

Approved: March 7, 1997
date

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on March 6, 1997 in Room 123-S of the Capitol.

Members present: Senators Salisbury, Barone, Brownlee, Feleciano, Gooch, Harris, Jordan, Ranson, Steffes, Steineger and Umbarger.

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Betty Bomar, Committee Secretary

Conferees appearing before the committee:
Sharon Patmode, Senior Auditor, Legislative Post Audit
Bobbi Mariani, Division of Personnel Services
Philip S. Harness, Director, Division of Workers Compensation

Others attending: See attached list

Upon motion by Senator Gooch, seconded by Senator Ranson, the Minutes of the March 5, 1997 Meeting were unanimously approved.

SB 346 - Supplemental workers compensation advisory council recommendations

SB 347 - Workers compensation reform

Senator Harris stated areas of concern regarding attorney fees are: 1) attorney entering into a contingent fee arrangement based on an award before an attorney is involved in the case, and 2) attorney running up hours.

Senator Harris moved, seconded by Senator Brownlee, to amend **Section 2, SB 347 into SB 346** and to further amend **Section 2**, conceptually, to require respondent to attach evidence to settlement sheet in order to ascertain the time when an attorney becomes involved on behalf of a claimant; to set a limit of the fees an attorney can receive not to exceed 50% of claim awarded above original offer, or not to exceed 25% of entire award, whichever is the least; and to further amend subsection (b)(1) KSA 44-536 to require that when the director considers the reasonableness of an attorney fee the respondent shall be required to forward settlement worksheets of which the claimant was aware before the claimant hired an attorney; and on Page 5, Line 28, by striking the words "claimant or". The voice vote was in favor of the motion.

Senator Harris moved, seconded by Senator Barone, that **SB 346, as amended**, be recommended favorable for passage. The recorded vote was Yes - 10; No - 1. The motion carried.

Sharon Patnode, Senior Auditor, Legislative Post Audit, submitted a report on the Effectiveness of the State's Workplace Health & Safety Program. Ms. Patnode stated the 1993 Kansas Legislature overhauled the State's workers compensation laws requiring all insurance companies, group-funded self-insurance plans and self-insurers providing workers compensation insurance to provide accident prevention programs. The Legislative Post-Audit reviewed the State's program as to its effectiveness in providing accident prevention training, whether program is reducing accidents, and whether unrelated administrative expenses are being charged to the Workplace Health and Safety Program. Attachment 1

Ms. Patnode stated the State entered into contracts totalling \$231,000 to provide a behavior-modification approach to accident prevention; however, there have only been three State agencies which have completed all phases of the training and only 5500 employees who have received some type of workplace safety training. The Report identified the following areas as being inadequate to provide an acceptable program: presently only two full time trainers, the voluntary program, a lack of statistical coordination between accidents, and types of training provided.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON COMMERCE, Room 123-S Statehouse, at 8:00 a.m. on March 6, 1997.

Ms. Patnode stated there are some unrealed administrative expenses being charged to the Self-Insurance Fund due to lack of detailed time records. Ms. Patnode stated some of these concerns have been addressed and other modifications are under consideration by the Division of Personnel Services.

Phil Harness, Director, Division of Workers Compensation, stated the Division has a Safety Section which assists the public sector in establishing proper training. Mr. Harness stated the Division will assist the State in any way it can to ensure workplace safety and training.

Bobbi Mariani, Division of Personnel Services, stated they are instituting some changes recommended in the Audit Report. They presently have two full time trainers; they have done away with the clerical position and are getting a better handle on data collection and anaylsis.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for March 7, 1997.

SENATE COMMERCE COMMITTEE GUEST LIST

DATE: March 6, 1997

NAME	REPRESENTING
TERRY LEATHERMAN	KCCI
Nanessa Sillanauer	State Farm
LUD GRANT	KCC
George Barbee	Barbee & Assoc's
Sharon Patnode	Legislative Post Audit
Robert Franze	KGC
Rich Guthrie	Hereth Midwest
JERRY SHUBERT	KMS
David Kim	KMS
RICHARD THOMAS	KIDHR-Worker Comp
Aula (Sheathouse)	KID
Tyler Hoffman	Wellington High School
Jeremy May	Wellington High School
Dana Courtney	Wellington High School
Phil Barnett	KIDHR-Worker Comp.
David A. Shufelt	KIDHR Div Workers Comp
Fisher Duvall	Henry Owen's Office
Susan M. Baker	Hein + Weir
Linda Inul	D of A

J. P. SMALL
B. Parks

KOCH INDUSTRIES
G. Small

SENATE COMMERCE COMMITTEE GUEST LIST

DATE: _____

NAME	REPRESENTING
Ray T. Detman	Dept. of Admin.
B. Mariani	Dep A
Jeff Wagaman	" "
Ron Smith	Ks Bar Assoc
John Kash	SEAK
Jim Dettloff	Ks AFL-CIO
Wayne Maudrey	" " "
Brod Smart	AIA



LEGISLATURE OF KANSAS
LEGISLATIVE DIVISION OF POST AUDIT

MERCANTILE BANK TOWER
800 SOUTHWEST JACKSON STREET, SUITE 1200
TOPEKA, KANSAS 66612-2212
TELEPHONE (913) 296-3792
FAX (913) 296-4482
E-MAIL: LPA@postaudit.ksleg.state.ks.us

January 7, 1997

To: Members, Legislative Post Audit Committee

Senator Lana Oleen, Chair
Senator Anthony Hensley
Senator Phil Martin
Senator Alicia Salisbury
Senator Don Steffes

Representative Tom Bradley
Representative Duane Goossen
Representative Sheila Hochhauser
Representative Ed McKechnie

This report contains the findings, conclusions, and recommendations from our completed performance audit, *Reviewing the Effectiveness of the State's Workplace Health and Safety Program*.

The report includes a number of recommendations for improving the effectiveness of the State's Workplace Health and Safety Program, including steps to ensure that the Program meets the requirements of State law and uses its limited staff in the most effective manner.

We would be happy to discuss the findings presented in this report with any legislative committees, individual legislators, or other State officials.


Barbara J. Hinton
Legislative Post Auditor

Senate Commerce Committee

Date *March 6, 1997*

Attachment #1-1 thru 1-28

EXECUTIVE SUMMARY
LEGISLATIVE DIVISION OF POST AUDIT

**Question 1: Is the State's Current Workplace
Health and Safety Program Effective at
Providing Accident Prevention Training to
State Employees and at Reducing Accidents?**

Although we couldn't tell whether the Program was effective at reducing accidents, agency officials told us the training they received was useful and met their agencies' needs. page 8
The most comprehensive accident-prevention training provided through the Program has been the behavior-modification training. We determined that any impact from this training likely wouldn't show up yet in available accident or claims statistics because this training was fairly recent and was completed in only small sections of three agencies. Although more employees have received other kinds of training, their numbers within any one agency still are fairly small. The impact of this other training on small groups won't necessarily be noticeable because accident data are available on an agencywide basis only. Nonetheless, training directors in State agencies that have received training were very positive about the Program, but didn't know whether the training actually had reduced accidents.

The Program isn't very effective at providing training in areas with the greatest needs. page 12
Program officials' method of selecting agencies to train overlooked some agencies with high accident rates or a lot of workers' compensation claims. There's been little regular communication between Program officials in the Human Resources Unit and other staff in the Self-Insurance Fund Unit who are most knowledgeable about State agencies' accident claim histories. Program training also isn't targeted towards the types of accidents that are most costly or that occur most frequently. Because the Program is voluntary, State agencies can decide not to take part in any Program training. Finally, we found Kansas has a very limited number of training staff compared to other states and other self-insured employers.

The training and other activities provided through the Program haven't fulfilled the requirements of State law. page 17
Officials from the Division of Personnel Services told us the Program is meeting all the requirements of State law, primarily through its behavior-modification training process. However, to-date this training has been completed in only three of the approximately 125 State agencies. The Program could reach more agencies by developing a less intensive accident-prevention program, and by helping State agencies implement that program themselves.

