

Nebraska Workers' Compensation Court
75th Annual Report



Fiscal Year 2017

July 1, 2016 through June 30, 2017

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John R. Hoffert
Presiding Judge

James R. Coe
Judge

J. Michael Fitzgerald
Judge

Thomas E. Stine
Judge

Daniel R. Fridrich
Judge

Julie A. Martin
Judge

Dirk V. Block
Judge

Jacqueline J. Boesen
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, 2017

Honorable Michael Heavican
Chief Justice of the Nebraska Supreme Court

Honorable Pete Ricketts
Governor of Nebraska

Honorable Jim Scheer
Speaker of the Nebraska Legislature

Dear Chief Justice, Governor, and Speaker:

We have the privilege of submitting herewith the 75th 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. Judges are then subject to a retention vote by the electorate three years after 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 ***Regulatory Programs 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 2017

Legislation

LB 444 from the 2017 session of the Nebraska Legislature amended § 48-101.01 to extend workers' compensation coverage to frontline state employees who suffer mental injuries without an associated physical injury. The term "frontline state employee" is defined as "an employee of the Department of Correctional Services or the Department of Health and Human Services whose duties involve regular and direct interactions with high-risk individuals." The term "high-risk individual" is defined as "an individual in state custody for whom violent or physically intimidating behavior is common, including, but not limited to, a committed offender as defined in 83-170, a patient at a regional center as defined in section 71-911, and a juvenile committed to the Youth Rehabilitation and Treatment Center-Kearney or the Youth Rehabilitation and Treatment Center-Geneva." The term "state custody" is defined as "under the charge or con-

trol of a state institution or state agency and includes time spent outside of the state institution or state agency.” The above provisions became effective August 24, 2017.

LB 331, also from the 2017 legislative session, amended § 48-1,116 to transfer \$1.5 million from the Compensation Court Cash Fund to the General Fund after June 15, 2018, and before June 30, 2018, on such dates as directed by the budget administrator of the budget division of the Department of Administrative Services. The bill also struck language in § 48-1,116 allowing transfers to be made to the General Fund through June 30, 2011. These provisions went into effect on May 15, 2017.

Court Rules

The court adopted a number of amendments to its Rules of Procedure at a public meeting on December 14, 2016.

Rule 5 relating to interpreters was amended to provide deadlines for submission of the Request for Interpreter and for the affidavit affirming selection of an interpreter, and to require that the affidavit state the name of the interpreter and the date of the legal proceeding.

A new Rule 12 was adopted to set forth the procedure for withdrawing as the attorney of record in a case.

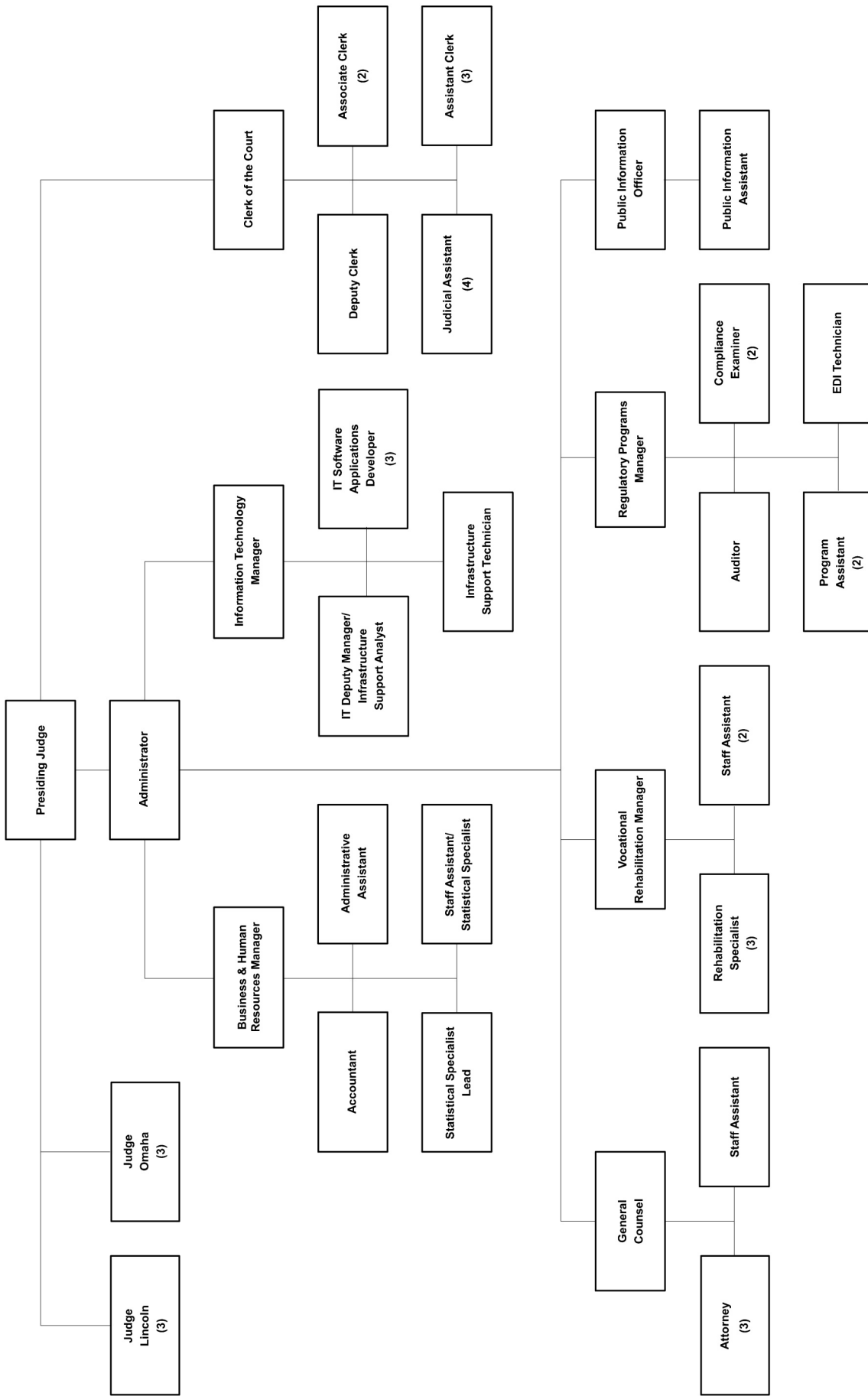
Rule 26 was amended to adopt a new Schedule of Fees for Medical Services with an effective date of January 1, 2017. Rule 26 was also amended to establish Medicare Diagnostic Related Groups to be included in the Diagnostic Related Group inpatient hospital fee schedule effective January 1, 2017.

Rule 63 governing selection of an independent medical examiner (IME) was amended to provide that once an IME has been assigned, submission of additional questions by either party shall not be allowed without prior approval of the court.

Finally, Rule 73 governing self-insurance security was amended to provide that no security will be released for at least two years after the last payment to or on behalf of the claimant on any and all claims arising during the period the employer was approved for self-insurance.

In addition to the specific activities listed for FY 2017, 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 2017 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2017. 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
March 2017

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

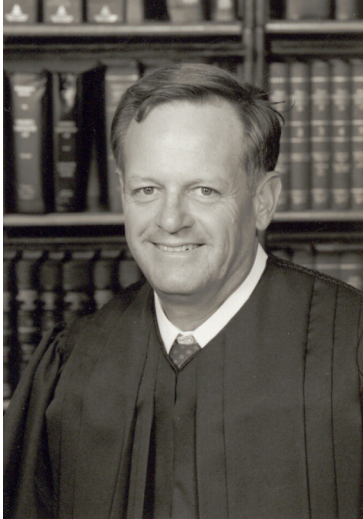


James R. Coe, Judge

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.



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.

