

Nebraska Workers' Compensation Court
74th Annual Report



Fiscal Year 2016

July 1, 2015 through June 30, 2016

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John R. Hoffert
Presiding Judge

James R. Coe
Judge

Laureen K. Van Norman
Judge

J. Michael Fitzgerald
Judge

Thomas E. Stine
Judge

Daniel R. Fridrich
Judge

Julie A. Martin
Judge

Tamra L. Walz
Court Administrator

Elizabeth A. Gianunzio
Clerk of the Court



STATE OF NEBRASKA
WORKERS' COMPENSATION COURT

STATE CAPITOL BUILDING • P.O. BOX 98908 • LINCOLN, NE 68509-8908 • (800) 599-5155 • (402) 471-6468 • <http://www.wcc.ne.gov/>

Letter of Transmittal

Lincoln, Nebraska
December 1, 2016

Honorable Michael Heavican
Chief Justice of the Nebraska Supreme Court

Honorable Pete Ricketts
Governor of Nebraska

Honorable Galen Hadley
Speaker of the Nebraska Legislature

Dear Chief Justice, Governor, and Speaker:

We have the privilege of submitting herewith the 74th Annual Report of the Nebraska Workers' Compensation Court, prepared in accordance with the provisions and requirements of Section 48-166, Revised Statutes of Nebraska.

Yours respectfully,

NEBRASKA WORKERS' COMPENSATION COURT

By

John R. Hoffert
Presiding Judge

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General Information

History

The Nebraska Workers' Compensation Act was first passed in 1913 and was originally titled the Nebraska *Workmen's* Compensation Act. From then until 1917 the Act was administered by the several state district courts. In 1917, the Legislature created the Compensation Division in the Department of Labor and the commissioner of labor was designated compensation commissioner. The 1935 Legislature established the Workmen's Compensation Court and transferred Compensation Division functions to the court. In 1986, the name of the court was changed to the *Workers' Compensation* Court. By 1988, the workers' compensation bench had grown to seven judges who hear disputed cases throughout the state. The authority and responsibilities of the court are found in Chapter 48, Article 1, of the Revised Statutes of Nebraska.

Mission

The mission of the Nebraska Workers' Compensation Court is to administer and enforce all provisions of the Nebraska Workers' Compensation Act, except those provisions that are committed to the courts of appellate jurisdiction or as otherwise provided by law.

Organization

The Nebraska Workers' Compensation Court is composed of seven judges who are initially appointed by the governor. A judge is then subject to a retention vote by the electorate three years after his or her appointment and every six years thereafter. Every two years one of the judges is elected as presiding judge by the judges of the court, subject to approval of the Nebraska Supreme Court. The court maintains offices in Lincoln and Omaha, although all court filings must be made in the Lincoln office. A judge will travel to any county in the state where an accident occurred to hear a dispute regarding workers' compensation benefits. The judge's decision may then be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals.

For administrative purposes, the judges and staff of the court are organized into two operating divisions and seven operating sections. The adjudication division, under the direction of the presiding judge, includes the judges and the Office of the Clerk of the Court. The administration division, under the direction of the court administrator, includes the remaining six sections as identified below. The presiding judge is charged with overall responsibility for the functioning of the court, and the court administrator serves as the chief administrative officer for the court.

The *Office of the Clerk of the Court* receives and processes court filings, docket cases, issues summonses, schedules trials and motion hearings, corresponds with the parties, issues opinions of the court, and provides administrative and secretarial support for the judges of the court.

The *Business and Human Resources section* is responsible for the business, financial, and personnel functions of the court. The section also administers the second injury program which provides benefits to qualified workers who have suffered multiple in-

juries. Under a federal grant, the section also conducts a survey of work-related injuries and illnesses and a data collection program for fatal injuries.

The **Legal section** reviews settlement applications for adequacy and compliance with the law, conducts mediation conferences to facilitate informal resolution of disputes, informs injured workers, employers, and others of their rights and obligations under the law, performs research for the judges, provides legal advice to court staff, monitors legislation for potential impact on the workers' compensation system, and manages the court's records retention schedule.

The **Coverage and Claims section** has responsibilities in three distinct areas. Compliance activities include enforcing insurance coverage requirements, enforcing the claims handling and reporting obligations of insurers and self-insured employers, and receiving and processing reports of injury and benefit payments. Medical services activities include revising and maintaining schedules of medical and hospital fees, administering the independent medical examiner program, certifying and monitoring managed care plans, and responding to inquiries related to medical issues. Self-insurance activities include reviewing applications for self-insurance approval, monitoring the financial status and payroll records of self-insured employers, and collecting fees and assessments from self-insured employers.

The **Vocational Rehabilitation section** is responsible for certifying vocational rehabilitation counselors and job placement specialists, appointing a vocational rehabilitation counselor if the parties cannot agree on the selection, and reviewing and approving proposed vocational rehabilitation plans. The progress of injured workers in an approved plan is monitored, and all payments from the Workers' Compensation Trust Fund for plan expenses must be approved by the section.

The **Public Information section** responds to requests for records and information, supports a toll-free information line, maintains the court's internet website, and prepares court publications. The section also manages the court's business continuity program.

The **Information Technology section** is responsible for the computer network, programs, and databases of the court. The section develops and maintains the court's desktop and Internet systems, develops computer programs and applications, coordinates information technology activities with the Supreme Court, state agencies, and vendors, and assists other court sections in meeting their goals through the use of technology.

Activities in Fiscal Year 2016

Legislation

During the 2016 legislative session there were no bills passed that directly amended the Workers' Compensation Act.

Court Rules

The court held a public hearing on December 9, 2015, to consider a number of amendments to its governing rules. Most significantly, Rule 2, *Filings*, was amended to define Electronic Notice (E-Notice), and to establish rules pertaining to Electronic Filing. Rule 5, *Interpreters*, was amended to mirror recent changes the Supreme Court made in its rules governing interpreters. A number of now-outdated rules referencing three-judge panels were repealed. A new Schedule of Fees for Medical Services was adopted in Rule 26; this rule was also amended to identify Medicare Diagnostic Related Groups to

be included in the Diagnostic Related Group (DRG) inpatient hospital fee schedule, which became effective on January 1, 2016. Finally, Rule 47, *Lump Sum Settlement*, was amended to provide that for lump sum settlements involving life expectancies, the United States Life Table 2015 shall be the minimum life expectancy table used, and a revised Addendum 2, United States Life Table: 2010 was also added.

Coverage and Claims

During FY 2016, the court successfully transitioned to updating the Medical Services Fee Schedule on an annual basis. From this point forward, that schedule will be updated annually with an effective date of January 1 of each new year. The self-insurance program updated most of its existing forms. Included in this list of forms that were updated are the Surety Bond Form and the Irrevocable Trust Document, which are the two different methods for providing security for self-insured employers. The Parental Guaranty Form was also updated by the self-insurance program.

Vocational Rehabilitation

During FY 2016, the court began a major new data collection effort in order to better assess the outcomes and costs of the vocational rehabilitation program. In early 2016, court staff developed new vocational rehabilitation plan forms and case closure forms. The new forms, implemented on July 1, 2016, will collect detailed information including vocational rehabilitation counselor fees, duration of services, identification of the specific services provided, and the injured worker's employment status following the completion of a vocational rehabilitation plan. The court has begun to process and analyze the data with the goal of producing reports that help quantify the outcomes of the vocational rehabilitation program.

Court Technology

The Information Technology (IT) section is a team that is constantly striving to obtain and utilize the newest technology trends and innovations that can be beneficial to the court. As the other sections identify their needs and goals, the IT team develops solutions to effect results for the court and its constituents and consumers. An example is the ongoing Oracle Forms conversion project. The court determined as a whole that it is time to migrate to Windows 10. In order to achieve that goal, all court programs written in Oracle Forms need to be rewritten in a different language. The myriad skillset of the IT team is enabling them to convert everything to Visual Studio. Currently, this project is ahead of schedule.

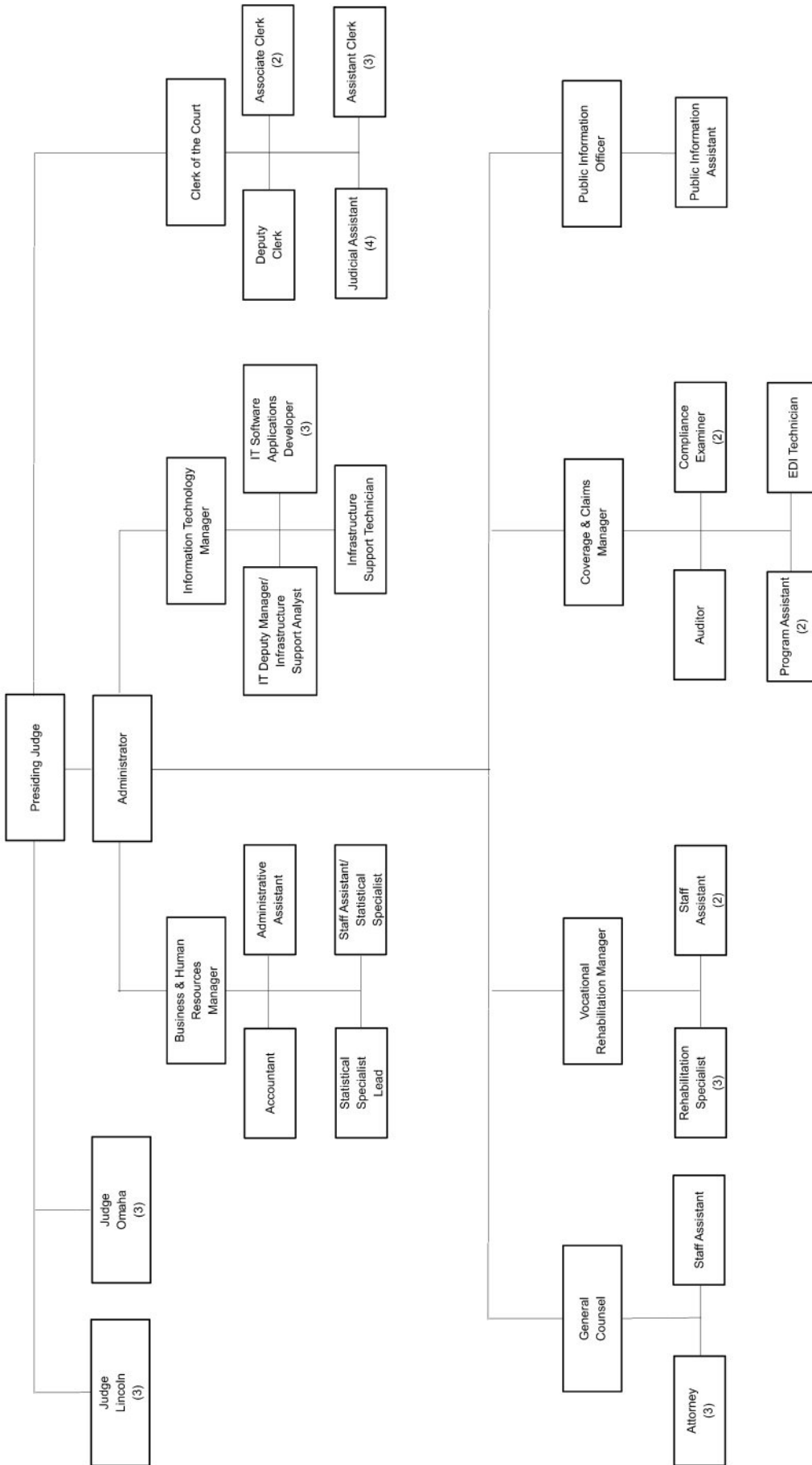
Personnel Changes

Several significant personnel changes occurred in the subject time frame. After 18 years as Court Administrator and over 28 years with the court, Glenn Morton announced his retirement toward the end of this fiscal year. Tamra L. Walz succeeded him as Court Administrator. Aaron Anderson became the Information Technology Manager in April 2016. Finally, after 23 years with the court, Judge Laureen Van Norman announced her retirement effective January 5, 2016, and ended her term as presiding judge early to allow for transition to the new presiding judge. Judge John Hoffert was elected as presiding judge.

