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Workers' Compensation Court 64th Annual Report

Fiscal Year 2006:

July 1, 2005 through June 30, 2006



Nebraska Workers' Compensation Court 64th Annual Report

Fiscal Year 2006:

July 1, 2005 through June 30, 2006



Michael K. High,
Presiding Judge

Michael P. Cavel,
Judge

James R. Coe,
Judge

Laureen K. Van Norman,
Judge

Ronald L. Brown,
Judge

J. Michael Fitzgerald,
Judge

John R. Hoffert,
Judge

Glenn W. Morton,
Court Administrator

Barbara A. Frank,
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, 2006

Honorable Michael Heavican
Chief Justice of the Nebraska Supreme Court

Honorable Dave Heineman
Governor of Nebraska

Honorable Kermit Brashear
Speaker of the Nebraska Legislature

Dear Sirs:

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

Very truly yours,
NEBRASKA WORKERS' COMPENSATION COURT
By

Michael K. High
Presiding Judge

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General Information

History

The Nebraska Workers' Compensation Act was first passed in 1913 and 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 Workers' Compensation Court and transferred Compensation Division functions to the court. The authority and responsibilities of the court are found in Chapter 48, Article 1, of the Revised Statutes of Nebraska. By 1988, the workers' compensation bench had grown to seven judges who hear disputed cases throughout the state.

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 and who then remain on the bench for successive six-year terms upon approval of the electorate. Every two years one of the judges is elected as presiding judge by the judges of the court, subject to approval of the Supreme Court. Four judges are officed in the State Capitol in Lincoln and three judges are officed in the Hall of Justice in Omaha. A judge will travel to any county in the state where an accident occurred to hear a disputed case. A case is first heard by a single judge and, if appealed, the case is then heard by a review panel of three judges of the court. The review is based on the record created at the original hearing, and no new evidence may be introduced. The next level of appeal is to the Nebraska Court of Appeals and ultimately a case may go to the Nebraska Supreme Court.

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 court filings, docket cases, schedules hearings and motions, 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, and also administers the Second Injury program. Under a federal grant, the section conducts a federal 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, provides legal advice to court staff, and monitors legislation for potential impact on the workers' compensation system. Until January 1, 2008 the section is also authorized to arbitrate disputes between medical providers and insurers regarding the fees owed for medical services in workers' compensation cases.

The ***Coverage and Claims Section*** has responsibilities in three distinct areas. Compliance activities include enforcing insurance coverage requirements and enforcing the claims handling and reporting obligations of insurers and self insurers. Medical services activities include certifying and monitoring managed care plans, administering the independent medical examiner program, revising and maintaining the schedule of medical and hospital fees, and responding to inquiries related to medical issues. Self-insurance activities include reviewing applications for self-insurance, 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 reviewing and approving proposed vocational rehabilitation plans, certifying vocational rehabilitation counselors and job placement specialists, and appointing a vocational rehabilitation counselor if the parties cannot agree on the selection. 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*** receives and processes all reports of injury and benefit payments, manages the court's records retention schedule, and responds to requests for records and information. The section also supports a toll-free information line, prepares court publications, develops educational workshops, and maintains the court's website.

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

Activities in Fiscal Year 2006

Legislation

LB 498 from the 2006 session of the Legislature authorized the court to establish procedures for arbitration of disputes between medical providers and insurers regarding the fees owed for medical services in workers' compensation cases. This authority will sunset on January 1, 2008 absent further action by the Legislature in 2007 session. Arbitration under LB 498 is voluntary and requires the agreement of both parties. As of the date of publication of this report the court had received no requests for arbitration. High medical costs in workers' compensation cases were of significant concern to the Legislature during the 2006 session. While no other legislation was successful, interim studies are currently underway with the intention of introducing further legislation on this issue during the 2007 session.

Schedule of Medical and Hospital Fees

A comprehensive revision of the court's Schedule of Medical and Hospital Fees was adopted in FY 2006, and became effective for payments made on or after July 1, 2006. The new schedule reflects a reduction of approximately 7 percent in the overall allowances for surgery and radiology services, and incorporates an additional discount for hospital charges paid within 60 days of receipt of a bill. New provisions were also added for implantable medical devices. For the first time the schedule was published electronically on the court's website, and the schedule is now available for access or download free of charge.

Public Information

The "What's New" page of the court's website was reformatted and relaunched as a Really Simple Syndication (RSS) Feed to make the latest court news and announcements available for download into a variety of media. The public may now subscribe to and download the contents of the page for use in portable digital assistants (PDA), news readers, and other devices. The court's website was also named as winner of a Top 10 Court Website Award from a prominent court management consulting firm. More than 3,500 court websites worldwide were reportedly evaluated for the 2006 award.