Judges

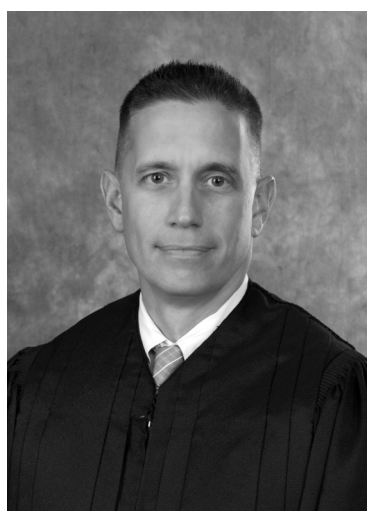


Thomas E. Stine, Judge

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.



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.

Judges



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.



Dirk V. Block, Judge

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

Date Appointed: December 8, 2016.

Biography: Graduate of University of Nebraska – Omaha (BS, *cum laude*, Criminal Justice); Creighton University School of Law (JD). Former occupations: Marks Clare & Richards LLC (served as managing member, partner, and associate attorney); Knapp, Mues, Beavers, and Luther (served as associate attorney). Admitted to practice: Nebraska and the U.S. District Court for the District of Nebraska. Member: Nebraska State Bar Association. Recipient of the Martindale Hubbell “AV” peer review rating. Serves on the Board of Directors for CBMC, Inc. and as Master of Ceremonies for the Omaha Leadership Prayer Breakfast.

Compensation Court Cash Fund

Fiscal Year 2017 (July 1, 2016 to June 30, 2017)

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 2017 was \$6,139,482.

Fund Balance on July 1, 2016:		\$6,079,227.55
Revenue:		
Assessments	5,284,763.00	
Interest	89,686.29	
Miscellaneous Income	112,175.00	
Sale of Surplus Property	1,376.99	
Total Revenue		<u>5,488,001.28</u>
Expenditures:		
Court Administration (Includes Judges)	5,095,688.17	
Federal Grant Administration	47,472.62	
Voc. Rehab. Administration	415,391.76	
Second Injury Administration	825.13	
Self-Insurance Administration	89,015.01	
Total Expenditures		<u>5,648,392.69</u>
Fund Balance on June 30, 2017:		<u><u>\$5,918,836.14</u></u>

Federal General Fund

Federal Fiscal Year 2017 (October 1, 2016 to September 30, 2017)

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, 2016:					\$0
Revenue:					
Intergovernmental Revenue				48,212	
Deobligation June 30, 2017				(1,750)	
Total Revenue				<u>46,462</u>	
Expenditures:					
	Legislative Appropriation	Administrative Adjustments	Not Expended	Actual Expended	
Federal Grant Admin.	<u>52,674</u>	<u>(6,212)</u>	0	46,462	
Total Expenditures				<u>46,462</u>	
Fund Balance on September 30, 2017:					<u><u>\$0</u></u>

Workers' Compensation Trust Fund

Fiscal Year 2017 (July 1, 2016 to June 30, 2017)

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, 2016:		\$3,189,686.27
Revenue:		
Assessments	*16.00	
Interest	62,362.17	
Miscellaneous Income	0	
Total Revenue		<u>62,378.17</u>
Expenditures:		
Second Injury Benefits	205,527.04	
Voc. Rehab. Benefits	418,954.60	
Total Expenditures		<u>624,481.64</u>
Fund Balance on June 30, 2017:		<u><u>\$2,627,582.80</u></u>

* Prior year trust fund assessment adjustment.

Workers' Compensation Trust Fund

(Transfers and Assessments)

Fiscal Year Ending:			
Assessments:			
June 30, 2017	**\$16.00	June 30, 2009	**(\$762)
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
Transfers:		June 30, 2001	**\$26,965
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

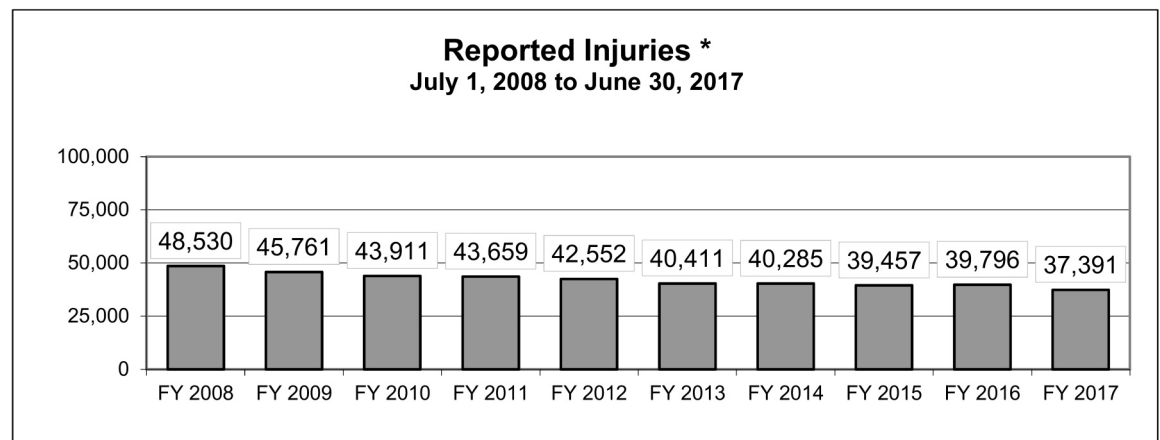
(Benefit and Administrative Costs*)

Fiscal Year Ending	Second Injury	Vocational Rehabilitation	Total Expenditures
June 30, 2017	\$205,527	\$834,346	\$1,039,873
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

* 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, 2016 to June 30, 2017	14,827	19,582	2,982	37,391
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

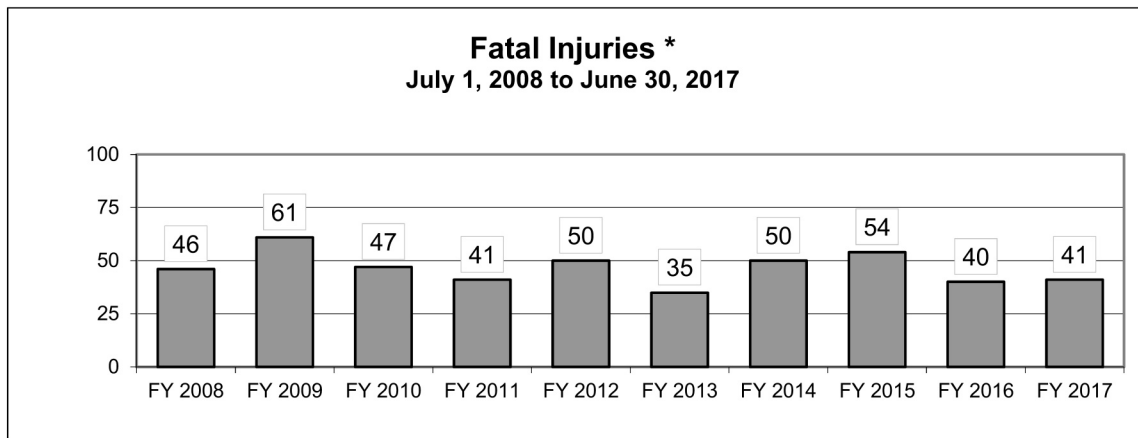


* Includes injuries reported in the fiscal year regardless of the year in which the injury occurred.

Includes injuries resulting from occupational disease.