In addition to the specific activities listed for FY 2016, the court continues to perform other duties on a regular basis as noted above in the "Organization" section. The

activities of the court in FY 2016 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2016. Additional injury statistics and statistics regarding benefit payments are available in a separate statistical report that can be accessed on the court's website at <http://www.wcc.ne.gov/publications/statisticalreports.aspx>.

NEBRASKA WORKERS' COMPENSATION COURT



REVISED
September 2016

Judges



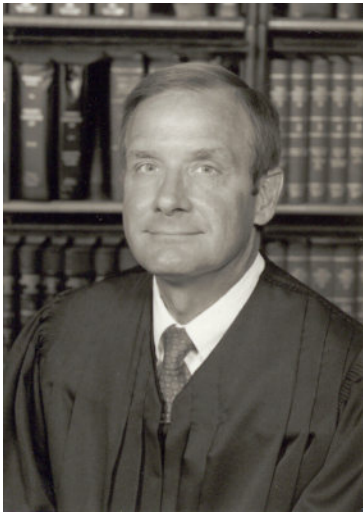
John R. Hoffert, Presiding Judge

Office Address: 1010 Lincoln Mall, Suite 100, Lincoln NE 68508, phone (402) 471-3923, (800) 599-5155.

Date Appointed: October 4, 2001

Biography: Graduate of Western Illinois University (BA, High Honors, Political Science); University of Nebraska College of Law (JD with Distinction). Associate/Partner: Knudsen, Berkheimer, Richardson & Endacott, LLP (1980 – 2001). United States Army (1970 – 1972). Member: Judicial Branch Education Board and Curriculum Committee. Past member: Nebraska Supreme Court Interpreter Advisory Committee (2005 – 2015); Legal Services of Southeast Nebraska, Board of Directors; Folsom Children’s Zoo and Botanical Gardens, Board of Directors; Nebraska Association of Trial Attorneys; American Judicature Society and American Trial Lawyers Association.

Judges



James R. Coe, Judge

Office Address: Hall of Justice, 1701 Farnam, Omaha NE 68183-0001, phone (402) 595-3900, (800) 599-5155.

Date Appointed: October 7, 1988.

Biography: Graduate of University of Nebraska – Lincoln (BS in Business Administration); University of Nebraska College of Law (JD). Partner of Carpenter, Rowen, Fitzgerald, and Coe, 1974 – 1988. Member of West Omaha Neb. Rotary Club; president of Dora Bingel Foundation.



Lauren K. Van Norman, Judge

Office Address: 1010 Lincoln Mall, Suite 100, Lincoln NE 68508, phone (402) 471-3924, (800) 599-5155.

Date Appointed: July 6, 1993.

Biography: Graduate of University of Nebraska – Lincoln (BA, social work); University of Nebraska College of Law (JD). Former Legal Counsel to the Nebraska Department of Labor. Nebraska State Bar Association: past Chair of Government Practice Committee; past member, Executive Board of Women and the Law Section; past member, Supreme Court Gender Bias Task Force; past member of the Judicial Branch Education Board and Curriculum Committee and the Supreme Court's Committee on Self-represented Litigants.

Judges



J. Michael Fitzgerald, Judge

Office Address: 1010 Lincoln Mall, Suite 100, Lincoln NE 68508, phone (402) 471-3924, (800) 599-5155.

Date Appointed: April 12, 1996.

Biography: Graduate of University of Notre Dame (BS, Business Administration); Georgetown University Law Center (JD); Creighton University (Certificate of Completion, Paramedic Training Program). Admitted to practice: Nebraska Supreme Court, United States District Court for the District of Nebraska, United States Court of Appeals for the Eighth Circuit, United States Tax Court. Employee-associate and stockholder partner: Matthews, Kelly, Cannon, and Carpenter, P.C., 1969 – 1977. Stockholder partner: Carpenter, Fitzgerald, and Coe, P.C., 1978 – 1983; Miller, Carpenter, Rowen, Fitzgerald, and Coe, P.C., 1983 – 1987; Carpenter, Rowen, Fitzgerald, and Coe, P.C., 1987 – 1988; Carpenter, Rowen, and Fitzgerald, P.C., 1988 – 1996. Member of Nebraska State Bar Association, American Bar Association, American Trial Lawyers Association, Nebraska Trial Lawyers Association, Omaha Bar Association.



Thomas E. Stine, Judge

Office Address: 1010 Lincoln Mall, Suite 100, Lincoln NE 68508, phone (402) 471-3923, (800) 599-5155.

Date Appointed: September 13, 2011.

Biography: Graduate of Wayne State College (BS, 1984); University of South Dakota School of Law (JD, 1987). Former occupations: Private Practice (1987 – 2000); Assistant Attorney General (2000 – 2011); Civil Litigation Bureau Chief, Nebraska Department of Justice, Office of the Attorney General (2005 – 2011). Member of Nebraska State Bar Association (1989 – present), serving on their House of Delegates and Leadership Academy Steering Committee. Serves on the Supreme Court's Technology Committee. Serves on the Board of Directors of the Lincoln Community Playhouse.

Judges



Daniel R. Fridrich, Judge

Office Address: Hall of Justice, 1701 Farnam, Omaha NE 68183-0001, phone (402) 595-3900, (800) 599-5155.

Date Appointed: September 18, 2012.

Biography: Graduate of University of Nebraska – Lincoln (BS, 1992); University of Nebraska College of Law (JD, 1996). Former occupations: Served 10 years as Workers’ Compensation Senior Counsel with Werner Enterprises, Inc.; attorney with Liberty Mutual Insurance Company; associate attorney with Luebs, Leininger, Smith, Busick & Johnson. Member of the Nebraska State Bar Association.



Julie A. Martin, Judge

Office Address: Hall of Justice, 1701 Farnam, Omaha NE 68183-0001, phone (402) 595-3900, (800) 599-5155.

Date Appointed: December 23, 2014.

Biography: Graduate of University of Nebraska – Lincoln (BS cum laude, 1991); Creighton University School of Law (JD cum laude, 1994). Former occupations: attorney with Nolan, Olson & Stryker; attorney with Rehm, Bennett & Moore. Member of the State Bar Associations of Nebraska and Iowa, the United States District Court for the State of Nebraska and Southern District of Iowa.

Compensation Court Cash Fund

Fiscal Year 2016 (July 1, 2015 to June 30, 2016)

The Compensation Court Cash Fund provides for the expense of administering the Nebraska Workers' Compensation Act and for the payment of the salaries and expenses of the personnel of the Nebraska Workers' Compensation Court. The fund was established September 9, 1993 as part of LB 757 from the 1993 session of the Nebraska Legislature. The fund replaced the use of general funds, and is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. Contributions to the fund abate for one year whenever the balance of the fund equals or exceeds three times the amount expended and encumbered in the fiscal year just ending. The Nebraska Legislature appropriates a specific sum each year for operations of the Nebraska Workers' Compensation Court, to be funded from the Compensation Court Cash Fund. The appropriation for fiscal year 2016 was \$5,998,343.

Fund Balance on July 1, 2015:		\$5,921,773.25
Revenue:		
Assessments	5,373,836.00	
Interest	98,219.71	
Miscellaneous Income	117,058.66	
Sale of Surplus Property	337.87	
Total Revenue		<u>5,589,452.24</u>
Expenditures:		
Court Administration (Includes Judges)	4,902,695.69	
Federal Grant Administration	44,496.97	
Voc. Rehab. Administration	397,527.92	
Second Injury Administration	698.43	
Self-Insurance Administration	86,578.93	
Total Expenditures		<u>5,431,997.94</u>
Fund Balance on June 30, 2016:		<u><u>\$6,079,227.55</u></u>

Federal General Fund

Federal Fiscal Year 2016 (October 1, 2015 to September 30, 2016)

The court conducts a survey of work-related injuries and illnesses and a data collection program for fatal injuries pursuant to a grant from the U.S. Department of Labor—Bureau of Labor Statistics (BLS). The Survey of Occupational Injuries and Illnesses is mandated by the Occupational Safety and Health Act of 1970 (P.L. 91-596), and the court was designated as the agency in Nebraska to conduct this work in a letter of March 25, 1971 from Governor J.J. Exon to Secretary of Labor, J.D. Hudgson. In 1991, the court contracted for the additional responsibilities of conducting the Census of Fatal Occupational Injuries as designated by BLS.

Expenses for administering these two federal grants are split 50/50 between the State of Nebraska and BLS. The state share of expenditures is charged against the Compensation Court Cash Fund, and the federal share is charged against the Federal General Fund. Federal monies are requested on a monthly basis and deposited into the Federal General Fund. The Nebraska Legislature appropriates a specific sum each year for expenditures from the Federal General Fund. This appropriation is based upon an estimated budgeted amount submitted by the court each biennium. The federal grant appropriation is increased or decreased administratively when the federal grant is actually awarded at the beginning of each federal fiscal year. In June of each year, federal funds may be deobligated and the amount to be deobligated is calculated and sent to the BLS as an adjustment to the original grant award. An administrative adjustment to the Nebraska legislative appropriation may also be made at that time.

Fund Balance on October 1, 2015:					\$0
Revenue:					
Intergovernmental Revenue				47,800	
Deobligation June 30, 2016				(1,080)	
Total Revenue					<u>46,720</u>
Expenditures:					
	Legislative Appropriation	Administrative Adjustments	Not Expended	Actual Expended	
Federal Grant Admin.	<u>51,748</u>	<u>(5,028)</u>	0	46,720	
Total Expenditures					<u>46,720</u>
Fund Balance on September 30, 2016:					<u><u>\$0</u></u>

Workers' Compensation Trust Fund

Fiscal Year 2016 (July 1, 2015 to June 30, 2016)

The Workers' Compensation Trust Fund was established July 1, 2000 as part of LB 1221 from the 2000 session of the Nebraska Legislature. The purpose of the fund is to make second injury benefit payments in accordance with § 48-128 and vocational rehabilitation benefit payments in accordance with § 48-162.01. Prior to July 1, 2000 second injury benefits were paid from the Second Injury Fund and vocational rehabilitation benefits were paid from the Vocational Rehabilitation Fund. These two funds were eliminated with the creation of the Workers' Compensation Trust Fund on July 1, 2000. The Workers' Compensation Trust Fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. Assessments are made whenever the fund is projected to go below the statutory minimum level.

