety of industries.
- The Workers Compensation Division assisted more than 19,000 injured workers, insurance agents, attorneys, employers and health care providers with questions about the workers compensation law.
- Fraud prevention is a top priority for me. In the past two years, more than \$28 million has been recovered in overpayments of unemployment benefits that were returned to the UI Trust Fund.
- The emphasis placed on preventing unemployment fraud yielded significant results in 2014, highlighted by an ongoing investigation by KDOL staff that culminated in 24 workers of a Kansas employer being indicted for a contagious fraud.

Additional information about the agency can be found on our website at www.dol.ks.gov.

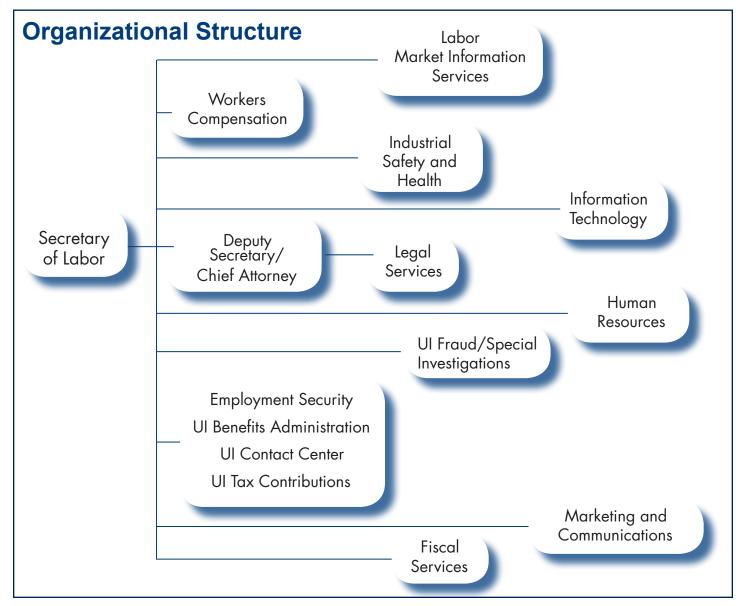
Lana Gordon Secretary of Labor January 2015

The Roles of the Kansas Department of Labor

Customers of the Kansas Department of Labor (KDOL) include more than 71,500 employers and 1.4 million workers in Kansas.

KDOL serves the people of Kansas in several ways, including:

- Administering the unemployment insurance program, processing benefit claims and collecting unemployment taxes.
- Overseeing the state's workers compensation system.
- Offering free workplace safety consultations for private employers and overseeing job safety for public employees. This includes an inspection check list for all amusement park rides, at permanent or temporary locations.
- Administering Kansas employment laws, including child labor laws and the Wage Payment Act.
- Compiling data and performing research on the labor market, workforce and industries in Kansas.
- Overseeing the Public Employers and Employees Relations Act and Public Negotiations Act.



Unemployment Insurance Activities

The stated public policy behind the employment security law is to prevent economic insecurity – and the related dangers to the health and welfare of the citizens of the State of Kansas – brought about by involuntary unemployment. See K.S.A. 44-702.

This policy is accomplished in large part by the compulsory setting aside of financial reserves to be used for the benefit of persons unemployed. The reserves distributed as benefits are funded entirely by contributions assessed against Kansas employers. Further, these funds are maintained in the Kansas Employment Security Trust Fund (Trust Fund) in accordance with applicable state and federal law.

The framework of the Unemployment Insurance (UI) program is both state and federal. The program is administered by state employees under state law. But federal law – the Social Security Act and the Federal Unemployment Tax Act – sets 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.

In 2014, the UI program did not face the same challenges related to the joint state-federal nature of the program as were experienced in 2013. Specifically, there was no repeat of the federal budget sequestrations, federal government shutdown or ongoing debate concerning the future of the Emergency Unemployment Compensation program. As a result, the UI program was able to focus entirely on its core mission of fairly and efficiently administering the employment security law.