Conclusion page 18

Question 2: Are Unrelated Administrative Expenses Being Charged to the Self-Insurance Fund for the Workplace Health and Safety Program?

It appears that significant amounts of Self-Insurance Fund moneys have been spent for salary costs unrelated to the Health and Safety Program. page 20
The two employees who have served in the Program's clerical position since December 1994 estimated that 70% to 99% of their time has been spent on duties not related to the Program. The current Unit Director generally agreed that the vast majority (70%-80%) of the clerical staff's times (about \$21,000) was spent on work unrelated to the Program. The Program's two professional employees told us that about \$18,000 worth of their time was spent on activities unrelated to the Program since December 1994. Division officials disagreed with the employees' estimates, and said those costs were offset by portions of salaries for other staff who worked on Program activities, but whose salaries weren't paid from the Self-Insurance Fund. Because employees in the Division don't complete detailed time records, we couldn't tell whose estimates were accurate.

We found no major problems with the use of Program equipment. page 22
Program equipment has been pooled with Human Resource Development Unit equipment, and non-Program staff use Program equipment. However, the cross-usage hasn't caused a major problem. We found one expenditure for equipment—a needs assessment software program purchased for \$360 with Self-Insurance Fund moneys—that Program staff told us they never used.

Conclusion page 22

Recommendations page 23

APPENDIX A: Agency Response page 25

This audit was conducted by Sharon Patnode, Allan Foster, and John McIntyre. If you need any additional information about the audit's findings, please contact Ms. Patnode at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call (913) 296-3792, or contact us via the Internet at: LPA@mail.ksleg.state.ks.us.

Reviewing the Effectiveness of the State's Workplace Health and Safety Program

In 1993, the Kansas Legislature overhauled the State's worker compensation laws. Among other things, the new law required all insurance companies, group-funded self-insurance plans, and self-insurers providing workers compensation insurance in Kansas to provide accident prevention programs.

The State of Kansas is self-insured for workers compensation purposes; all State agencies pay a percentage of their employees' salaries to the State's Self-Insurance Fund, administered by the Department of Administration's Division of Personnel Services. The Division also is responsible for operating a workplace health and safety program for State employees. (This program is known by several names; however, in this report, we refer to it as the Workplace Health and Safety Program.)

Legislative concerns have been raised about several aspects of the State's Workplace Health and Safety Program. Some concerns have focused on whether the State's program is set up and staffed to meet the intent and requirements of law, provides effective services where needed, and helps reduce accidents. Other concerns have been raised about whether the administrative expenditures being charged to this Program are related to it. The Legislative Post Audit Committee authorized a performance audit to answer the following questions about the Workplace Health and Safety Program:

- 1. Is the State's current Workplace Health and Safety Program effective at providing accident prevention training to State employees and at reducing accidents?**
- 2. Are unrelated administrative expenses being charged to the Workplace Health and Safety Program?**

To answer these questions, we interviewed Division of Personnel Services' staff involved in the Program, as well as former staff who worked for the Program when it was first established. We surveyed agencies that received training from the Program in recent years, and contacted several self-insurers in Kansas to compare the State's program with theirs. We also contacted several surrounding states about their accident prevention programs. We reviewed State employees' accident statistics from fiscal years 1990 through 1995. Finally, we reviewed all Program expenditures for a portion of fiscal year 1995 and all of fiscal year 1996. In conducting this audit, we followed all applicable government auditing standards set forth by the U.S. General Accounting Office

We couldn't tell whether the Program was effective at reducing accidents because not enough time has passed since training was done to see a discernible difference in accident numbers. Nonetheless, agency officials told us the training their agencies got was useful and met their needs.

In general, we found that the State's Workplace Health and Safety Program isn't very effective at providing training to State employees because it doesn't target training to agencies with the highest accident rates, or provide training to help prevent

some of the most costly types of accidents. The Program's effectiveness is limited further because State agencies can decide not to participate in the Program. Program officials also haven't done some things required by State law, such as developing procedures for identifying and controlling workplace hazards, and conducting workplace health and safety hazard surveys in all State agencies. The Program also has fewer staff than almost all surrounding states and all other self-insurers we surveyed.

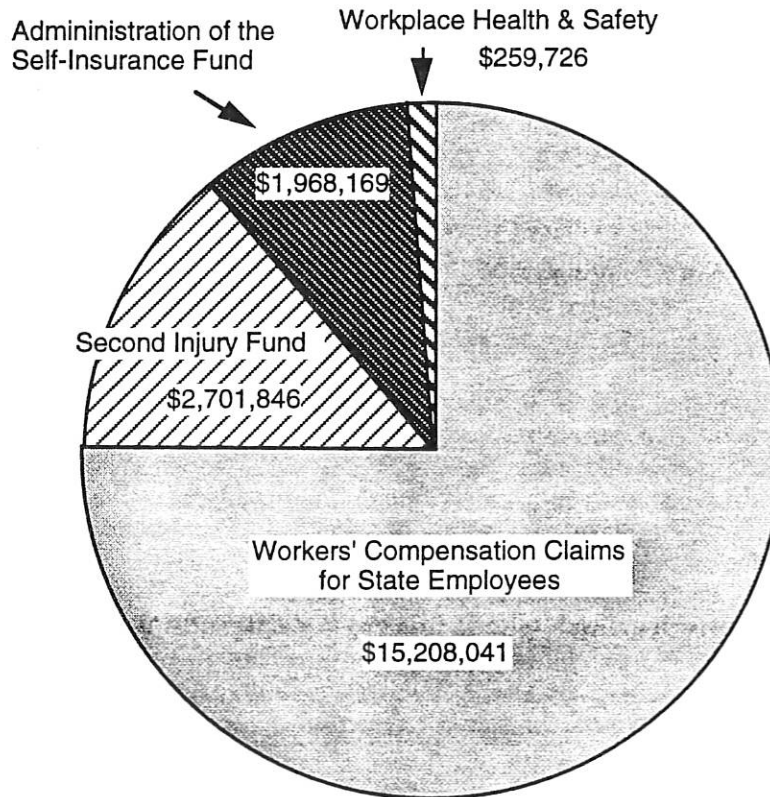
Finally, it appears that the Division of Personnel Services is using staff paid with Self-Insurance Fund money to do general work that isn't related to accident prevention. Program clerical staff estimated that, since December 1994, about \$21,000 of their salaries have been spent on work unrelated to the Program. Division officials generally concurred. The Program's professional staff estimated that \$18,000 of their salaries had been spent on unrelated work since that time. Division officials disagreed with this estimate. We found no major problems resulting from the sharing of Program equipment with other training programs. These and related findings will be discussed in more detail after a brief overview of the State's Workplace Health and Safety Program.

Overview of the State's Workplace Health and Safety Program

The State collects about \$22 million a year from State agencies to pay for workers' compensation claims for State employees. As the graph below shows, in fiscal year 1996, those claims totaled \$15.2 million.

Faced with dramatically rising workers' compensation costs, the 1993 Legislature made several changes to the State's workers' compensation laws. Among other things, it required that a State Workplace Health and Safety Program be established to identify and control accidents in State agencies.

Expenditures from the State's Self-Insurance Fund Fiscal Year 1996



Total Expenditures \$20,137,782

The chart above shows a total of \$20 million was spent from the Self-Insurance Fund that year. About 1.3% of that amount, or nearly \$260,000, was spent on the Workplace Health and Safety Program.

The State's Workplace Health and Safety Program Initially Was Administered by Self-Insurance Fund Staff, But Later Was Placed Under Human Resources Staff

The Self-Insurance Fund, which is administered within the Division of Personnel Services, is responsible for the State employees' workers' compensation program. To help implement the changes in the workers' compensation laws, the 1993 Legislature authorized expenditures of about \$260,000 from the Fund for six new full-time-equivalent positions. Three of those new positions were used to operate the Workplace Health and Safety Program—a Program administrator who also would act as a trainer, a professional trainer, and a clerical staff person.

