

Nebraska Workers' Compensation Court

Annual Report

80

Fiscal Year 2022

July 1, 2021 through June 30, 2022

Presiding Judge Daniel R. Fridrich

Judge James R. Coe

Judge J. Michael Fitzgerald

Judge John R. Hoffert

Judge Thomas E. Stine

Judge Julie A. Martin

Judge Dirk V. Block

Clerk of the Court Kimberly Krzycki

Court Administrator Jill Gradwohl Schroeder



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Report Transmittal

The Nebraska Workers' Compensation Court has the privilege of submitting its 80th Annual Report, prepared in accordance with NEB. REV. STAT. § 48-166.

Nebraska Workers' Compensation Court
By Daniel R. Fridrich, Presiding Judge

Report Contents

This publication has been prepared by the Nebraska Workers' Compensation Court. Please **contact us** with questions or comments about this report, workers' compensation in Nebraska, or any of our programs and services.

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The pages that follow provide factual information about the court and describe the ongoing efforts of the court's dedicated staff and judges to carry forward and enhance the court's mission.



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General Information

Mission

The mission of the Nebraska Workers' Compensation Court is to administer and enforce all provisions of the Nebraska Workers' Compensation Act, except those committed to the courts of appellate jurisdiction or as otherwise provided by NEB. REV. STAT. § 48-152.

History

Legislation establishing a system for resolving claims of workplace injuries was first enacted in Nebraska in 1913 with the adoption of the Nebraska Workmen's Compensation Act (the Act). From then until 1917, the Act was administered by the several state district courts. In 1917, the Nebraska Legislature created the Compensation Division within the Department of Labor and the commissioner of labor was designated compensation commissioner.

To assure stability through longer-tenured judges not subject to political changes and to provide a degree of specialization and expertise in a technical area, the 1935 Legislature established the three-judge Workmen's Compensation Court and transferred Compensation Division functions to the court. The authority and responsibilities of the court are described in Chapter 48, Article 1, of the Revised Statutes of Nebraska (cited as "NEB. REV. STAT."). Per NEB. REV. STAT. § 48-152, the court was created in recognition that:

- industrial relations between employers and employees within the State of Nebraska are affected with a vital public interest;
- an impartial and efficient administration of the Nebraska Workers' Compensation Act is essential to the prosperity and well-being of the state; and
- suitable laws should be enacted for establishing and preserving the administration of the Nebraska Workers' Compensation Act.

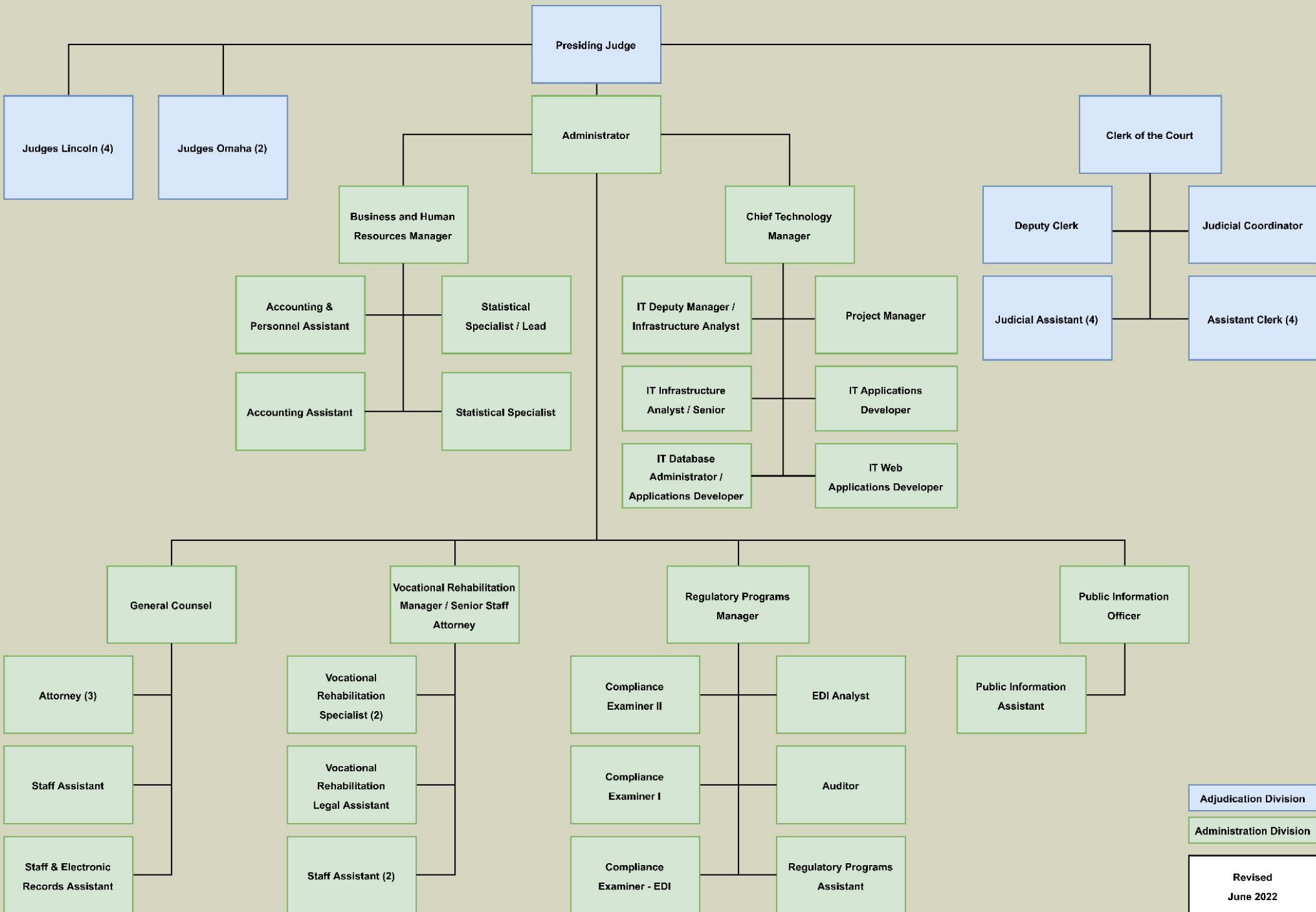
In 1986, the name of the court was changed to the Workers' Compensation Court. By 1988, the workers' compensation bench had grown to seven judges who hear disputed cases throughout the state.

Organization

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: Business and Human Resources; Legal; Regulatory Programs; Vocational Rehabilitation; Public Information; and Information Technology. The presiding judge is charged with overall responsibility for the functioning of the court, and the court administrator serves as its chief administrative officer.



Nebraska Workers' Compensation Court



Adjudication Division

Administration Division

Revised
June 2022

Fiscal Year Activities

Changes to Court Rules

During its **December 2021** Public Hearing and Meeting, the Nebraska Workers' Compensation Court adopted the following revisions to its Rules of Procedure:

- **Rule 2, Filings**, was amended to clarify references to and certain functions of the court clerk. Amendments to Rule 2 included:

Emails transmitted to a registered email address are presumed to have been delivered, and this presumption may be rebutted only by clear and convincing evidence.

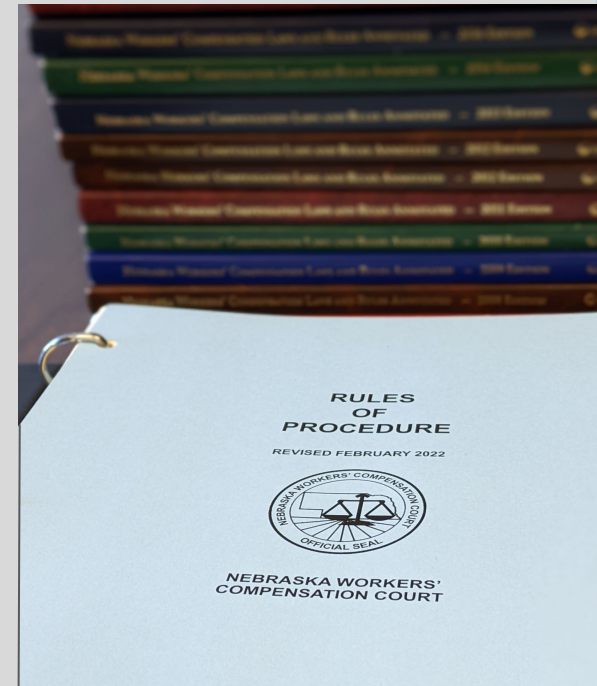
Documents filed with the court clerk must be easily readable; if they are not, they will be rejected for filing.

When a signature is affixed to a document or is deemed to be affixed, that signature shall have the same effect as a handwritten signature of the person whose name appears or is deemed to appear.

A document that requires the signatures of opposing parties or counsel (such as a stipulation) may be electronically filed by typing the names of each signing party or counsel, but the filer is required to first obtain the original signatures of all opposing parties or counsel on a document, or obtain approval of all opposing parties or attorneys in writing.

The E-Filing process (used by attorneys to file documents with courts in the Nebraska Judicial Branch) is not yet available for self-represented litigants. Revisions to Rule 2 clarified that *only* self-represented litigants may file documents with the court using the “filings@wcc.ne.gov” email address, confirmed that self-represented litigants must comply with general pleading requirements, and placed a 50-page limit on documents submitted via email.

Fiscal Year Activities, continued to next page.



- **Rule 3, Pleadings**, was revised in accordance with the Nebraska Supreme Court's modernization of certain trial and appellate court rules, to update rules regarding service of process. Additional amendments to Rule 3 pertain to proposed orders, summary judgment, the requirement of litigants to update their contact information with the court clerk, and a newly added brief rule. To remain consistent with the Supreme Court's rules and intent, litigants will file their written briefs like any other pleading in the case, unless it is ordered as confidential. The intent behind this rule is to make written briefs part of the record and allow a litigant to request that the brief be included in a transcript on appeal.
- **Rule 9, Reporting or Recording the Proceedings**, was amended to require court reporters to comply with the Nebraska Supreme Court's appellate court rules when preparing any bill of exceptions and to submit bills of exceptions using a system prescribed by the court clerk.
- **Rule 12, Withdrawal Counsel**, was amended to clarify the processes for appearance and substitution of counsel as well as the pleadings to be filed in those instances.

During its **January 2022** Public Hearing and Meeting, the court adopted the following revisions to its Rules of Procedure.

- **Rule 14, Exhibits**, was added to assist litigants in complying with the Nebraska Supreme Court's modernization of appellate court rules for the preparation of exhibits and to establish procedures regarding the organization and presentation of exhibits at trial.
Rule 26, Schedules of Fees for Medical, Surgical, and Hospital Services, amendments affirmed the Schedule of Fees for Medical Services and established the Diagnostic Related Group (DRG) Codes that became effective on January 1, 2022. The court is empowered by NEB. REV. STAT. §§ 48-120 and 48-120.04 to publish medical fee schedules setting forth the reimbursement rates for various medical services provided to injured workers.
- **Rule 63, Independent Medical Examiners, Selection**, was updated to modernize the way service and other communications may be made when requesting an Independent Medical Exam.
- **Rule 64, Independent Medical Examiners, Procedures**, was amended to modernize communications between the examiners and the parties.

Our current Rules of Procedure may be accessed on our website (<https://www.wcc.ne.gov/resources/court-forms-and-publications/rules-of-procedure>).

Statutory Changes

NEB. REV. STAT. §§ 14-1810 and 18-819 exempt certain transit authorities from taxation and assessments by the state. Legislative Bill 780 amended those statutes to exclude assessments under the Nebraska Workers' Compensation Act from those exemptions. This legislation became effective July 19, 2022.

The Nebraska Workers' Compensation Act may be accessed on the Nebraska Legislature's website (<https://www.nebraskalegislature.gov/laws/browse-chapters.php?chapter=48>).