Court Technology

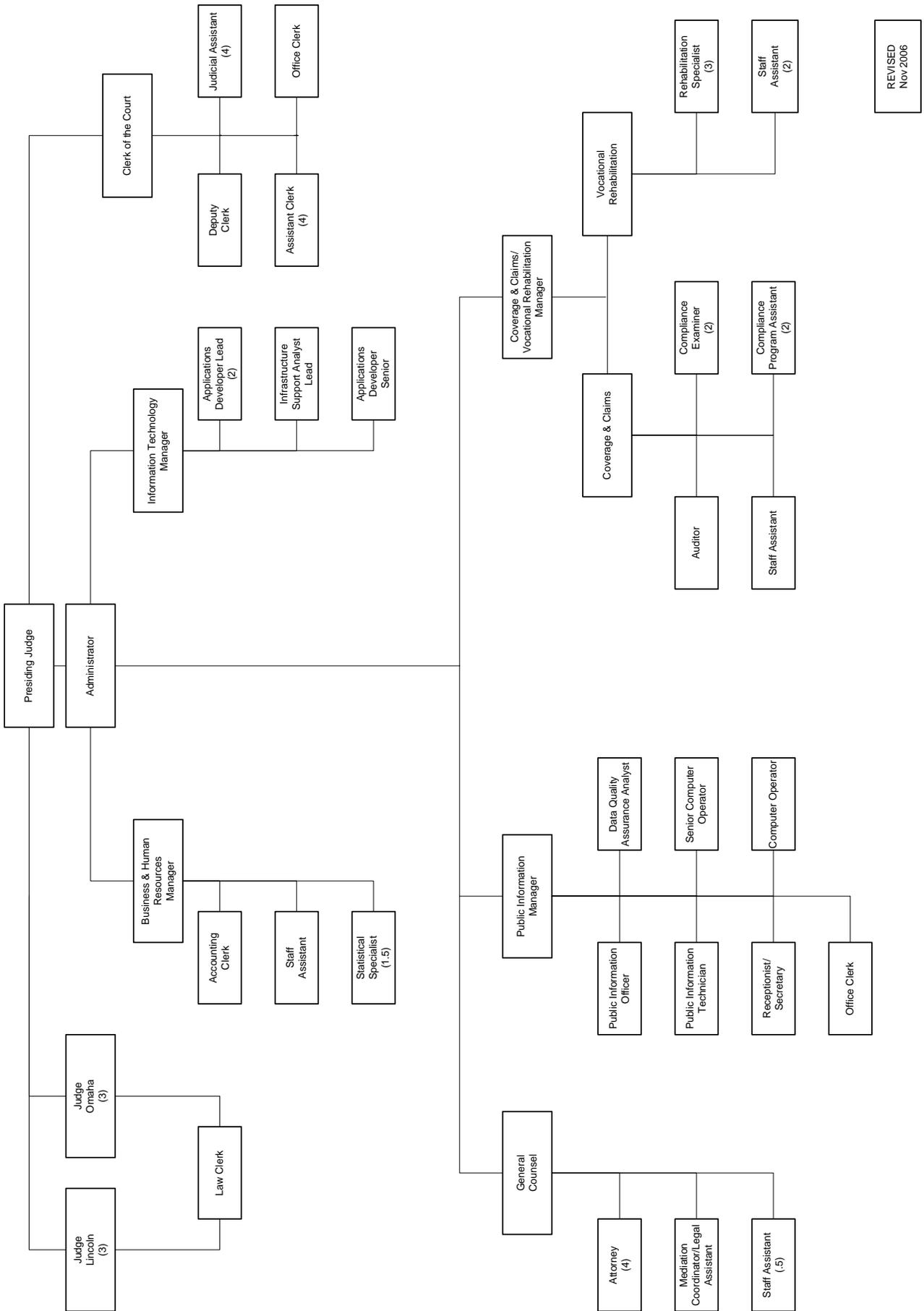
The court has established a broad goal of becoming "paperless" in its operations by the year 2011, including the electronic filing and processing of pleadings and other litigation documents. To this end, the court obtained the services of workflow consultant in FY 2006 to assist in obtaining workflow/business process management software that will be integrated with the court's case and document management system. This software is an important part of the infrastructure necessary to support an electronic working environment. The court has also worked closely with the Office of the Chief Information Officer on this project to ensure coordination with other state agencies in the implementation of workflow technology.

Management Changes

Kay Peterson retired as Clerk of the Court after 42 years of service, and was replaced by Barbara Frank. Ms. Frank has been with the court for 17 years and previously served as manager of the Judicial Support section. That section has now merged with the Office of the Clerk of the Court. Becky Tillman also left her position as Business Manager for new adventures, after 12 years with the court and 21 years with the State of Nebraska. She has been replaced by Deborah Bandiola who has served with the State of Nebraska for 28 years, most recently with the Nebraska Information System (NIS).