Fund Balance on July 01, 2015:		\$3,853,862.27
Revenue:		
Assessments	6,060.00 *	
Interest	80,296.22	
Miscellaneous Income	0	
Total Revenue		<u>86,356.22</u>
Expenditures:		
Second Injury Benefits	224,232.93	
Voc. Rehab. Benefits	526,299.29	
Total Expenditures		<u>750,532.22</u>
Fund Balance on June 30, 2016:		<u><u>\$3,189,686.27</u></u>

* Prior year trust fund assessment adjustment.

Workers' Compensation Trust Fund

(Transfers and Assessments)

Fiscal Year Ending:			
Assessments:			
June 30, 2016	**\$6060.00	June 30, 2008	**\$1,187,171
June 30, 2015	**\$153.00	June 30, 2007	***\$4,892,612
June 30, 2014	\$3,506,290.50	June 30, 2006	**\$57
June 30, 2013	\$0	June 30, 2005	**\$234,526
June 30, 2012	\$0	June 30, 2004	\$5,593,038
June 30, 2011	\$0	June 30, 2003	\$0
June 30, 2010	\$0	June 30, 2002	\$0
June 30, 2009	**(\$762)	June 30, 2001	**\$26,965
Transfers:			
July 1, 2000	*\$6,200,991		

* Beginning balance — transfers from Second Injury and Vocational Rehabilitation Funds.

** Adjustment on assessments made in prior years.

*** Includes amounts received from assessments made in FY 2007 plus an adjustment of \$14,959 on assessments made in prior years.

Second Injury and Vocational Rehabilitation Expenditures

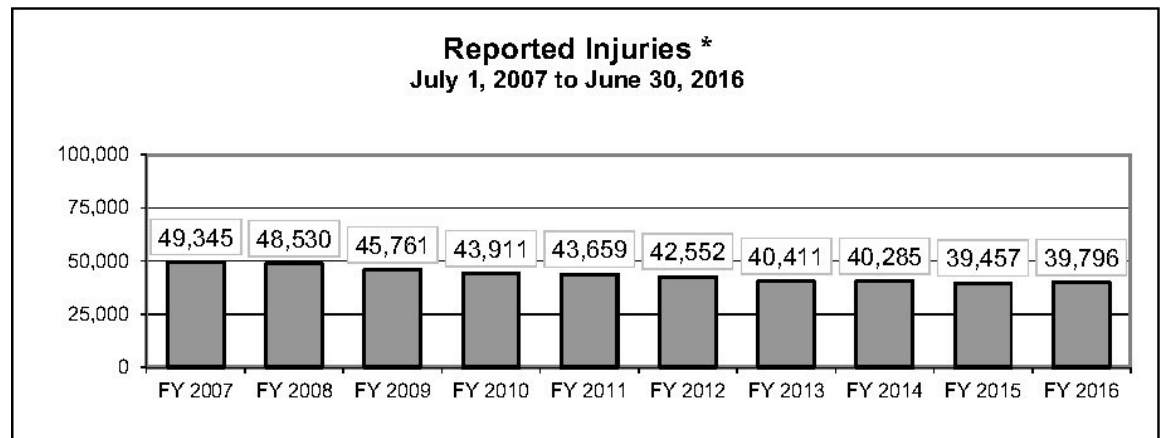
(Benefit and Administrative Costs*)

Fiscal Year Ending	Second Injury	Vocational Rehabilitation	Total Expenditures
June 30, 2016	\$224,931	\$923,827	\$1,148,758
June 30, 2015	\$247,312	\$1,065,985	\$1,313,297
June 30, 2014	\$250,770	\$1,163,460	\$1,414,230
June 30, 2013	\$280,010	\$1,244,052	\$1,524,062
June 30, 2012	\$298,944	\$1,244,214	\$1,543,158
June 30, 2011	\$278,373	\$1,257,611	\$1,535,984
June 30, 2010	\$356,535	\$1,232,870	\$1,589,405
June 30, 2009	\$344,705	\$1,240,963	\$1,585,668
June 30, 2008	\$354,338	\$1,277,193	\$1,631,531
June 30, 2007	\$403,784	\$1,301,091	\$1,704,875

* Benefit costs are paid from the Workers' Compensation Trust Fund. Administrative costs are paid from the Compensation Court Cash Fund.

Reported Injuries *

	Male	Female	Unknown	Total
July 1, 2015 to June 30, 2016	20,337	15,828	3,631	39,796
July 1, 2014 to June 30, 2015	20,084	15,531	3,842	39,457
July 1, 2013 to June 30, 2014	20,490	15,668	4,127	40,285
July 1, 2012 to June 30, 2013	20,828	15,516	4,067	40,411
July 1, 2011 to June 30, 2012	21,839	16,268	4,445	42,552
July 1, 2010 to June 30, 2011	22,774	16,711	4,174	43,659
July 1, 2009 to June 30, 2010	23,143	16,676	4,092	43,911
July 1, 2008 to June 30, 2009	24,705	16,712	4,344	45,761
July 1, 2007 to June 30, 2008	26,184	18,308	4,038	48,530
July 1, 2006 to June 30, 2007	27,175	18,813	3,357	49,345

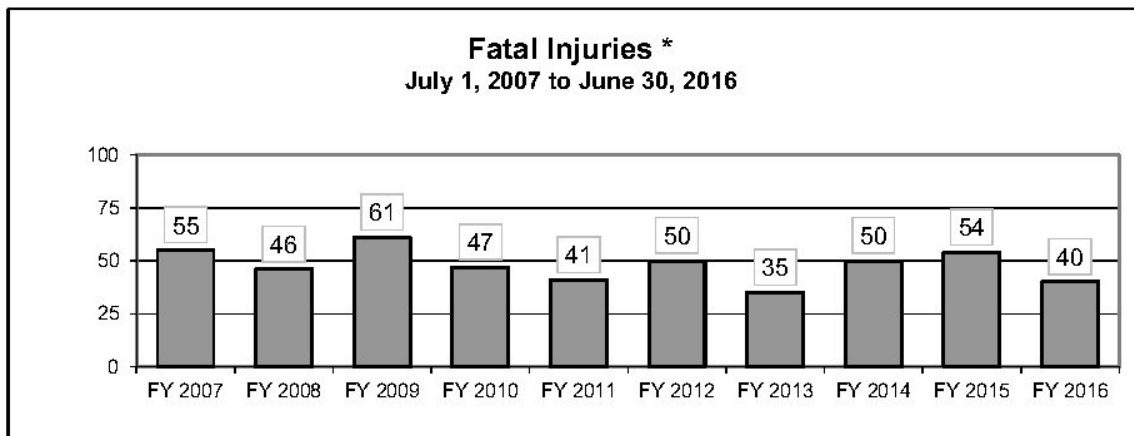


* Includes injuries reported in the fiscal year regardless of the year in which the injury occurred.

Includes injuries resulting from occupational disease.

Fatal Injuries *

	Male	Female	Total
July 1, 2015 to June 30, 2016	37	3	40
July 1, 2014 to June 30, 2015	48	6	54
July 1, 2013 to June 30, 2014	42	8	50
July 1, 2012 to June 30, 2013	32	3	35
July 1, 2011 to June 30, 2012	46	4	50
July 1, 2010 to June 30, 2011	36	5	41
July 1, 2009 to June 30, 2010	42	5	47
July 1, 2008 to June 30, 2009	57	4	61
July 1, 2007 to June 30, 2008	38	8	46
July 1, 2006 to June 30, 2007	51	4	55



* Includes fatal injuries reported in the fiscal year regardless of the year in which the injury or death occurred.

Includes injuries resulting from occupational disease.

Weekly Income Benefits and Maximum Rates

Under the Nebraska Workers' Compensation Act the basic rule regarding weekly income benefits for total disability is that the employee is entitled to two-thirds of his or her average weekly wage, subject to maximum and minimum levels. Changes in the maximum or minimum rates apply to injuries occurring on or after the effective date, but not to injuries occurring before that date.

The maximum benefit level is set at 100 percent of the state average weekly wage, as determined by the administrator of the Nebraska Workers' Compensation Court. The calculation excludes federal employees and is made in accordance with §§ 48-121.01 and 48-121.02 of the Nebraska Revised Statutes. The administrator has determined that the state average weekly wage for calendar year 2017 will be \$817.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2017. The minimum rate remains at \$49 as provided in § 48-121.01(2).

Maximum / Minimum Compensation Benefits

Injury Occurring Between	Maximum	Minimum
01/01/2017 to 12/31/2017	\$817	\$49
01/01/2016 to 12/31/2016	\$785	\$49
01/01/2015 to 12/31/2015	\$761	\$49
01/01/2014 to 12/31/2014	\$747	\$49
01/01/2013 to 12/31/2013	\$728	\$49
01/01/2012 to 12/31/2012	\$710	\$49
01/01/2011 to 12/31/2011	\$698	\$49
01/01/2010 to 12/31/2010	\$691	\$49
01/01/2009 to 12/31/2009	\$671	\$49
01/01/2008 to 12/31/2008	\$644	\$49
01/01/2007 to 12/31/2007	\$617	\$49
01/01/2006 to 12/31/2006	\$600	\$49
01/01/2005 to 12/31/2005	\$579	\$49
01/01/2004 to 12/31/2004	\$562	\$49
01/01/2003 to 12/31/2003	\$542	\$49
01/01/2002 to 12/31/2002	\$528	\$49
01/01/2001 to 12/31/2001	\$508	\$49
01/01/2000 to 12/31/2000	\$487	\$49
01/01/1999 to 12/31/1999	\$468	\$49
01/01/1998 to 12/31/1998	\$444	\$49

Litigation Summary

Petitions in Fiscal Year ¹	2016	2015*	2014*	2013*	2012*
Petitions Pending at Beginning of Fiscal Year	1,330	1,367	1,356	1,316	1,329
Petitions Filed in Fiscal Year	1,100	1,084	1,151	1,232	1,168
Reopened Petitions Filed in Fiscal Year	149	140	171	184	233
Total Petitions	2,579	2,591	2,678	2,732	2,730
Dispositions in Fiscal Year					
Decisions Issued	152	165	181	223	241
Stipulated Awards	32	34	30	50	40
Lump Sum Settlements Approved	173	210	258	251	253
Releases of Liability Filed	523	515	529	520	492
Voluntary or Summary Dismissals	333	337	313	332	388
Total Dispositions	1,213	1,261	1,311	1,376	1,414
Total Petitions Pending at End of Fiscal Year	1,366	1,330	1,367	1,356	1,316