Judges of the Nebraska Workers' Compensation Court

Seven judges serve on the Nebraska Workers' Compensation Court. The judges resolve disputes about injuries that are claimed to have been caused by workplace accidents or diseases. Judges of the court determine whether injuries or occupational diseases were caused by accidents or exposures at work, and if so, the types and amounts of benefits injured workers should receive.

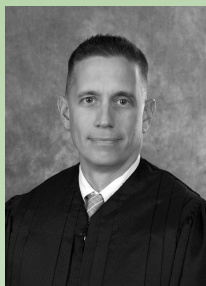
The court maintains offices in Lincoln and Omaha, although all court filings must be made electronically or physically in the Lincoln office. Cases are heard throughout Nebraska in the county where the injury is reported to have occurred. After each hearing, the judge enters a written decision stating their factual and legal conclusions. Decisions 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 upon further review of a decision by the Nebraska Court of Appeals.

The judges 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 by the judges of the court to serve as presiding judge, subject to approval of the Nebraska Supreme Court.



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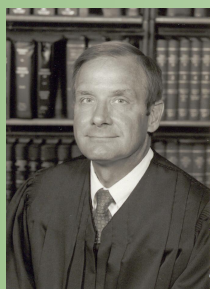
Judges of the Nebraska Workers' Compensation Court



Daniel R. Fridrich,
Presiding Judge

Office: Omaha, Neb.

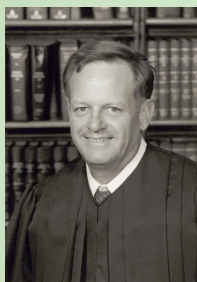
Appointed: September 18, 2012.



James R. Coe,
Judge

Office: Omaha, Neb.

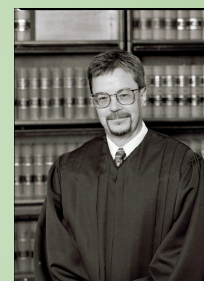
Appointed: October 7, 1988.



J. Michael Fitzgerald,
Judge

Office: Lincoln, Neb.

Appointed: April 12, 1996.



John R. Hoffert,
Judge

Office: Lincoln, Neb.

Appointed: October 4, 2001.



Thomas E. Stine,
Judge

Office: Lincoln, Neb.

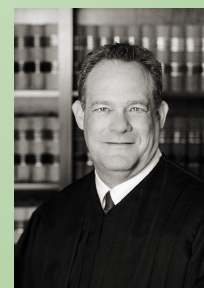
Appointed: September 13, 2011.



Julie A. Martin,
Judge

Office: Omaha, Neb.

Appointed: December 23, 2014.



Dirk V. Block,
Judge

Office: Lincoln, Neb.

Appointed: December 8, 2016.



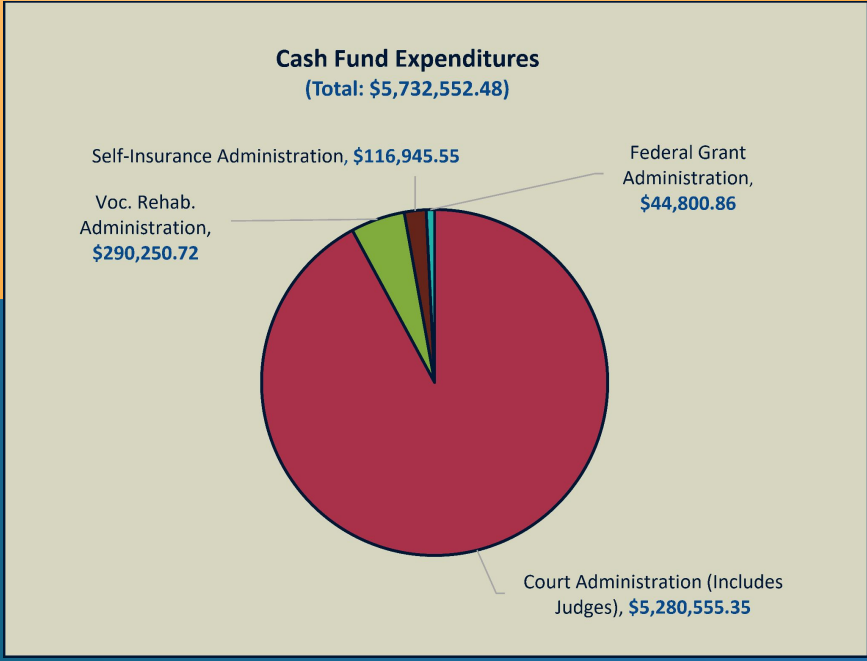
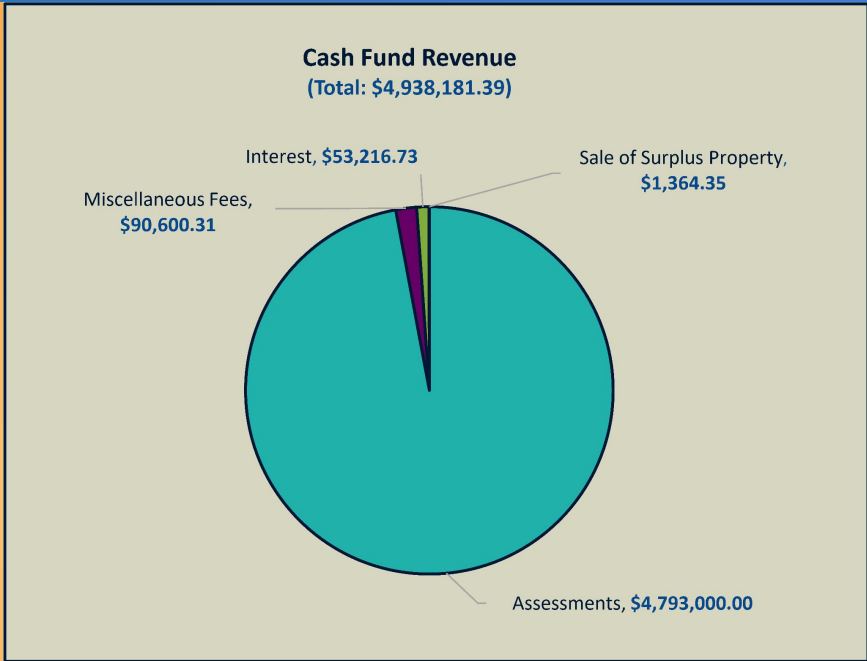
Funding, Benefit Rates, and Injuries

Compensation Court Cash Fund

Fiscal Year 2022 (July 1, 2021 to June 30, 2022)

The Compensation Court Cash Fund (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 (see NEB. REV. STAT. § 48-1,116). The fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers (see NEB. REV. STAT. § 48-1,117). Miscellaneous fees referenced in the chart **Cash Fund Revenue** include filing fees for lump sum settlements and releases, fees for self-insurance applications, and copies of public records.

Contributions to the Cash Fund abate for one year whenever its balance 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 Cash Fund. The appropriation for fiscal year 2022 was \$6,652,271.



Fund Balance
July 1, 2021:
\$5,243,445.08

Fund Balance
June 30, 2022:
\$4,449,073.99



[Click this link to see report contents](#)

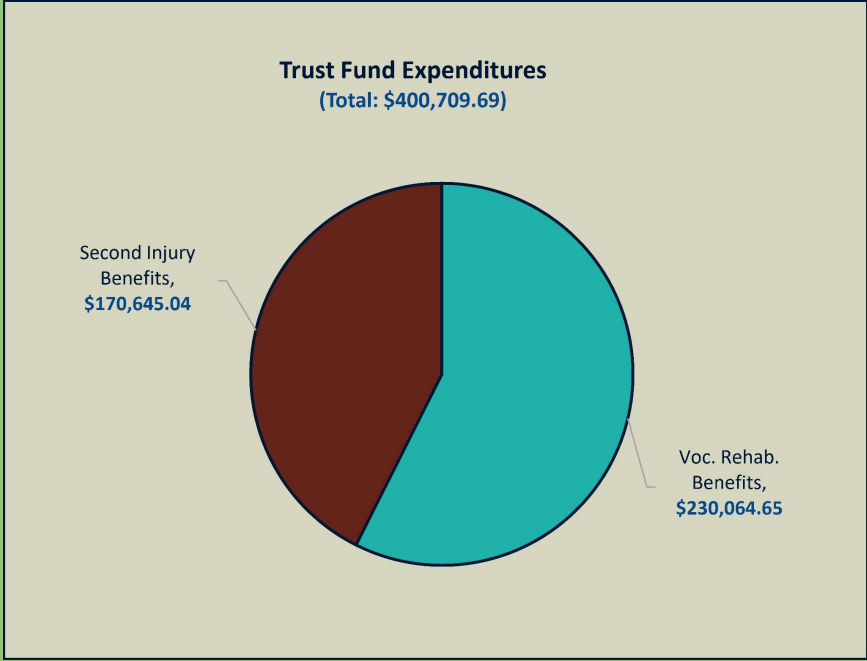
Workers' Compensation

Trust Fund

Fiscal Year 2022 (July 1, 2021 to June 30, 2022)

The purpose of the Workers' Compensation Trust Fund (Trust Fund) is to make second injury benefit payments in accordance with NEB. REV. STAT. § 48-128 and vocational rehabilitation benefit payments in accordance with NEB. REV. STAT. § 48-162.01. The Trust Fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. When the Trust Fund equals or exceeds \$2.3 million, no further contributions from employers, insurers, or risk management pools are required. Contributions resume when the administrator determines payments from the Trust Fund during the next year will reduce its balance below \$1.2 million.

Trust Fund revenue in FY 2022 consisted entirely of interest, in the amount of **\$96,511.97**. The court made no Trust Fund assessments and received no miscellaneous revenue for that fund during the fiscal year.



Trust Fund Revenue:
\$96,511.97

Fund Balance
July 1, 2021:
\$6,705,272.13

Fund Balance
June 30, 2022:
\$6,401,074.41



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Federal Fund

Federal Fiscal Year 2022 (October 1, 2021 to September 30, 2022)

The court is designated as the agency in Nebraska to conduct a survey of work-related injuries / illnesses and collect data as to fatal injuries pursuant to grants from the U.S. Department of Labor, Bureau of Labor Statistics (BLS). Additional information about these grants is available in the Federal Grant Program section of this report.

Expenses for administering these two federal grants are split evenly 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 Fund. Federal monies are requested on a monthly basis and

deposited into the Federal Fund. The Nebraska Legislature appropriates a specific sum each year for expenditures from the Federal Fund to the court. 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, 2021:					\$0
Revenue:					
Intergovernmental Revenue				47,100	
Deobligation June 30, 2022				(3,400)	
Total Revenue				43,700	
Expenditures:					
	Legislative Appropriation	Administrative Adjustments	Not Expended	Actual Expended	
Federal Grant Admin.	58,089	(14,389)	0	43,700	
Total Expenditures				43,700	
Fund Balance on September 30, 2022:					\$0



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 NEB. REV. STAT. §§ 48-121.01 and 48-121.02. Based on the state average weekly wage determined by the administrator, the maximum weekly income benefit for injuries occurring in calendar year 2022 is \$983.00. The minimum rate remains at \$49.00 as provided in NEB. REV. STAT. § 48-121.01(2).

Calendar Year 2022
Maximum Benefit Rate:

\$983.00

A table of maximum and minimum compensation benefits for previous years is available on our website (<https://www.wcc.ne.gov/service-providers/attorneys/benefit-rates>)

Injuries Reported in Fiscal Year

The Nebraska Workers' Compensation Court received reports of 35,660 injuries resulting from accidents and occupational diseases in fiscal year 2022.

The data collected during this fiscal year is not final as there may be late filings and corrections to data during the life of any workers' compensation claim. This means that some of the reports received may have had injury dates from prior fiscal years.

Our Statistical Reports provide more mature and more detailed information regarding injuries and benefit payments by calendar year (<https://www.wcc.ne.gov/resources/court-forms-and-publications/statistical-reports>).