The table below highlights key changes during the period January to December 2014 compared to 2013:

Kansas UI Key Highlights					
	2014 Jan-Dec	2013 Jan-Dec	Percent Change 2013-2014		
Initial Claims	153,787	170,103	-9.6%		
Continued Claims	1,055,077	1,251,075	-15.7%		
Contributions	\$381,728,490	\$415,041,321	-8.1%		
Benefit Payments	\$292,791,467	\$358,021,330	-18.2%		
Average Duration (in weeks)	13.6	16.1	-15.6%		

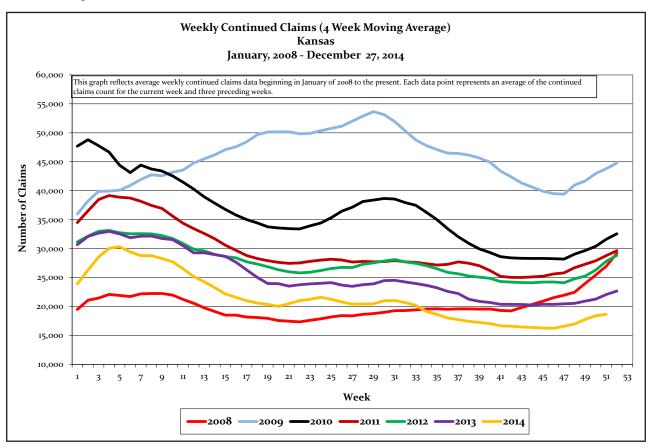
The following table highlights those changes during the 2014 and 2013 state fiscal years:

Kansas UI Key Highlights Fiscal Year 2014 and 2013 comparison (July 1 to June 30)					
	FY 2014	FY 2013	Percent Change 2013-2014		
Initial Claims	160,388	172,001	-6.8%		
Continued Claims	1,185,049	1,360,043	-12.9%		
Contributions	\$395,407186	\$414,092,338	-4.5%		
Benefit Payments	\$318,503,318	\$382,998,374	-16.8%		
Average Duration (in weeks)	14.7	15.7	-6.4%		

One major change to the employment security law was implemented in 2014 concerning the maximum number of weeks available to Kansas workers. As a result of legislation passed in 2013, the maximum number of weeks of unemployment benefits is tied to a three-month seasonally adjusted unemployment rate. If the three-month seasonally adjusted unemployment rate is 6 percent or more, the maximum is 26 weeks. If the unemployment rate is less than 6 percent, but more than 4.5 percent, then the maximum is 20 weeks. If the unemployment rate is less than 4.5 percent, then the maximum is 16 weeks.

Due to the continued strengthening of the Kansas economy, a maximum of 20 weeks became effective for claims filed after January 1, 2014. But at the end of 2014, the unemployment rate continued to decline. As a result, a maximum of 16 weeks went into effect for claims filed after December 21, 2014.

The chart below shows the change in the number of continued claims for unemployment benefits from 2008 through 2014.



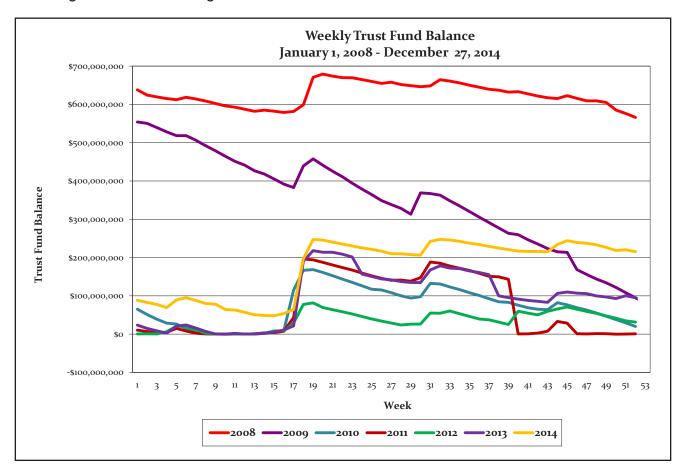
An additional change to the UI program dealt with the manner in which benefits are delivered. For the last six years, the Kansas UI program delivered benefits to unemployed Kansans through the use of a Citibank pre-paid debit card. In the spring of 2014, Citibank notified KDOL that due to regulatory changes, it was exiting the pre-paid debit card marketplace.

