

Senate Bill 167 – SUPPORT
Wednesday, February 18, 2015

Senate Commerce Committee

Timothy Voegeli
Former Owner, T&T Foods, Inc.
Current Manager Tubeless Solutions, LLC
1700 Bower Dr.,
Wichita, KS 67230

Members of the Committee,

My name is Timothy Voegeli, former owner of T & T Foods, Inc. and current system-wide manager of Tubeless Solutions, LLC. For over 30 years, I ran small town grocery stores in Andover, Augusta, Winfield, Wellington and Rose Hill, Kansas. I have managed up to 200 employees at a time from all positions of a full service grocery store. These employees regularly worked around all manner of equipment, including: industrial baking ovens and mixers, bone saws, knives, meat grinders, electronic pallet jacks, hydraulic docking lifts and box crushers, industrial refrigeration and ice machines, not to mention the heavy and repetitive lifting that comes from keeping a store fully stocked and clean.

This equipment can very easily cause severe injury. While we took every safety precaution that we could to ensure the safety of my employees, over the years I had a number of worker's compensation claims from employees that had been injured at one of my places of business. I have always maintained worker's compensation insurance, and these claims were handled according to the policy. My premiums were generally predictable, although they did raise and lower with the claims that will eventually come from running any business. Generally, the claims were easily processed, valued, and handled, and the increase costs for my business was known ahead of time and we could plan for it. Predictability with any business cost is a great thing for that business.

My liability insurance was not near as steady. In 30 years, I can count on one hand the claims on my liability, but each claim could drastically affect the amount that I would be required to pay yearly depending on a number of factors that I never fully understood. Claims would vary wildly in both value and length of time required to defend the claim. My insurance would reflect this uncertainty.

This is why I am concerned with the current state of worker's compensation in Kansas. I understand that worker's compensation is handled separately from lawsuits filed in district court, and that these claims are handled in a way that makes their value much more certain. I also understand that worker's compensation is the exclusive remedy for these claims. If this were to change and expose employers to liability in district court, it would be a disaster for small businesses in Kansas that do not have the resources necessary to resolve these claims immediately and get back to work.

While big businesses may have the time, personnel, and money to attend to these cases, I do not. I worked every position on my stores, sometimes in the same day. My wife was my

exclusive HR, payroll, payment supervisor, conflict resolver, insurance administrator, charge account coordinator, vendor contact, bookkeeper and overall sanity provider. Aside from both us working beyond 40 hours a week, we had five children (one with special needs) and a house to maintain. If you can figure out how we would manage defending a court case on that schedule, I'm listening.

The exclusive remedy is necessary to all small businesses. A single case in which my business could be exposed to hundreds of thousands of dollars, if not millions, would be absolutely devastating. In businesses where employees are required to work around potentially dangerous machinery, the protection and certainty of the workers compensation act are what allows us to operate as normal. While I have never been a fan of adding costs, including worker's compensation insurance, the alternative would be far worse. I do not believe the risk of opening my business, and every Kansas business, to this kind of liability is worth the benefit of mildly reduced premiums.

That is why I am urging you to stand with Secretary Kobach and support Senate Bill 167 to restore the worker's compensation act. I am currently assisting Tubeless Solutions, LLC in their search for a manufacturing facility, and should there even be a possibility that these claims were going to district court, it may be enough for my investors to seek a location outside of the state of Kansas. I was born here, I was raised here, and I have worked here for the greater part of 35 years. I would like to continue. Please help Secretary Kobach ensure that the protections I was given as a business owner continue to the next generation of Kansas entrepreneurs.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Timothy Voegeli', with a stylized flourish at the end.

Timothy Voegeli

Former owner of T&T Foods, Inc.

Current Manager of Tubeless Solutions, LLC.