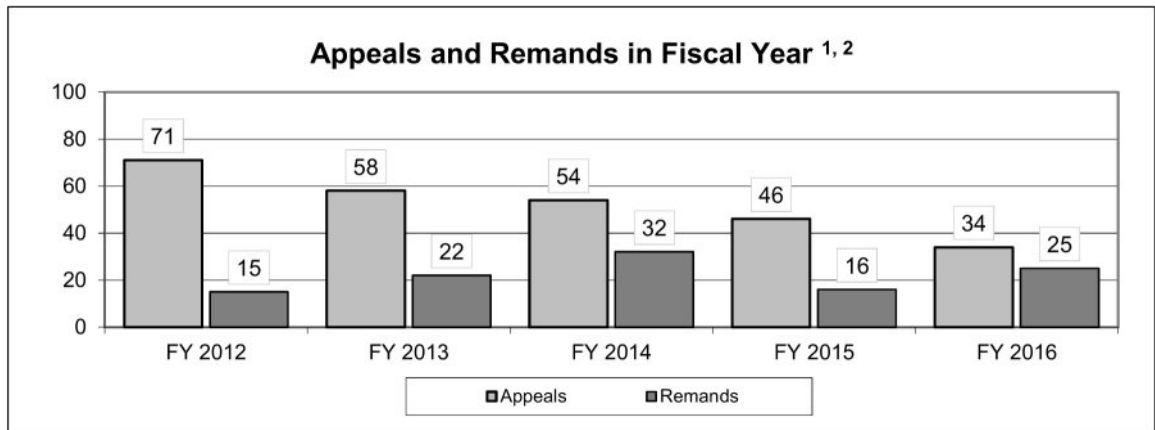
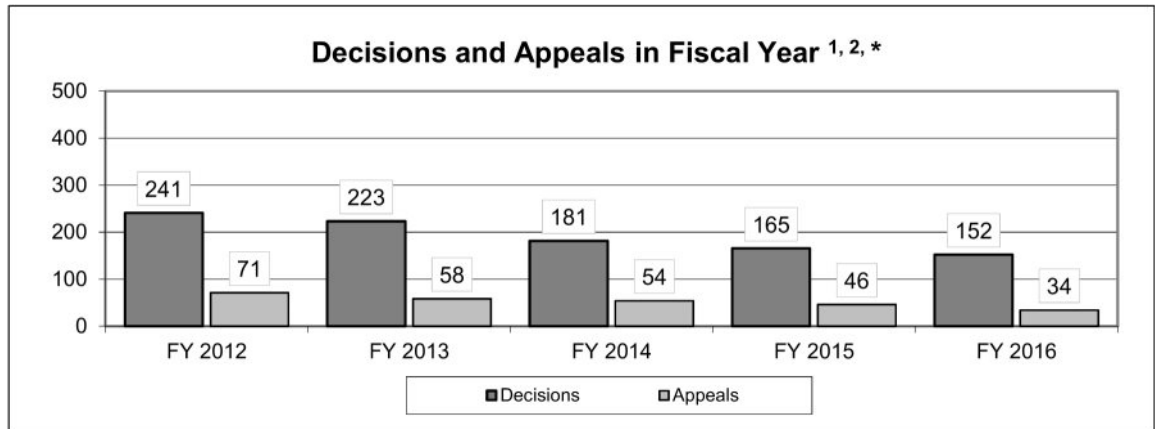
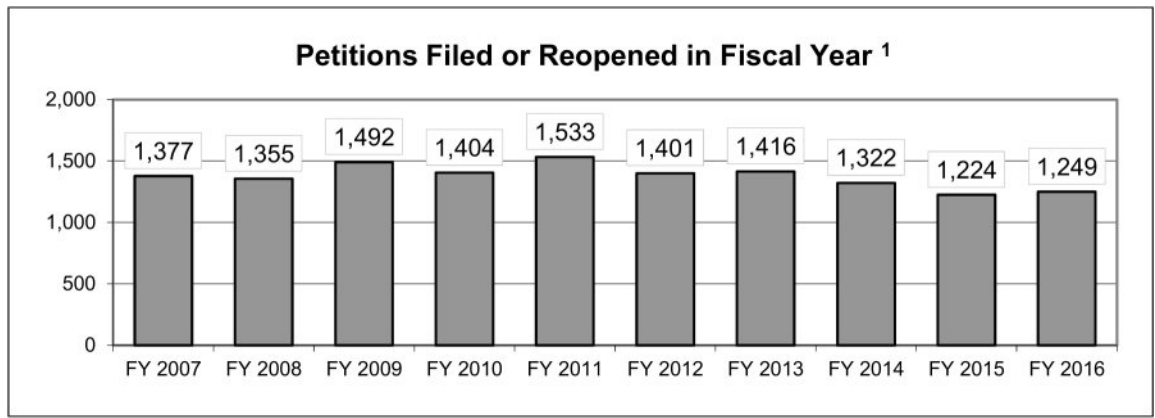
Motions in Fiscal Year ¹	2016	2015*	2014*	2013*	2012*
Motions Filed	3,579	3,376	3,031	3,080	2,837
Motion Dispositions	2,900	2,696	2,502	2,631	2,451
Motion Hearings	656	582	639	645	665

Appeals and Remands in Fiscal Year ^{1, 2}	2016	2015	2014	2013	2012
Appeals Filed	34	46	54	58	71
Remands Filed	25	16	32	22	15
Remand Dispositions	24	20	31	20	10
Remand Hearings	2	1	3	0	1

* Numbers may differ from those shown in the FY 2015 Annual Report due to adjustments to data.

¹ Fiscal years run July 1 through June 30.

² A decision of a judge of the Nebraska Workers' Compensation Court may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals. Appeals from an order, award, or judgment of the compensation court in any such case are made in accordance with the procedures regulating appeals in actions at law from the district courts, except as otherwise provided in §§ 48-182 and 48-185.



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² A decision of a judge of the Nebraska Workers' Compensation Court may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals. Appeals from an order, award, or judgment of the compensation court in any such case are made in accordance with the procedures regulating appeals in actions at law from the district courts, except as otherwise provided in §§ 48-182 and 48-185.

Settlement Summary

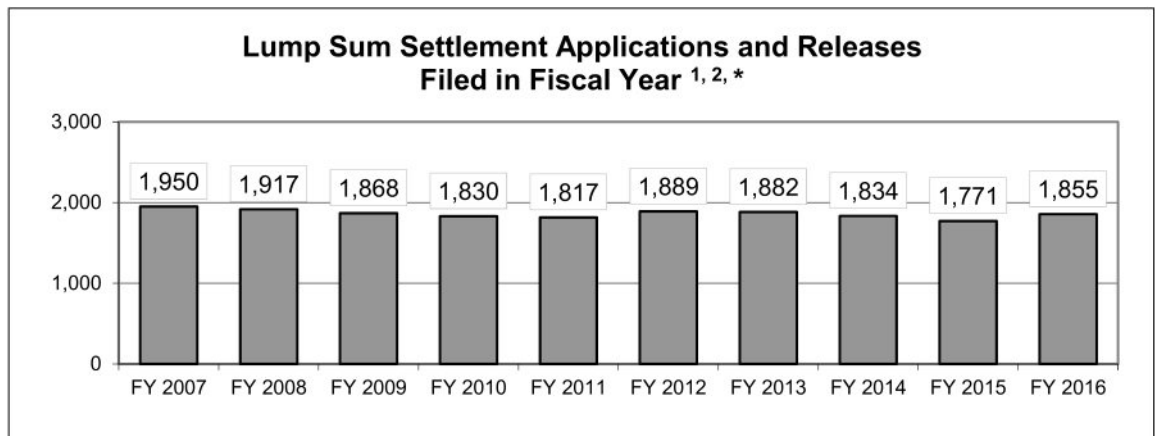
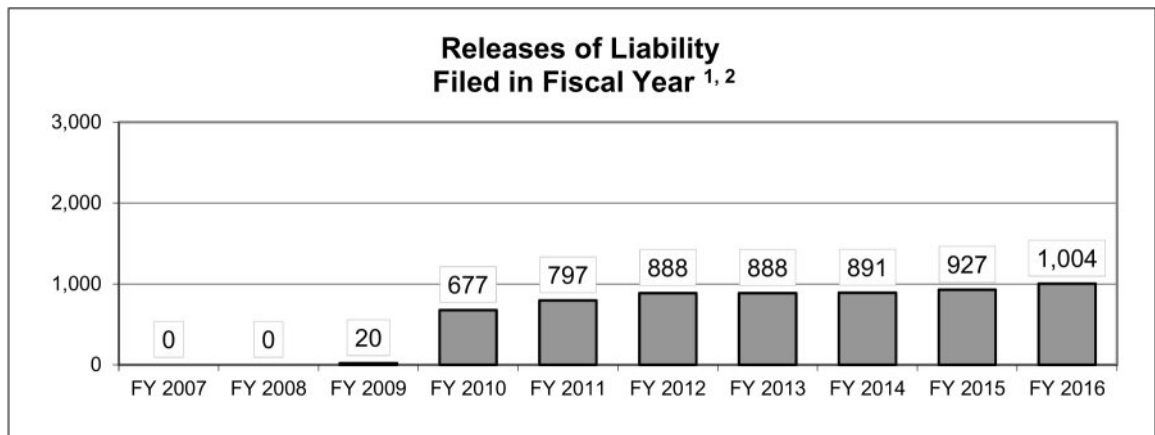
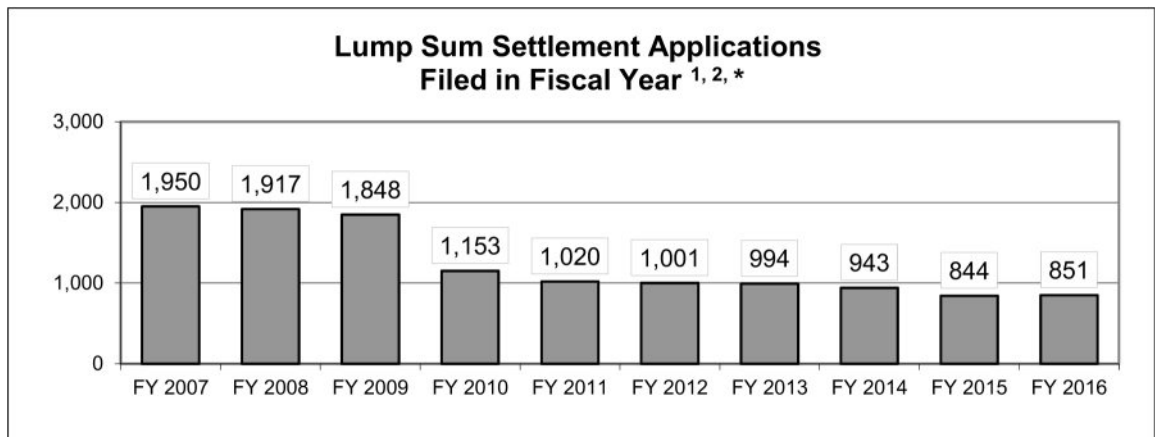
Applications for Lump Sum Settlement in Fiscal Year^{1, 2}	2016	2015*	2014*	2013	2012
Applications Pending at Beginning of Fiscal Year	31	55	54	48	36
Applications Filed in Fiscal Year	851	844	943	994	1,001
Total Applications	882	899	997	1,042	1,037
Dispositions in Fiscal Year					
Applications Approved – No Litigation	539	529	534	570	593
Applications Approved – Litigation	254	308	368	390	360
Applications – Total Approved	793	837	902	960	953
Applications – Total Disapproved	31	31	39	28	36
Total Dispositions	824	868	941	988	989
Total Applications Pending at End of Fiscal Year	58	31	55	54	48

Releases of Liability in Fiscal Year^{1, 2}	2016	2015*	2014*	2013	2012*
Releases Filed – No Litigation	333	285	261	269	284
Releases Filed – Litigation	671	642	630	619	604
Total Releases Filed	1,004	927	891	888	888

* Numbers may differ from those shown in the FY 2015 Annual Report due to adjustments to data.

¹ Fiscal years run July 1 through June 30.

² LB 630, which became effective May 27, 2009, amended § 48-139 to eliminate mandatory court approval of some settlement agreements and to require the filing of a release for those settlements no longer requiring court approval.