Total Injuries Reported
in FY 2022:

35,660



[Click this link to see report contents](#)

Office of the Clerk of the Court

Electronic Bills of Exception

Effective January 1, 2022, the court began processing electronic Bills of Exception in accordance with the Nebraska Supreme Court's rule modernization project, which requires such filings to be prepared and submitted in an electronic format. The Nebraska Workers' Compensation Court uses freelance court reporters for all trials and certain motion hearings. The Clerk's office worked closely with court reporting personnel to help them understand and adapt to the appellate court rule changes that directly affected their processes in preparation of these filings.

The Nebraska Supreme Court created an E-Filing portal that allows court reporters to electronically make such filings with other Nebraska courts. However, because the Nebraska Workers' Compensation Court maintains its own internal case management system, the Clerk's office developed a method for court reporters to electronically transmit such filings to its court, which are then available to be transmitted electronically to the Nebraska Supreme Court and Nebraska Court of Appeals. Court staff and court reporting personnel have been cooperative and understanding as we've worked through the challenges of navigating this new technological enhancement.

Transition of Clerk of the Court

On June 1, 2022, Kim Krzycki was sworn in as Clerk of the Nebraska Workers' Compensation Court. She replaces Liz Gianunzio who, after eight years as Clerk, agreed to serve as project manager for the court's modernization project.

Kim has a vast and comprehensive working knowledge of the court's functions and procedures, having previously served the court as a judicial assistant, associate clerk, and deputy clerk. She brings her strong work ethic and dedication to the clerk position after originally being hired by the court in July 2007. Kim is only the fifth appointee to serve in this role since the court was established in 1935.

The *Office of the Clerk of the Court (the Clerk's office)*, together with the judges, make up the court's adjudicatory operating division. Judges of the Nebraska Workers' Compensation Court resolve disputes concerning injuries that are claimed to have been caused by workplace injuries or diseases. The Clerk's office receives and processes filings, docket cases, issues summonses, corresponds with the parties, schedules trials and motion hearings, keeps a full and true record of the judicial proceedings, issues all necessary notices and writs, issues opinions, provides administrative and secretarial support for the judges, and evaluates procedures used by other state courts to ensure consistency and create efficiencies.



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COVID-19 Administrative Orders

Throughout fiscal year (FY) 2022, the court monitored the status of the pandemic, the impact of vaccinations on community spread, and individual court hearings or trials that warranted special measures to prevent the transmission of illness during court proceedings. In doing so, the court was primarily guided by **Administrative Orders** entered by Nebraska Supreme Court Chief Justice Michael Heavican, resources available through the **Centers for Disease Control and Prevention (CDC)**, and protocols recommended by local public health officials.

At the outset of FY 2022, as many members of the public became vaccinated against COVID-19, courtroom pandemic protocols became more relaxed. On August 11, 2021, Presiding Judge Daniel Fridrich entered an Administrative Order permitting individuals who were fully vaccinated against COVID-19, as well as attorneys and testifying witnesses during questioning, to appear in the courtroom without a face covering. On March 22, 2022, the presiding judge issued an Administrative Order eliminating the requirement that masks be worn during trials and hearings. This Administrative Order reiterated that the court was aligning its COVID-19 protocols with those of the Nebraska Supreme Court and, based on particular facts and circumstances of individual trials and hearings, judges of the court could require any participant to take protective measures (such as masking or social distancing) to prevent the transmission of illness. This Administrative Order remained in effect as the fiscal year drew to a close.

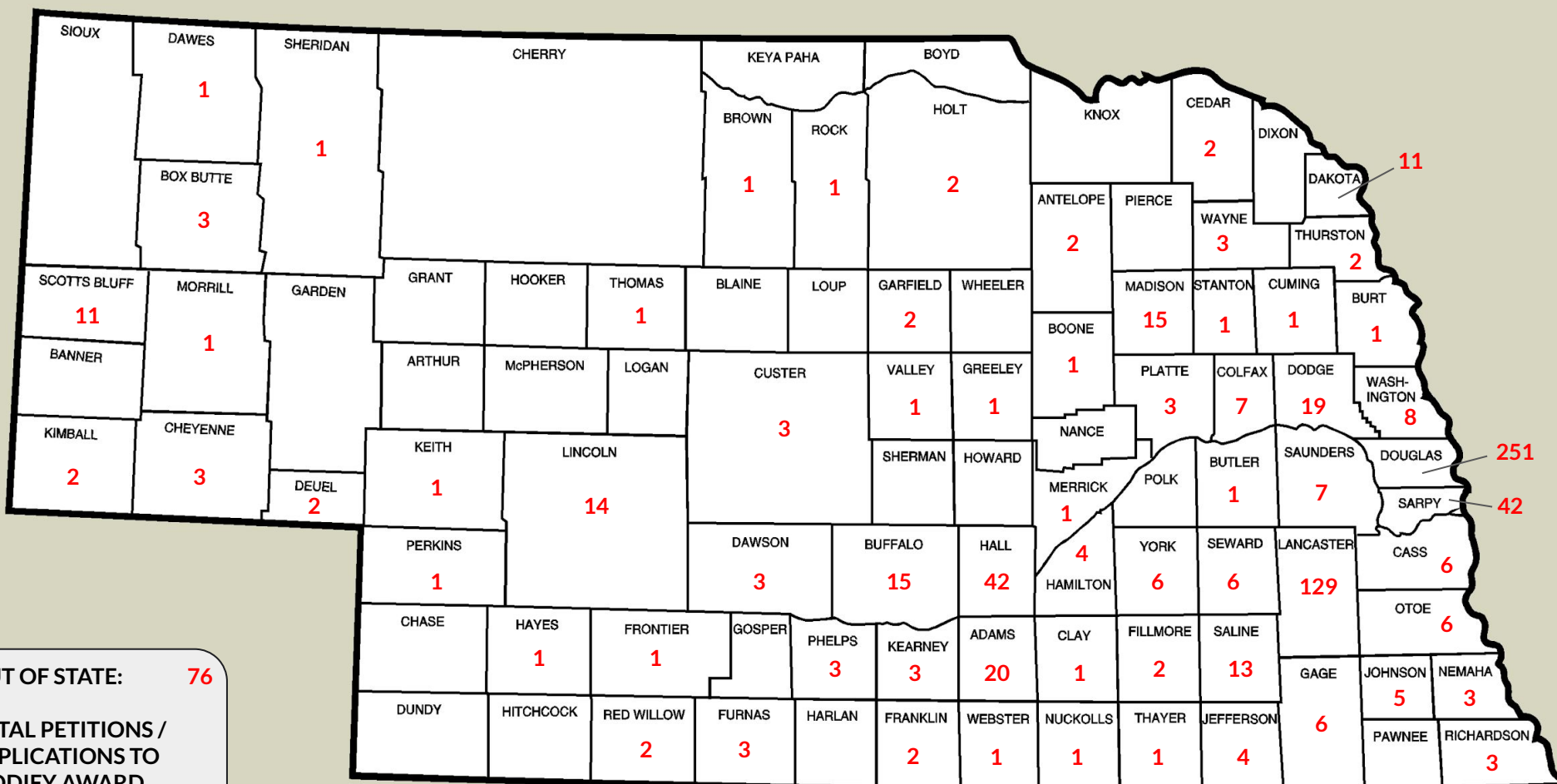
For more information about the court's pandemic response, please refer to the **Business Continuity Program** overview in the Public Information section of this report.



Petitions and Applications to Modify Award by County

Below is a map showing the total number of Petitions and Applications to Modify Award filed with the court and allocating them to the counties where those Petitions allege the accidents occurred.

In addition to the cases shown below, allegations in an initial Petition can be litigated separately upon entry of an order allowing such. This happened in seven cases during fiscal year 2022.



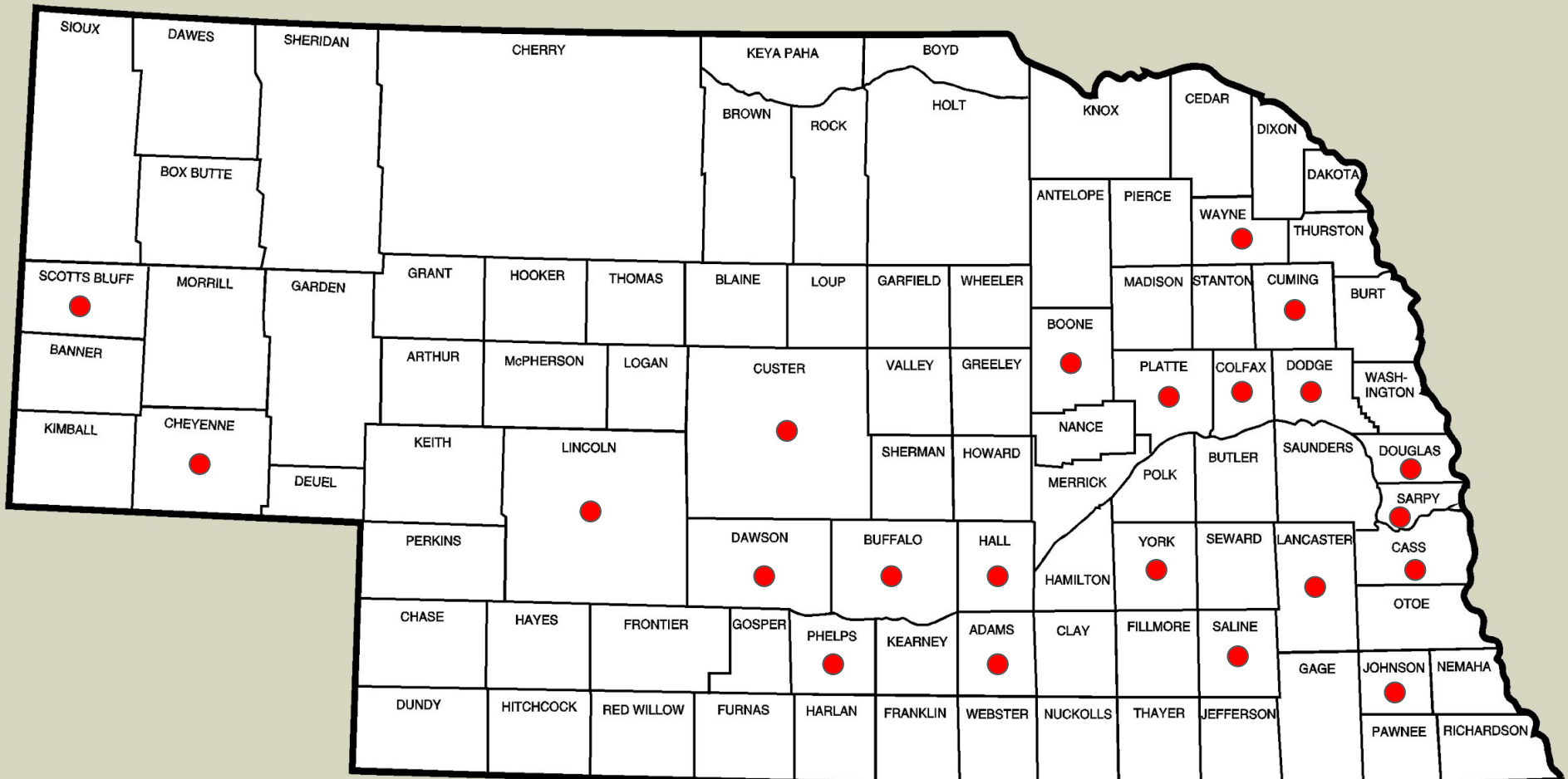
OUT OF STATE: 76
 TOTAL PETITIONS / APPLICATIONS TO MODIFY AWARD FILED IN FY 2022: 798



[Click this link to see report contents](#)