Fatal Injuries *

	Male	Female	Total
July 1, 2016 to June 30, 2017	38	3	41
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



* 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 2018 will be \$831.00. 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
01/01/2018 to 12/31/2018	\$831	\$49
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

Litigation Summary

Petitions in Fiscal Year ¹	2013	2014*	2015*	2016*	2017
Petitions Pending at Beginning of Fiscal Year	1,316	1,356	1,366	1,329	1,366
Petitions Filed in Fiscal Year	1,232	1,151	1,084	1,100	1,053
Reopened Petitions Filed in Fiscal Year	184	171	140	149	121
Total Petitions	2,732	2,678	2,590	2,578	2,540
Dispositions in Fiscal Year					
Decisions Issued	223	181	165	152	171
Stipulated Awards	50	30	34	31	22
Lump Sum Settlements Approved	251	258	210	173	185
Releases of Liability Filed	520	529	515	523	534
Voluntary or Summary Dismissals	332	314	337	333	277
Total Dispositions	1,376	1,312	1,261	1,212	1,189
Total Petitions Pending at End of Fiscal Year	1,356	1,366	1,329	1,366	1,351

Motions in Fiscal Year ¹	2013*	2014*	2015*	2016*	2017
Motions Filed	3,080	3,031	3,376	3,580	3,600
Motion Dispositions	2,631	2,502	2,696	2,900	2,791
Motion Hearings	645	639	582	657	605

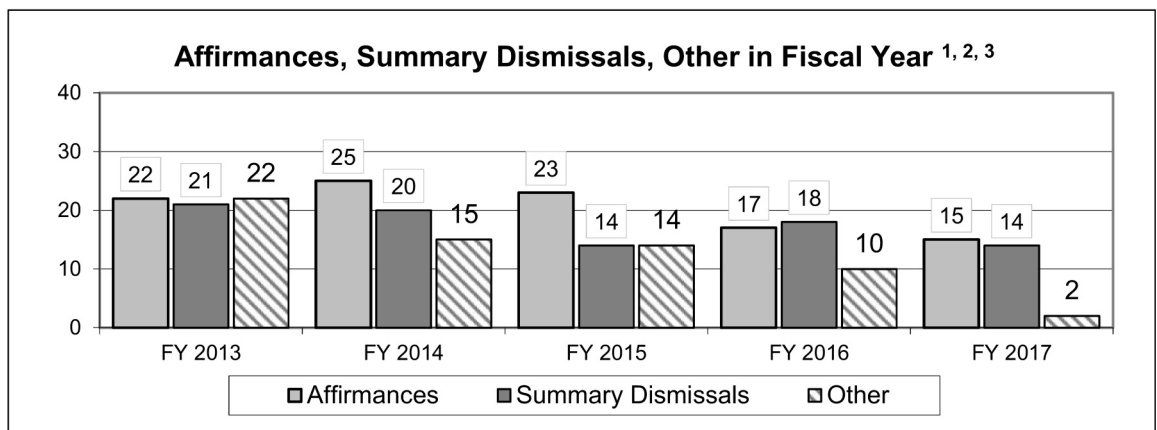
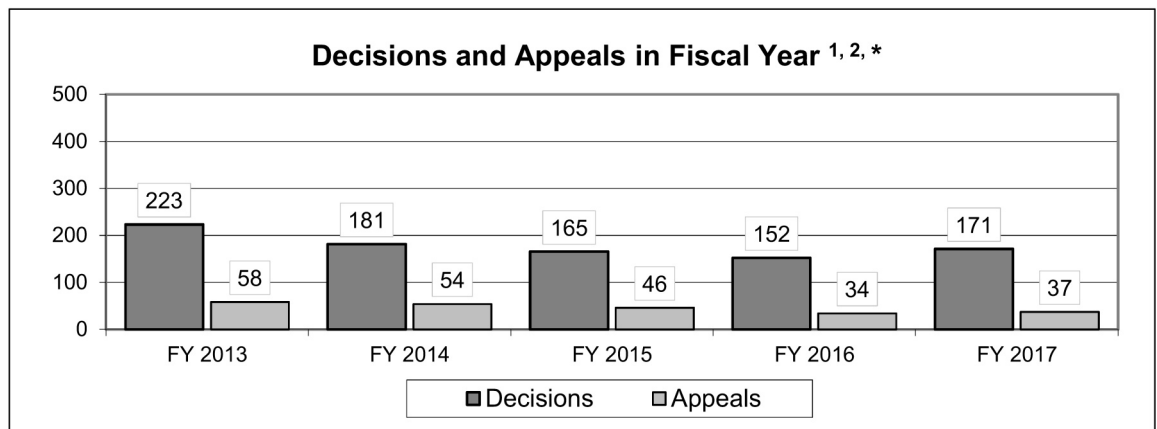
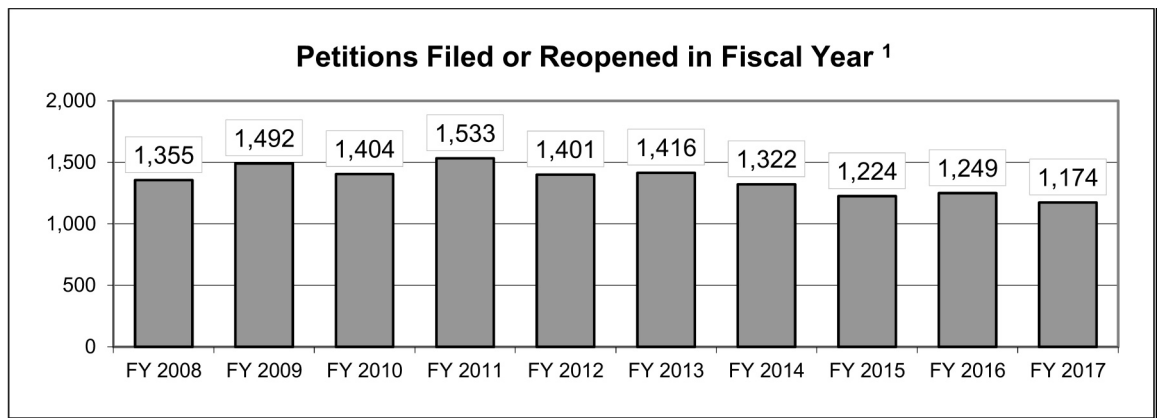
Appeals in Fiscal Year ^{1, 2}	2013	2014	2015	2016	2017
Appeals Pending at Beginning of Fiscal Year	45	38	32	27	16
Appeals Filed	58	54	46	34	37
Affirmances by Neb. Supreme Court / Court of Appeals	22	25	23	17	15
Summary Dismissals by Neb. Supreme Court / Court of Appeals	21	20	14	18	14
Other Opinions ³	22	15	14	10	2
Total Appeals Pending at End of Fiscal Year	38	32	27	16	22

* Numbers may differ from those shown in the FY 2016 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.

³ Other opinions from the Nebraska Supreme Court or Court of Appeals such as: reversed and remanded; reversed; affirmed in part, reversed in part, and in part remanded; affirmed in part, and in part reversed, and any other variations thereof.



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³ Other opinions from the Nebraska Supreme Court or Court of Appeals such as: reversed and remanded; reversed; affirmed in part, reversed in part, and in part remanded; affirmed in part, and in part reversed, and any other variations thereof.