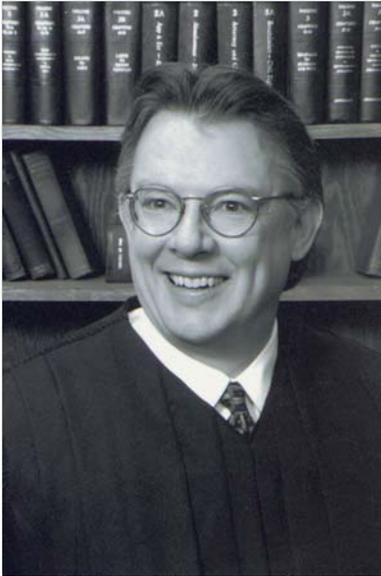
In addition to the specific activities listed above for FY 2006, the court continues to perform other duties on a regular basis as noted above in the "Organization" section. The activities of the court in FY 2006 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2006. Additional injury statistics and statistics regarding benefit payments are available in a separate statistical report which can be accessed on the court's website at <http://www.wcc.ne.gov/archives/statisticalreports.htm>.

NEBRASKA WORKERS' COMPENSATION COURT



REVISED
Nov 2006

Judges



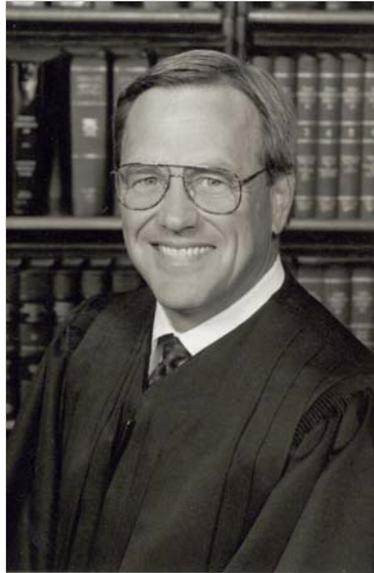
Michael K. High, Presiding Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3923, (800) 599-5155.

Date Appointed: January 8, 1998.

Biography: Graduate of University of Nebraska—Lincoln (B.S. in Agricultural Economics (1972); M.A. in Economics (1986)); University of Nebraska College of Law (J.D., 1986). Formerly: farmer and rancher (1972–1982); elected commissioner—Gosper County, Nebraska, Board of Commissioners (1978–1982); private law practice (1986–1998).

Judges



Michael P. Cavel, Judge

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

Date Appointed: October 5, 1983.

Biography: Graduate of Creighton University, Omaha, Neb. (B.A.); Creighton University School of Law (J.D.). United States Army, 1968–71; private practice, 1971–1983; Midlands Big Brother of the Year, 1988.



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 (B.S. in Business Administration); University of Nebraska College of Law (J.D.). Partner of Carpenter, Rowen, Fitzgerald, and Coe, 1974–1988. Member of West Omaha (Neb.) Rotary Club; president of Dora Bingel Foundation.

Judges

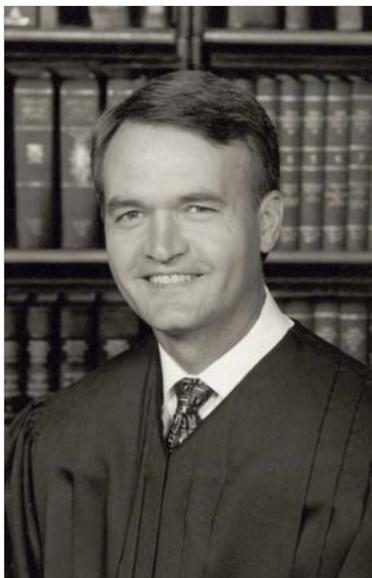


Lauren K. Van Norman, Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3924, (800) 599-5155.

Date Appointed: July 6, 1993.

Biography: Graduate of University of Nebraska–Lincoln (B.A., social work); University of Nebraska College of Law (J.D.). Former Legal Counsel to the Nebraska Department of Labor. Nebraska State Bar Association: past Chair of Government Practice Committee; past member, Executive Board of Women and the Law Section; member, Supreme Court Gender Bias Task Force.



Ronald L. Brown, Judge

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

Date Appointed: April 8, 1994.

Biography: Graduate of Dana College (B.S., cum laude); Creighton University School of Law (J.D.). Former occupations: Douglas County Assistant Public Defender, 1977–1978; Brown Law Offices, P.C., 1979–1989; Brown and Tripp, P.C., 1989–1994. Member of Nebraska State Bar Association, Nebraska Association of Trial Attorneys, Association of Trial Lawyers of America.