* Numbers may differ from those shown in the FY 2015 Annual Report due to adjustments to data.

¹ Fiscal years run July 1 through June 30.

² LB 630, which became effective May 27, 2009, amended § 48-139 to eliminate mandatory court approval of some settlement agreements and to require the filing of a release for those settlements no longer requiring court approval.

Office of the Clerk of the Court

The Office of the Clerk of the Court, along with the judges, make up the court's adjudicatory operating division. The Clerk's Office receives and processes court filings, docket cases, issues summonses, schedules trials and motion hearings, corresponds with the parties, issues opinions of the court, and provides administrative and secretarial support for the judges. A summary of filing and litigation statistics is provided on [Pages 17 and 18](#) of this Annual Report.

Electronic Filing (eFiling) Initiative

In July 2015, the workers' compensation court launched its first electronic filing (eFiling) system, which allows Nebraska attorneys to electronically file court pleadings with the convenience of being available 24 hours a day, seven days a week. Throughout FY 2016, the Clerk's Office has enjoyed a positive response from eFiling users. The majority of pleadings are now being eFiled. As a result of the eFiling initiative, the Clerk's Office has noted improvements in both quality of pleadings being filed and efficiency with data processing. In April 2016, the court completed its first eFiling enhancement, which provided filers with a link to a file-stamped copy of the document or pleading once accepted by the Clerk's Office. This enhancement, specifically requested by the users of the system, has benefited the Clerk's Office by reducing the number of requests for mailing file-stamped documents. The court will continue to work on future enhancements to the system.

Case Management System Conversion

The Clerk's Office has been heavily involved with the migration from Oracle forms to Microsoft Visual Studio, which is described in greater detail under the Information Technology section of this Annual Report. Approximately 80 percent of the case management system used by the Clerk's Office has operated on Oracle forms. Since the case management system is critical to the judicial process, this project was placed at the top of the priority list for conversion. The staff of the Clerk's Office will continue to work diligently with the staff of the IT section to complete the conversion by the designated deadline.

Legal

The Legal section of the Nebraska Workers' Compensation Court is responsible for reviewing lump sum settlements, facilitating informal dispute resolution, responding to inquiries from the public, performing research for the judges, providing legal advice to the court's administrative staff, monitoring legislation for potential impact on the workers' compensation system, and managing the court's records retention schedule.

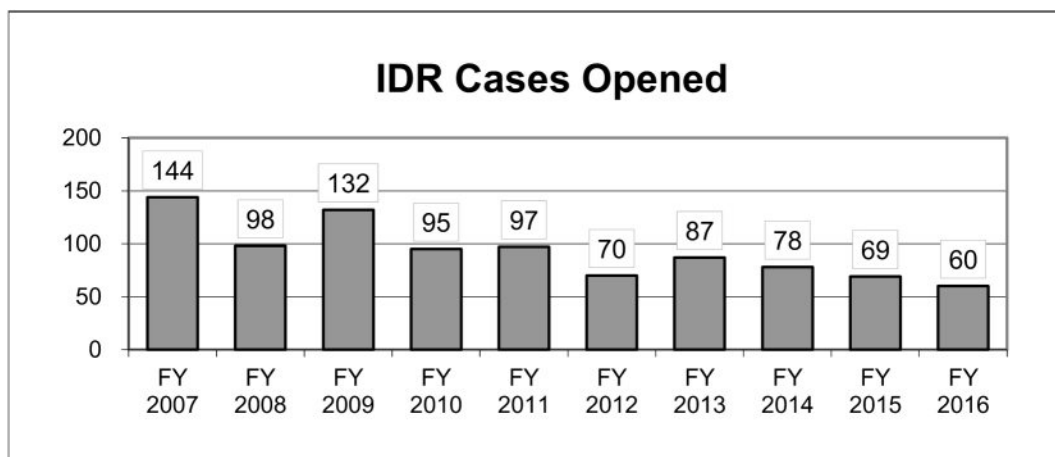
Statistics for lump sum settlements processed in FY 2016 (July 1, 2015 through June 30, 2016) are provided on [Pages 19 and 20](#) of this Annual Report. As a result of the court's review of lump sum settlement applications, the Legal section identified a total of \$211,904.06 in underpayments to or on behalf of injured employees in FY 2016. The underpayments involved 36 cases. In such cases, the court requires that the settlement be revised to provide additional compensation to or on behalf of the injured employee in order to ensure compliance with the Nebraska Workers' Compensation Act.

The Legal section also prepares summaries of the Nebraska Supreme Court and Court of Appeals decisions relating to workers' compensation. These may be found on the court's website (http://www.wcc.ne.gov/adjudication/decision_summaries.aspx).

Informal Dispute Resolution

Informal Dispute Resolution (IDR) is available to anyone with an interest in a workers' compensation dispute. The process is voluntary and the guidelines for IDR are found in Rule 48. It provides a dispute resolution mechanism for health care providers, vocational rehabilitation counselors, and others who would otherwise have no standing before the court. Attorneys may participate, but parties to the dispute do not have to be represented. Informal dispute resolution is attempted in all litigated cases in which a party is unrepresented. In addition, a judge may order the parties to participate in IDR.

The court's IDR process focuses on interest-based mediation. This means that one of the court's professionally trained attorney-mediators assists the parties in reaching a resolution of the dispute that satisfies the underlying interests of the parties. The mediator does not advocate or make decisions on behalf of either party. Mediation can be an empowering process because it allows the participants to decide the outcome rather than a judge. Many IDR inquiries can be resolved without the need for a medi-



ation conference simply through information and education provided by the mediation coordinator.

Mediation conferences are conducted by the section’s staff attorneys. All of the attorney-mediators are trained in the basic skills of mediation through a nationally recognized 30-hour training program through the Office of Dispute Resolution in Lincoln, Nebraska.

Mediation through the court is voluntary absent an order by a judge. In 52 cases, or 86.7 percent of all closed cases, at least one party declined to participate or did not respond to the request. Cases may be closed for a variety of other reasons as shown in the following table.

IDR Cases Closed	
Party(s) Did Not Consent	37
No Response by Party(s)	15
Full Agreement	2
Withdrawn / No Reason Given	2
Withdrawn / Resolved by Parties	2
Innapropriate for Mediation	1
Partial Agreement	1
Total Closed in FY 2016	60

Coverage and Claims

The responsibilities of the Coverage and Claims section are divided into three categories: medical services, compliance, and self-insurance.

Medical Services Activities

Section staff respond to inquiries from a variety of sources concerning the application and use of the various medical and hospital fee schedules, the Independent Medical Examiner (IME) program, managed care, the choice of physician rule, and other questions relating to medical, surgical, and hospital services under the Nebraska Workers' Compensation Act.

Fee Schedules

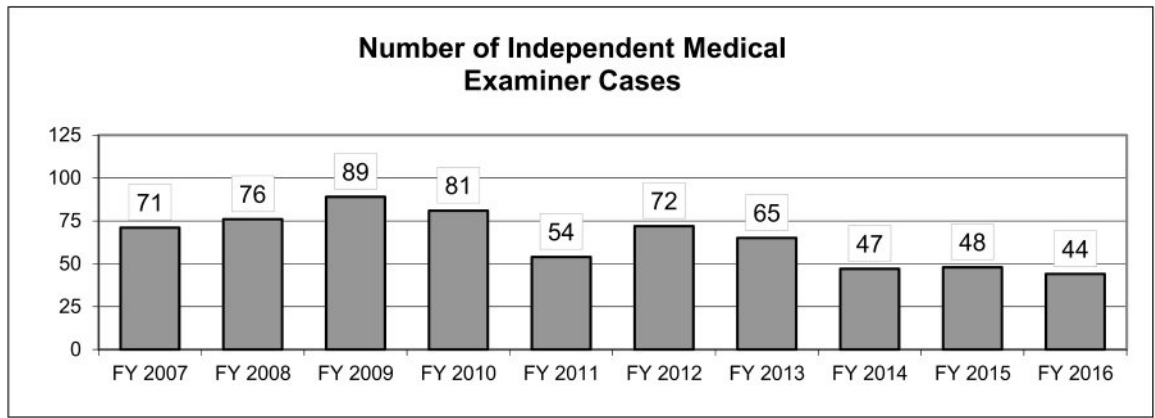
Section staff are charged with collecting data from payors and certain hospitals in order to develop the Diagnostic Related Group Inpatient Hospital Fee Schedule and the Trauma Services Inpatient Hospital Fee Schedule, both of which are established in § 48-120.04 of the Nebraska Workers' Compensation Act. The data is collected through the use of a web-based data entry system that allows the reporters to directly enter the information through the court's web site.

Section staff also collect data and make recommendations regarding the other fee schedules published by the court. That work includes updates to the Schedule of Fees for Medical Services, which applies to services by physicians and other licensed health care providers performing medical services within the scope of their respective practices. In FY 2016, section staff successfully transitioned to updating the Schedule of Fees for Medical Services on an annual basis. Rule 26 of the court's Rules of Procedure establishes the methodology for creating and updating this fee schedule.

Independent Medical Examiner (IME) System

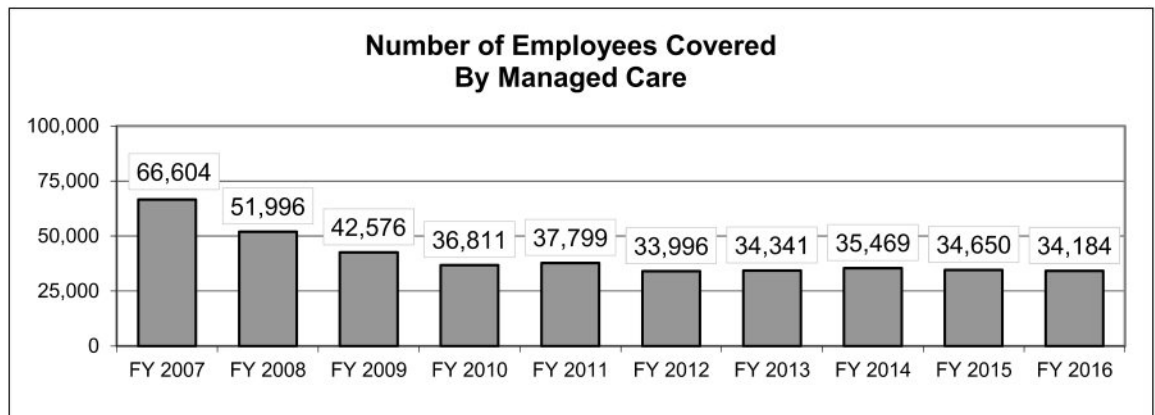
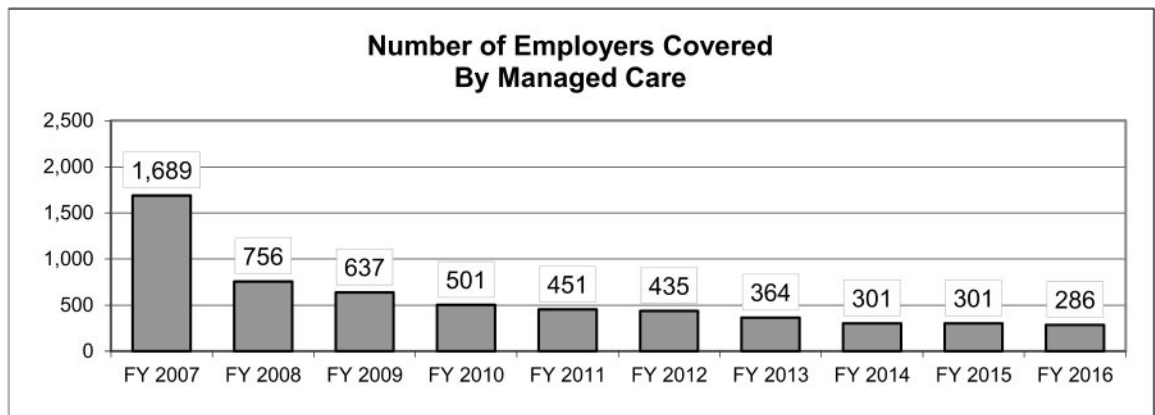
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an IME. The parties may agree on a physician to submit the finding or may request assignment of a court-approved IME. The IME system was designed to give the parties an additional means of resolving disputes outside the judicial process. To serve as an IME for the court, physicians must complete an application and be approved by the judges of the court. Currently there are 126 court-approved IMEs.