Litigated Cases By County

County	2013	2014	2015	2016	2017
Adams	32	29	28	32	23
Antelope	1	1	3	1	3
Arthur	0	0	0	0	0
Banner	1	0	0	1	2
Blaine	0	0	0	0	1
Boone	4	3	4	2	3
Box Butte	7	8	7	7	7
Boyd	1	1	0	0	1
Brown	1	1	1	2	1
Buffalo	27	22	33	44	30
Burt	2	1	0	1	1
Butler	3	2	7	6	2
Cass	2	8	10	5	8
Cedar	3	1	2	1	1
Chase	2	3	3	2	2
Cherry	4	4	4	1	2
Cheyenne	12	6	8	4	10
Clay	6	3	4	1	3
Colfax	13	8	12	10	6
Cumming	1	4	2	3	3
Custer	6	7	4	4	8
Dakota	13	12	7	8	12
Dawes	4	0	3	1	1
Dawson	25	26	20	22	35
Deuel	1	5	2	4	4
Dixon	4	2	0	3	0
Dodge	30	25	25	39	34
Douglas	351	362	359	352	351
Dundy	3	0	0	3	1
Fillmore	9	4	4	1	3
Franklin	1	4	3	1	1
Frontier	0	1	0	2	0
Furnas	2	5	5	3	4
Gage	15	17	10	19	15
Garden	2	1	0	0	1
Garfield	0	0	2	0	0
Gosper	2	1	0	0	0
Grant	0	0	0	0	0
Greeley	1	0	0	3	0
Hall	118	102	86	89	66
Hamilton	8	2	5	6	3
Harlan	1	1	2	0	0
Hayes	0	0	1	0	0
Hitchcock	1	3	0	3	0
Holt	7	6	1	4	3
Hooker	0	1	1	1	0
Howard	5	2	1	3	0
Jefferson	4	4	6	6	4
Johnson	5	2	2	1	4
Kearney	10	6	2	3	3

Litigated Cases By County, Continued

County	2013	2014	2015	2016	2017
Keith	4	10	6	7	3
Keya Paha	0	0	0	0	2
Kimball	2	4	1	3	1
Knox	1	3	4	2	1
Lancaster	204	202	151	158	154
Lincoln	20	25	30	25	24
Logan	1	0	0	1	0
Loup	0	0	0	0	2
Madison	36	24	20	29	31
McPherson	0	0	0	0	0
Merrick	4	1	1	2	2
Morrill	4	4	1	1	4
Nance	2	0	3	1	2
Nemaha	5	2	5	2	3
Nuckolls	0	0	0	1	2
Otoe	19	9	16	11	7
Pawnee	3	1	1	1	1
Perkins	5	2	2	0	2
Phelps	9	3	5	12	9
Pierce	1	1	0	2	0
Platte	23	15	20	19	16
Polk	1	0	5	3	1
Red Willow	7	5	5	3	3
Richardson	3	3	5	4	1
Rock	0	0	0	0	0
Saline	13	17	9	9	15
Sarpy	37	29	43	39	49
Saunders	8	5	8	11	4
Scottsbluff	26	37	30	23	26
Seward	11	5	7	3	5
Sheridan	0	2	1	4	1
Sherman	1	3	1	0	1
Sioux	0	0	0	0	0
Stanton	2	1	3	0	1
Thayer	2	4	1	5	3
Thomas	0	0	0	0	1
Thurston	4	1	2	0	0
Valley	3	7	2	1	2
Washington	8	10	14	15	6
Wayne	7	3	3	2	7
Webster	3	2	1	3	0
Wheeler	0	0	0	0	0
York	14	14	6	7	7
Out of State	173	162	133	136	113
TOTAL	1,416	1,322	1,224	1,249	1,174

Settlement Summary

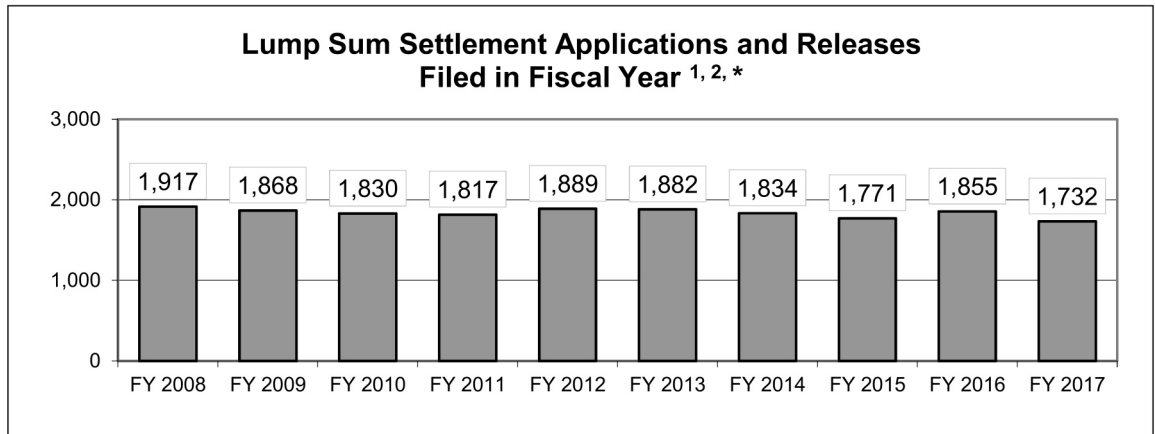
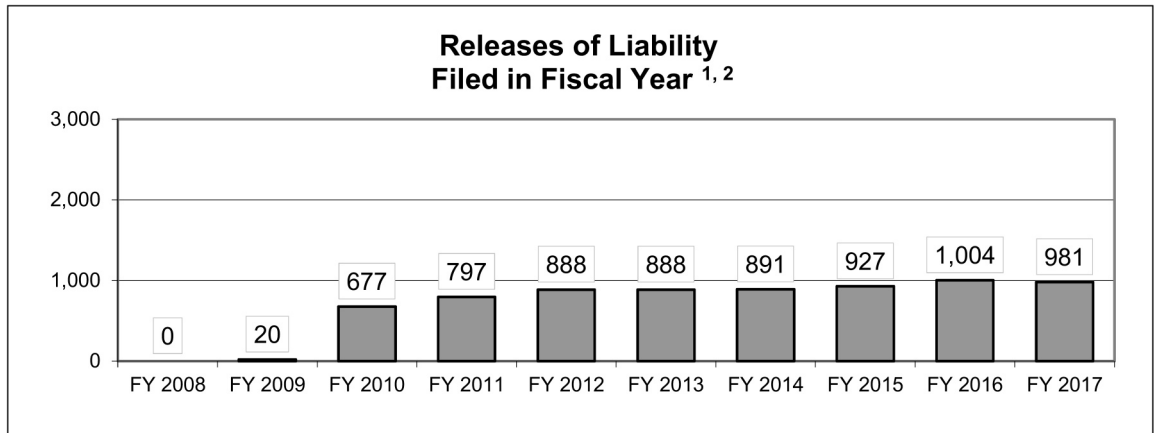
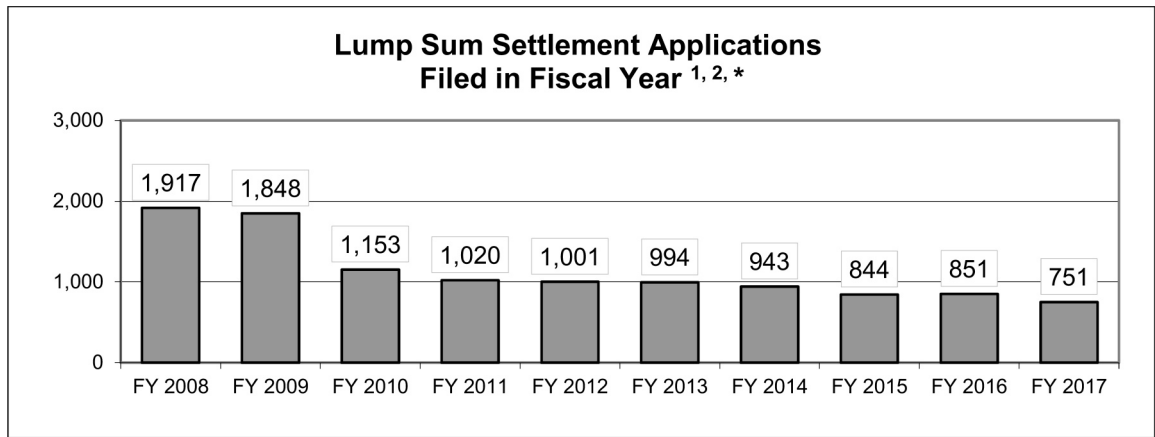
Applications for Lump Sum Settlement in Fiscal Year^{1, 2}	2013	2014	2015*	2016*	2017
Applications Pending at Beginning of Fiscal Year	48	54	55	31	57
Applications Filed in Fiscal Year	994	943	844	851	751
Total Applications	1,042	997	899	882	808
Dispositions in Fiscal Year					
Applications Approved – No Litigation	570	534	529	539	459
Applications Approved – Litigation	390	368	308	254	253
Applications – Total Approved	960	902	837	793	712
Applications – Total Disapproved	28	39	31	31	29
Total Dispositions	988	941	868	824	741
Total Applications Pending at End of Fiscal Year	54	55	31	57	67

Releases of Liability in Fiscal Year^{1, 2}	2013*	2014	2015*	2016*	2017
Releases Filed – No Litigation	269	261	285	333	350
Releases Filed – Litigation	619	630	642	671	631
Total Releases Filed	888	891	927	1,004	981

* Numbers may differ from those shown in the FY 2016 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 2016 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 through 20 of this Annual Report.