Judges

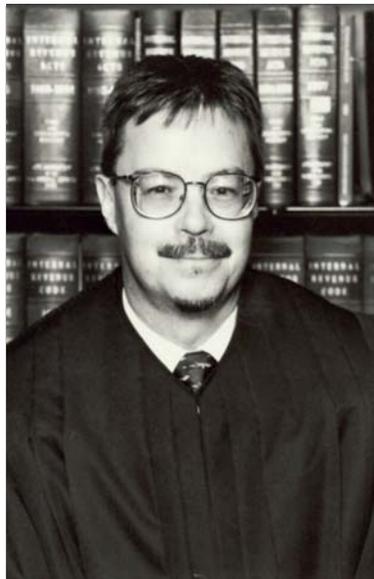


J. Michael Fitzgerald, Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3924, (800) 599-5155.

Date Appointed: April 12, 1996.

Biography: Graduate of University of Notre Dame (B.S. Business Administration); Georgetown University Law Center (J.D.); 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.



John R. Hoffert, Judge

Office Address: State Capitol Building, Lincoln NE 68509-8908, phone (402) 471-3923, (800) 599-5155.

Date Appointed: October 4, 2001

Biography: Graduate of Western Illinois University (B.A., High Honors, Political Science); University of Nebraska College of Law (J.D. with Distinction). Associate/Partner: Knudsen, Berkheimer, Richardson & Endacott, LLP (1980-2001). United States Army (1970-1972). Past member: 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.

Compensation Court Cash Fund

Fiscal Year 2006 (July 1, 2005 to June 30, 2006)

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 in 1993 and replaced the use of general funds. The fund 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 2006 was \$4,347,277.

BALANCE of fund on July 01, 2005:		\$7,991,592	
Revenue:			
Assessments		4,873,145	
Interest		308,169	
Accounts Receivables Invoiced		4,245	
Due to Vendor		14,511	
Bonds Payable		(4,783)	
Operating Transfers In		354,613	
Sale of Surplus Property		663	
Miscellaneous Income		122,114	
Miscellaneous Adjustment		0	
Total Revenue			<u>5,672,677</u>
Expenditures:			
	Appropriation	Not Expended	Actual Expended
Court Administration	3,905,787	518,007	3,387,780
Voc. Rehab. Administration	325,551	2,858	322,693
Second Injury Administration	829	146	683
Self-Insurance Administration	80,287	1,868	78,419
Federal Grant Administration	34,823	5,359	29,464
Totals	<u>4,347,277</u>	<u>528,238</u>	<u>3,819,039</u>
Less Total Expenditures			<u>3,819,039</u>
BALANCE of fund on June 30, 2006:			<u><u>9,845,230*</u></u>
* Does not include FY 2006 expenditures of \$37,609 paid in FY 2007.			

Workers' Compensation Statistics Fund

Fiscal Year 2006 (July 1, 2005 to June 30, 2006)

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 Workers' Compensation Statistics Fund. Federal monies are requested on a monthly basis and deposited into the Workers' Compensation Statistics Fund. The Nebraska Legislature appropriates a specific sum each year for expenditures from the Workers' Compensation Statistics Fund. The appropriation for fiscal year 2006 was \$31,241.

BALANCE of fund on July 01, 2005:				0
Revenue:				
Intergovernmental Revenue			31,241	
Total Revenue				<u>31,241</u>
Expenditures:				
	Appropriation	Not Expended	Actual Expended	
Federal Grant Admin.	<u>31,241</u>	0	<u>31,241</u>	
Totals	<u>31,241</u>	<u>0</u>	<u>31,241</u>	
Less Total Expenditures				<u>31,241</u>
BALANCE of fund on June 30, 2006:				<u><u>0</u></u>

Workers' Compensation Trust Fund

Fiscal Year 2006 (July 1, 2005 to June 30, 2006)

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 section 48-128 and vocational rehabilitation benefit payments in accordance with section 48-162.01, and for paying administrative costs relating to the fund. Prior to July 1, 2000 second injury benefits and administrative costs were paid from the Second Injury Fund and vocational rehabilitation benefits and administrative costs 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.

BALANCE of fund on July 01, 2005:	\$ 4,947,630
Revenue:	
Interest	175,209
Reimbursements	0
Assessments	*57
Sale of Surplus Property	0
Total Revenue	<u>175,266</u>
Expenditures:	
Second Injury Benefits	436,115
Second Injury Admin. Costs	**3,546
Voc. Rehab. Benefits	968,683
Voc. Rehab. Admin. Costs	**351,067
Due to Vendor	4,772
Less Total Expenditures	<u>1,764,183</u>
BALANCE of fund on June 30, 2006:	<u><u>\$ 3,358,713</u></u>
* Adjustment on assessments paid in prior years.	
** Amounts transferred from the trust fund to the cash fund for estimated administrative costs for the Second Injury and Vocational Rehabilitation programs.	