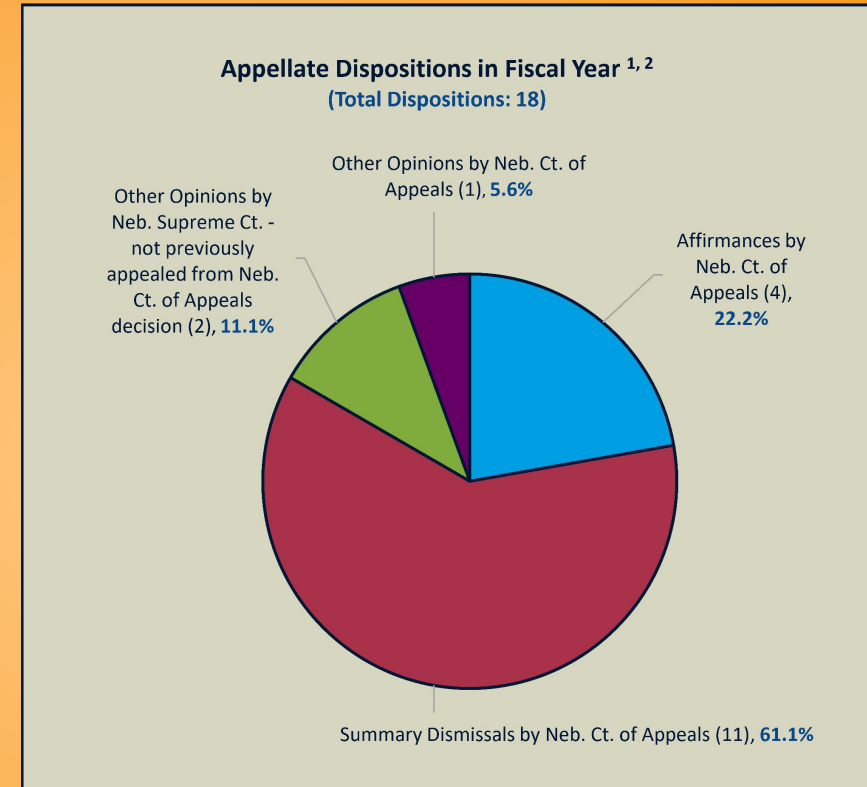
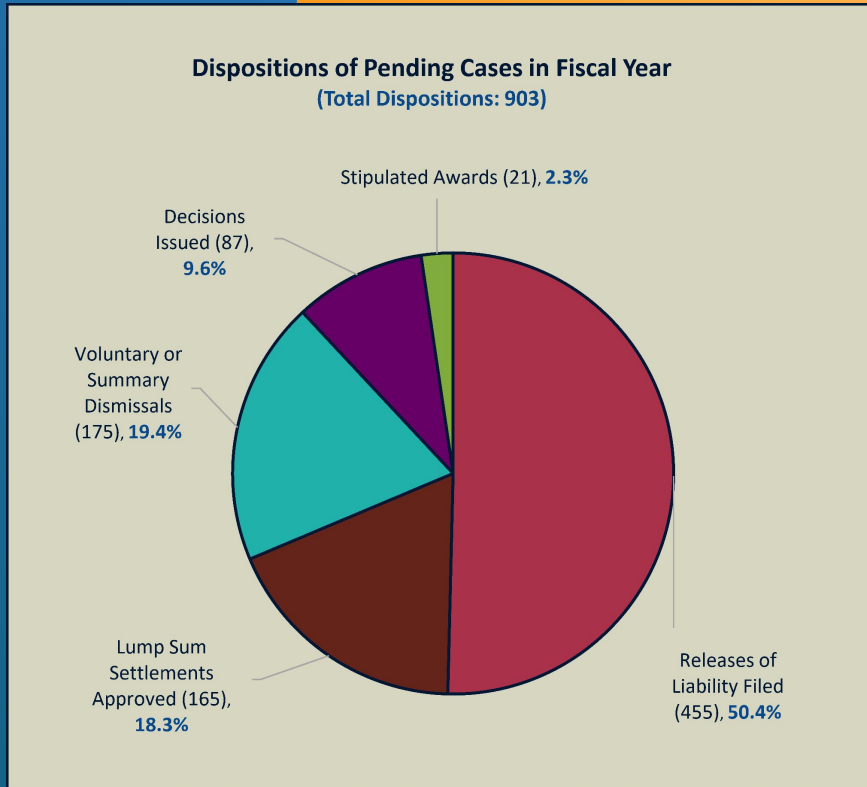
Trials and Evidentiary Hearings by County

Generally, trials and evidentiary hearings are conducted in the county in which the accident occurred unless the litigants agree to a different location (see NEB. REV. STAT. § 48-177). For that reason, the venue for workers' compensation cases could be in any county in Nebraska. In fiscal year 2022, trials were conducted in the 22 Nebraska counties marked below.



Litigation Summary – Dispositions

The charts on this page summarize Nebraska Workers' Compensation Court and appellate court dispositions of workers' compensation cases during fiscal year 2022. Twelve appeals were filed from decisions of the Nebraska Workers' Compensation Court during the fiscal year.



Motions in FY 2022

2,910
Filed

404
Hearings

2,188
Dispositions

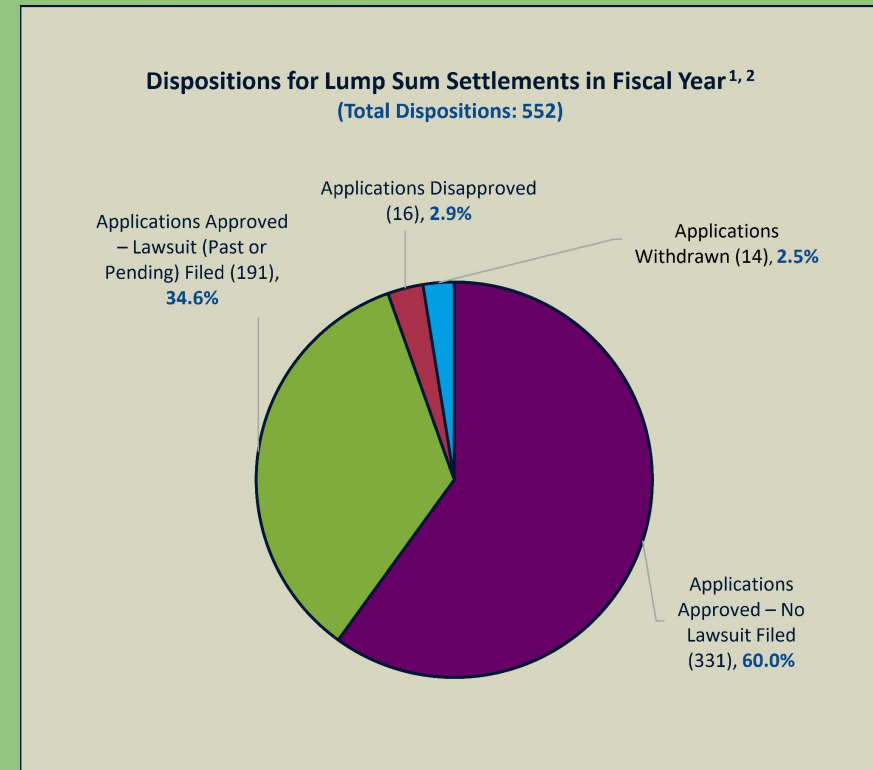
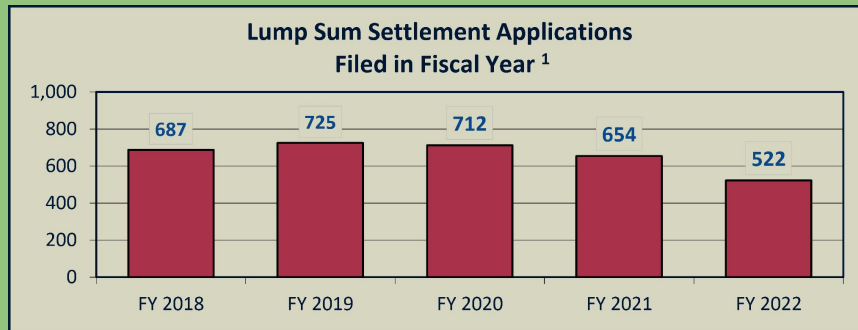
- Regarding appeals, a decision of a judge of the Nebraska Workers' Compensation Court may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals. Appeals 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 NEB. REV. STAT. §§ 48-182 and 48-185.
- Regarding "other opinions," these are 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.



[Click this link to see report contents](#)

Settlement Summary – Lump Sum Settlement Applications and Dispositions in Fiscal Year

The charts on this page summarize Lump Sum Settlement applications filed and dispositions made during fiscal year 2022. When comparing the charts on this page, please note that not all settlement applications filed in a fiscal year are disposed of in the same fiscal year.

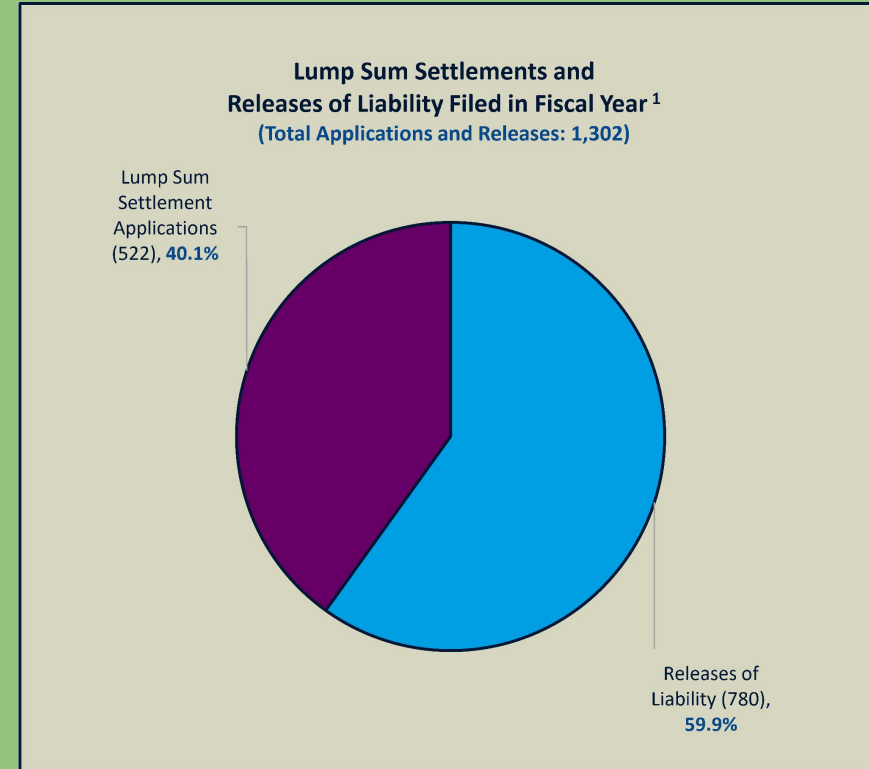
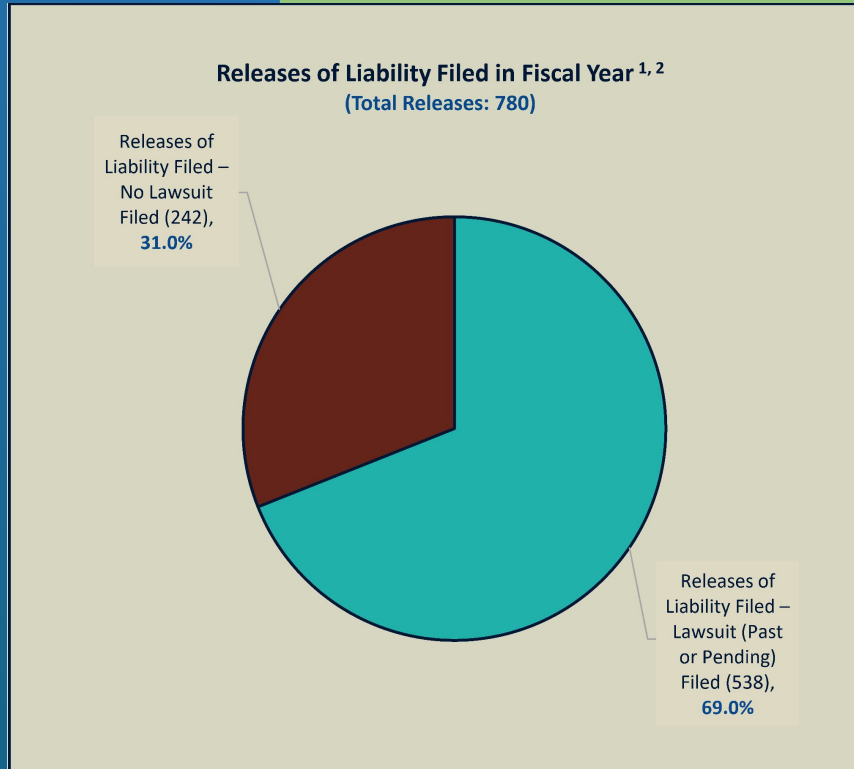


- 1 Pursuant to NEB. REV. STAT. § 48-139, lump sum settlement agreements require court approval. In 2009, the Nebraska Legislature amended this statute to eliminate mandatory court approval of certain settlement agreements and to require the filing of a release of liability for those settlements no longer requiring court approval.
- 2 “Applications Approved – Lawsuit (Past or Pending) Filed” includes Applications for Lump Sum Settlement accounted for in the “Litigation Summary” as to pending cases in addition to settlements in cases previously litigated.



