

WORKERS COMPENSATION ELECTION INFORMATION

K-WC 138 (Rev. 5-14)

The Kansas Workers Compensation Act allows certain employers or individuals to choose their status under the Act. This process is known as filing a written statement of election. Below are the various election forms presently in use:

- A. **Form K-WC 50** is filed by an employee of a corporation who owns 10 percent or more of the corporate stock to elect not to be covered under the Act.
Form K-WC 50-A cancels a K-WC 50 election. (See K.S.A. 44-543(b).)
- B. **Form K-WC 51** is filed by an employer exempt from the law to cover its employees. This includes employers with less than a \$20,000 payroll and employers involved in agricultural pursuits.
Form K-WC 51-A cancels the election made by K-WC 51. (See K.S.A. 44-505(b).)
- C. **Form K-WC 113** is filed by an individual, proprietor, members of LLCs or partner to elect to cover himself or herself under the Act.
Form K-WC 114 cancels the election made by K-WC 113. These forms must be signed by a group pool administrator or an official of the insurance carrier. A signature of an agent is **not acceptable**. (See K.S.A. 44-542a.)
- D. **Form K-WC 123** is filed by an employer to elect to provide coverage for all or some volunteer workers.
Form K-WC 124 cancels the election made by K-WC 123. (See K.S.A. 44-508(b).)
- E. **Form K-WC 135** is filed by an employer to elect to provide coverage for persons who are performing public or community service as a requirement to receive public assistance or as a result of a contract of diversion, or assignment to a community corrections program or suspension of sentence, or as a condition of probation or in lieu of a fine.
Form K-WC 135-A cancels the election made by K-WC 135. (See K.S.A. 44-508(b).)
- F. **Form K-WC 137** is filed by volunteer directors, officers or trustees of a nonprofit organization to elect coverage under the Workers Compensation Act.
Form K-WC 137-A cancels the election made by K-WC 137. (See K.S.A. 44-543(a).)

In order to be valid and go into effect, an election form must be filled out completely and filed with the Division of Workers Compensation. Election forms are available on the division's website: www.dol.ks.gov/wc/frmpub2.html.

Questions concerning the proper filing or use of elections can be referred to the Ombudsman/Claims Advisory Section at (800) 332-0353, option #2.

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FILING ELECTIONS BY FAX OR POSTAL MAIL

1. Go to the "Elections" section of the Forms and Publications page on the division website.
2. Open the fillable form that you need.
3. Complete the form by typing in the fields. All fields must be complete or the document will not be accepted by the division.
4. Print the completed form, sign and date the document. Keep a scanned or paper copy for your files.
5. Once you have completed the form, there are two ways to submit it:
 - Fax it to 785-296-0025 or
 - Mail it to the address at the bottom of the form

DO NOT email any elections form to the division.