Workers' Compensation Trust Fund
(Transfers and Assessments)

Fiscal Year Ending:	
Assessments:	
June 30, 2006	*\$57
June 30, 2005	*\$234,526
June 30, 2004	\$5,593,038
June 30, 2003	\$0
June 30, 2002	\$0
June 30, 2001	*\$26,965
Transfers:	
July 1, 2000	**\$6,200,991

* Adjustment on assessments paid in prior years.

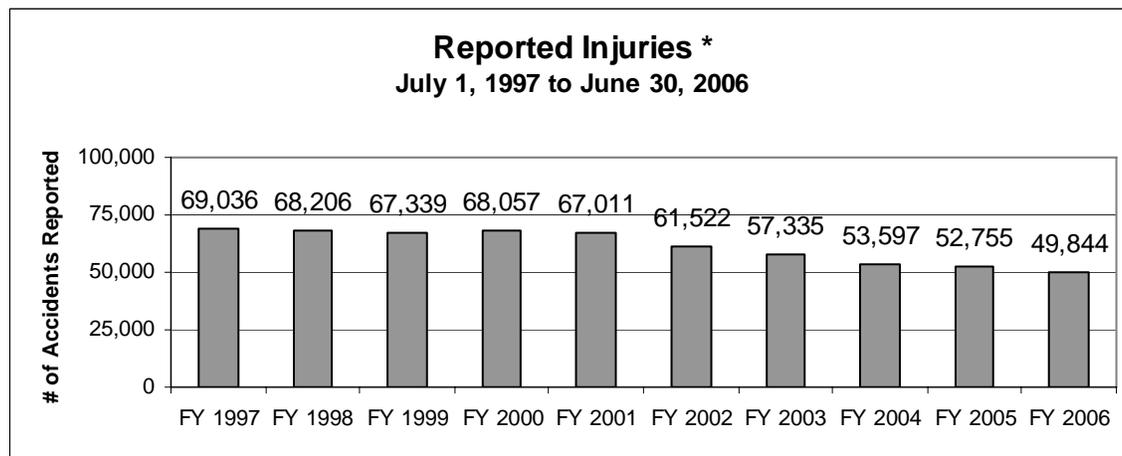
** Beginning balance — transfers from Second Injury and Vocational Rehabilitation Funds.

Second Injury & Vocational Rehabilitation Expenditures
(Benefit and Administrative Costs)

Fiscal Year Ending	Second Injury	Vocational Rehabilitation	Total Expenditures
June 30, 2006	\$436,798	\$1,291,376	\$1,728,174
June 30, 2005	\$428,983	\$1,344,549	\$1,773,532
June 30, 2004	\$521,552	\$1,393,172	\$1,914,724
June 30, 2003	\$370,499	\$1,358,530	\$1,729,029
June 30, 2002	\$388,289	\$1,072,261	\$1,460,550
June 30, 2001	\$534,559	\$1,014,519	\$1,549,078
June 30, 2000	\$910,279	\$1,022,765	\$1,933,044
June 30, 1999	\$833,256	\$1,156,770	\$1,990,026
June 30, 1998	\$564,840	\$1,022,226	\$1,587,066
June 30, 1997	\$492,644	\$918,303	\$1,410,947

Reported Injuries *

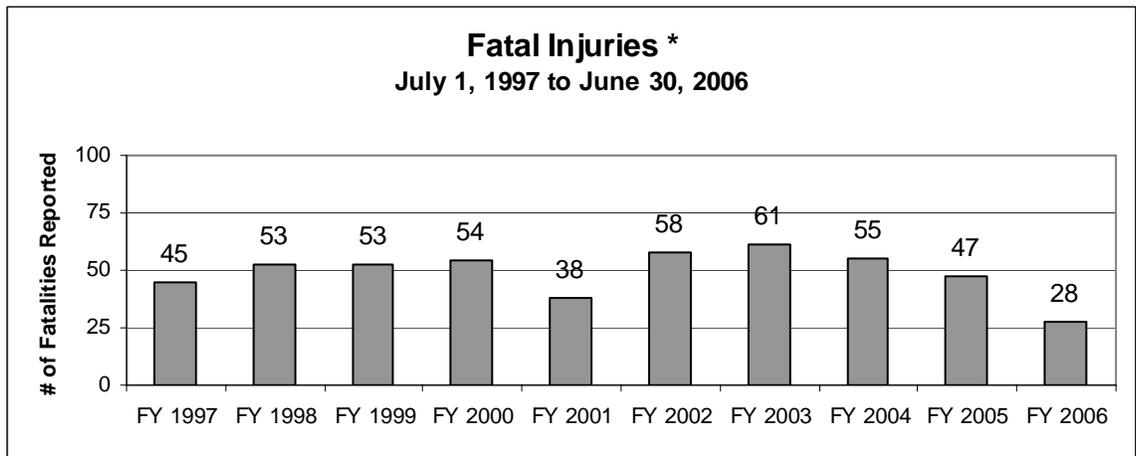
	Male	Female	Unknown	Total
July 1, 2005 to June 30, 2006	28,547	18,762	2,535	49,844
July 1, 2004 to June 30, 2005	31,027	20,468	1,260	52,755
July 1, 2003 to June 30, 2004	32,131	20,711	755	53,597
July 1, 2002 to June 30, 2003	32,400	21,312	3,623	57,335
July 1, 2001 to June 30, 2002	35,008	21,503	5,011	61,522
July 1, 2000 to June 30, 2001	39,238	24,100	3,673	67,011
July 1, 1999 to June 30, 2000	41,249	24,544	2,264	68,057
July 1, 1998 to June 30, 1999	41,126	24,734	1,479	67,339
July 1, 1997 to June 30, 1998	43,217	24,549	440	68,206
July 1, 1996 to June 30, 1997	44,059	24,971	6	69,036