During FY 2016, 44 IME cases were opened. Twenty-six requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee, and 14 were submitted by a workers' compensation insurer or the insurer's attorney. There were three requests submitted by an employee and one by a claims adjuster. The chart on the next page shows IME cases opened during the last 10 years.



Managed Care Plans for Workers' Compensation

A table showing current information about managed care plans certified by the court for workers' compensation purposes is available on the court's website (<http://www.wcc.ne.gov/medical/mcp.pdf>). On June 30, 2016 there were 286 employers and 34,184 employees covered by the certified managed care plans. The following charts show the trend in covered employers and employees.



Compliance Activities

One of the primary enforcement activities of the section is to identify employers who do not have insurance coverage as required under the Nebraska Workers' Compensation Act. The section sent 2,839 informational letters to new corporations registering with the Secretary of State during FY 2016. The letters resulted in 34 employers obtaining the required coverage.

Section staff also monitor the court's electronic proof of coverage information for employers whose coverage has been cancelled or not renewed. If coverage is still required, compliance examiners first attempt to bring the employer into compliance. If the efforts of the staff do not result in compliance, the case is then referred to the Attorney General's office for further action. During FY 2016, letters were sent to 4,198 employers whose coverage had been cancelled or not renewed, and 441 employers were brought into compliance as a result of the effort.

Workers' compensation insurers, risk management pools, and self-insured employers are also required to comply with obligations under the Act, including the obligation to report injuries and benefit payments in accordance with the Act and the court's Rules of Procedure. Coverage and Claims staff processed 51,359 first reports and 85,639 subsequent reports in FY 2016. At the time of publication, 99.9 percent of all first reports and 99.9 percent of all subsequent reports are filed electronically using Electronic Data Interchange (EDI). Coverage and Claims staff process the electronic reports and also code and manually enter the remaining paper reports. Once processed, the data is examined and maintained for statistical purposes. The section maintains a database of court-approved EDI trading partners to assist with data quality assurance duties. Coverage and Claims staff also enforce those reporting requirements, requesting missing injury reports and monitoring for their receipt, clarifying discrepancies on existing reports, and obtaining missing information.

Compliance examiners also respond to a large volume of phone inquiries from a variety of sources and on a variety of topics. Topics frequently addressed include: medical issues, insurer identification and contact information, benefit calculation, payment explanation, delay in receiving benefits, and general rights and obligations. The examiners recorded 232 calls during FY 2016. Often, callers identify situations in which employers are uninsured, injury reports are not being filed, and insurers, employers, or risk management pools are not complying with other obligations under the Act. Staff investigate the specific cases, encourage voluntary compliance, and request appropriate legal action when necessary.

A total of 156 case investigations were opened last fiscal year as a result of the above activities. Thirty-four cases were referred to the Attorney General's office for further action.

Self-Insurance Activities

The Coverage and Claims section is responsible for reviewing applications from individual employers to self-insure their workers' compensation liability, determining and collecting fees and assessments, and monitoring the employers' continued ability to meet their financial obligations under the Nebraska Workers' Compensation Act. Self-insurance privileges are subject to periodic review and renewal. The Coverage and Claims section conducts periodic on-site audits of payroll records.

At the beginning of each calendar year, the court calculates and collects from employers self-insured for the prior calendar year the necessary assessments for the state's General Fund, the Compensation Court Cash Fund, and the Workers' Compensation Trust Fund. The assessments are based on the number and classification of employees, payroll, and

benefits paid during the previous calendar year. Additional assessments are made in support of the Nebraska Department of Insurance for carrying out the Insurance Fraud Act. As of June 30, 2016, there were 42 employers approved for self-insurance. For calendar year 2016 assessment purposes, there were 41 self-insurers (employers who were self-insured for all or part of calendar year 2015). The State of Nebraska is self-insured by statute and is not included in any of the statistics that follow.

Self-Insured Status by Major Industrial Division

As of June 30, 2016

Manufacturing	11
Services	8
Transportation & Public Utilities	8
Government	6
Retail	5
Insurance	2
Wholesale	2
Total Self-Insurers	42

Self-Insurance Status by Calendar Year

Calendar Year	# of Self-Insurers	# of Employees	Gross Payroll
2015	41	131,053	\$4,288,208,704
2014	41	131,089	\$4,286,658,513
2013	41	134,209	\$4,116,260,050
2012	42	136,073	\$4,412,911,750
2011	42	135,337	\$4,301,469,456
2010	43	139,766	\$4,348,470,514
2009	46	147,971	\$4,586,800,994
2008	50	161,078	\$4,759,616,035
2007	49	154,501	\$4,511,207,864
2006	52	135,084	\$4,356,488,485

Note: 2016 figures are not available at time of publication

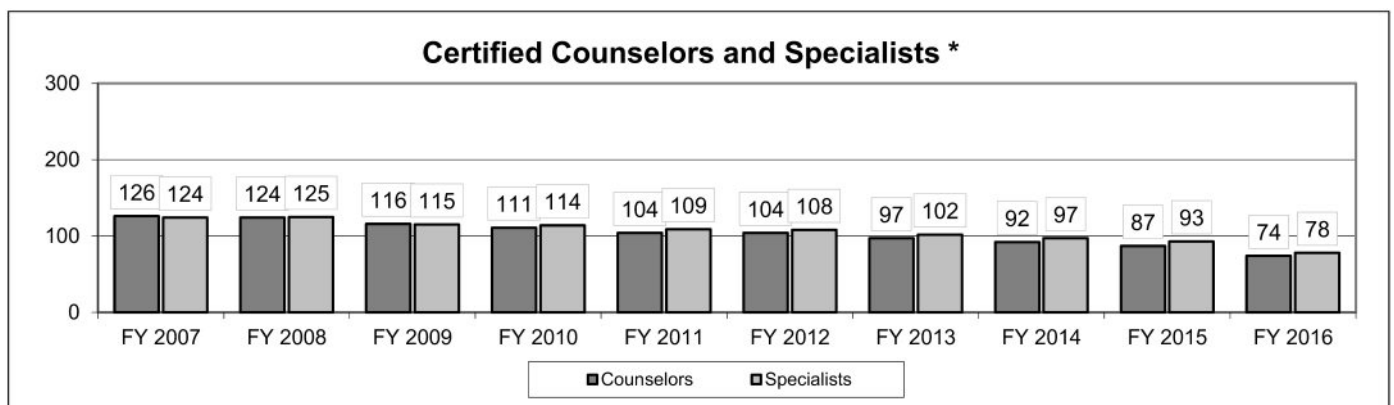
Vocational Rehabilitation

The Vocational Rehabilitation section is responsible for duties associated with vocational rehabilitation services to which an employee may be entitled under the Nebraska Workers' Compensation Act. The goal of vocational rehabilitation is to return an injured worker to suitable employment after an injury covered under the Act. A wide variety of services are available under the Act, from coordinating return to the pre-injury job with the employer to a period of formal training.

The duties of the section can be divided into three broad categories: certifying vocational rehabilitation counselors and job placement specialists, appointing counselors when parties cannot agree, and reviewing, approving, and monitoring vocational rehabilitation plans.

Certification of Counselors and Specialists

Vocational rehabilitation services under the Act can only be provided by individuals who have been certified by the court. Rules 39 – 41 contain the requirements for certification. At the end of FY 2016 (June 30, 2016), there were 74 private vocational rehabilitation counselors and 78 job placement specialists certified by the court. There are 40 certified private vocational rehabilitation counselors located in Nebraska.

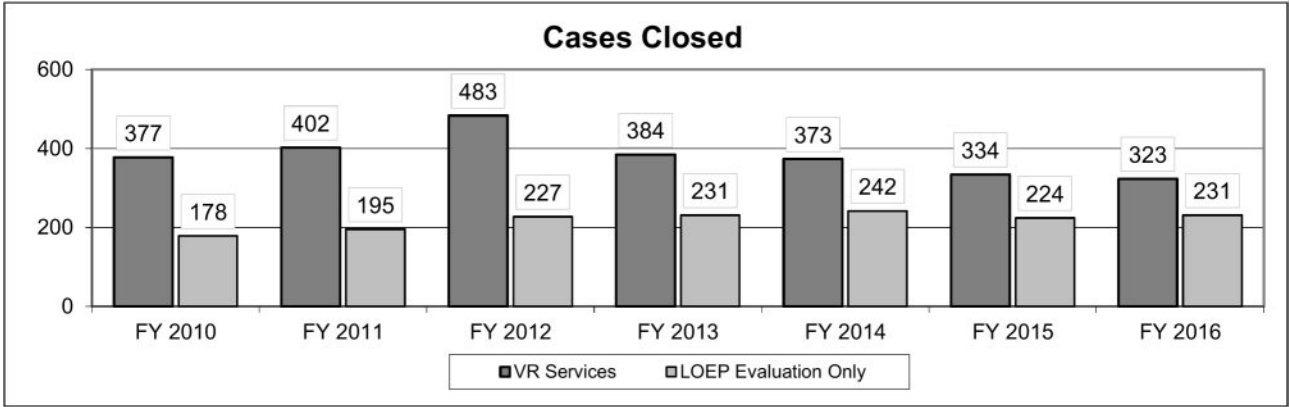


* Effective in FY 2007, vocational rehabilitation counselors employed by a state agency were no longer automatically certified as vocational rehabilitation counselors for purposes of providing services under the Act. Such counselors continue to be automatically certified as job placement specialists.

Appointment of Counselors

When an injured worker claims entitlement to vocational rehabilitation services or seeks a loss-of-earning-power (LOEP) evaluation, the worker and the employer (or the employer's workers' compensation insurer) must try to agree on a vocational rehabilitation counselor to evaluate the worker and provide needed services. If they cannot agree, one of them can ask the court to appoint a counselor. Of the 450 cases opened in FY 2016, the court appointed 170 counselors and the parties were able to agree upon a counselor in 280 cases.