Case Management System Conversion

During FY 2017, the Clerk's Office was heavily involved with the conversion of Oracle forms to Microsoft Visual Studio, which is described in greater detail under the Information Technology (IT) section of this Annual Report. Approximately 80 percent of the case management system used by the Clerk's Office 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 Clerk's staff has worked diligently with IT staff during the past two years and conversion of the applications was completed more than a year ahead of schedule in May 2017.

Records Retention Pilot Project

The Clerk's Office retains documents in accordance with Schedule 20, the court's records retention and disposition schedule. In order to comply with this schedule, the Clerk's Office previously outsourced the pleadings and exhibits on closed cases to the State Records Center to be scanned and added to microfilm. In December 2016, the Clerk's Office started a pilot project to digitize court records in-house for permanent retention. This effort is expected to enhance the quality and durability of the retained documents, improve efficiencies within the office, and cut costs.

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.

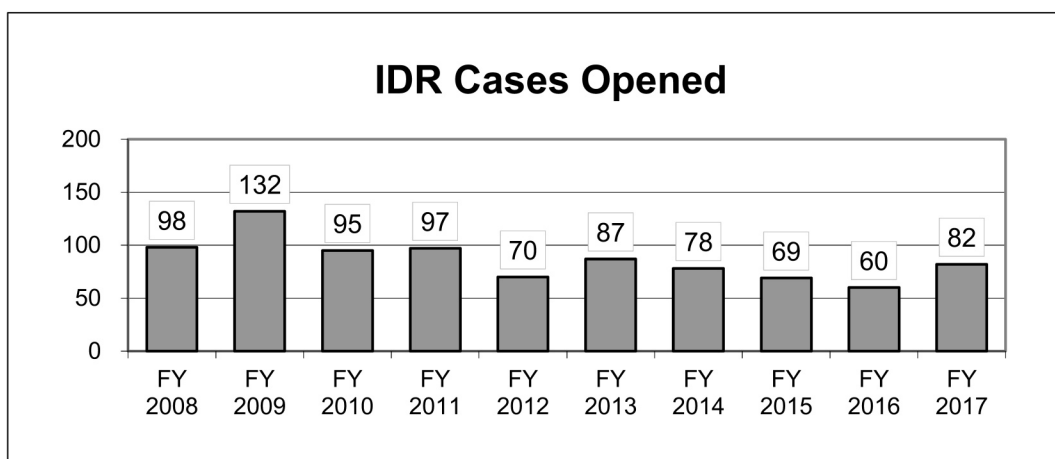
Statistics for lump sum settlements processed in FY 2017 (July 1, 2016 through June 30, 2017) are provided on Pages 21 and 22 of this Annual Report. As a result of the court's review of lump sum settlement applications, the Legal section identified a total of \$212,382.05 in underpayments of indemnity benefits to or on behalf of injured employees in FY 2017. The section also identified \$27,509.25 in underpayments of medical benefits in the fiscal year. The underpayments involved 30 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 mediation 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 61 cases, or 76.3 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	40
No Response by Party(s)	21
Withdrawn — Resolved by Parties	7
Withdrawn — Various Reasons	4
Full Agreement	3
Partial Agreement	2
Petition Dismissed	2
No Agreement	1
Total Closed in FY 2017	80

Regulatory Programs

The responsibilities of the Regulatory Programs section are divided into three categories: medical services, compliance, and self-insurance. Formerly known as “Coverage and Claims,” this section was renamed “Regulatory Programs” effective March 1, 2017 to better reflect the nature of the duties performed.

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

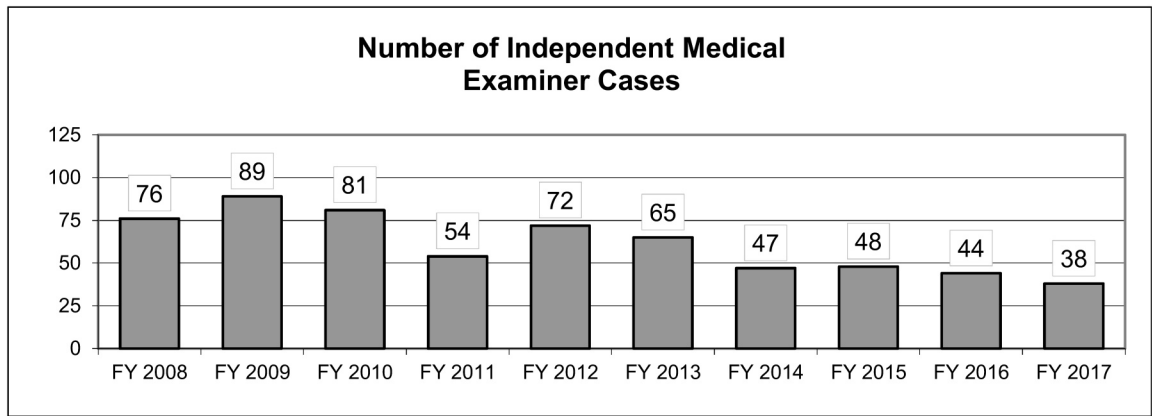
Section staff are charged with collecting data from payors and certain hospitals in order to develop the Diagnostic Related Group Inpatient Hospital Fee Schedule and the Trauma Services Inpatient Hospital Fee Schedule, both of which are established in § 48-120.04 of the Nebraska Workers’ Compensation 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 website.

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. Rule 26 of the court’s Rules of Procedure establishes the methodology for creating and updating this fee schedule.