* Includes injuries reported in FY 2006 regardless of the year in which the injury occurred.
Includes injuries resulting from occupational disease.

Fatal Injuries *

	Male	Female	Total
July 1, 2005 to June 30, 2006	24	4	28
July 1, 2004 to June 30, 2005	43	4	47
July 1, 2003 to June 30, 2004	48	7	55
July 1, 2002 to June 30, 2003	50	11	61
July 1, 2001 to June 30, 2002	53	5	58
July 1, 2000 to June 30, 2001	38	0	38
July 1, 1999 to June 30, 2000	49	5	54
July 1, 1998 to June 30, 1999	48	5	53
July 1, 1997 to June 30, 1998	49	4	53
July 1, 1996 to June 30, 1997	41	4	45



* Includes fatal injuries reported in FY 2006 regardless of the year in which the injury occurred.
Includes deaths 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 Nebraska Workers' Compensation Court. The calculation excludes federal employees, and is made in accordance with section 48-121.02 of the Nebraska Revised Statutes. The administrator has determined that the state average weekly wage for calendar year 2007 will be \$617.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2007. The minimum rate remains at \$49 as provided in section 48-121.01(2).

Injury Occurring Between:	Maximum	Minimum
1/1/2007 to 12/31/07	\$617	\$49
1/1/2006 to 12/31/06	\$600	\$49
1/1/2005 to 12/31/05	\$579	\$49
01/01/04 to 12/31/04	\$562	\$49
01/01/03 to 12/31/03	\$542	\$49
01/01/02 to 12/31/02	\$528	\$49
01/01/01 to 12/31/01	\$508	\$49
01/01/00 to 12/31/00	\$487	\$49
01/01/99 to 12/31/99	\$468	\$49
01/01/98 to 12/31/98	\$444	\$49
01/01/97 to 12/31/97	\$427	\$49
01/01/96 to 12/31/96	\$409	\$49
01/01/95 to 12/31/95	\$350	\$49
06/01/94 to 12/31/94	\$310	\$49
07/01/91 to 05/31/94	\$265	\$49

Litigated Case Summary ¹

Fiscal Year ²	Original Hearing Level		Review Hearing Level		Supreme Court/ Court of Appeals Level	
	2006	* 2005	2006	* 2005	2006	* 2005
Cases Pending at beginning of Fiscal Year	1,536	1,600	80	85	40	46
Petition or Appeal filed in Fiscal Year	1,317	1,309	137	141	57	44
Reopened	124	131	N/A	N/A	N/A	N/A
Total	2,977	3,040	217	226	97	90
Court Disposition						
Decisions Issued	334	383	113	90	41	48
Settlements	781	856	22	26	2	4
Other Dispositions ³	331	262	12	20	5	7
Total Dispositions	1,446	1,501	147	136	48	59
Total Pending	1,531	1,539	70	90	49	31

Fiscal Year	2006	* 2005	2004	2003	2002
Number of Motions Filed	2,492	2,475	2,558	2,646	2,366
Number of Motion Dispositions	2,018	2,114	2,223	2,263	2,047
Number of Motion Hearings	963	1,094	1,177	1,277	1,046