As part of a December 1994 reorganization of the Division of Personnel Services, the Program was moved from the Self-Insurance Fund Unit to the Human Resource Development Unit. Division officials told us they wanted to consolidate similar activities in one section of the Division. Because the Workplace Health and Safety Program was primarily a training program, Division officials moved it to the Human Resource Development Unit, which handled other Division training activities. This Unit provides a variety of training to State employees, including instruction for new employees and supervisors, and Kansas Quality Management training.

Funding for the Program has continued at about \$260,000 per year. It currently has only two employees, because the administrator recently left the agency. Division officials told us they are unsure whether they will replace the Program administrator with a new employee.

Early On, the Division of Personnel Services Decided the Focus of the State's Workplace Safety Program Would Be on Modifying Employees' Behavior To Help Prevent Accidents

A traditional approach to accident prevention can include concentrating on changing environmental factors that cause accidents, such as putting safety guards on equipment and putting non-slip mats on slippery floors. However, Division officials told us they thought an employee-focused "behavior-modification" approach—which concentrated on identifying workers' behaviors that led to accidents and getting them to change behaviors that were harmful—would be more effective.

The Division contracted with a vendor—Behavioral Science Technology, Inc.—to set up the State's behavior-modification accident prevention process and to train Program staff in how to implement this process in other agencies. (The vendor's process is called the Behavioral Accident Prevention Process, or BAPP.) This contract is described in more detail in the profile on the following page.

The process the Division contracted for provides a behavioral approach to workplace safety. It's designed to do the following:

- identify workers' behaviors that lead to accidents
- regularly monitor workers' behaviors
- teach workers safer ways to perform tasks
- provide positive reinforcement for safe behaviors

The State Has Entered into Contracts Totalling \$231,000 to Provide a Behavior-Modification Approach to Accident Prevention

In December 1993, the Division of Personnel Services entered into a contract with Behavioral Science Technology, Inc., to provide support materials and training to State Workplace Health and Safety Program staff for the development of an accident-prevention approach called the Behavioral Accident Prevention Process.

The first year of the State's contract with Behavioral Science Technology cost \$100,000, and included training for several State employees—two Program employees as well as two staff members from the Kansas Neurological Institute, the first agency to participate in the behavior-modification process—so they could implement the process in State agencies and review accident reports to determine behaviors leading to accidents.

The second year's contract started on July 1, 1995, and extends to the completion of 105 State agencies—presumably all State agencies—through the behavior-modification training process. This second year's contracted amount is not to exceed \$131,000. Nearly \$67,000 has been paid to date. The remainder is to be paid at the rate of \$619 per agency, as each agency takes part in the process.

As we noted in the report, however, to-date only sections of three State agencies have completed all phases of the behavior-modification training process, and three more are in the implementation process. The process is time-consuming, both for Program employees and agencies. With only one remaining Program trainer, it's unrealistic to think that all 105 agencies will take part anytime in the near future. In addition, because the process involves employees observing the behavior of other employees, it doesn't work well with all State agencies. For example, the Department of Agriculture started the training, but officials there realized that with many employees located in various parts of the State and in sometimes isolated situations, it wasn't cost-effective to send employees to remote locations to observe behaviors of fellow employees. The Department decided to discontinue its participation in the process.

Also, according to an official with Behavioral Science Technology, it's likely that additional costs will be charged - over and above the \$231,000 contracted amount - if another trainer is hired to replace the Program administrator who left the agency this fall and if that trainer helps agencies implement this process.

This behavior-modification process is time-consuming. Workplace Health and Safety Program staff review a sample of agency accident reports to identify behaviors leading to accidents. Program staff then spend at least two weeks training employees in individual agencies or sections of agencies to identify accident-causing behaviors and give positive feedback when safe behaviors are observed. Employees then spend at least three months observing their co-workers and offering positive reinforcement for safe behaviors, and guidelines for changing accident-causing behaviors.

Here's an example of how this approach would work. Take the case of an agency whose workers are sometimes injured cleaning caustic substance from pipelines. An employee trained in the behavior-modification process in this agency would observe a co-worker to identify all the behaviors that seemed to lead to these accidents, such as not wearing protective clothing, or not closing the shut-off valve. Once these behaviors were identified, the trained employee would coach that co-worker to replace such behaviors with behaviors that are safer.

In addition to the behavior-modification process, several other less intensive training programs were developed. In 1993, Program staff surveyed State agencies to determine their training needs. As a result, they developed the training

programs described below. These programs were designed to prevent specific types of accidents.

- **Backpower**—provides instruction in proper lifting techniques and other methods designed to prevent back injuries
- **Office Ergonomics**—provides instruction on how to avoid repetitive-motion injuries (such as carpal tunnel syndrome) by using low-cost methods to improve the work environment
- **Ergonomics assessments**—Program staff inspect offices, assess individual work stations, and offer low-cost suggestions for improvements to prevent repetitive-motion injuries
- **Defensive driving**—teaches defensive driving techniques
- **CPR: First Aid (recently discontinued)**—provided basic life-saving techniques and first aid

Since 1993, Nearly 5,500 State Employees Have Received Some Type of Training Through the Workplace Health and Safety Program

The tables on this and the following page show which State agencies have received training, the type of training their employees received, and the number of employees who participated. Program staff also told us about 400 people attended two one-day safety conferences in 1993 and 1994. After the Program was moved to the

Number of State Employees Trained Through the Workplace Health and Safety Program

Dept/Agency	Office Ergonomics	Ergonomic Assessments	CPR	Defensive Driving	Backpower	Total
Transportation	63	31	20	481	230	825
SRS	286	113	70	129	107	705
State Hospitals	101	22			176	299
Regents	57	9	10	104	62	242
Administration	49	27	50	51	51	228
Health & Environment	61	14	19	82		176
Revenue	87	4	47			138
Corporation Commission	59	36		5	35	135
Bd. of Education	47	47		14		108
KBI	44			45		89
Wildlife & Parks	16	2		24	34	76
Judicial Administrator	32	25				57
Secretary of State	32	19				51
Corrections				37		37
Insurance	20	1				21
Aging	7	11				18
Animal Health				18		18
Human Resources	12	5				17
Regulatory Boards	8	6				14
Miscellaneous (a)	132		27	30	85	274
Totals	1,113	372	243	1,020	780	3,528

(a) includes training with multiple agencies such as open health insurance enrollment

**Behavior Modification Training Offered To-Date
Through the Workplace Health and Safety Program**

Agency	Unit Trained	Date training provided	# of staff trained to observe	# of other staff involved in the process (a)	Completed Training Phases (I-IV)
KNI	Direct Care	1994-1995	26	134	I-IV
Winfield State Hospital	Direct Care, Laundry, and Dietary	1994-1995	32	128	I-IV
Kansas Department of Transportation	District Six	1996	24	205	I-IV
Topeka Correctional Facility (b)	All Staff	1995	9	92	I-III
Osawatomie State Hospital	All Staff	1996	21	375	I-III
Emporia State University	Physical Plant	1996	15	75	I-III
Department of Agriculture (c)	Facility Wide	1995	0	81	I
Parsons State Hospital	Facility Wide	1996	0	400	I
Totals			127	1,490	

- (a) Other staff who participated in an initial safety survey or were observed by those trained to identify accident-causing behaviors.
- (b) Topeka Correctional Facility withdrew from the training. An official there said the Facility had established it's own safety program.
- (c) The Department of Agriculture withdrew from the training. Department officials told us the process wasn't cost-effective, given how spread-out the Department's workforce was.

The behavior-modification training process is completed in the four phases described below:

- Phase I A number of agency employees are surveyed regarding safety needs in their agency.*
- Phase II A safety steering committee is selected, and members develop an inventory of "unsafe" behaviors, based on a review of agency accident reports.*
- Phase III A few agency staff are taught to observe fellow employees and note unsafe behaviors that could lead to accidents.*
- Phase IV Staff that were taught to observe their co-workers are instructed on how to coach them in continuing positive behaviors and changing behaviors that lead to accidents.*

Human Resource Unit, these conferences were discontinued. Instead, workplace safety issues were incorporated into the Division's human resources conferences.