In conjunction and with the assistance of the Kansas Department of Administration, the UI program began the formal request for proposal and vendor selection process. The contract to provide pre-paid debit card services was eventually awarded to Bank of America in July 2014. UI program staff and Bank of America began a detailed transition process that culminated in the change to the Bank of America card in November 2014. This process was extremely successful and resulted in no negative impact on the ability of unemployed Kansas workers to receive their needed benefits.

Kansas Ul Trust Fund

The growing Kansas economy has also led to the drastically improved health of the Employment Security Trust Fund. At the end of 2013, the Trust Fund balance was approximately \$95 million dollars. By the end of 2014, the Trust Fund balance had grown to approximately \$215 million dollars. This was accomplished even with Kansas employers being afforded substantial tax relief due to legislation passed during the 2014 session and signed into law by Governor Sam Brownback. Specifically, HB 2576 entitled positive balance employers to receive a 15 percent reduction in contributions for the 2014 tax year.

The following chart shows changes in the Trust Fund balance since 2008.



Kansas Unemployment Contact Center

The record number of working Kansans has directly contributed to a more manageable workload for call center staff. In 2013, there were 170,103 initial claims for benefits filed. In 2014, the number of initial claims declined to 153,787. Approximately \$358 million in benefits were paid in 2013. In 2014, that number declined to approximately \$293 million.

In terms of paying benefits, the federal government establishes a key performance metric of first-payment promptness. Nationwide, the ability of states to meet this metric has deteriorated. But the performance of Kansas has trended in the opposite direction. The UI program met and exceeded the first-payment promptness standard for the last nine months of the year. This dramatically improved performance level will continue in 2015.

Unemployment Tax Administration

There are currently more than 71,541 Kansas employers reporting employees wages under the provisions of the employment security law. UI tax staff performed 47,218 assignments in 2014, including audits, investigations, collections and reports.

There were 1,091 employer audits conducted, with approximately \$355,998,400 in total wages audited. A difference of \$12,659,374.65 (total wages) was reported as a result of audit findings. This includes Kansas employers both under reporting and over reporting taxable wages.

The efforts of UI tax staff also uncovered 4,045 misclassified workers from 526 employers. The corrected classification of these workers created an additional \$22,461,233.30 in reportable wages. The potential amount to be returned to the Trust Fund from these wages is \$533,694.70 (this amount does not include assessed penalties and interest).

UI tax staff was once again timely concerning its legal obligation to inform Kansas employers of their contribution rate for the upcoming year by no later than Nov. 30. See <u>K.S.A. 44-710b(a)</u>. Experience rating notices for 2014 were mailed on Nov. 13, 2014. UI Tax staff was able to meet this critical deadline while at the same time implementing a statutorily mandated increase in the taxable wage base from \$8,000 to \$12,000 as the result of legislation passed in 2013.

Unemployment Appeals

Similar to the contact center, the Office of UI Appeals must comply with federal government performance standards concerning the timeliness of its ability to hold hearings and issue appropriate decisions. Under federal standards, at least 60 percent of appeal decisions must be issued within 30 days of the appeal being filed. UI appeals staff consistently exceeded this metric by wide margins in 2014. In fact, for the last three months of the year, the Office of Appeals was able to issue more than 90 percent of its decisions within 30 days. These performance numbers place Kansas near the top of all states nationwide.

Labor Market Information Services (LMIS)

Economic Report

LMIS released the 2014 Kansas Economic Report in September. The report provides details related to the state's economic condition in 2013, including job growth, employment gains, unemployment rates, the state's global business position and an Economist's note. The report, including its charts and tables, give the reader insight into what is happening currently in the Kansas economy.