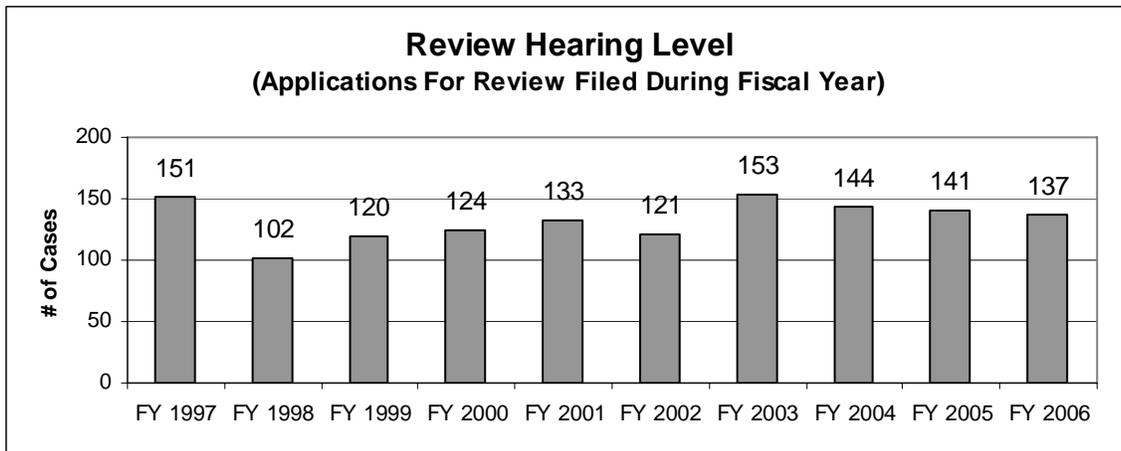
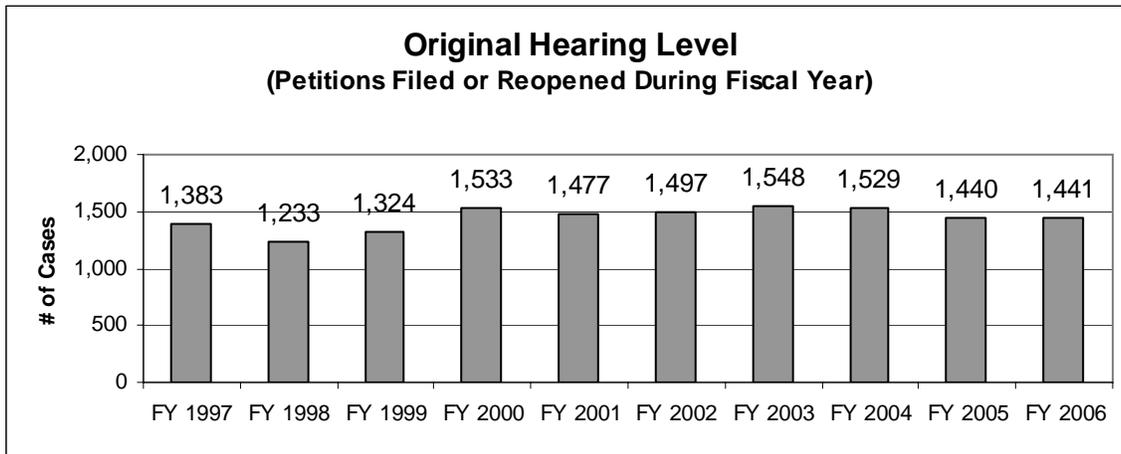
¹ Cases may appear more than once in any year if they are appealed.

² Fiscal Years run from July 1 through June 30.

³ Dismissals without hearings.

* Numbers for FY 2005 may differ from those shown in the FY 2005 Annual Report due to corrections to data.