All Program training has been offered free of charge, as part of State agencies' annual payment into the Self-Insurance Fund. However, now that the safety conference training is included in the human resource conferences, agencies will have to pay for the training, which costs an average of \$50 per person.

Is the State's Workplace Health and Safety Program Effective At Providing Accident Prevention Training to State Employees and at Reducing Accidents?

We couldn't tell whether the Program has been effective at reducing accidents because not enough time has passed since training was completed to see a discernible difference in accident numbers. In addition, only a few units or divisions within State agencies have received behavior-modification training to-date. Because information isn't compiled for these small units or divisions, changes in their accident rates can't be identified. Agency training directors we surveyed generally were very positive about the Program, but didn't know whether the training actually had reduced accidents in their agencies.

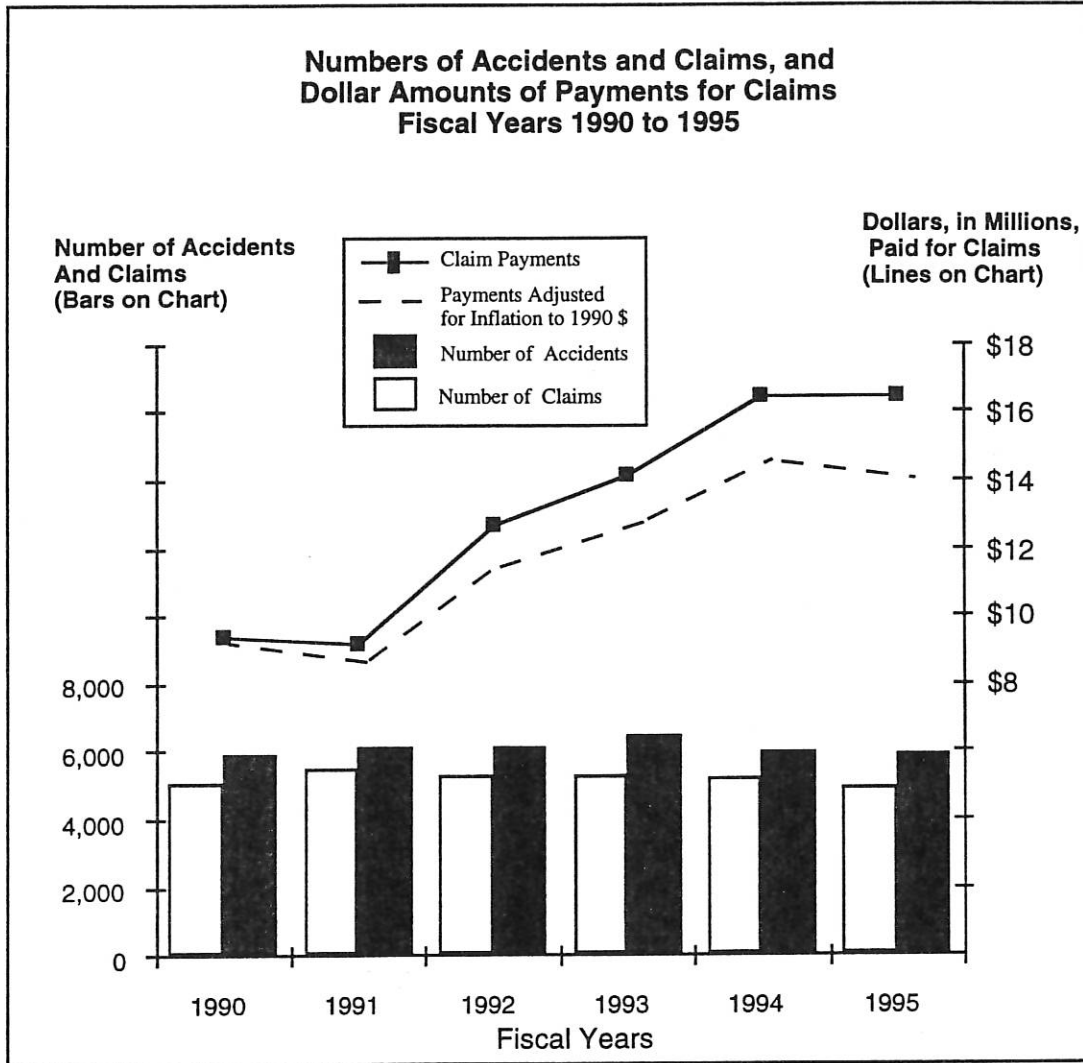
For several reasons, we concluded the State's Workplace Health and Safety Program isn't very effective at providing training to State employees. First, the Program doesn't target training to areas that have the greatest needs—such as agencies with high accident rates, or accidents that occur most frequently or are most costly. Second, because the Program is voluntary, some State agencies have decided not to participate, regardless of the cost or numbers of accidents they've had. The training that's been provided so far has been limited to a few agencies or small groups of employees within agencies. Third, Program officials haven't done some things required by law, such as developing procedures for identifying and controlling workplace hazards, and conducting on-site workplace health and safety hazard surveys in all State agencies. Finally, the Program's effectiveness is hampered by a lack of staffing resources. It has fewer staff than almost all surrounding states and all other self-insurers we surveyed. These and related findings are discussed in the sections that follow.

Although We Couldn't Tell Whether the Program Was Effective at Reducing Accidents, Agency Officials Told Us the Training They Received Was Useful and Met Their Agencies' Needs

The most comprehensive accident-prevention training provided through the Workplace Health and Safety Program has been the behavior-modification training. For the following reasons, we determined that any impact from this training likely wouldn't show up yet in available accident or claims statistics:

- to-date, this training has been completed with only small groups of employees in three agencies. Although more employees have received training in avoiding back injuries and repetitive-motion injuries and in driving defensively, their numbers within any one agency still are fairly small. Any impact of training on these small groups won't necessarily be noticeable because accident data are available only on an agencywide basis, not by sections or divisions within agencies.
- this behavior-modification training primarily was given in 1995 and 1996. As a result, only one year's worth of data is available showing accidents that have occurred after the training was provided. This isn't long enough to tell whether the training had a significant and lasting effect.

To see if any potential impact from the Program could be seen from available statistics, we reviewed Statewide accident and claims data for fiscal years 1990 through 1995. In general, those data were inconclusive. As the following chart shows, the amount paid for claims has increased dramatically since 1990 (even when adjusted for inflation), but the number of accidents and claims has remained virtually unchanged. (Complete data weren't available for fiscal year 1996 because of a change in computer systems.)