Settlement Summary – Releases of Liability Filed in Fiscal Year

The charts on this page summarize Releases of Liability filed during fiscal year 2022 and compare the number of Lump Sum Settlement applications with the number of Releases of Liability filed during fiscal year 2022.



- 1 Pursuant to NEB. REV. STAT. § 48-139, lump sum settlement agreements require court approval. In 2009, the Nebraska Legislature amended this statute to eliminate mandatory court approval of certain settlement agreements and to require the filing of a release of liability for those settlements no longer requiring court approval.
- 2 “Releases of Liability Filed – Lawsuit (Past or Pending) Filed” includes Releases of Liability accounted for in the “Litigation Summary” as to pending cases in addition to settlements in cases previously litigated.



\$204,952.43 in Lump Sum Settlement Application Underpayments Identified

The **Legal section** reviews settlement applications for adequacy and compliance with the Nebraska Workers' Compensation Act (the Act); conducts mediation conferences to facilitate informal resolution of disputes; informs injured workers, employers, and others about the Act; performs legal 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 access to public records process and the records retention schedule.

The Legal section also prepares summaries of the Nebraska Supreme Court and Court of Appeals decisions relating to workers' compensation. These summaries may be accessed in the Appellate Court Decisions section of our website (<https://www.wcc.ne.gov/service-providers/attorneys/appellate-court-decisions>).

In FY 2022, the Legal section identified underpayments in 42 lump sum settlement applications totaling \$186,746.58 in indemnity (wage loss) benefits. The section also identified \$18,205.85 in underpayments of medical benefits. In cases of underpayment, the court requires these settlements to be revised to provide additional compensation to or on behalf of the injured employee to ensure compliance with the Nebraska Workers' Compensation Act and that the settlement is in the best interest of the employee or his or her dependents. Statistics for lump sum settlements processed in FY 2022 are provided in the [Office of the Clerk of the Court](#) section of this report.

Lump Sum Settlements

Information about the requirements for Lump Sum Settlements can be found in NEB. REV. STAT. §§ 48-138 through 48-140, in the Nebraska Workers' Compensation Court's Rule 47, and on the court's website (<https://www.wcc.ne.gov/service-providers/attorneys/settlements>).

Informal Dispute Resolution

Informal Dispute Resolution (IDR) is available to the following individuals or entities with an interest in a workers' compensation dispute:

- any party to a workers' compensation dispute or controversy;
- a medical provider who provided medical, surgical, or hospital expenses to an employee involved in the dispute or controversy; or
- any certified vocational counselor providing services to such an employee.

The guidelines for the IDR process are found in NEB. REV. STAT. § 48-168 and Rule 48 of the court's Rules of Procedure. 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 the worker who claims injury is not represented by an attorney. In addition, a judge may order the parties to participate in IDR. IDR also provides a dispute resolution mechanism for health care providers, vocational rehabilitation counselors, and others who would otherwise have no standing before the court.

Informal Dispute Resolution, continued to next page.



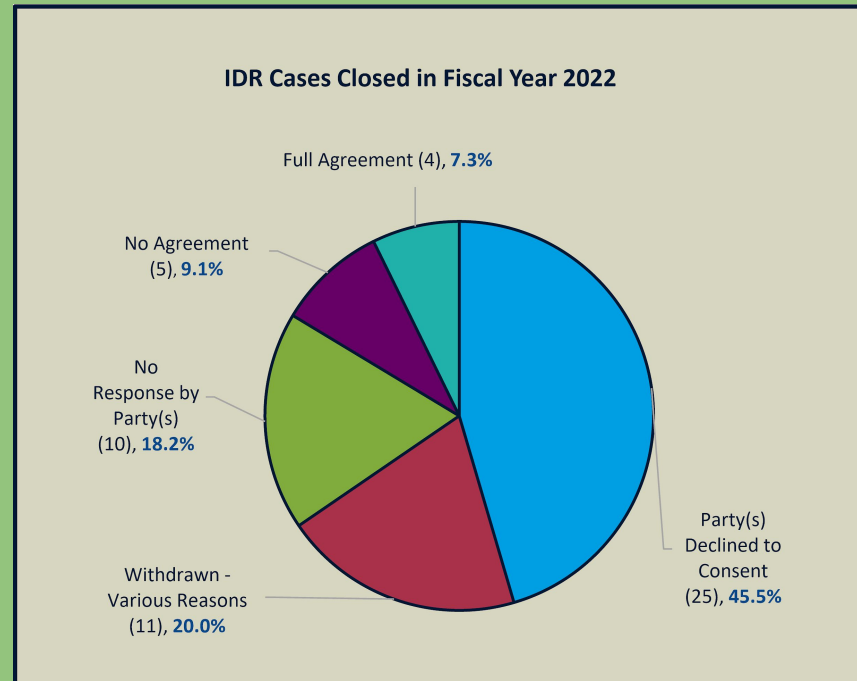
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Informal Dispute Resolution cases opened and closed in FY 2022

Informal Dispute Resolution, continued from previous page.

Mediation conferences are conducted by the section's staff attorneys, who address a variety of issues. Trained in the essential skills of mediation, these attorney-mediators do not advocate or make decisions on behalf of either party; rather, they facilitate discussions to assist litigants in identifying ways to resolve their disputes without the need for a trial. In its efforts to modernize access to the court's IDR program, the Legal section developed a request form that can be completed and submitted directly from the website. Upon successful submission, the requester is automatically emailed a copy of the form to keep for their records. The Legal section also saw an increase in the number of IDR requests in FY 2022 from the previous fiscal year. The court's attorney-mediators addressed issues involving compensability of a claim, settlement, payment and disputes regarding indemnity benefits, medical treatment, and medical expenses.

Mediation through the court is voluntary absent an order by a judge. In 35 cases, or 64 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 chart below.



[Click this link to see report contents](#)

Regulatory Programs

EDI Claims Release 3.1

The Nebraska Workers' Compensation Court mandates use of the International Association of Industrial Accident Boards and Commissions' (IAIABC) Electronic Data Interchange (EDI) Claims Release 3.1 for reporting of work injuries and payments related to such injuries. More information can be found on our EDI website (<https://nwccedi.info>).

The *Regulatory Programs* section has responsibilities in four distinct areas.

1. **Electronic Data Interchange (EDI)** is the process through which the court receives and processes reports of injuries and benefit payments.
2. **Compliance** activities include enforcing insurance coverage requirements as well as claims handling and reporting obligations of insurers and self-insured employers.
3. **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.
4. **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.

Electronic Data Interchange (EDI)

Collection of Data

Workers' compensation insurers, risk management pools, and self-insured employers are required to report injuries and payments relating to injuries in accordance with the Nebraska Workers' Compensation Act (the Act) and the court's Rules of Procedure. These reports about injuries and payments made by employers, insurers, and risk management pools are transmitted electronically through the Electronic Data Interchange (EDI) system used by the court.

In FY 2022, the court received reports of 35,660 workplace injuries or occupational diseases. Section staff, in conjunction with the court's EDI contractor, processed 75,526 reports relating to work-related injuries or occupational illnesses for the current and previous years. A work-related injury or occupational disease typically involves multiple reports that must be submitted during the normal course of each claim. These include the original injury and payment reports, transactions rejected due to incomplete data, as well as any applicable follow-up reports involving data changes / corrections, denials, cancellations, or other reports that may be periodically submitted during the course of a claim.

Additionally, together with the EDI contractor, in FY 2022 section staff processed 82,641 reports involving payments of compensation and expenses relating to work-related injuries or occupational illnesses for the current and previous years. Included in these reports were periodic updates to data, corrections, transactions rejected due to incomplete data, and other reports. Section staff process the electronic reports and also code and manually enter the few remaining paper reports the court receives.

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, request missing injury reports and monitor for their receipt, clarify discrepancies on existing reports, respond to questions about EDI, and obtain missing information from employers or insurers.



[Click this link to see report contents](#)

4,478

Letters Sent to Verify
Coverage Status

Compliance Activities

One of the most important enforcement activities of the Regulatory Programs section is to identify employers who don't have insurance coverage as required by the Act. Any employer of one or more people needs to ensure workers' compensation coverage is available to pay benefits in case a workplace injury occurs. If the court is informed that coverage is not in place, it takes steps to educate those employers or hold them accountable and bring them into compliance with the Act.

564

Employers Brought
Into Compliance

Section staff monitor the court's electronic proof of coverage information for employers whose coverage has been canceled or not renewed to identify employers who may not have coverage in place. If coverage is canceled or not renewed because a business ceased operation or obtained a replacement workers' compensation policy, no action is needed. If coverage is still required, compliance examiners notify and educate employers to ensure they secure workers' compensation insurance. If the efforts of the Regulatory Programs section staff do not result in compliance, the case is then referred to the Attorney General for further action.

174

Non-Compliance Cases
Referred for Legal Action

During FY 2021, 4,478 letters were sent to employers whose coverage had been canceled or not renewed. New or alternative coverage had voluntarily been secured by most of them and was confirmed by the court. In response to follow-up efforts by the section, 564 employers were brought into compliance with their statutory obligation to obtain workers' compensation coverage. Additionally, 174 cases were referred to the Attorney General, who collected a total of \$123,103.92 in penalties from employers who failed to obtain required workers' compensation coverage. The Nebraska State Constitution provides that the money collected for these fines is for the use and support of schools in Nebraska.

\$123,103.92

Collected in Penalties
by the Attorney General

Compliance examiners additionally respond to a large volume of phone inquiries from a wide range 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. Often, callers identify situations in which employers are uninsured; injury reports are not being filed; or insurers, employers, or risk management pools are not complying with other obligations under the Act. Section staff investigate those matters, encourage voluntary compliance, and request appropriate legal action when necessary. A total of 321 case investigations were opened last fiscal year as a result of the above activities.

321

Case Investigations
Opened

Compliance Activities, continued to next page.



[Click this link to see report contents](#)

§ 48-144.01

“... In every case of reportable injury arising out of and in the course of employment, the employer or workers’ compensation insurer shall file a report thereof with the Nebraska Workers’ Compensation Court. Such report shall be filed within ten days after the employer or insurer has been given notice of or has knowledge of the injury. ...”

§ 48-144.04

“... Any employer, workers’ compensation insurer, or risk management pool who fails, neglects, or refuses to file any report required of him or her by the Nebraska Workers’ Compensation Court shall be guilty of a Class II misdemeanor for each such failure, neglect, or refusal. ...”

Compliance Activities, continued from previous page.