Independent Medical Examiner (IME) System

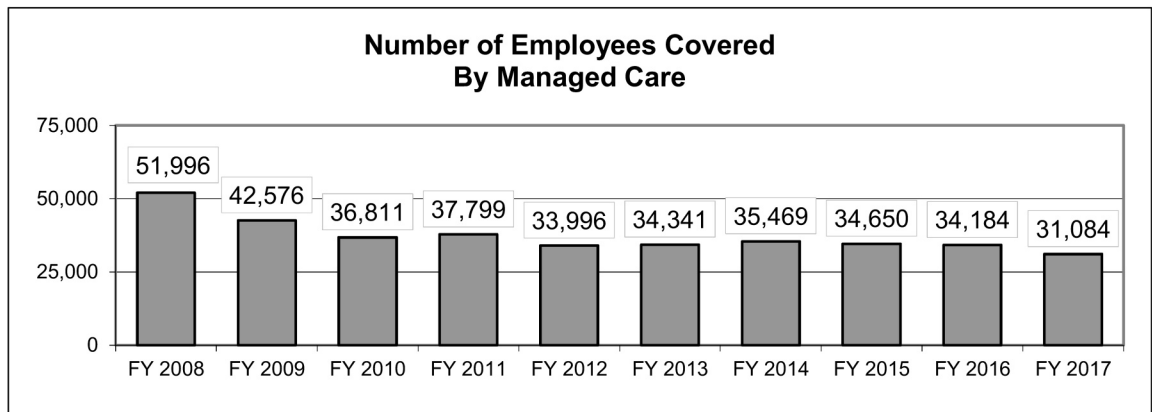
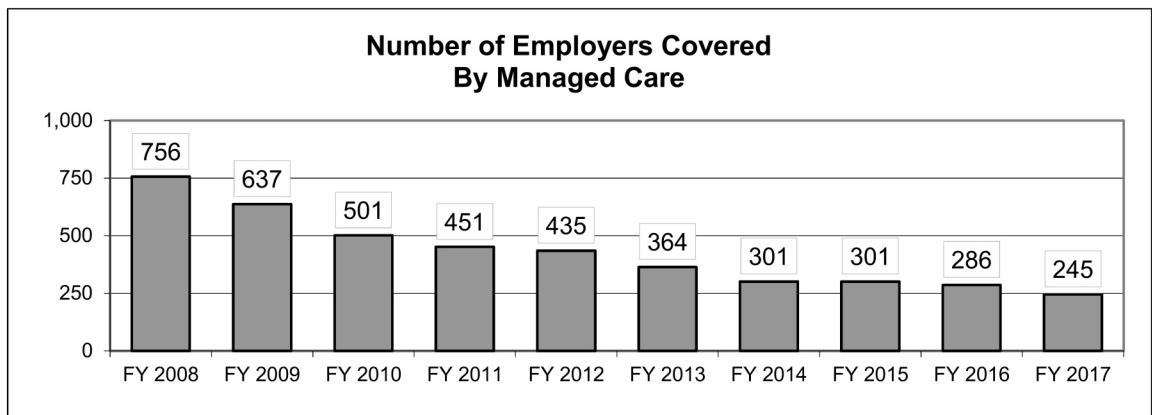
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an IME. The parties may agree on a physician to submit the finding or may request assignment of a court-approved IME. The IME system was designed to give the parties an additional 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 122 court-approved IMEs.

During FY 2017, 38 IME cases were opened. Twenty-three requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee, and 12 were submitted by a workers’ compensation insurer or the insurer’s attorney. There were two requests submitted by an employee and one ordered by the court. 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, 2017 there were 245 employers and 31,084 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 2,537 informational letters to new corporations registering with the Secretary of State during FY 2017. The letters resulted in 52 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 2017, letters were sent to 4,248 employers whose coverage had been cancelled or not renewed, and 423 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. Section staff processed 53,758 first reports and 79,770 subsequent reports in FY 2017. 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). Section 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. Section 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 184 calls during FY 2017. 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. Section staff investigate the specific cases, encourage voluntary compliance, and request appropriate legal action when necessary. A total of 127 case investigations were opened last fiscal year as a result of the above activities. Forty-three cases were referred to the Attorney General's office for further action.

Self-Insurance Activities

The Regulatory Programs 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 Regulatory Programs 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 employ-

ees, 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, 2017, there were 41 employers approved for self-insurance. For calendar year 2017 assessment purposes, there were 42 self-insurers (employers who were self-insured for all or part of calendar year 2016). 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, 2017

Manufacturing	11
Services	8
Transportation & Public Utilities	8
Government	6
Retail	4
Insurance	2
Wholesale	2
Total Self-Insurers	41

Self-Insurance Status by Calendar Year

Calendar Year	# of Self-Insurers	# of Employees	Gross Payroll
2016	41	131,074	\$4,695,054,446
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

Note: 2017 figures are not available at time of publication

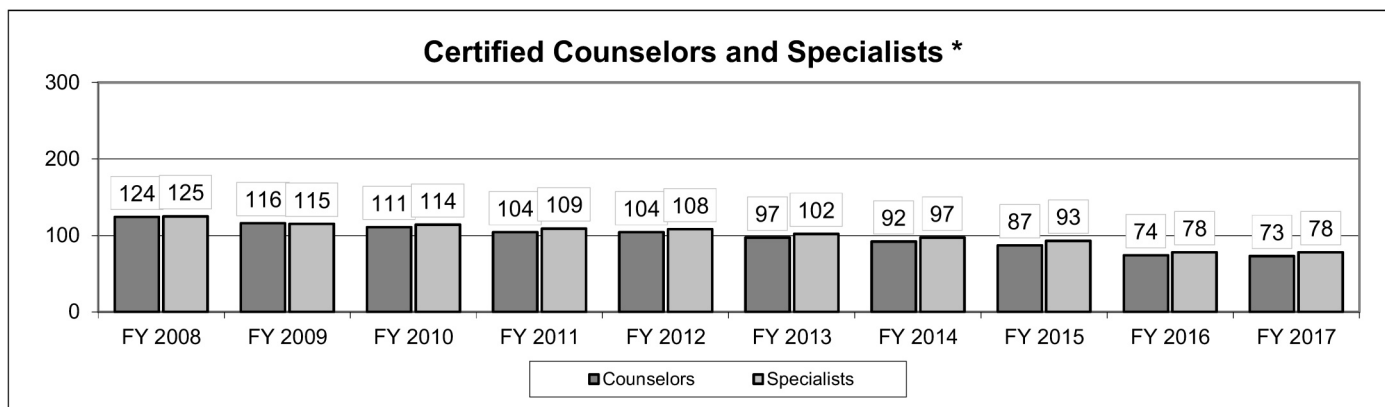
Vocational Rehabilitation

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 2017 (June 30, 2017), there were 73 private vocational rehabilitation counselors and 78 job placement specialists certified by the court. There are 37 certified private vocational rehabilitation counselors located in Nebraska.

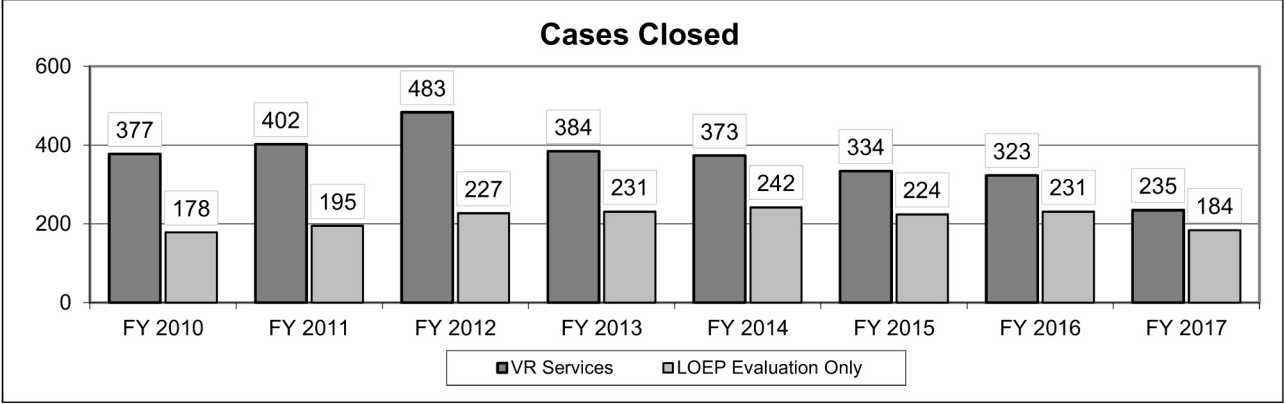


* Effective in FY 2007, vocational rehabilitation counselors employed by a state agency were no longer automatically certified as vocational rehabilitation counselors for purposes of providing services under the Act. Such counselors continue to be automatically certified as job placement specialists.

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 423 cases opened in FY 2017, the court appointed 174 counselors. The parties were able to agree upon a counselor in 257 cases.