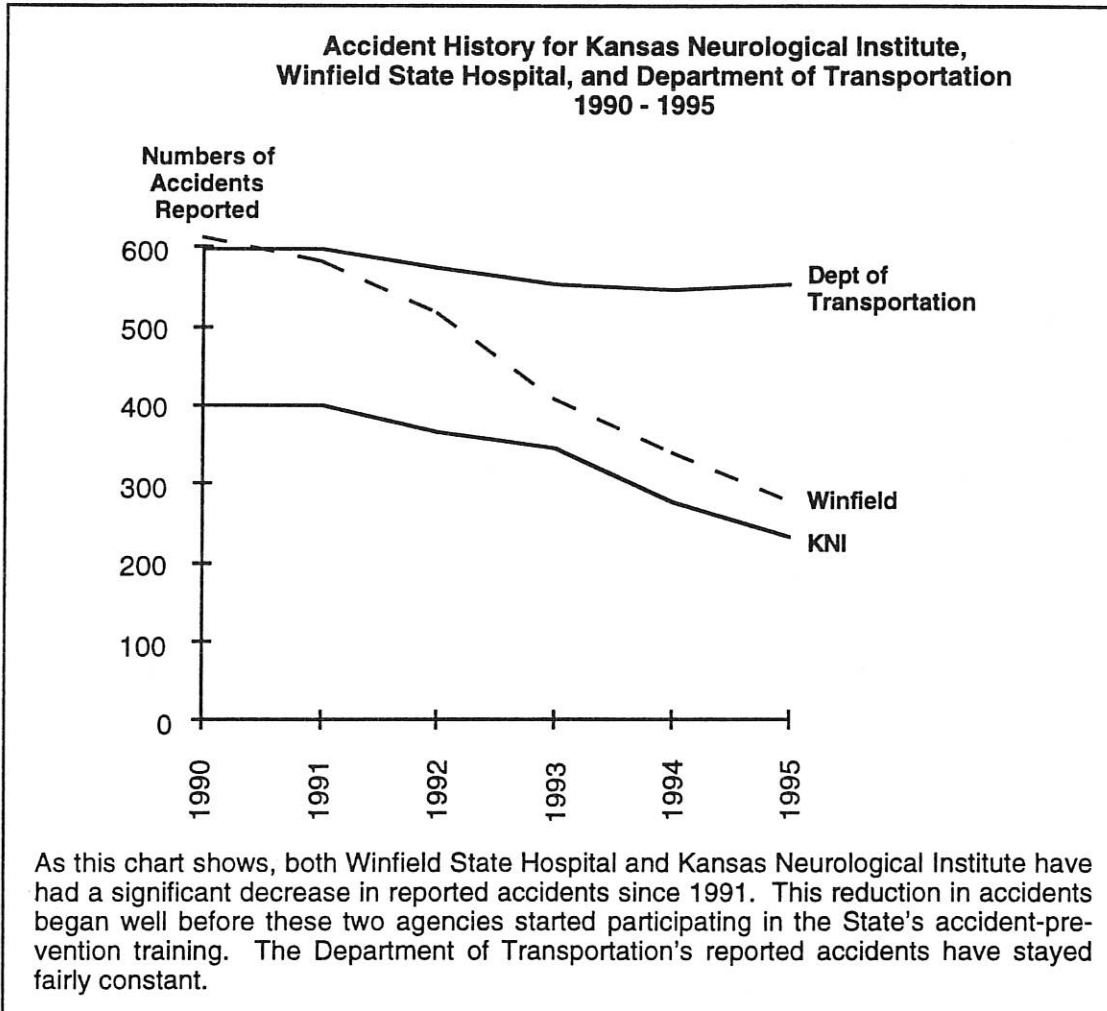


To see if data for individual agencies might demonstrate a potential impact, we reviewed statistics for the three agencies that have completed all four phases of behavior-modification training, as well as various other types of accident-prevention training. Those agencies, and the training they've completed, are described below.

- Winfield State Hospital: Three staff units in the hospital—direct care, dietary, and laundry—completed the behavior-modification process. Hospital staff also received training in office ergonomics.

- Kansas Neurological Institute: Only the direct-care staff unit at KNI completed training in the behavior-modification process. Institute staff also received training to prevent back injuries.
- Department of Transportation: Only staff in District 6 (Garden City) completed training in the behavior-modification process. Many KDOT employees also have received training in defensive driving, office ergonomics, and CPR.

The accompanying graphic shows the changes in accidents over time for these three agencies.



The graph shows that Winfield State Hospital and Kansas Neurological Institute both have had substantial declines in numbers of accidents, but those declines started in 1991—two years before the Workplace Health and Safety Program was created. Officials from Winfield State Hospital told us they had developed and were implementing a safety program on their own before the Program started. (More information about the Hospital's efforts to reduce accidents is contained in the profile on the next page.) The graph also shows virtually no change in the number of accidents for the Department of Transportation. Thus, in many ways, the accident information available for these three agencies is just as inconclusive.

A Comprehensive Safety Program Is Reducing Costs and Injuries at Winfield State Hospital

Before the Workplace Health and Safety Program was created, officials at Winfield State Hospital decided to take several actions to reduce the growth in accidents at their facility. Because they saw a growing number of back injuries, they bought back braces and mechanical lifts for employees. They also expanded their safety program to include several money saving components, including:

- A Return to Work program for injured employees,
- Development of a case management program with a designated case manager,
- Data collection and analysis of employee injuries.

Even with all these efforts, claims were still costing about \$3 million in 1993. At that time, Winfield State Hospital decided to participate in the Workplace Health and Safety Program's behavior-modification training. Over the course of the next year and half, a steering committee from Winfield's staff was selected to be trained on how to observe and note the critical behaviors that caused employee accidents and injuries. Once an inventory of critical behaviors was developed, the steering committee trained their coworkers on how to modify or eliminate these behaviors.

The commitment to reducing employee injuries and worker's compensation claims seems to have paid off for Winfield. According to Hospital officials, by fiscal year 1995 the total number of employee injuries was down to around 530 from nearly 1,300 in 1991 and 900 in 1993. (Because Hospital officials generally only report injuries that become actual claims to Self-Insurance Fund staff, the number of accidents reported to us by staff will be different from the number stated by Hospital officials.) Of those 530 reported injuries, 284 were referred for medical treatment. The cost of employee injuries that year was reduced to about \$980,000. That represents a 66% reduction in its total costs for employee injuries between fiscal years 1992 to 1995.

The Division of Personnel Services' ability to assess the impact of this Program—even after more time has elapsed—will be extremely limited and may be impossible. That's because training often is provided to staff in sections of agencies rather than agencywide, and accident data currently aren't available except for agencies as a whole.

Training directors in State agencies that have received training through the Workplace Health and Safety Program were very positive about the Program, but didn't know whether that training actually had reduced accidents. We sent 71 surveys to training directors in nearly 30 State agencies whose employees had received some type of accident-prevention training in fiscal years 1995 and 1996. Our survey asked about the effectiveness of the training they had received. We received 43 responses, for a 61% response rate. As the following summary results show, most survey respondents made very positive comments about the Program:

- 95% told us the training their agencies received was useful
- 98% said training was thorough enough to meet their needs
- 95% said they would recommend the training to another agency
- all respondents told us the trainers appeared to be knowledgeable in the subject area
- nearly 90% told us they were able to schedule training within a reasonable period of time

However, 79% of the survey respondents told us they were unsure whether the training had made any difference in the number of accidents within their agencies. Only five respondents (12%) said training had made a difference.

Survey respondents suggested other training they thought was needed, including cardiopulmonary resuscitation (CPR), verbal intervention skills for dealing with people like irate clients, and ways to deal with violence in the workplace.

The Program Isn't Very Effective at Providing Training In Areas With the Greatest Needs

Because the State's workforce is so large, it would be impossible to offer effective accident-prevention training to all State employees. Also, some professions are more dangerous than others, and some types of accidents are more disruptive or costly than others. For these and other reasons, and because of the limited resources available to provide accident-prevention training to State employees, we would have expected the Program to target its training efforts based on an analysis of at least the following types of information:

- agencies or professions that have high numbers or rates of accidents or claims
- accidents that occur most frequently or are most costly

As described below, our reviews showed that Program officials generally had not targeted training in these areas.

The Department's method of selecting agencies to provide training overlooked some agencies with high accident rates or a lot of workers' compensation claims. In deciding which agencies to provide behavior-modification training to, Program officials decided to target agencies that had the highest number of accidents. They gathered statistics on the number of accidents per agency, and chose the top 22 agencies on the list.

Program officials told us that, in their selection process, they did not consider such other factors as accident rates or claim rates. However, accident rates (such as the number of accidents per 100 employees) can provide critical information about agencies where employees are more accident prone. Claim rates (such as the number of workers' compensation claims filed per 100 employees) can provide critical information about the seriousness of the accidents that are occurring, because only those accidents that result in a loss of time or medical costs become claims.

By focusing only on numbers of accidents—and ignoring statistics about accident or claim rates—Program officials excluded a number of agencies that probably should have been targeted for training, and included some agencies that probably shouldn't have been targeted for training. The table at the top of the next page illustrates this finding. The column titled "total accidents" shows the ranking for the 22 agencies the Department has targeted.