Criminal Convictions for Failing to File Injury Reports

During FY 2022, the Regulatory Programs section of the court worked with the Nebraska Attorney General’s Office to secure criminal convictions against an employer for failing to file First Reports of Occupational Injury or Illness (injury reports) as required by NEB. REV. STAT. §§ 48-144.01 and 48-144.04. The convictions set an example for Nebraska employers that they must comply with provisions of the Nebraska Workers’ Compensation Act or face consequences.

The reporting requirement serves important public purposes. Employees who work for businesses that don’t file injury reports may not be paid proper benefits, receive the medical care they deserve, or be returned to suitable employment after an injury. When businesses decline to file injury reports, insurance premiums may not be properly calculated; this can result in inaccurate employer experience modifiers and unfair disadvantages to competitors who abide by the reporting requirements. And when businesses fail to comply with reporting requirements, it results in workplace injury data that isn't accurate.

This may have been the first time criminal convictions were secured in Nebraska for failing to file injury reports. The Regulatory Programs section intends to continue to refer matters to the Attorney General to enforce statutes requiring injury reports to be filed with the court.

Medical Services Activities

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

Fee Schedules

Medical fee schedules establish the maximum fee a provider of medical services for a workers’ compensation claim may collect from an employee or employer. Different fee schedules apply depending on the type and location of the medical service provided. The section develops and maintains five fee schedules: Medical Services; Hospital and Ambulatory Surgical Centers; Implantable Medical Devices; DRG Inpatient Hospital; and Trauma Services Inpatient Hospital.

Medical Services Activities, continued to next page.



[Click this link to see report contents](#)

Fee Schedules

The Regulatory Programs section develops and maintains the following fee schedules:

1. Medical Services
2. Hospital and Ambulatory Surgical Centers
3. Implantable Medical Devices
4. Diagnostic Related Group Inpatient Hospital
5. Trauma Services Inpatient Hospital

Information about the Fee Schedules can be found in the Fee Schedules section of our website (<https://www.wcc.ne.gov/service-providers/medical-providers/fee-schedules>).

99

IME Physicians

20

IME Cases Opened

Medical Services Activities, continued from previous page.

Section staff are charged with collecting data from payors and certain hospitals in order to develop and maintain the Diagnostic Related Group Inpatient Hospital Fee Schedule and the Trauma Services Inpatient Hospital Fee Schedule, both of which follow the methodology set forth in NEB. REV. STAT. § 48-120.04 and Rule 26 of the court’s Rules of Procedure. The data is collected through the use of a web-based data entry system that allows those reporting to directly enter the information through the court’s website.

In accordance with NEB. REV. STAT. § 48-120(1)(b) and Rule 26, Regulatory Programs staff also collect data and make recommendations regarding the other fee schedules published by the court: the Medical Services Fee Schedule; the Hospital and Ambulatory Surgical Centers Fee Schedule; and the Implantable Medical Devices Fee Schedule. That work includes updates to the Schedule of Fees for Medical Services that apply to services by physicians and other licensed health care providers performing medical services within the scope of their respective practices. Rule 26 establishes the methodology for creating and updating this fee schedule.

Independent Medical Examiner System

Once a dispute arises regarding the medical condition of the employee or related issues, either the employee or employer may request opinions from an Independent Medical Examiner (IME). The parties may agree on a physician to evaluate the medical disputes or may request assignment of a court-approved IME. The IME system was designed to give the employer and employee an additional means of resolving disputes outside the judicial process. To serve as a qualified IME, physicians must complete an application and be approved by the judges of the court. Currently there are 99 court-approved IME physicians who specialize in varying disciplines.

During FY 2022, 20 IME cases were opened. Nine requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee, seven were submitted by a workers’ compensation insurer or the insurer’s attorney on behalf of the employer, and three were submitted by a self-represented employee. One independent medical exam was ordered by the court.

Managed Care Plans for Workers’ Compensation

On June 30, 2022, there were 364 employers and 32,126 employees covered by certified managed care plans in Nebraska. A table showing current information about managed care plans certified by the court for workers’ compensation purposes may be accessed in the Managed Care Plans section of our website (<https://www.wcc.ne.gov/service-providers/medical-providers/managed-care-plans>).

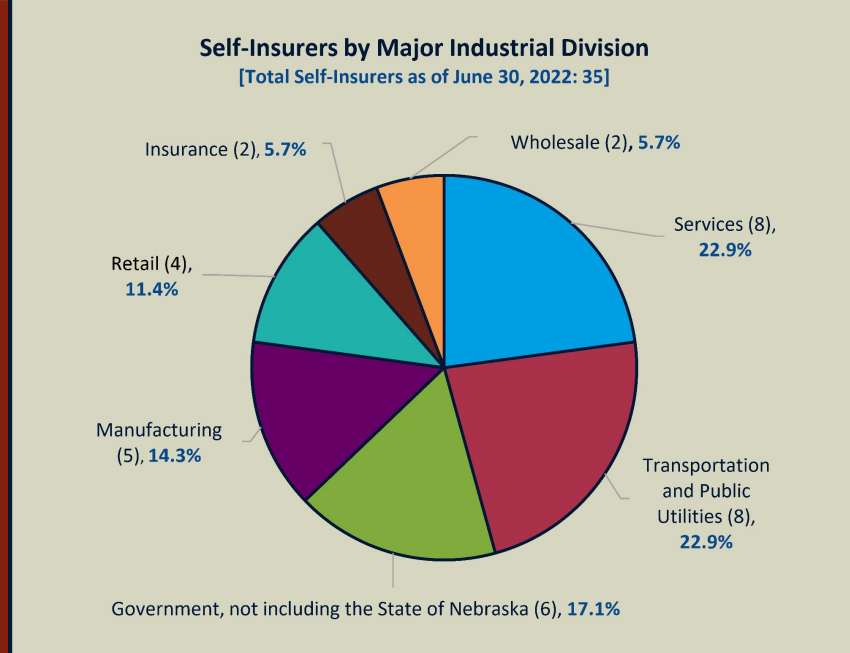


[Click this link to see report contents](#)

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.

As of June 30, 2022, there were 35 employers approved for self-insurance. In addition, the State of Nebraska is self-insured by statute and is not included in any of these statistics.



Assessments for Self-Insurers

At the beginning of each calendar year, the court calculates and collects the necessary assessments for the state's General Fund, the Compensation Court Cash Fund, and the Workers' Compensation Trust Fund from employers self-insured for the prior calendar year. Additional assessments are made in support of the Nebraska Department of Insurance for carrying out the Insurance Fraud Act. The assessments are based on the number and classification of employees, payroll, and benefits paid during the previous calendar year. As reflected in the data at the right, for calendar year 2022 assessment purposes, there were 36 self-insurers (employers who were self-insured for all or part of calendar year 2021).

Self-Insurance

Calendar Year	Number of Self-Insurers	Number of Employees	Gross Payroll
2021	36	125,320	\$5,230,959,685



[Click this link to see report contents](#)

Vocational Rehabilitation

One of the primary purposes of the Nebraska Workers' Compensation Act is restoration of the injured employee to gainful employment following an injury arising out of and in the course of employment. Toward that end, the duties of the **Vocational Rehabilitation section** include:

- reviewing, implementing, and monitoring vocational rehabilitation plans;
- appointing counselors to cases when the parties cannot agree;
- recruiting, certifying, and maintaining a directory of vocational rehabilitation counselors and job placement specialists; and
- monitoring expenditures from the Workers' Compensation Trust Fund.

See **NEB. REV. STAT. § 48-162.01** for a description of Vocational Rehabilitation in Nebraska.

Getting Back To Work:

Vocational Rehabilitation Plans

An employee who claims entitlement to vocational rehabilitation services is evaluated by an agreed to or appointed counselor in order to determine whether it is necessary to develop a vocational rehabilitation plan to restore the employee to suitable employment following a work-related injury. The level of services to be provided is based on the priorities outlined in NEB. REV. STAT. § 48-162.01:

- (a) return to the previous job with the same employer;
- (b) modification of the previous job with the same employer;
- (c) a new job with the same employer;
- (c) a job with a new employer; or
- (d) a period of formal training which is designed to lead to employment in another career field.

Starting with (a), each level of service must be eliminated as unlikely to result in suitable employment for the injured employee before considering the next level of service. For example, if (b) is likely to result in suitable employment, then (c), (d), or (e) would not be considered in deciding whether it is necessary to develop a vocational plan.

Prior to implementation, all vocational rehabilitation plans must also be evaluated and approved by a specialist employed by the court or a judge of the court.

A job placement plan must identify a specific employment objective based on the employee's vocational interests, abilities, and prior work history. The vocational rehabilitation counselor may provide job leads, develop or improve job seeking skills, answer questions, and provide guidance in order to return the employee to suitable employment. Job placement plans are generally 60 to 90 days in length, but can be extended in some circumstances.

In a formal training plan, vocational goals are selected based on the employee's interests, experience, and restrictions. During a training plan, the vocational rehabilitation counselor will monitor progress in classes, assist with registration and maintaining the program, and help the employee submit requests for reimbursable expenses. Plans can range from short term (three-to-six-month) training periods to associate's or bachelor's degree programs.

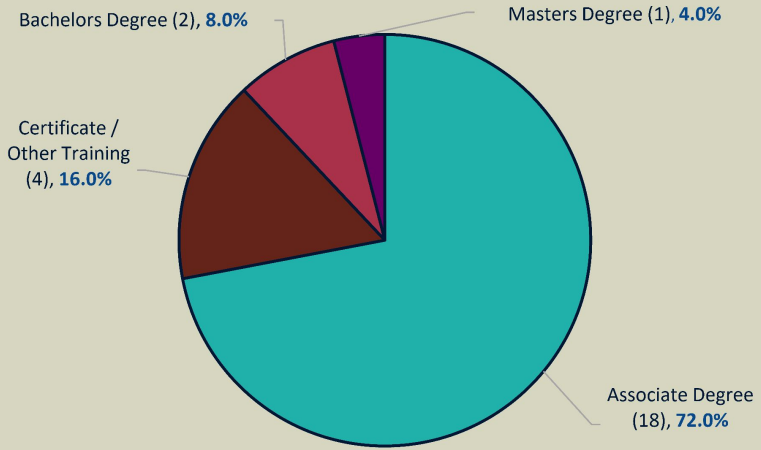
The charts on the next two pages contain information about Formal Training Plans and Job Placement Plans started during the fiscal year.

Vocational Rehabilitation Plans, continued to next page.