The report can be found at https://klic.dol.ks.gov/gsipub/index.asp?docid=524

Job Vacancy Survey

The Kansas Job Vacancy Survey provides an assessment of labor demand in the state and each of the five local areas based on a survey of Kansas employers. It gives valuable information regarding the specific occupations that are in demand as well as numerous details pertaining to such openings. These details include the duration of vacancies, the permanent/temporary and full-time/part-time status of vacancies, and the educational requirements, average wage offers, and benefits associated with an area's job openings.

The 2014 Job Vacancy Survey was released in September, reporting that there were 44,886 job vacancies in Kansas during the second quarter of 2014. This is an 18.2 percent increase in the number of openings from the previous year.

The report can be found at https://klic.dol.ks.gov/gsipub/index.asp?docid=522

Wage Survey

The Kansas Wage Survey details estimated wage (annual and/or hourly) and employment data for occupations in the state, its metro areas and designated non-metro areas. This survey is the most requested and used product from LMIS.

The 2014 Wage Survey was released in September. The average hourly wage in Kansas is \$19.83. The average annual wage in the state is \$41,240.

The report can be found at https://klic.dol.ks.gov/gsipub/index.asp?docid=521

Kansas Career Posters

The Kansas career posters outline different career paths that high school students might be considering for their future. The posters for each industry guide students to occupations that they can obtain immediately after high school, along with future careers they can work towards with additional education or work experience. Every occupation on these posters is currently in high demand in the state of Kansas. This means that they have larger than average combined current and projected demand in the state.

In January 2014, the posters were mailed to every public and private high school in Kansas. Secretary Gordon has also promoted the posters and shared them with many technical schools, economic development groups, the Governor's Council of Economic Advisors and others during her visits across Kansas.

The posters can be found at https://klic.dol.ks.gov/gsipub/
index.asp?docid=501 and https://www.facebook.com/media/set/?set=a.563903637086982.1073741830.397344837076197&type=3



Regional Focus

Regional Focus combines information from a variety of programs into one easy-to-use product. The data is presented monthly for each local area in Kansas. It includes the following information: unemployment rates; initial claims for unemployment insurance; employment by industry, gender and age group; average duration for unemployment claims; number of claimants; top ten employers; entry level, mean and experienced wage rates; top ten job vacancies; education requirements and benefit offers for job vacancies; projected demand by occupation and education; and commuting patterns.

Regional focus can be found at http://klic.dol.ks.gov/gsipub/index.asp?docid=400

High Demand Occupations

The list of high demand occupations in Kansas, released annually, combines projected openings with the number of current openings to rank occupations in terms of their demand at the current time, for the next two years, and for the next ten years. The Job Vacancy Survey, Short-term Projections and Long-term Projections are all used to compile the in-demand occupations. This list is widely used by groups such as the Kansas Legislature, the Department of Commerce and the Board of Regents in crafting policies and programs in workforce development.

Kansas High Demand Occupations can be found at https://klic.dol.ks.gov/gsipub/index.asp?docid=403

2014 Labor Market Data

- The seasonally adjusted unemployment rate decreased from 4.9 percent in December 2013 to 4.3 percent in November 2014.
- Seasonally adjusted private sector jobs grew by 9,200 from December 2013 to November 2014. Private sector jobs hit a new record high in October at 1,138,000 jobs.
- The number of Kansans employed, seasonally adjusted, grew by 26,775 people from December 2013 to November 2014. Employment hit a new peak in November with 1,432,010 people employed.
- LMIS answered 492 special requests from a wide array of sources within and outside of the state. The two groups that made the greatest number of requests were businesses and KDOL.

Workers Compensation

Revisions to the Workers Compensation Act (SB 187) were passed by the 2013 Kansas Legislature. The revisions enacted included adoption of the American Medical Association (AMA) Guides to Rating Impairments 6th Edition. The new 6th Edition is used to determine impairment ratings for injured workers beginning Jan. 1, 2015. In response, the division conducted training for both our judicial staff and administrative staff on the new guides.