As the table shows, Program officials targeted agencies like the Departments of Revenue and Corrections and Emporia State University for training based on total number of accidents. However, these agencies had only about 4-6 claims per 100 employee, far lower than most other agencies listed.

On the other hand, Program officials didn't target many agencies with relatively high accident or claim rates. For example, Ellsworth Correctional Facility, the

School for the Visually Handicapped, and the Youth Centers at Topeka and Atchison had high to fairly high accidents or claims per 100 employees, but none of these agencies were targeted for accident-prevention training.

**Ranking of Selected Agencies by Number of Accidents,
Accident Rate, and Claim Rate (a)
Fiscal Year 1993**

Agency Name	Total Accidents		Accidents/100 Employees		Claims/100 Employees	
	No.	Rank	No.	Rank	No.	Rank
KU Med. Center	1,014	(1)	21.2	(14)	17.7	(15)
KDOT	552	(2)	16.7	(18)	14.0	(19)
SRS	547	(3)	13.6	—	8.3	—
K-State	496	(4)	16.7	(17)	15.5	(16)
KU	453	(5)	10.2	—	7.8	—
Winfield State Hosp	408	(6)	46.9	(2)	44.8	(1)
KNI	347	(7)	40.7	(3)	40.2	(2)
Larned (Hosp/Corr Fac.)	283	(8)	25.7	(11)	20.6	(8)
Parsons State Hosp	219	(9)	38.9	(4)	29.8	(3)
Topeka State Hosp	198	(10)	32.4	(7)	26.8	(5)
Wichita State	167	(11)	9.8	—	10.0	—
Topeka Corr Facility	121	(12)	37.3	(6)	19.4	(10)
Osawatomie State Hosp	120	(13)	19.5	(16)	18.2	(13)
Lansing Corr Facility	119	(14)	16.4	(19)	14.2	(18)
Highway Patrol	96	(15)	11.8	—	8.6	—
Wildlife and Parks	90	(16)	21.8	(12)	18.4	(12)
El Dorado Corr Facility	82	(17)	21.0	(15)	15.1	(17)
Administration	79	(18)	8.6	—	8.1	—
Hutchinson Corr Facility	78	(19)	14.9	(21)	12.1	(22)
Revenue	52	(20)	4.1	—	3.9	—
Emporia State	50	(21)	7.3	—	5.9	—
Corrections	35	(22)	9.4	—	5.6	—
Youth Ctr. at Topeka	62	—	28.2	(10)	18.2	(14)
Ellsworth Corr Facility	57	—	30.7	(9)	28.0	(4)
Norton Corr Facility	54	—	21.4	(13)	19.8	(9)
Youth Ctr. at Atchison	49	—	38.4	(5)	24.3	(6)
School Visually Handic.	45	—	48.1	(1)	22.5	(7)
Youth Ctr. at Beloit	33	—	32.0	(8)	12.6	(21)
Comm. on Vet Affairs	31	—	16.4	(20)	18.5	(11)
KBI	28	—	14.1	(22)	10.6	—
Rainbow Mental Health	—	—	—	—	14.0	(20)

(a) This table includes the top 22 State agencies by total number of accidents, by accidents per 100 employees, and by claims filed per 100 employees. The agencies are sorted in descending order by total accidents. Some agencies that weren't included in the Program's list of the top 22 agencies by number of accidents actually had more accidents than some agencies on the Program's list. Program officials weren't sure where they got the data to develop their list.

Had Program officials reviewed and analyzed all the data available to them, not just total numbers of accidents, they would have had a much more solid basis for selecting the agencies most in need of accident-prevention training.

There's been little regular communication between Program officials in the Human Resources Unit, and other staff in the Self-Insurance Fund Unit who are most knowledgeable about State agencies' accident claim histories. Adjustors in the Self-Insurance Fund Unit regularly deal with State agencies in investigating accident claims. As Program staff helped agencies establish safety programs that focused on their most important needs, we would have expected them to maintain close communications with these adjustors. Since the Program staff moved from the Self-Insurance Fund Unit to the Human Resource Unit, however, there's been little communication between the two staffs.

In addition, the computer system that contains the data Program staff need is maintained by the Self-Insurance Fund Unit. Data for the most recent years wasn't readily available, in large part because the Division changed computer systems in 1996. The new system is set up to focus on claims, although it has the capability to provide management data—such as causes of accidents by agency—that the Program needs to better target its training.

The Division of Personnel Services has purchased software that will allow its staff to access such data. However, Self-Insurance Fund staff haven't received training yet in how to access the types of data the Program needs. Program staff did tell us that Self-Insurance Fund Unit staff have been cooperative in providing data.

Program training isn't targeted toward the types of accidents that are most costly or that occur most frequently. We reviewed data showing accident causes Statewide for fiscal year 1995. The following table shows the top five causes of accidents that resulted in claims being filed in fiscal year 1995, based on the total amount paid out for those accidents:

Cause of Accident	Total Amount Paid for Claims	Program Training Addressing Cause
Slips or falls—inside	\$1,349,000	None
Lifting	\$1,336,000	Backpower
Slips or falls—outside	\$1,236,000	None
Repetitive use	\$861,000	Office Ergonomics
Bending or twisting	\$552,000	Backpower

As the table shows, no training related to slips or falls—inside or outside—is provided by the Workplace Health and Safety Program, even though those two incidents are among the most costly types of accidents State employees are involved in. Division officials told us they haven't developed such training because no one has ever analyzed the data to identify this information. They told us training could be developed to address these types of accidents by analyzing the types of work and locations of the accidents, and designing a program to deal with them.

We also looked at training provided by the Program compared with accidents that occur most frequently. The following table shows the five most common causes of claims in fiscal year 1995.

**Five Most Common Causes of Accidents
Resulting in Claims by State Employees
Fiscal Year 1995**

Cause of Accident	Number of Claims Filed	Program Training Addressing Cause
Slips and falls—inside	670	None
Lifting	645	Backpower
Slips and falls—outside	576	None
Struck against an object	518	None
Struck by an object	476	None
Struck by a person	370	None

As this table shows, no training has been developed to address the most common causes of accidents. Program officials told us they hadn't considered analyzing such information as a way to target training toward agencies' needs.

By analyzing information about the most frequent or costly accidents, by agency, Program officials could develop specific training to address these types of accidents, and target that training to the agencies with the greatest occurrences. Such training also could be provided to agency trainers Statewide, so that they could train their agency employees in ways to help prevent such incidents.

Because the Program is voluntary, State agencies can decide not to take part in any Program training, regardless of the cost or numbers of accidents they've had. The law that created the Workplace Health and Safety Program for State employees didn't require State agencies to participate. Agencies on the Program's targeted list can and have told Program staff they didn't want to participate in the behavior-modification process. Although six agencies have participated (three of which have completed the training), four have declined, citing the following reasons:

University of Kansas	"We have a safety program already."
KU Medical Center	"We decline now. Too much going on with the heart transplant problems."
Wildlife and Parks	"Not interested now."
Topeka Correctional Facility	The new warden ended the process after the second phase because the process was too time consuming, and the Facility had a safety committee established to deal with accident prevention issues.

Program officials haven't approached about half the 22 agencies on their initial list about participating in the behavior-modification process. Most of those agencies were scheduled to be contacted, but Division officials put further contacts on hold when one of the two trainers took a job in another agency. Officials said they have decided to continue with the training, but will be reevaluating which agencies to target training to, and will be contacting them in the future.

A Division official told us that State agencies have little incentive to do anything about their accident rates, because they all pay the same assessment rate applied to agency salaries, regardless of an agency's accident or claim record. In other words, an agency with a high accident rate pays the same percentage of salaries into the Self-Insurance Fund as an agency with no accidents.

Some of the other states we contacted set an agency's rates based on its experience. In Colorado and Iowa, for example, if an agency has high accident rates and high workers compensation costs, those high costs are reflected in the agency's rates.