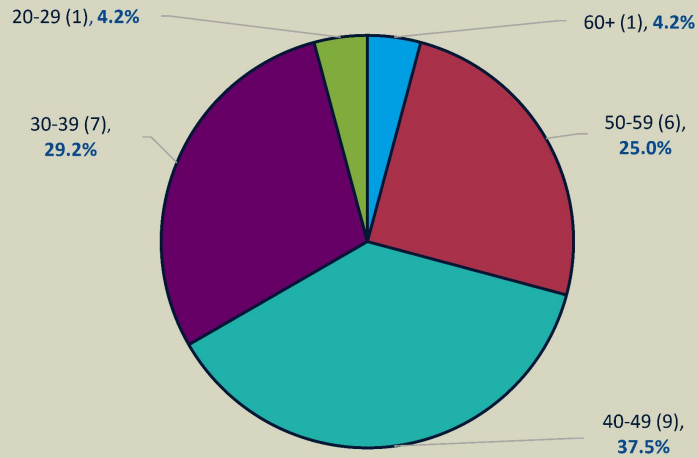


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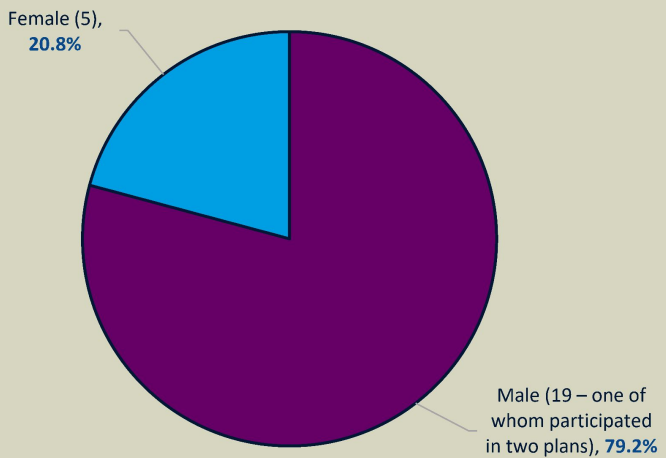
Formal Training Plans
(Total: 25)



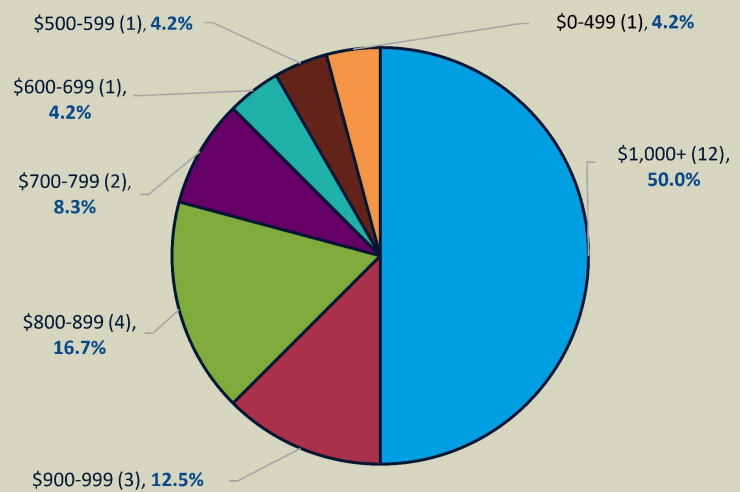
Formal Training Plan Participants By Age In Years
(Total: 24)



Formal Training Plan Participants By Gender
(Total: 24)

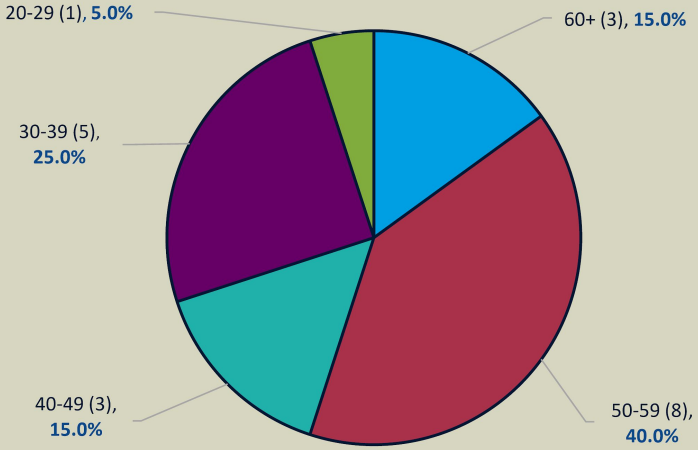


Formal Training Plan Participants By Average Weekly Wage At Time Of Injury
(Total: 24)



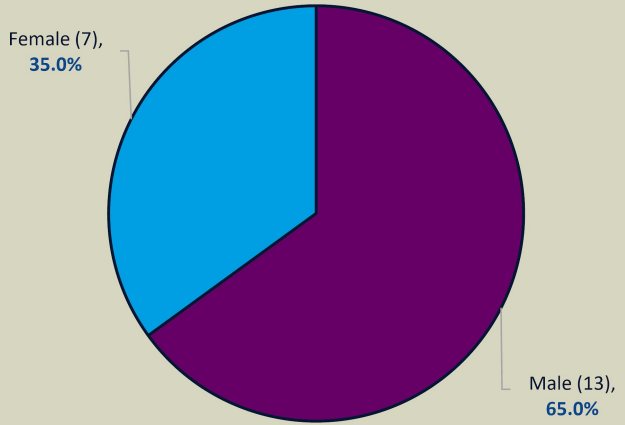
Job Placement Plan Participants By Age In Years

(Total: 20)



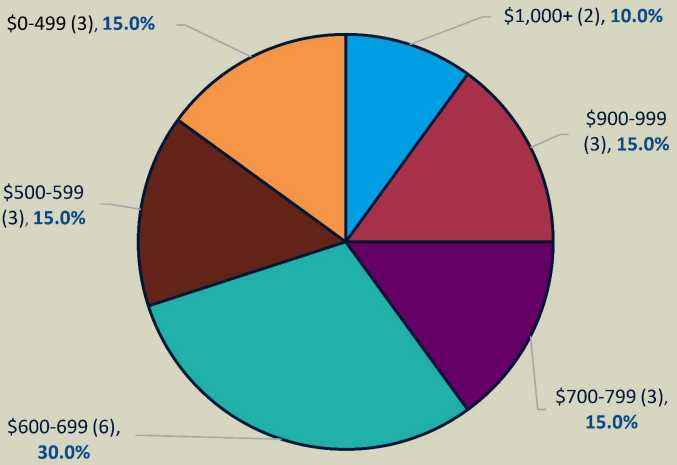
Job Placement Plan Participants By Gender

(Total: 20)



Job Placement Plan Participants By Average Weekly Wage At Time Of Injury

(Total: 20)



For the charts on this page, there were 20 participants involved in 22 Job Placement Plans.



Appointment of Vocational Rehabilitation Counselors

When an injured employee 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 upon a vocational rehabilitation counselor to evaluate the worker and provide needed services. If the parties cannot agree, the court may then appoint a counselor to provide vocational rehabilitation services and / or a LOEP evaluation to an injured worker.

Vocational Rehabilitation Plans, continued from previous page.

Section staff monitored 90 court-approved plans involving 78 injured employees in FY 2022. This total represents 47 plans started during the fiscal year and 43 carryover plans. The court-approved plans included 33 job placement plans and 57 formal training plans.

A vocational rehabilitation counselor may also provide a Loss of Earning Power evaluation report. These reports evaluate an employee's ability to "procure employment generally, ability to hold a job obtained, and capacity to perform the tasks of the work, as well as the ability of the [worker] to earn wages in the employment..." see *Sidel v. Travelers Insurance Company*, 205 Neb. 541, 288 N.W.2d 482 (1980).

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 Compensation Court Cash Fund and Workers' Compensation Trust Fund for vocational rehabilitation purposes are shown in the "Funding, Benefit Rates, and Injuries" section of this report.

Vocational rehabilitation counselor fees are paid by the employer or workers' compensation insurer. This includes costs of job placement specialists or interpreters, if necessary. The employer or insurer is also responsible for payment of temporary disability benefits while the employee is participating in a court-approved vocational rehabilitation plan.

Certification of Counselors and Job Placement Specialists

Vocational rehabilitation services under the Nebraska Workers' Compensation Act can only be provided by counselors who have been certified by the court. The vocational rehabilitation certification process is designed to ensure counselors working in this specialized area of rehabilitation have attained an acceptable level of education, knowledge, and experience necessary to provide vocational rehabilitation services to employees and return the employee to suitable employment. Rules 39 to 41 of the court's Rules of Procedure contain the requirements for certification.

At the end of FY 2022, there were 46 court-certified vocational rehabilitation counselors, and 42 court-certified job placement specialists.



[Click this link to see report contents](#)

Vocational Rehabilitation Cases

A case is opened by the Vocational Rehabilitation section when notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, or a judge of the court orders appointment of a counselor for vocational rehabilitation services. Of the 324 cases opened in FY 2022, the court appointed 92 counselors, the parties were able to agree on a counselor in 227 cases, and five cases were pending appointment at the end of the fiscal year.

During FY 2022, 487 cases required action by the vocational rehabilitation section. These actions involved reviewing and monitoring rehabilitation plans, monitoring loss of earning power cases, and reviewing and processing forms or requests for action received from parties or vocational rehabilitation counselors.

Opened Cases

	Appointed By The Court	Agreed To By The Parties
Vocational Rehabilitation Services and Loss of Earning Power Evaluation	38	20
Vocational Rehabilitation Services Only	9	37
Loss of Earning Power Evaluation Only	45	170
Total	92	227

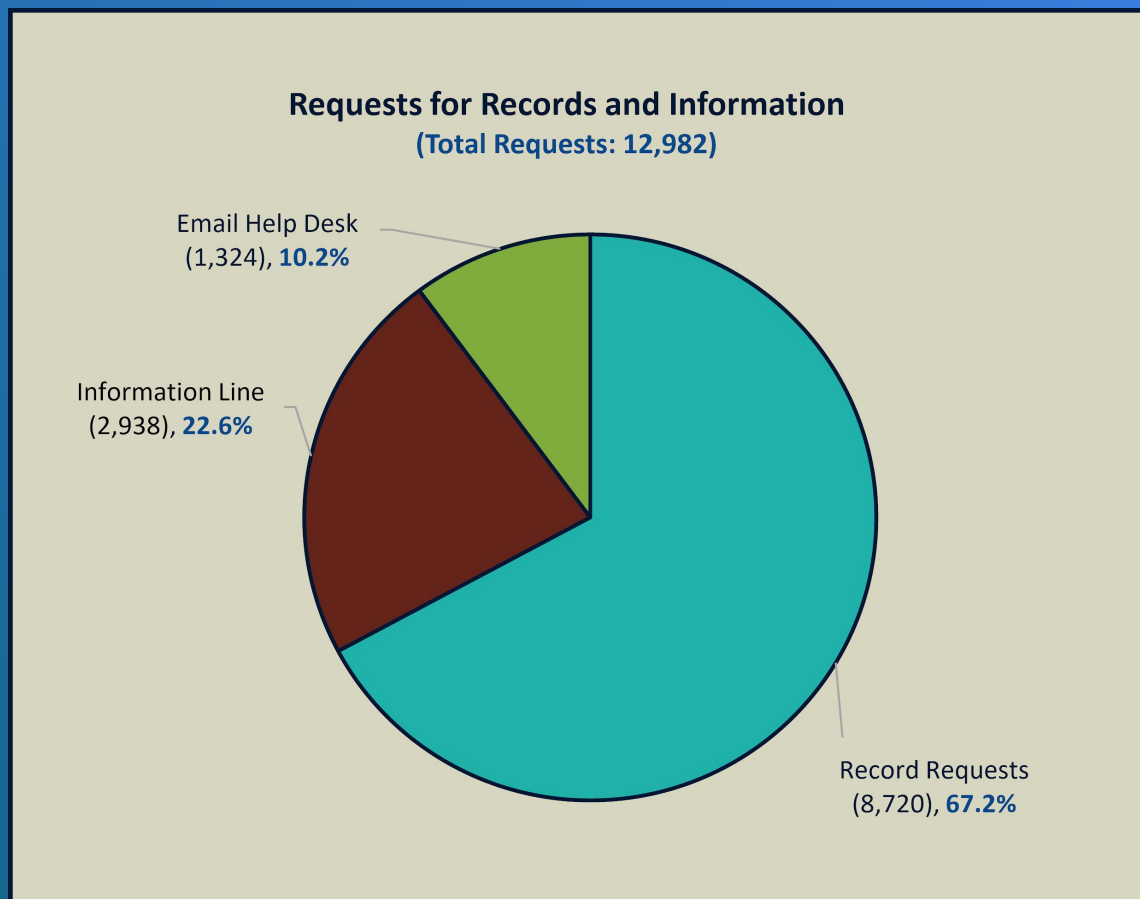


Public Information

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

Requests for Records and Information

The chart *Requests for Records and Information* shows the number of written requests for copies of court records fulfilled during the fiscal year as well as requests for other types of information received by phone or email. Requests for public records and information come from employees, employers, attorneys, insurers, medical providers, vocational rehabilitation providers, researchers, and others in Nebraska and throughout the nation. Most requests for records are fulfilled within four business days and most requests for information are fulfilled within 24 hours. Court staff do not provide opinions or legal advice.