This past fiscal year in the Division of Workers Compensation:

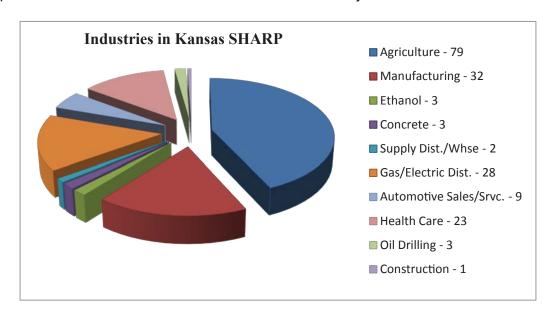
- A total of 53,997 work injuries and illnesses were reported to and processed by the division, a 3.6 percent decrease from 2013.
- An RFP for creation and implementation of a digital (paperless) system was issued to create the new system. A formal kickoff for this multi-year project was held on Nov. 14, 2014.
- The division received and investigated 288 workers compensation fraud and abuse referrals, prosecuted 45 fraud and abuse administrative cases, prosecuted four criminal cases and collected more than \$324,840 in fraud and abuse fines and restitution.
- Provided educational presentations to a total of 701 individuals including attorneys and representatives from employers, insurance carriers and health care providers.
- Assisted 19,120 injured workers, insurance agents, attorneys, employers and health care providers with questions about the law.
- Hosted more than 800 attendees and exhibitors at the annual Workers Compensation Seminar held in Overland Park. The seminar focused on the changes and case decisions resulting from enactment of the 2011 and 2013 amendments to the Kansas Workers Compensation Act.
- Settled more than 475 disputes between medical providers and payers.

Workplace Safety

Identifying safety hazards and helping Kansas businesses and public sector entities eliminate unsafe practices are the purposes of the Industrial Safety and Health Division. Helping Kansas workers avoid on-the-job injuries and providing a safe working environment is the ultimate goal of the Division. These programs are promoted throughout the state, but sell themselves by word of mouth from satisfied employers.

 The Kansas Consultation Program has a Cooperative Agreement with the Occupational Safety and Health Administration (OSHA). The eight safety and health consultants assigned in the OSHA grant conducted 391 safety and health visits in 2014. These visits identified 1,637 serious hazards in a variety of industries. OSHA has placed an emphasis on construction, oil and gas, manufacturing facilities with amputation hazards, nursing homes and grain handling. The focus of this program continues to be small companies with less than 250 employees onsite that are considered a high hazard industry.

 The Safety and Health Achievement Recognition Program (SHARP) continues to grow in Kansas with 183 active sites and 24 inactive sites. Kansas remains the state with the greatest number of SHARP sites in the nation and the highest percentage of SHARP sites per workplace establishment in states under federal OSHA jurisdiction.



- The Kansas SHARP Association, established in 2011, provides an avenue for networking and mentoring, serving as a valuable tool for businesses. The Association prides itself on its website to assist Kansas employers in many safety initiatives. Additionally, it has partnered with Pittsburg State University to sponsor a scholarship for students pursuing a degree in Occupational Safety Management.
- The SHAPE recognition program, awarding public sector and state workplace entities, such
 as state and local governments, state universities and unified school districts for accident-free
 work hours and having an exemplary safety and health program was implemented two years
 ago. The City of Lansing received this prestigious award in 2014. KDOL's safety consultants
 continuously seek out public sector and state workplace entities that qualify for the award.
- The division is responsible for investigating safety and health issues with public entities. During 2014, four safety and health consultants assigned to that unit conducted 730 inspections at cities, counties and school districts. These inspections identified 958 hazards and involved 16,163 employees. The division investigated two fatalities.
- The division has assisted the Kansas Department of Health and Environment with the State
 Workplace Health and Safety Program, created under K.S.A 44-575, section f. During 2014 we
 conducted 389 ergonomic assessments at 172 locations and made 2,010 recommendations;
 and 126 safety and health inspections at various state agencies, assisting 5,021 employees.
 Additionally, our safety and health consultants have identified and corrected 650 hazards.
- 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 the covered employer. KDOL is charged with inspecting these programs. The division completed more than 700 audits in 2014.
- The 64th Annual Safety and Health Conference was held Sept. 22-25, 2014, in Wichita with 247 persons and 41 exhibitors in attendance. The conference covers a variety of topics for the diverse array of industries in attendance.
- 2012 was the first year the Amusement Ride Inspection Program was implemented. In 2014 our inspectors visited 10 parks, festivals and fairs. Of those 10 locations, only two violations were found which were resolved quickly.
- The main focus of the division's Hispanic Outreach Program is to provide safety and health information to the Hispanic workforce. Through partnerships with established associations, we are able to conduct outreach and training activities to their membership throughout the state. Forty-seven Hispanic workers received their OSHA 10-hour training in Spanish in 2014.