It would be possible in Kansas to set up incentives for workers' compensation similar to those of the Kansas Quality Program. In the Kansas Quality Program, agencies set up quality teams that examine and improve agency operations. Agencies can award an employee up to 10% of his or her salary for lowering operating costs of the agency, or for enabling the agency to improve service to the public with no increase in operating cost. The agency also can use a portion of the savings to purchase computer equipment or training. If such a system were applied to workers' compensation assessments, agencies could retain a portion of reduced workers compensation costs if they established accident prevention programs.

Limited staff resources also may have an impact on the Program's lack of effectiveness. To determine how Kansas' staffing levels compared to other self-insurers, we contacted six public and private self-insurers with a variety of types of workers. We also contacted three surrounding states with similar programs.

As the following table shows, we found that, with only one exception, Kansas has fewer accident-prevention trainers assigned per employee.

**Number of Employees per Accident Prevention Trainer
In Various Organizations**

<u>Organization</u>	<u>Employees Per Trainer</u>
Shawnee County	750
Stormont Vail Medical Center	880
Western Resources	1,050
City of Topeka	1,300
City of Wichita	1,500
USD 501 (a)	4,600
Oklahoma	11,000
Colorado	12,500
Kansas (b)	22,500
Iowa	40,000

- a. USD 501 has a half-time trainer for 2,300 employees.
 b. The Program had two trainers until November 1996, when the Program Administrator quit. Currently, there is only one safety trainer for about 45,000 State employees.

In the time allowed for this audit, we weren't able to collect and analyze accident data from the self-insurers or other states included in our review to determine the correlation between trainers and accidents. While we can't know the optimal level of training staff, it would appear that having only one trainer for 45,000 employees—the current situation in Kansas—falls far short of the ideal.

Another measure of the adequacy of resources devoted to accident prevention in the State is the amount of money devoted to workplace health and safety compared to the amount spent on workers' compensation claims for State employees. Kansas is paying out about \$370 annually per employee for workers' compensation claims, while spending only \$6.00 per employee for the State's Workplace Health and Safety Program. These figures don't take into account the amounts individual agencies spend for accident prevention, but they are an indicator of the lack of importance placed on a program the Legislature established specifically to help lower the cost of workers' compensation claims for the State.

The Training and Other Activities Provided through the Program Haven't Fulfilled the Requirements of State Law

The 1993 Legislature created the Workplace Health and Safety Program as part of a response to dramatically rising workers' compensation costs. To try to identify and address the causes of State employee accidents, the law specified certain requirements for the Program, as follows:

- conduct health and safety surveys in all State agencies, including on-site interviews with employees
- provide hazard prevention services, including inspections and consultations
- develop procedures for identifying and controlling workplace hazards
- develop and disseminate information
- provide training for supervisors and employees in healthful and safe practices

Officials from the Division of Personnel Services told us the Program is meeting all the requirements of State law, primarily through the behavior-modification training process. Based on our reviews and testwork during this audit, however, we concluded these requirements haven't been met.

Although the behavior-modification process appears to be a comprehensive safety program, and it may be designed to address most of these areas, that process has had very limited use, perhaps because it is so all-inclusive and time-consuming. To-date, this training has been targeted only to 22 agencies, has been completed by sections or units of only three State agencies, and is being provided to only three more agencies. Four agencies have declined to participate. Another 10 agencies were slated for behavior-modification training, but that training was placed on hold for a period of time while Division officials were considering whether to continue it. They apparently have decided to continue with the training, but currently have only one safety trainer in the Program.

Given the very limited nature of the training that's been provided so far, it's unrealistic to expect that all State agencies will be provided with this accident-prevention behavior-modification training anytime in the near future.

The Program could reach more agencies by developing a less intensive accident prevention program, and by helping State agencies implement that program themselves. The behavior-modification process the Program has adopted is complex and time-consuming, limiting its application in Kansas. By developing accident-prevention training that addresses the most frequent, disruptive, or costly types

The Department of Human Resources Assesses the Adequacy Of Accident-Prevention Programs for Certain Entities

When the 1993 Legislature overhauled the State's workers compensation laws, it allowed the Department of Human Resources to determine the adequacy of accident-prevention programs operated by insurance companies and group-funded self insurance plans. (Group-funded plans include entities such as the Kansas Association of Counties, Kansas League of Municipalities, or Kansas Associations of Manufacturers.) In addition, each group-funded plan or insurance company is required to annually submit a report to the Department describing the accident prevention services provided during that year.

The law didn't give the Department the authority to assess the adequacy of self-insurers like the State, and no self-insurer, except the State, is required to have an accident-prevention program. According to Department officials, however, all of them have such programs.

The following standards—based on workplace safety literature and the Occupational Safety and Health Administration's guidelines—are used by the Department to assess the adequacy of accident prevention programs.

- **management leadership** management is expected to treat safety as a high priority
- **employee participation** employees participate in analyzing, inspecting, and investigating workplace accidents and participate in developing the safety program
- **survey and hazard analysis** regular surveys identify and analyze all hazards and document corrective action
- **inspections** identify new or previously missed hazards through regular inspections
- **hazard reporting** a hazard reporting system enables employees to notify management of conditions that appear hazardous
- **accident investigation** identifies causes of accidents so means for prevention identified
- **data analysis** program will analyze injury and illness records for indications of sources and locations of hazards and jobs that experience higher numbers of injuries
- **hazard control** use of engineering controls, work practices, and administrative controls to prevent current and potential hazards
- **safety and health training** cover safety and health responsibilities of all personnel and incorporate into other training, if possible

of accidents that occur, that can be adapted to State agencies' circumstances, and that can be taught to agency trainers so they can train their agencies' employees, Program officials may be able to provide a more cost-effective approach to reducing State employee accidents. The behavior-modification process could be used in agencies that request such training or that have greatest needs.

Conclusion

If the Workplace Health and Safety Program is to be effective, Program staff will need to do more to identify agencies that need training by looking at a broader range of data such as accident rates, claim rates,

and causes of accidents. This will involve working more closely with staff in the Self-Insurance Unit and will require the Division of Personnel Services to train staff on how to use existing computer software to produce the kinds of management information needed. Staff also will need to develop training to address frequent causes of accidents, such as slips and falls, that aren't currently addressed in existing training packages.

Above all, the Division of Personnel Services will need to reassess its approach to accident prevention training. In three years of operations, parts of only three agencies have completed its comprehensive training designed to change behaviors that lead to accidents. At this rate, it will be years before trainers reach all agencies. Thus, it appears that unless significantly more resources are going to be allocated to the Program, it might be more beneficial for Program officials to develop training that State agencies can implement themselves on an ongoing basis, and hold training sessions to train the one or two people in each agency that will be responsible for implementing the program.

Recommendations addressing these issues are presented at the end of question two.

Are Unrelated Administrative Expenses Being Charged to the Self-Insurance Fund for the Workplace Health and Safety Program?

Salaries for Workplace Health and Safety Program employees are paid from the Self-Insurance Fund. Clerical staff assigned to the Program estimated that, since December 1994, about \$21,000 of their salaries have been spent on work unrelated to the Program. Division officials generally concurred. The Program's professional staff estimated that \$18,000 of their salaries had been spent on unrelated work since that time. Division officials disagreed with this estimate.

We found no major problems resulting from sharing Program equipment with human resource development equipment. Nonetheless, the Department of Administration must ensure that resources designated for use in accident prevention are used for that purpose, and that adequate resources are devoted to the Program to meet the requirements of State law.

It Appears That Significant Amounts of Self-Insurance Fund Moneys Have Been Spent for Salary Costs Unrelated to the Health and Safety Program

The Workplace Health and Safety Program originally was operated from the Division of Personnel Services' Self-Insurance Fund Administration Unit. In December 1994, the Program was transferred to another section within the Division—the Human Resource Development Unit. All three Health and Safety Program staff were transferred, and their equipment was placed in the equipment pool. Division officials told us this change was made so that training staffs would be located in one unit within the Division, and so that equipment could be used more efficiently.