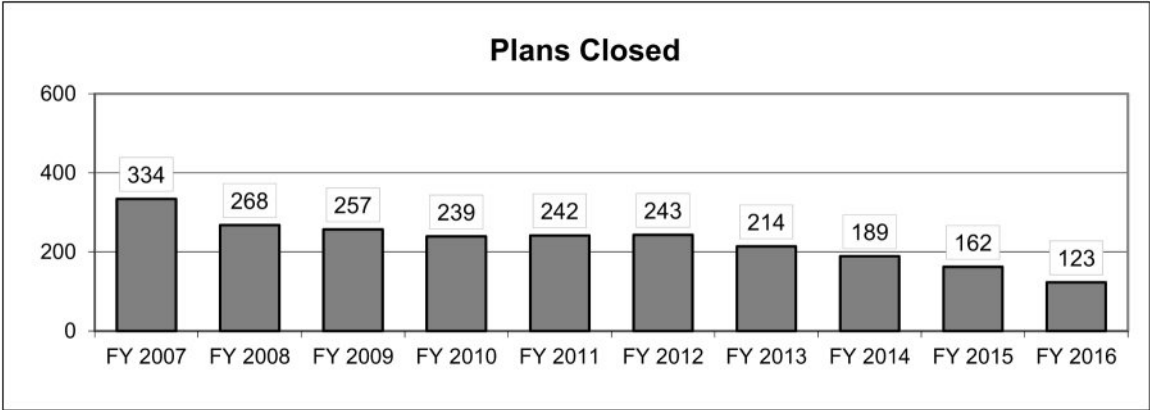
A case is opened by the section when notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, or if a judge of the court orders appointment of a counselor or vocational rehabilitation services. At the end of FY 2016 there were 252 open cases. A case may be closed for a variety of reasons, including, but not limited to, lack of entitlement to vocational rehabilitation services, settlement of the case, return to employment, or completion of a vocational rehabilitation plan. A case will also be closed when a counselor is appointed to perform only an LOEP evaluation. A total of 554 cases were closed during FY 2016. Of these, 231 cases were closed because the counselor was appointed to perform only an LOEP evaluation.



Vocational Rehabilitation Plans

An employee who claims entitlement to vocational rehabilitation services is evaluated by the agreed to or appointed counselor to determine whether it is necessary to develop a vocational rehabilitation plan. If a plan is developed, the level of services to be provided is based on a hierarchy outlined in § 48-162.01 of the Nebraska Workers’ Compensation Act. All vocational rehabilitation plans must also be evaluated by a specialist of the court and approved by such specialist or a judge of the court prior to implementation.

A total of 130 court-approved vocational rehabilitation plans had start dates in FY 2016 and 123 plans were closed in FY 2016.



Vocational rehabilitation plans generally include job placement or formal training, and such plans may also include additional vocational rehabilitation services such as general educational development, adult basic education, English language learning, computer training, or on-the-job training. Of the 52 job placement plans closed in FY 2016, eight of those plans included some such supportive services. Of the 71 formal training plans closed in FY 2016, two of those plans included supportive services.

Vocational Rehabilitation Plans Closed in FY 2016	
Formal Training: Associate Degree	56
Job Placement	52
Formal Training: Bachelors or Other Advanced Degree	9
Formal Training: Certificate / Other Training	6
Total	123

A vocational rehabilitation plan of some type is involved in 70 of the 252 open cases being monitored by the section at the end of FY 2016.

Vocational Rehabilitation Plans Monitored at the End of FY 2016	
Associate Degree	36
Job Placement	19
Bachelors or Other Advanced Degree	9
Certificate / Other Training	6
Total	70

When an injured employee is in a court-approved vocational rehabilitation plan, the following costs are paid by the Workers' Compensation Trust Fund administered by the court: tuition, books, tools, other appropriate fees and costs, and board, lodging, and/or travel in some circumstances. Total disbursements from the trust and cash funds for vocational rehabilitation purposes are shown in [Section 1, Page 13](#) of this Annual Report.

Vocational rehabilitation counselor fees for the evaluation of the employee, development and implementation of a vocational rehabilitation plan, and preparation of an LOEP evaluation are paid by the employer or workers' compensation insurer. This also includes charges by job placement specialists or interpreters, if necessary. The employer or insurer is also responsible for temporary disability benefits while the employee is undergoing vocational rehabilitation.

Public Information

The court's Public Information section provides the following services.

- Educating the public regarding Nebraska workers' compensation law and procedural rules. Public Information staff respond to inquiries received on the court's toll-free information line and email help desk, and also disseminate information by means of the court's website and publications. Injured employees are also notified upon the filing of a first report of injury of basic information regarding their rights and obligations under the workers' compensation system.
- Maintaining an inventory of court records and providing access to public records maintained by the court.
- Managing the court's business continuity program.

Education

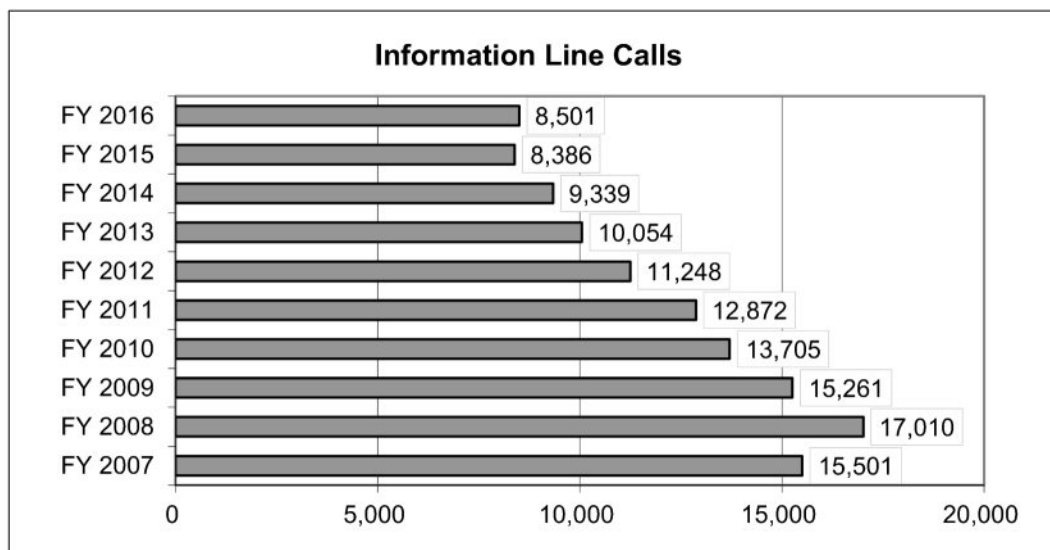
Information Line

The court's toll-free information line enables the court to serve the public more efficiently and saves the cost of long-distance calling. AT&T's Language Line provides language translation services as needed.

Section staff provide answers to commonly asked questions or research inquiries for a response, usually within 24 hours. Calls can also be transferred to other sections of the court for more information. Court staff do not provide opinions or legal advice.

Information line calls come from employees, employers, attorneys, insurers, medical and vocational rehabilitation providers, and others in Nebraska and throughout the nation.

The information line received a total of 8,501 calls in FY 2016, an average of 163.5 calls per week or 34.3 calls per working day. This is a 1.4 percent increase from FY 2015.



Website

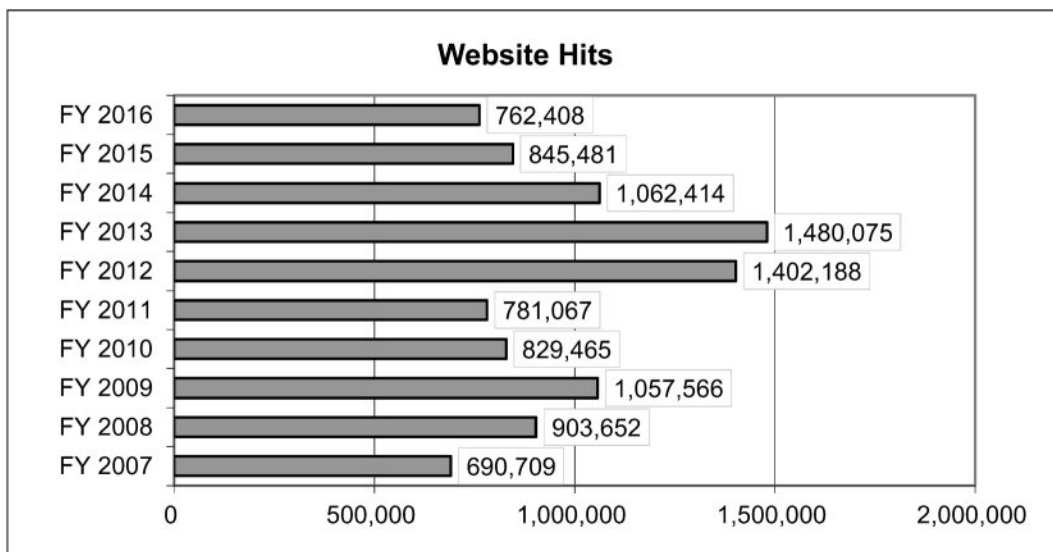
The Public Information and Information Technology sections coordinate to develop and maintain the court's website (<http://www.wcc.ne.gov/>), which has been steadily upgraded since its inception in 1996 to better serve the public and make use of ever-improving technology:

- The website uses Microsoft's ASP.NET framework to alleviate the overhead and redundancy usually associated with the development of dynamic websites, applications and services. The court's entire web presence (the main website and all related web applications) is maintained on the court's internal servers in one file format. This allows for more efficient records management, enforcement of better security practices, and website maintenance cross-training.
- A number of useful web applications are available: a coverage look-up tool (which allows the public to search for workers' compensation insurance for a particular employer on a particular date), a records request form, a searchable database of court decisions and orders, benefit calculators, and a data entry system for reporting Diagnostic Related Group (DRG) claim counts.
- Court news is disseminated by means of an RSS (Really Simple Syndication) feed. The public may view the news feed directly on our website or subscribe to receive news broadcasts into their RSS news readers (aggregators).
- The court's publications and forms are available in portable document format (PDF) and may be downloaded from the website. The PDF forms can be completed electronically, printed, and then submitted to the court.
- The website has been designed to maximize readability in any web browser, at any screen resolution (including internet-enabled handheld devices).
- The website meets or exceeds all Section 508 Accessibility Guidelines.

The website received 762,408 hits in FY 2016, a 9.8 percent decrease from FY 2015. The public accessed the following areas of the website most often in FY 2016:

1. The Court News section (RSS feed) had 338,966 hits (44.5 percent of all hits).
2. The Clerk's Office section had a combined total of 140,967 hits (18.5 percent of all hits). Of these, the Decisions and Orders database search had a total of 130,064 hits (17.1 percent of all hits).
3. The Coverage and Claims section had a combined total of 104,612 hits (13.7 percent of all hits). Of these, the various fee schedules had a combined total of 67,912 hits (8.9 percent of all hits).
4. The Legal section had a combined total of 40,031 hits (5.3 percent of all hits). Of these, the Rules of Procedure had 10,452 hits (1.4 percent of all hits).
5. The Vocational Rehabilitation section had a combined total of 20,928 hits (2.7 percent of all hits).

Other website activity in FY 2016 included requests for information and services that were transmitted to the court's email help desk from the site's secure electronic forms. Not including requests for records, which are addressed below, Public Information staff responded to 2,146 such requests.



Publications

The Public Information section produces and maintains an inventory of court publications. Public Information staff work with other sections of the court to assist with design, content development, and editorial style. Public Information staff deliver finished documents to be printed and/or published on the court web site.