Information Line

800-599-5155

402-471-6468

Most Common Request Topics

1. Proof of Coverage
2. Benefits / Compensability
3. Hearings / Decisions
4. Filings
5. Records

[Click this link to see report contents](#)



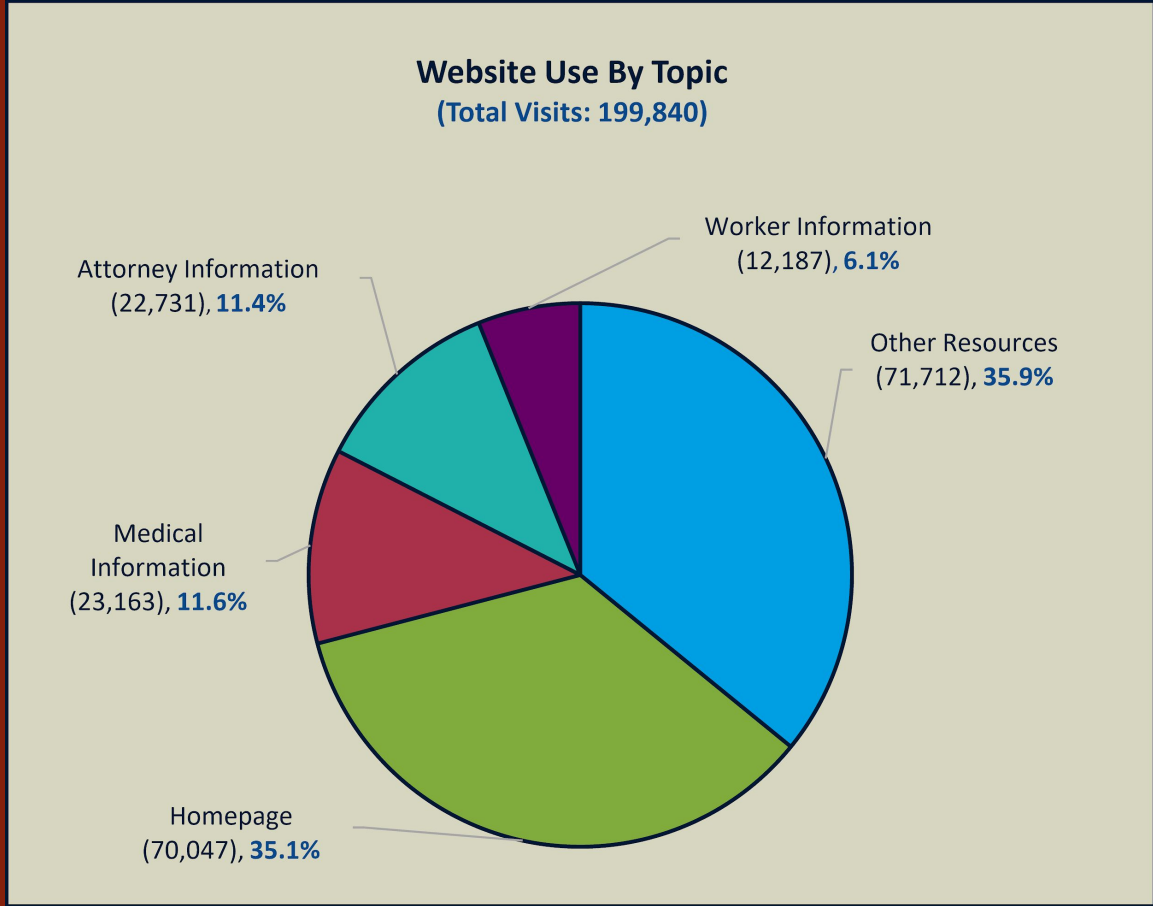
Publications and Forms

The 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.

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.

As part of publication development, the section coordinates public hearings and public meetings for the purpose of amending the court's procedural rules. Following approval of adopted amendments, new editions of the Rules of Procedure are published. Public hearings and public meetings were conducted for this purpose in December 2021 and January 2022.

When development of new or revised publications and forms is completed, the section publishes the final products on the court's website.

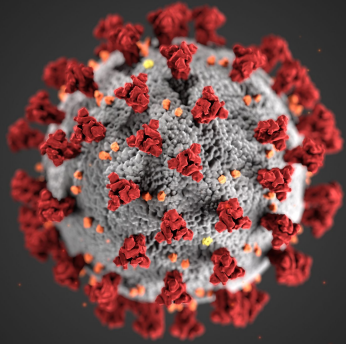


Website

The chart *Website Use By Topic* breaks out the top five areas of information accessed from our overall web presence during the fiscal year, including the primary website (<http://www.wcc.ne.gov>). Because the most frequently used areas of the primary website are available from its **homepage** for quick access, this web page received about a third of all page views. The **other resources** category combines totals for areas of the website not otherwise addressed in the chart, including information for employers, insurers, vocational rehabilitation providers, and a general resources directory.



[Click this link to see report contents](#)



“... an impartial and efficient administration of the Nebraska Workers’ Compensation Act is essential to the prosperity and well being of the state ...,” NEB. REV. STAT. § 48-152. This is true even when a pandemic threatens court operations.

Business Continuity Program

The purpose and objective of the Business Continuity Program (BCP) is to develop, exercise, and maintain plans that enable the court to effectively respond to disruptive events. Components of the program include facility-specific Emergency Procedures, a court-wide Continuity of Operations Plan (COOP), and an Information Technology Disaster Recovery Plan.

Fiscal year BCP activities included the following activities.

- Successful completion of a supply chain interruption COOP exercise scenario to test plan viability.
- An ongoing response to the COVID-19 pandemic, described below.

COVID-19 Pandemic Response

The Nebraska Workers’ Compensation Court (NWCC) continued its pandemic response in FY 2022.

- Following deactivation of the NWCC COOP at the end of FY 2021, local infection rates began to increase with the arrival of the COVID-19 Delta variant. NWCC continued to comply with all county, state, and national directed health measures.
- To this end, NWCC entered Administrative Orders to promote public safety in its courtrooms in August 2021 and March 2022. These aligned with provided in Administrative Orders entered by the Nebraska Supreme Court. For more information, please refer to the Office of the Clerk of the Court’s [COVID-19 Administrative Orders](#) overview.
- As the local infection rates increased and eventually peaked in January and February 2022 with the arrival of the COVID-19 Omicron variant, NWCC continued its expansion of cloud-based computing and a hybrid schedule of remote and in-office work as part of its normal operations — to preserve public safety and ensure the continued execution of its mission essential functions.
- By the end of the fiscal year, six Omicron subvariants had presented locally, the latest and most prevalent being the highly contagious Omicron BA.5. NWCC continued to follow best practices for pandemic workplace safety.



Information Technology

Fiscal Year Activities

The court manages its data through desktop programs and web applications, utilizing an Oracle Relational Database Service (RDS) database as its primary information repository. The database currently contains more than 26 years' worth of information, going back to calendar year 1996 for reports of injury. The database also contains historical injury-related information for purposes of performing cross-year statistical analysis. The IT section has developed and maintains over 500 program units in Visual Studio. The section also provides support for ReportServer, a reporting system used by court staff for producing reports and data extracts from the database.

Security

The past year again has been filled with high profile cybersecurity attacks, breaches, and ransomware among some of the largest tech companies in the world. Highly publicized breaches and hacks served as reminders to our IT team and court staff about the importance of cybersecurity. While we felt as if we already had excellent security in place, this encouraged us to implement additional steps to secure our data even further. We have implemented extra encryption protocols to our data transfers and added multifactor authentication requirements. We also continue to migrate as many of our systems as possible to secure platforms that have been proven to be more resilient against cyberattacks.

Delphi Conversion

The section completed its conversion of all legacy Delphi applications to Visual Studio FY 2022. The conversion, which began in FY 2017, became necessary because Delphi no longer supports the version IT originally used for application development. Microsoft's Windows 10/11 "Software as a Service" (SaaS) release schedule puts Delphi at risk of being permanently unusable every six months. This can have a critical impact because the IT field no longer commonly uses the Delphi legacy programming language, leading to staffing and knowledge transfer concerns. In addition to the Delphi conversion, all Visual Studio applications were recompiled from 32-bit to 64-bit versions to provide a much faster experience for the end users. This conversion signals the final changes that will be made to the existing Visual Studio applications before "freezing" them in place to focus on web development moving forward.

Omaha Technology Update

We have continued updating the overall technology at the court's Omaha location. The IT team added a backup internet service provider (ISP) for network redundancy and testing. The courtroom in Omaha has never had any

Information Technology Fiscal Year Activities, continued to next page.

The **Information Technology (IT) section** is responsible for the security and maintenance of 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 performing their statutory responsibilities and creating efficiencies through the use of technology.



[Click this link to see report contents](#)



Information Technology Fiscal Year Activities, continued from previous page.

form of videoconferencing system for remote trials. The court is procuring equipment that will be used to build an easy-to-use audiovisual system. This system will serve as a blueprint for future upgrades of the aging Lincoln courtroom audiovisual systems.

Project Management

On average, the IT team balances multiple simultaneous projects at any given time. In order to organize and prioritize everything correctly, we have implemented the Monday.com project management system. It allows us to track, manage, assign, and set due dates across all sections of the court. Integrating Monday.com with Google Workspace has enabled the court to easily make it available to all employees for individual section projects that extend outside of the IT department.

File Server

The court's legacy Windows file server is being decommissioned at the end of calendar year 2022. As part of a large push to tighten security and remove Windows operating systems, all file server capabilities are being migrated to cloud platforms. This will provide enhanced security as all files will be encrypted while both in transit and at rest. Also, the court will experience a considerable cost savings, as maintaining an on-premises file server is more expensive than the licensing fees for cloud storage.

Supreme Court Support

The court's IT section continues to work daily on projects with the Supreme Court IT team. The court's IT team has actively been assisting the Supreme Court with domain and network support. Providing guidance and configuration support for the Supreme Court's projects requires frequent contact and coordination between the IT teams of both courts.



Federal Grant Program

The federal 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 that 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) of each occurrence within the calendar year. The data reported to the Nebraska Workers' Compensation Court pursuant to NEB. REV. STAT. § 48-144.01 may be used in place of the OSHA No. 301 form to report Nebraska work-related injuries and illnesses.

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 10 or fewer 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.

Nebraska Occupational Injury and Illness Survey – 2021

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. The Nebraska Workers' Compensation Court has cooperated with the U.S. Department of Labor, Bureau of Labor Statistics (BLS) since 1971 in conducting an annual survey of Nebraska employers, through which these essential work injury and illness statistics are gathered.

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. Beginning with the 2008 survey, local and state government units in addition to the private sector have been surveyed.

Calendar Year 2021 Survey Results

Results of the Nebraska Occupational Injury and Illness Survey are available on the BLS website (<https://www.bls.gov/iif/oshstate.htm#NE>).



[Click this link to see report contents](#)

Census of Fatal Occupational Injuries (CFOI) – 2020

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 29th year that CFOI has been conducted in all 50 states and the District of Columbia.

In calendar year 2020, the most recent year for which data has been released, CFOI 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. Please note that the types of workers included in these statistics may vary from those covered by the Nebraska Workers' Compensation Act.

Calendar Year 2020 Census Results

Results of the Nebraska Census of Fatal Occupational Injuries are available on the BLS website (<https://www.bls.gov/iif/oshstate.htm#NE>). The 2020 census recorded 48 fatal workplace injuries during 2020, down from 53 during the previous year.

Additional Information

Information regarding federal grant program survey and census results by calendar year may be accessed in the *Bureau of Labor Statistics Reports* section of our website:

<https://www.wcc.ne.gov/resources/court-forms-and-publications/bureau-of-labor-statistics-reports>



[Click this link to see report contents](https://www.wcc.ne.gov/resources/court-forms-and-publications/bureau-of-labor-statistics-reports)



Contact Us

Please contact us with questions or comments about this report, workers' compensation in Nebraska, or any of our programs and services.

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P.O. Box 98908
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<http://www.wcc.ne.gov>

Historic fiscal year data is available in our previously published Annual Reports, which may be viewed or downloaded from our website: <https://www.wcc.ne.gov/resources/court-forms-and-publications/annual-reports>



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