One of the concerns that led to this audit was that moneys appropriated exclusively for accident-prevention were being used to pay for other types of training not related to accident prevention. To see if this was happening, we reviewed salary expenditures, equipment purchases, and travel expenditures from December 1994 through the end of fiscal year 1996.

Our reviews and interviews showed that salary moneys had been spent on activities unrelated to the Program. This information is presented in the table at the top of the next page.

The Program's clerical employees spend a significant amount of their time on non-Program related activities. Two employees have served in the Program's one clerical position since December 1994. They estimated that between 70%-99% of their time has been spent on duties not related to the Health and Safety Program. These duties include typing correspondence and course material for the Certified Public Manager and supervisory training programs, performing administrative duties for the human resources management conference, and answering phones for the entire Human Resources Development Unit.

**Program Staff Estimates of Salary Spent for Work
Unrelated to the Health and Safety Program
December 1994 Through June 1996**

Employee	Total Salary	Program Salary used for Non-Program- Related duties	% Salary Used for Non-Program- Related duties
Clerical	\$28,000	\$21,000	75%
Program admin.	\$59,800	\$14,000	23%
Trainer	\$50,000	\$4,000	8%
Estimated Salary Used For Non-Program-Related duties		\$39,000	

The current Unit Director generally agreed that the vast majority (70%-80%) of the clerical staff's time was spent on work unrelated to the Program. That position is funded completely from the Self-Insurance Fund.

The Program's professional employees told us they spent considerable time on activities unrelated to the accident-prevention program, but Division officials disagreed with their estimates. Based on estimates from the two professional staff, about \$18,000 of their salaries was spent on non-Program activities. For example, the former Program administrator told us she spent about 75% of her work time from December 1994 to May 1995 organizing a human resource management conference, in which only three of 17 sessions were related to accident prevention. She also told us the duties related to the conference severely restricted her ability to carry out Program activities during that period. The Program's trainer estimated she spent about 25% of her time on conference activities, such as registering participants, arranging audio equipment, and facilitating group discussions.

When we asked the former supervisor of the professional staff and Division officials about these estimates, they told us the former Program administrator and trainer had spent only a small amount of their time on activities unrelated to the Program. They said the time spent on the conference was negligible, or was no more time than if staff had been organizing a safety-related conference.

Division officials also told us that, although some salary costs may be paid that aren't directly related to the Program, other offsetting costs are incurred that aren't charged to the Program. Those include portions of salaries for 16 Division staff, including the Human Resource Development Unit Director, fiscal staff, Director and Assistant Director, and various clerical staff, all of whom are involved in at least some aspect of the Program's operation. Division officials estimate that about \$36,000 of salaries and fringe benefits for these 16 staff could have been charged to the Program in fiscal year 1996, but wasn't. As we discuss in the next section, the lack of detailed time records prevented us from determining the accuracy of this estimate.

Because employees in the Division don't complete detailed time records, we couldn't tell whose estimates of time spent on non-Program activities were accurate. However, memos and other documentation show that the former Program

administrator did have responsibilities as a conference organizer. This most likely would have caused her to spend considerable time doing non-Program activities. In addition, Division officials told us they plan to cross-train all training staff so they can work in both safety-related and non-safety-related areas. Division officials did tell us that trainers unfamiliar with technical accident prevention programs, such as Ergonomics and Backpower, wouldn't be expected to conduct that highly specialized training.

We Found No Major Problems with the Use of Program Equipment

Concerns were raised at the start of the audit that equipment purchased for Program staff's use wasn't available when needed. Program equipment had been pooled with Human Resource Development Unit equipment in December 1994. Because equipment use logs weren't consistently kept, it was difficult to determine which staff used which equipment since the merger. However, it was clear that at times non-Program staff used Program equipment.

This cross-usage hasn't caused a major problem, according to Program staff, because there was almost always some equipment available when safety training was scheduled. They cited only one instance when a Program trainer had to change a training class because of the lack of equipment.

We found one expenditure for equipment—a needs assessment software program purchased for \$360 with Self-Insurance Fund moneys—that Program staff told us they had never used. Division officials agreed it hadn't been used much, if at all, by Program staff, but was available for Program use if necessary. The Human Resource Unit Director told us the software was being used for a variety of Division programs.

Conclusion

With only two professional staff and one clerical person to serve more than 40,000 State employees, the staff resources available for accident prevention are very limited. Any use of those employees for non-program-related activities diminishes the Program's ability to be effective. Agency staff disagree about the amount of time professional staff spent on non-program activities, but agreed that clerical staff spent a significant amount of time on non-program-related activities. This suggests that the Program doesn't need a full-time clerical employee and the money spent to fund the clerical salary could be used to help pay for additional trainers or materials to supplement the Program. Although pooling staff and equipment from various functions may make good sense from an efficiency standpoint, it will be important for Department officials to ensure that the focus of this Program doesn't get lost in other functions of the agency.

Recommendations

1. To ensure that the Workplace Health and Safety Program has the types of information necessary to target training where it is most needed, the Division of Personnel Services should train agency staff on how to use computer software to produce the following types of management information:
 - numbers of accidents and claims
 - accident and claim rates
 - causes of accidents
 - workers' compensation costs per employee and agency

2. To ensure that the Program is providing appropriate types of training to those agencies with the greatest needs, Program staff should do the following:
 - a. Consider additional factors—such as accident rates, workers compensation claim rates, common causes of accidents, and which types of accidents are most costly—when determining where to target training.
 - b. Gather input from Self-Insurance Fund claims adjustors in determining the training needs of individual agencies.
 - c. Develop training to address major causes of accidents that aren't addressed in current training packages, such as accidents caused by slips and falls.

3. Officials in the Workplace Health and Safety Program should take the steps necessary to meet the requirements contained in K.S.A. 44-575, which calls for accident-prevention efforts in all State agencies. These requirements include conducting workplace health and safety hazard surveys in all agencies (including on-site interviews with employees), providing inspection and consultation services, developing procedures for identifying and controlling accidents, developing and disseminating health and safety information, and providing training for supervisors and employees. In addition, in its efforts to provide accident-prevention services to more State agencies on a more timely basis, the Division of Personnel Services also should consider the following:
 - developing policies and procedures that agencies can use or adapt to address many of their own safety needs, whether that means establishing their own safety program, or improving the programs they already have. Program staff should assist agencies in implementing these policies and procedures. Program staff still should provide training to

agency trainers in assessing their agencies' safety needs and potential hazards, and in the proper application of those policies and procedures.

- evaluating the effectiveness of the behavior-modification process to determine if it is worth continuing. If officials decide to continue providing behavior-modification training, they should do so in agencies where that process will be most cost-effective and appropriate.
 - developing and providing specific training, as needed, to meet the needs of agencies having concentrations of certain types of accidents
4. To ensure that State agencies have an incentive to participate in safety training and to help reduce workplace accidents, the Department of Administration should develop proposals for the Legislature to consider that would provide such incentives to State agencies.
5. To ensure that resources available to the Program are used as effectively as possible, the Division of Personnel Services should do the following:
- a. Ensure that the Workplace Health and Safety Program remains distinct enough from other Division operations that it doesn't lose its identity, and its resources don't get consumed by other Division functions.
 - b. Develop a reasonable system to account for time spent by employees whose time is divided between the Workplace Health and Safety Program and other Division activities.
 - c. Quit funding a full-time clerical person for the Program, and use the Self-Insurance Fund salary moneys that would be freed up to pay for additional training staff or other resources for the Program.
 - d. Assess whether the Program has sufficient training resources to do all that is required and needed. If not, determine whether resources can be reallocated internally to do this. If not, present a proposal to the Legislature requesting additional resources.

APPENDIX A

Agency Response

On December 20, we provided copies of the draft audit report to the Department of Administration. Its response is included as this appendix. We carefully reviewed the Department's response and made minor clarification changes.