The section also produces and maintains a number of forms used for insurance coverage, medical and vocational rehabilitation purposes, reporting workers' compensation injuries and payments, and requesting records.

A complete listing of available publications and forms, some of which are available in both English and Spanish, may be found on the court website (<http://www.wcc.ne.gov/publications/publications.aspx>).

Court Records

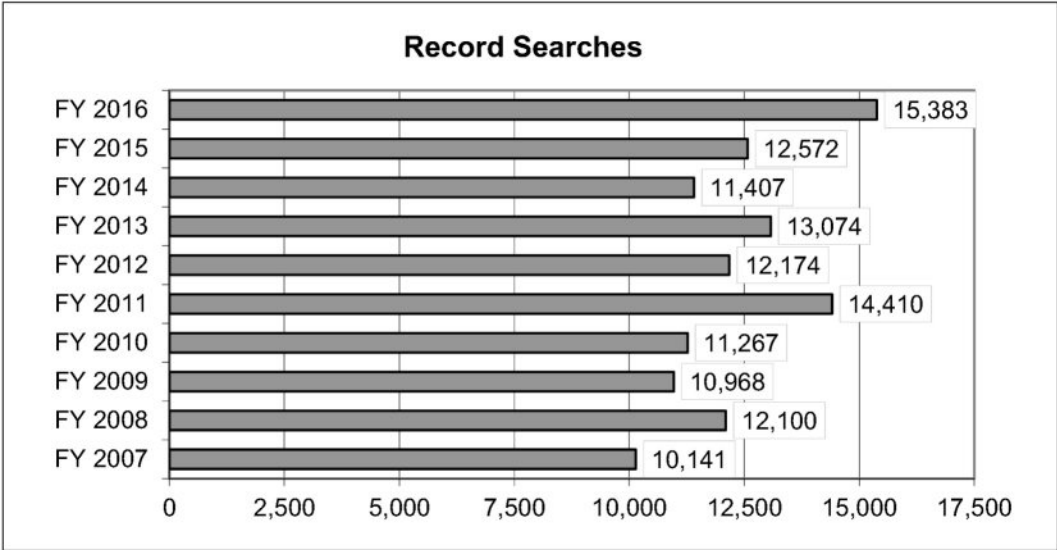
Records Inventory

As part of the court's Records Management team, the Public Information section supports the Records Officer and coordinates with the other sections of the court in maintaining an inventory of court records. Public Information staff use the Secretary of State's Records Tracking System (RTS) web application to add boxes of records, edit existing box descriptions, and request boxes or files to be delivered to and from the State Records Center. Public Information staff also assist with the process of documenting record dispositions to be reported to the Secretary of State.

Record Searches

One of the most common requests from the public are for record searches regarding injuries to an individual worker. Public Information staff fulfilled 15,383 requests for such records in FY 2016, a 22.4 percent increase from FY 2015. The records request processing and fulfillment functions have been augmented with workflow/ business process management and managed file transfer tools. Implementation of these tools has resulted in more efficient and secure processing and fulfillment of record requests

from the public. Five-year searches of first and subsequent reports are fulfilled at no charge if sufficient information is provided to promptly identify the records. Requests for records other than first and subsequent reports may be subject to a charge, but only if the time required to search, identify, physically redact, or copy such records exceeds four cumulative hours. If fees are charged, they will be based on the actual added cost of conducting the search and providing the copies. Public Information staff fulfill most record requests within four business days.



Business Continuity Program

The purpose and objective of the business continuity program is to develop, exercise, and maintain plans that enable the court to respond to disruptive events in order to keep the court open and functioning, while minimizing downtime, personal injury, and loss of resources. Components of the program include Emergency Management, a Continuity of Operations Plan, and an IT Disaster Recovery Plan. The program is based on risk evaluation and impact assessment. Maintaining the program requires management support, staff training, and coordination with external agencies and organizations.

Information Technology

The Information Technology (IT) section of the Nebraska Workers' Compensation Court is responsible for the administration and maintenance of the court's computer systems and network. This includes the court's databases relating to adjudication, reports of injury, settlements, and vocational rehabilitation, which are maintained in Oracle databases. Through Electronic Data Interchange (EDI), software systems provide for processing of injury and payment reporting and proof of coverage reporting. Through Electronic Filing (eFiling) software systems provide for processing of judicial filings. IT continually works with the Office of the Chief Information Officer (OCIO) staff on hardware and software technology projects and hosting. IT also works through collaborative activities with the Supreme Court – Administrative Offices of the Court and Probation IT divisions on joint projects and the sharing of technology.

Fiscal Year Activities

The court manages its data through desktop and Internet ASP.NET systems, utilizing an Oracle database as its primary information repository. The database currently contains 20 full years' worth of information, going back to calendar year 1996 for reports of injury. Historical injury-related information is also maintained for purposes of performing cross-year statistical analysis. The IT section has developed and maintains more than 500 program units in Oracle Forms/Reports, MicroFocus COBOL, Embarcadero Delphi, and Microsoft Visual Studio. The section also provides support for an Oracle ad hoc reporting tool used by court staff for producing reports and data extracts from the database with minimal or no assistance from IT staff after initial training.

Microsoft Office 2013 Upgrade

The court completed an upgrade of all personal computers (PCs) to Microsoft Office 2013 and implemented the usage of Skype for Business as instant messaging client. The court uses custom macros in Outlook and Word to address data categorization and retention.

Migration from Oracle forms to MS Visual Studio

As a result of a recent push at the federal and state levels to migrate to Windows 10, the IT section tested the operating system and determined that Delphi runs acceptably on Windows 10, but Oracle reports does not work. The conversion plan was designed to ensure that the highest priority Oracle pieces will be converted to Visual Studio and in production by the time Windows 10 is implemented no later than December 2019. The plan will have an end date of July 2018 in order to allow a year and a half for the Windows 10, Office 2016, and Server 2016 upgrades.

Vocational Rehabilitation Closure Report Processing System

In 2016 it was determined that not enough statistical information was being collected in order to effectively answer questions regarding the processing of the court's vocational rehabilitation cases. In order to collect the additional information required to answer these questions, the court with the assistance of outside vocational rehabilitation counselors redesigned the court's vocational rehabilitation case closure to capture this information. The previous case closure form, VR-37, has been replaced by four new forms: VR-37E1; VR-37E2; VR-37E3, and VR-37E4.

Supreme Court – Attorney Services / MCLE Support

The court, with its Oracle consulting services contractor, took responsibility for the operation of hardware and system software of the Supreme Court’s Mandatory Continuing Legal Education (MCLE) system. This Oracle- and Java-based system is now being expanded into Attorney Services, taking over functionality from the Nebraska Bar Association. Court staff are providing consulting services to the Attorney Services Division of the Supreme Court.

Content and Records Management of Electronic Files

Court management is currently exploring how to best approach content and records management of electronic files stored outside the Oracle database systems. Identified activities include:

1. Exploring the current enterprise content management (ECM) offering by the OCIO and other alternatives.
2. Evaluating the content management tools currently used by the court (DynamicPolicy, shared network drives, etc.) in comparison to the OCIO ECM and other alternatives.
3. Selecting a solution in collaboration with the Supreme Court and Office of Probation Administration.
4. Utilizing SharePoint.

Microsoft Windows 10 Upgrade

There has been a recent push at the federal and state levels to migrate to Windows 10. The IT section tested the operating system and determined that Delphi runs on Windows 10, but Oracle Reports does not work. This has led to the Oracle Forms conversion project. After all of the Oracle Forms have been converted to Visual Studio, all PCs will be upgraded to Windows 10.

Microsoft Office 2016 Upgrade

The court plans to make greater use of SharePoint as a file repository. Office 2016 provides much greater integration between Office and SharePoint for a better end-user experience. We will upgrade all court PCs to Microsoft Office 2016 to take advantage of this. The court uses custom macros in Outlook and Word to address data categorization and retention.

New PC Deployment

A court-wide PC replacement has not been performed since 2009. The new PC replacement plan is to follow the manufacturer warranty period. In most cases this will result in a three-year replacement cycle. Ultimately, the goal is to have the PC deployment coincide with the Windows 10 upgrade. This will allow for one end-user disruption instead of two.

Attunity MFT Replacement

The court will be working to find alternative products to perform large-size managed file transfers (MFT) with external entities. The current MFT system has become quite outdated and requires a lot of IT attention to continue running properly. We want to consider cloud-based sharing options like Box, Drop Box, Google Drive, One Drive, etc.

Nebraska Occupational Injury and Illness Survey – 2015

Occupational Safety and Health Act

The Occupational Safety and Health Act of 1970 (OSHA) became an official part of the nation's labor laws in 1971. With its passage, Congress declared its intent “. . . to assure as far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.”

Under this Act, employers are required to keep records of all work-related deaths, any diagnosed occupational illnesses and any occupational injuries which involve loss of consciousness, restriction of work or motion, transfer to another job, or requires medical treatment beyond first aid. Employers with more than 10 workers are required to maintain a log (OSHA No. 300), a summary of occupational injuries and illnesses (OSHA No. 300A), and a supplementary record (OSHA No. 301)¹ of each occurrence within the calendar year. These records are retained at the work site for five years and must be available for inspection by representatives of the U.S. Department of Labor and the U.S. Department of Health and Human Services. Employers with less than 11 employees and those employers who conduct business in one of the low hazard industries specified by OSHA are generally exempt from these recordkeeping requirements unless they are notified of the necessity to maintain these records for a given year for statistical purposes.

2015 Occupational Injury and Illness Survey

In order to measure and evaluate the efforts in reducing work-related injuries and illnesses, a standardized system to collect, compile and analyze the health and safety statistics was established and implemented. This standardized system enables data users to identify those industries that need improvement, furthers monitoring and education programs, and allows employers to compare their incidence rates with other employers in the same industry.

The Nebraska Workers' Compensation Court has cooperated with the U.S. Department of Labor and the Bureau of Labor Statistics since 1971 in conducting an annual survey of Nebraska employers, which has provided these essential work injury and illness statistics. Beginning with the 2008 survey, local and state government units in addition to private sector were surveyed. The 2015 sample surveyed 3,771 employing units in the state.

Note on industry and occupation classifications: Beginning with the 2003 reference year, the Occupational Injury and Illness Survey began using the 2002 North American Industry Classification System (NAICS) for industries and the Standard Occupational Classification (SOC) system for occupations. Prior to 2003, the program used the Standard Industrial Classification (SIC) system and the Bureau of the Census occupational classification system. Because of the substantial differences between the current and previous systems, the results by industry and occupation in 2003 constitute a break in series, and users are advised against making comparisons between the 2003 and later industry and occupation categories and the results for previous years.

Information regarding the survey and the results of the Occupational Injury and Illness Survey for 2015 is available on the court's website (http://www.wcc.ne.gov/publications/osh_cfoi.aspx).

¹In the State of Nebraska the Workers' Compensation Form 1 – First Report of Alleged Occupational Injury or Illness, may be used in place of the OSHA No. 301 form.

Census of Fatal Occupational Injuries (CFOI) – 2015

Data from the 2015 Census of Fatal Occupational Injuries (CFOI), developed by the U.S. Department of Labor, Bureau of Labor Statistics (BLS), was not available at the time this annual report was published. The 2015 CFOI data will be presented in the next fiscal year annual report.