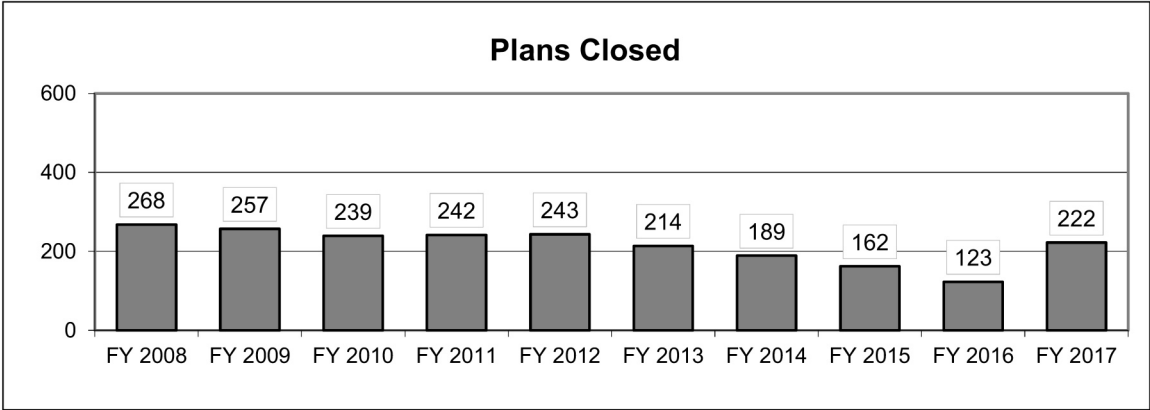
A case is opened by the section when notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, or if a judge of the court orders appointment of a counselor or vocational rehabilitation services. At the end of FY 2017 there were 166 open cases. A case may 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 419 cases were closed during FY 2017. Of these, 184 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 48 court-approved vocational rehabilitation plans had start dates in FY 2017 and 222 plans were closed in FY 2017.



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 120 job placement plans closed in FY 2017, 23 of those plans included some such supportive services. Of the 102 formal training plans closed in FY 2017, 12 of those plans included supportive services.

Vocational Rehabilitation Plans Closed in FY 2017	
Job Placement	120
Formal Training: Associate Degree	78
Formal Training: Bachelors or Other Advanced Degree	15
Formal Training: Certificate / Other Training	7
Diploma	2
Total	222

A vocational rehabilitation plan of some type is involved in 50 of the 166 open cases being monitored by the section at the end of FY 2017.

Vocational Rehabilitation Plans Monitored at the End of FY 2017	
Job Placement	38
Formal Training: Certificate / Other Training	6
Formal Training: Associate Degree	5
Formal Training: Bachelors or Other Advanced Degree	1
Total	50

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, Pages 12 and 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

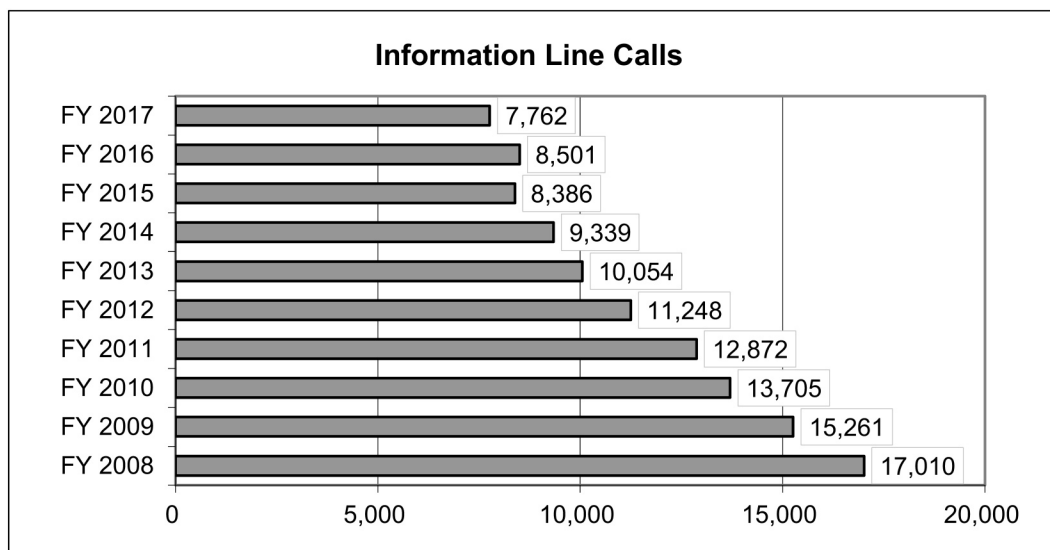
Information Line

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 7,762 calls in FY 2017, an average of 149.3 calls per week or 31.3 calls per working day. This is an 8.7 percent decrease from FY 2016.



Website

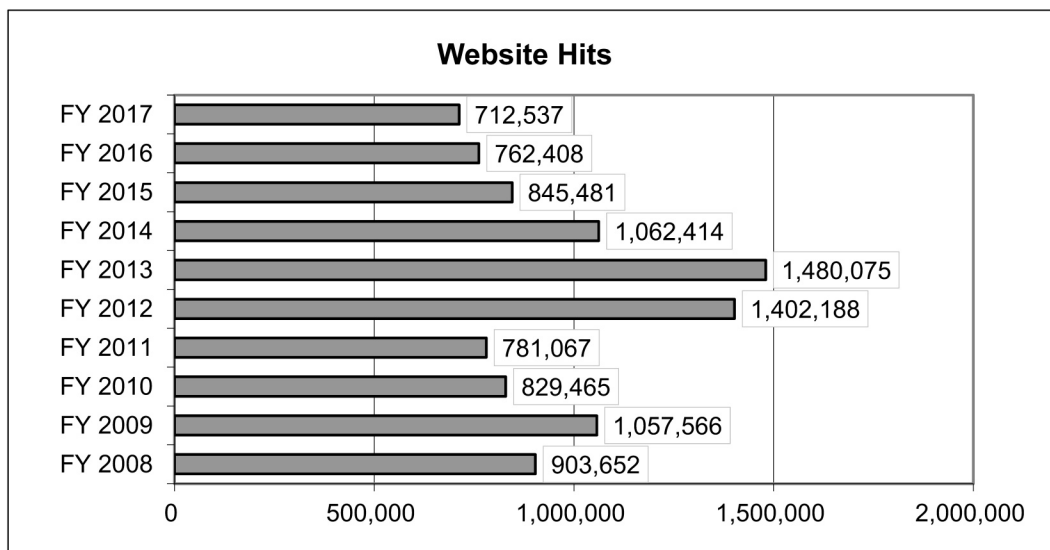
The Public Information and Information Technology sections coordinate to develop and maintain the court's website (<http://www.wcc.ne.gov/>), which has been steadily upgraded since its inception in 1996 to better serve the public and make use of ever-improving technology:

- 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 712,537 hits in FY 2017, a 6.5 percent decrease from FY 2016. With the exception of the court news section, however, all of the major sections of the website listed below showed an increase in page views from the previous fiscal year. The public accessed the following sections of the website most often in FY 2017. These sections represent 81.5 percent of all web pages and other files viewed / downloaded during the fiscal year.

1. The Court News section (RSS feed) had 240,698 hits (33.8 percent of all hits).
2. The Clerk's Office section had a combined total of 151,553 hits (21.3 percent of all hits). Of these, the Decisions and Orders database search had a total of 139,977 hits (19.6 percent of all hits).
3. The Regulatory Programs section had a combined total of 115,884 hits (16.3 percent of all hits). Of these, the various fee schedules had a combined total of 73,646 hits (10.3 percent of all hits).
4. The Legal section had a combined total of 44,773 hits (6.3 percent of all hits). Of these, the Rules of Procedure had 10,546 hits (1.5 percent of all hits).
5. The Vocational Rehabilitation section had a combined total of 27,040 hits (3.8 percent of all hits).