Legal Services

The KDOL legal division represents the agency and all subordinate units and divisions of the agency in state and federal court, and in administrative hearings. The legal division provides legal advice, counsel and representation to the Secretary, directors, and other managers and employees of the Department of Labor. KDOL attorneys have expertise on: contract formation; contract enforcement; civil litigation, including matters arising under the Kansas Judicial Review Act (KJRA), and defense of the agency in state and federal court; Kansas Open Records Act (KORA); Kansas Open Meetings Act (KOMA); Fair Labor Standards Act (FLSA); Family and Medical Leave Act (FMLA); Americans with Disabilities Act (ADA); Kansas Civil Service Act; Social Security Act (SSA); Public Employer-Employee Relations Act (PEERA); Professional Negotiations Act (PNA); Kansas Wage Payment Act: Kansas Workers Compensation Act; the Kansas Employment Security Law; Kansas Child Labor Law; Kansas Minimum Wage and Maximum Hours Law; industrial safety and health laws; governmental ethics; civil collections and enforcement; subpoena enforcement; civil rights laws and various Kansas Administrative Regulations, as well as miscellaneous general counsel legal expertise. The KDOL legal division also represents the State of Kansas Public Employee Relations Board (PERB) and the Kansas Employment Security Board of Review, and defends their administrative decisions when such decisions are appealed under the Kansas Judicial Review Act.

The Employment Standards Unit administers the Kansas Wage Payment Act and other labor laws. Its primary focus is to ensure employees recover unpaid wages. In 2014, KDOL received 786 new claims for unpaid wages, with 751 served. The remainder were closed prior to service, referred to the proper agency or sent back for additional information. A total of 786 claims were fully processed and closed by investigation or Order at year's end. A total of \$600,115.10 was collected and returned to Kansas employees during the year.

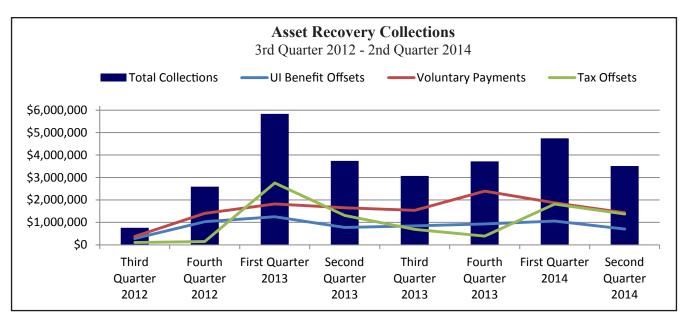
In 2013, the Asset Recovery Unit focused on preserving the Employment Security Trust Fund by aggressively combating fraud and actively recovering overpayment benefits. In the past two years, more than \$28 million has been recovered for the Trust Fund.

These collections fall into three categories:

- Voluntary cash payments represent all cash, credit card and check payments made directly by claimants;
- UI Benefit Offsets represent all funds collected by withholding UI benefits to satisfy outstanding UI overpayments; and

 State Tax Setoffs – represent all funds collected by the Kansas Department of Administration on behalf of KDOL.

The chart below presents the total and the subsets of the collections from the third quarter of 2012 through the second quarter of 2014.



UI Fraud/Special Investigations

The Kansas Department of Labor and the Secretary of Labor carry the statutory mandate to administer all aspects of the employment security law. See K.S.A. 75-5705. But there is no greater responsibility within this mandate than to protect and ensure the integrity of the Trust Fund. The payment of benefits only to those individuals lawfully entitled to receive them is essential to both the security of the Trust Fund and the public's faith in its vital institutions.

