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**WORKERS'  
 COMPENSATION  
 BENEFITS  
 KANSAS 2022**

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BODY PART AFFECTED	WEEKS PAYABLE
Disability, Body as a Whole	415
Shoulder	225
Arm	210
Forearm	200
Hand	150
Leg	200
Lower leg	190
Foot	125
Eye	120
Hearing, Both Ears	110
Hearing, One Ear	30
Thumb	60
1st (Index) Finger	37
2nd (Middle) Finger	30
3rd (Ring) Finger	20
4th (Little) Finger	15
Great Toe	30
Each Other Toe	10

MILEAGE RATE	
DATES	RATE
07/01/21 to 06/30/22	\$0.560
07/01/20 to 06/30/21	\$0.575
07/01/19 to 06/30/20	\$0.580
07/01/18 to 06/30/19	\$0.545
07/01/17 to 06/30/18	\$0.535
07/01/16 to 06/30/17	\$0.540
07/01/15 to 06/30/16	\$0.570

WEEKS EXPRESSED AS A DECIMAL	
1/7	0.14
2/7	0.29
3/7	0.43
4/7	0.57
5/7	0.71
6/7	0.86

MAXIMUM WEEKLY BENEFITS		
DATES	RATE	QUALIFYING WAGE
07/01/21 to 06/30/22	\$737.00	\$1,105.50
07/01/20 to 06/30/21	\$687.00	\$1,030.50
07/01/19 to 06/30/20	\$666.00	\$999.00
07/01/18 to 06/30/19	\$645.00	\$967.50
07/01/17 to 06/30/18	\$631.00**	\$946.50**
07/01/16 to 06/30/17	\$627.00	\$940.50
07/01/15 to 06/30/16	\$610.00	\$915.00
07/01/14 to 06/30/15	\$594.00	\$891.00
07/01/13 to 06/30/14	\$587.00	\$880.50
07/01/12 to 06/30/13	\$570.00	\$855.00
07/01/11 to 06/30/12	\$555.00	\$832.46

WORKERS' COMPENSATION BENEFITS	
Date of Accident Bodily Injury	07/01/2019
Weeks	415
Percent of Disability	15%
Weeks of TTD Paid	25
Average Weekly Wage	\$1,105.50
TTD Rate	\$737.00
PPD Rate	\$737.00

\*\* Revised by the State



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## COMPENSABILITY

### ACCIDENT OR INJURY

An injury is compensable only if it arises out of and in the course of employment. An injury is compensable only if the accident was the prevailing factor in causing the injury.

An injury is deemed to arise out of employment only if:

- There is a causal connection between the conditions under which the work is required to be performed and the resulting accident; and
- The accident is the prevailing factor causing the injury, medical condition, and resulting disability or impairment.

A repetitive trauma is deemed to arise out of employment only if:

- Employment exposed the worker to an increased risk or hazard which the worker would not have been exposed to in normal, non-employment life;
- The increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma; and
- The repetitive trauma is the prevailing factor in causing both the medical condition and resulting disability or impairment.

### CALCULATING BENEFITS

An employee's Average Weekly Wage ("AWW") is calculated based on the twenty-six (26) weeks of wages prior to the injury. All of the employee's wages earned during the twenty-six (26) week period are totaled and then divided by twenty-six (26) to determine the employee's AWW.

"Wages" means the total of the money and any additional compensation that the employee receives. Additional compensation, such as board and lodging, insurance, or employer contributions to pension or profit sharing plans, is included if the additional compensation is discontinued following an injury.

Body as a Whole injuries should deduct the weeks of TTD benefits paid (in excess of the first 15 weeks) from 415 weeks, then multiply by the percentage of impairment and by the compensation rate.

Work disability is possible if the employee has greater than 7.5% whole body impairment (or at least 10% if preexisting impairment) and is unable to earn a comparable wage due to the work accident. Work disability is the average of wage loss and loss of task performing abilities. Post-injury wage is determined based on the employee's earning capability.

Preexisting impairment of function may be deducted from the final rating. If prior injury for the same employer, credit is dollar-for-dollar based on current rates. If prior injury for a different employer, subtract the preexisting percentage from the final impairment rating.

## TYPES OF BENEFITS

### TEMPORARY TOTAL DISABILITY

Temporary Total Disability ("TTD") benefits are available to an employee when the employee is completely and temporarily incapable of returning to work. TTD benefits may also be paid if an employer cannot accommodate the employee's temporary work restrictions. The benefits are payable until the employee returns to work or reaches Maximum Medical Improvement ("MMI").

### IMPORTANT CONSIDERATIONS

- Temporary benefits may terminate if the employee refuses accommodating work within their restrictions.
- An employee is not entitled to TTD benefits if the employee is receiving unemployment benefits.

### PERMANENT TOTAL DISABILITY

Under the Kansas Workers' Compensation Law, "permanent total disability" means the employee is completely and permanently incapable of engaging in any type of substantial and gainful employment. An employee can only be permanently and totally disabled once in a lifetime.

### IMPORTANT CONSIDERATIONS

- Permanent Total Disability ("PTD") benefits are capped at \$155,000.00 (including payment of TTD and TPD).

### PERMANENT PARTIAL DISABILITY

Permanent Partial Disability ("PPD") exists when the employee is disabled in a manner which is partial in character and permanent in quality. The extent of PPD is the percentage of functional impairment the employee sustained on account of the injury. The impairment should be determined based on the American Medical Association, 6th Edition guides.

### IMPORTANT CONSIDERATIONS

- Temporary benefits can be subtracted from the maximum weeks for PPD benefits.
- PPD benefits are capped at \$130,000.00 (including payment of TTD and TPD).
- Benefits for functional impairment only are capped at \$75,000.00 (over and above TTD).

## DEATH BENEFITS

### ELIGIBILITY FOR DEATH BENEFITS

In typical situations, the surviving spouse and/or wholly dependent children are entitled to death benefits. The surviving spouse is entitled to benefits for his or her lifetime, unless otherwise terminated.

A conservatorship is required for minors entitled to death benefits.

### THE EXTENT OF DEATH BENEFITS

- \$300,000.00 in death benefits are available for a surviving spouse and wholly dependent children.
- \$100,000.00 in death benefits are available to all other dependents if there is no surviving spouse or wholly dependent children.
- The employer is responsible for up to \$10,000.00 in burial expenses.

Minors are paid until the child graduates high school or turns 19, whichever happens earlier. Full-time college students or disabled dependents may qualify until age 23 under the following circumstances:

- The Dependent child is not physically or mentally capable of earning wages in any type of substantial and gainful employment; or
- The Dependent child is a student enrolled full-time in an accredited institution of higher education or vocational education.

### IMPORTANT CONSIDERATIONS

- Death benefits should be paid weekly to the surviving spouse and/or dependents.
- The surviving spouse's remarriage does not terminate their death benefits.