Other website activity in FY 2017 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 3,113 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 self-represented litigants, 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

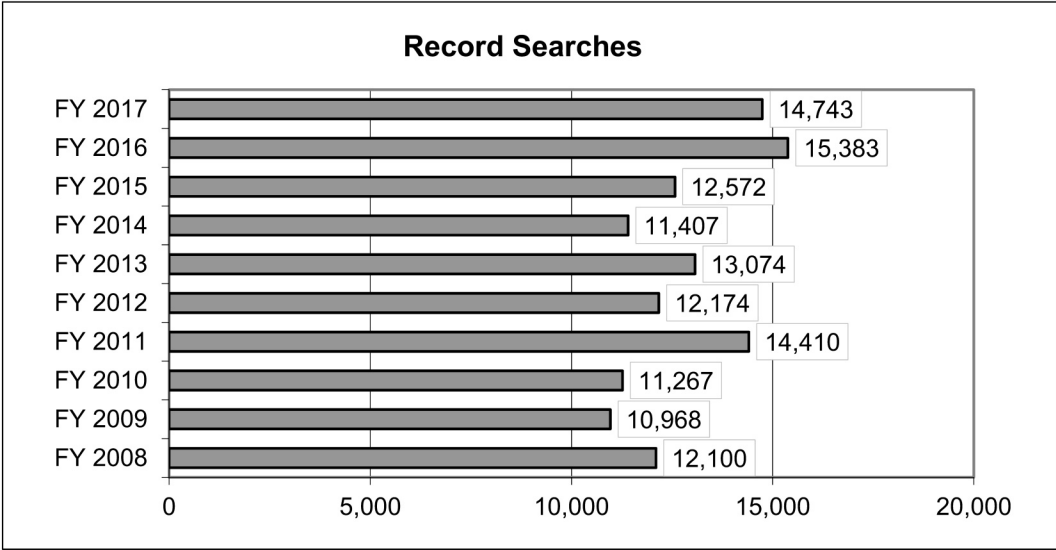
Records Inventory

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 is for record searches regarding workers' compensation injuries, payments, insurance coverage, and other records filed with and maintained by the court. Public Information staff fulfilled 14,743 requests for such records in FY 2017, a 4.2 percent decrease from FY 2016. This is the second highest number of record requests made in a fiscal year since the court began

tracking this information in FY 2002. 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 injury and payment reports are fulfilled at no charge if sufficient information is provided to promptly identify the records. Requests for records other than injury and payment 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 collaborates with the IT sections of the Supreme Court's Administrative Office of the Courts and Office of Probation Administration 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 over 21 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 over 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.

Supreme Court – Attorney Services / MCLE Support

The court continues to provide technical support to the Supreme Court's Mandatory Continuing Legal Education (MCLE) Commission for the online MCLE system. The online application is accessible 24 hours a day, seven days a week and provides two separate customer bases for users to access the system. The first customer base is made up of over 8,000 registered Nebraska attorneys. The other customer base is for third-party sponsors to add their educational classes to the system. This Oracle and Java-based system has been expanded into attorney services. The Attorney Services system enables Nebraska registered attorneys to pay and renew their annual license fees online. This service was previously performed by the Nebraska State Bar Association. Beginning in FY 2017, MCLE systems are also adding a new web application called "Admissions." This new web application will allow external users to sign in and follow the process for applying to take the Nebraska State Bar Exam.

Oracle Forms Conversion

During FY 2017, conversion of all Oracle Forms to Visual Studio was completed. The conversion plan was designed to ensure that the highest priority Oracle pieces would be converted to Visual Studio and in production by the time Windows 10 was installed on staff personal computers, no later than December 2019. The original plan estimated a completion date of July 2018, but through considerable time and effort by the conversion team the project was concluded more than a year ahead of schedule.

Microsoft Windows 10

All end-user personal computers at the court are now running Microsoft Windows 10. This was a result of a push at the federal and state levels to migrate to Windows 10. Collaborative application testing was performed between the end users and IT staff to ensure compatibility with Windows 10.

Microsoft Office 2016

Users were upgraded to Microsoft Office 2016 at the same time Windows 10 was installed. Collaborative testing was performed between the end users and IT staff to ensure compatibility of Office documents as they migrated from Office 2013 to Office 2016.

Managed File Transfer Replacement

During FY 2017, the IT section continued its efforts to identify alternative products to perform large-size managed file transfers (MFT) with external entities. The court's existing MFT system has become outdated and requires a significant amount of staff time to ensure proper functionality. Google G Suites and its Google Drive sharing option is under consideration and is being tested as a replacement for MFT. Testing of Google Drive indicates that sharing of files can be completed in a secure manner and its interface is more user-friendly than that of the prior system. Further, elimination of the existing MFT product has resulted in considerable cost savings, as expensive annual technical support agreements for the product are no longer necessary. Additionally, the court has begun testing Google G Suite as a tool for achieving greater work efficiencies through applications such as Google Drive, Docs, Sheets, and Slides.

NSCAP Domain Upgrade

The court helps support the Supreme Court in managing and maintaining the Nebraska Supreme Court, Appeals, and Probation (NSCAP) Active Directory domain services. To make sure all functionality is up to date, all of the NSCAP domain controllers were completely rebuilt and upgraded with Windows 2016 Server. The domain is now running in a 2016 Functional Forest Level.

Veeam PC Backups

During FY 2017, the IT section initiated weekly backups of each Windows 10 personal computer with Veeam Endpoint Backup. This has been put in place as a solution to a disaster recovery scenario. Malware, ransomware, and viruses are serious threats to all computer networks. In the event of a ransomware incident, the court is now positioned to disconnect all personal computers from the state network and restore to a previous point in time (prior to the ransomware compromise) using the Veeam backups. Court operations will be able to continue without succumbing to any ransomware demands.

Nebraska Occupational Injury and Illness Survey – 2016

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 require 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 fewer 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.

2016 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 2016 sample surveyed 3,742 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 2016 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

The Census of Fatal Occupational Injuries (CFOI) Program was developed by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) to provide a timely and accessible census of work-related fatalities. The CFOI program is a federal/state cooperative program. In Nebraska, CFOI is conducted by the Nebraska Workers' Compensation Court. This is the 24th year that CFOI has been conducted in all 50 states and the District of Columbia.

2015 Census of Fatal Occupational Injuries

CFOI 2015 used multiple data sources including death certificates, workers' compensation reports, medical examiner reports, and other available federal and state administrative records, to compile a complete, verifiable count of Nebraska fatal workplace injuries. The census covers all traumatic occupational fatalities, including those resulting from injuries to the self-employed, laborers on small farms, government workers, and others too difficult to identify from a single data source.

Besides comprehensive counts of fatal work injuries, the 2015 census provides information on the demographic characteristics of the deceased workers (including age, gender, and race), the occupations and industries the decedents worked in and the circumstances of their tragedies. This wealth of information on hazards in Nebraska workplaces yields vital insights to aid in preventing future workplace fatalities. Safety and health researchers are able to study patterns of fatal work injuries, identify hazardous activities and equipment, and alert workers to these dangers.

2015 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 50 fatal workplace injuries during 2015, down from 55 the previous year. Other findings of the census include:

- The leading fatal event was transportation incidents, accounting for 23 (46 percent) of fatal occupational injuries in 2015. Contact with objects and equipment followed with 11 fatalities (22 percent). Violence and other injuries by persons or animals accounted for six fatalities (12 percent). Falls, slips, and trips as well as fire or explosion accounted for four fatalities each (8 percent).
- Among industry groups, the largest number of fatal work injuries was in natural resources and mining with 18 (36 percent). Trade, transportation and utilities followed with 11 (22 percent). Construction had five (10 percent).
- Sixteen (32 percent) of those fatally injured were 65 years and over. Fourteen (28 percent) were 55 to 64 years of age. Another eight (16 percent) were 35 to 44 years of age.
- Forty-four (88 percent) of those fatally injured were white, non-Hispanic.
- Forty-five (90 percent) of those fatally injured were men.
- Thirty (60 percent) were wage and salary workers. The remainder of those fatally injured were self-employed.

Information regarding the census and the results of the Census of Fatal Occupational Injuries 2015 is available on the court's website (http://www.wcc.ne.gov/publications/osh_cfoi.aspx).