KDOL has taken unprecedented steps in recent years to ensure the integrity of the Trust Fund, including pushing for anti-fraud legislation which became law in 2013. This legislation extended the disqualification from benefits for fraud from one year to five years. The legislation also gave the agency the ability to use lien and levy authority to recoup benefits that were improperly received and created a 25 percent penalty on all amounts fraudulently obtained. Finally, the legislation allowed the agency to utilize certified law enforcement to assist in the investigation and prosecution of unemployment fraud.

During the past year the KDOL Unemployment Insurance Fraud/Special Investigations Unit has grown to two Law Enforcement Certified Investigators and two civilian investigators. The primary function is to develop a more proactive approach to detecting unemployment fraud and prosecuting those involved in committing UI fraud. Initially the goal was to investigate any and all fraudulent cases of UI overpayments. Due to the number of cases, the following criterion was developed:

- Any overpayment of more than \$10,000
- Multiple overpayments by an individual claimant
- Past KDOL employee with a fraudulent overpayment
- Indication of "contagious" fraud at a single employer spreading among the employees

During the past year several criminal cases have been submitted to the Shawnee County District Attorney's Office, Johnson County District Attorney's Office and the United States Attorney's Office in Wichita and Kansas City.

The last year also has brought about the consolidation of the different areas of UI fraud detection within KDOL. At this time Benefit Payment Control, Risk Assessment & Fraud Analytics along with the Fraud/Special Investigations Unit are all housed within the same office area. This closeness allows for direct communication and more importantly the teamwork concept vital to any successful endeavor. The capabilities and resources of the Fraud/Special Investigations Unit aids many other areas of KDOL as it relates to locating claimants and other vital information needed to investigate workers compensation and civil enforcement actions.

A direct connection has been developed with KDOL's Unemployment Tax Administration. Several situations have presented themselves in which fictitious employers were detected by the Tax Unit allowing for these employers to be shut down without monetary loss being incurred. This proactive approach allows the Fraud/Special Investigations Unit to conduct follow-up investigations and forward information to other federal agencies as needed.

A recent investigation involved KDOL staff at the UI Contact Center. Staff members there played a vital role in the day-to-day communication with a suspect/claimant who was attempting to defraud KDOL of UI funds. Without the assistance of the dedicated staff members at the Contact Center the overall success of the investigation would not have been possible.

The Fraud/Special Investigations Unit has developed a working relationship with other Kansas agencies, not to mention local, state and federal investigative departments in Kansas and Missouri. The assistance KDOL's Fraud/Special Investigations Unit provides has led to several investigative leads and the apprehension of those sought by law enforcement agencies.

Fiscal Year 2014 Actual Expenditures

Actual Expenditures		s Percent	
	\$4	473,874,119	100.00%
State General Fund:			
General Administration	\$	104,860	
Legal Services		81,368	
Employment Standards		80,454	
Public Employees Relations Board		27,468	
Total SGF		294,150	0.06%
Fee Funded Programs:			
Wage Claims Assignment Fund	\$	92	
Workers Compensation		10.190.047	
Total Fee Funds			2.15%
Federal Funded Programs:			
Unemployment Insurance	\$	25,989,211	
Unemployment Insurance (Property Sale Funds)		2,652	
Wagner Peyser (LMI One-Stop)		667,204	
OSHA		644,936	
Labor Force Statistics (BLS)	\$		
OSH/CFOI		119,113	
Workforce Data Quality Initiative		1,812	
Total Federal		•	5.95%
Unemployment Insurance Benefits:	\$	431,157,838	90.99%
Other Funds			
Penalty & Interest Funds	\$	1,170,454	0.25%
Federal Indirect Offset Fund		143,339	0.03%
Human Resources Special Projects Fund		2,105,314	0.44%
Special Wage Payment Clearing Trust Fund		37,681	0.01%
KDOL Off Budget (MOUs)		563,923	0.12%