Hearings and Review Hearings

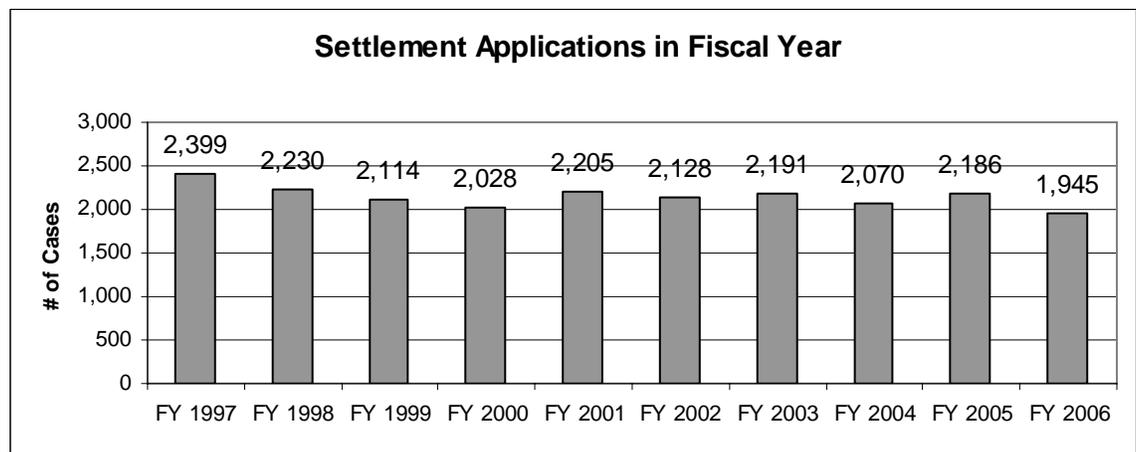


Summary of Settlements

Fiscal Year ¹	2006	2005*	2004	2003	2002
Applications					
Applications Pending at Beginning of Fiscal Year	132	111	158	142	136
Applications Made in Fiscal Year	1,945	2,186	2,070	2,191	2,128
Total	2,077	2,297	2,228	2,333	2,264
Dispositions					
Applications Approved Without Litigation	1,125	1,256	1,326	1,318	1,376
Applications Approved at the Original Hearing Level	781	856	749	805	689
Applications Approved at Review Hearing Level	22	26	12	15	14
Applications Approved at the Sup. Ct./Crt. App. Level	2	4	5	2	1
Applications — Total Approved	1,930	2,142	2,092	2,140	2,080
Applications — Total Disapproved	43	23	25	35	42
Total	1,973	2,165	2,117	2,175	2,122
Applications Pending at End of Fiscal Year	104	132	111	158	142

¹ Fiscal years run from July 1 through June 30.

* Numbers for FY 2005 may differ from those shown in the FY 2005 Annual Report due to corrections to data.



Legal

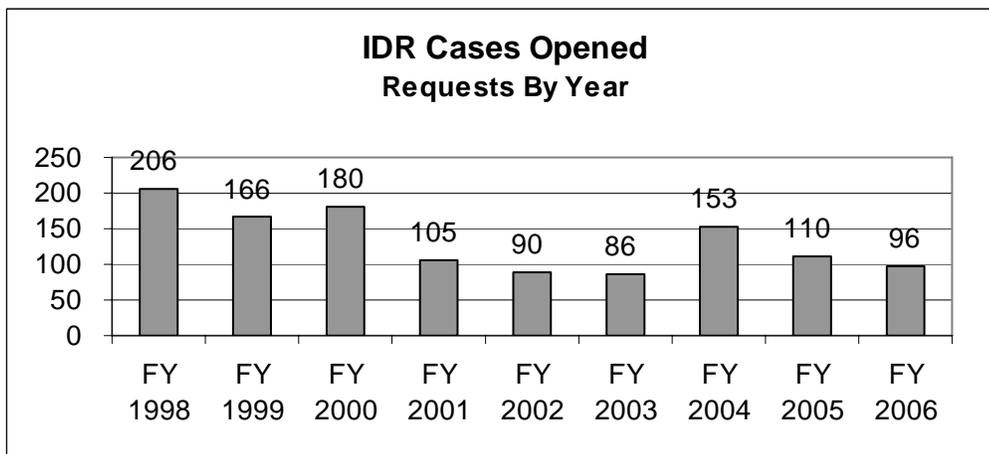
The Legal section of the Nebraska Workers' Compensation Court is responsible for reviewing lump sum settlements, facilitating informal dispute resolution, responding to inquiries from the public, providing legal advice to the court's administrative staff, and monitoring legislation for potential impact on the workers' compensation system. The section includes the court's general counsel, three staff attorneys, a mediation coordinator/legal assistant, and a part-time staff assistant.

Statistics for lump sum settlements processed in FY 2006 (July 1, 2005 through June 30, 2006) can be found in section 1, page 18 of this annual report. Summaries of the Nebraska Supreme Court and Court of Appeals decisions relating to workers' compensation may be found on the court's website (<http://www.wcc.ne.gov/archives/casesummary.htm>).

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. The court may also order IDR and, in fact, disputes involving a change in the treating physician must be submitted for IDR before a motion or petition can be filed. IDR is attempted in all litigated cases in which a party is unrepresented.

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 make decisions nor evaluate the case on behalf of either party. Mediation can be an empowering process because it allows the participants to decide the outcome rather than an arbitrator or 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 three staff attorneys. All of the attorney-mediators and the mediation coordinator 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. Advancement of mediation skills is encouraged, and as opportunities arise the mediators receive additional training.

Closed Cases

The mediation coordinator evaluates all requests to determine whether the issues are appropriate for IDR under workers' compensation laws and rules. Sometimes they are not. In six of the 99 cases closed in FY 2006, the parties came to an agreement while still in the intake process with communication facilitated by the mediation coordinator. Mediation through the court is voluntary; in 53 cases, or 54 percent of all closed cases, 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	33
Mediated	29
No Response by Party(s)	20
Withdrawn/Resolved by Parties	6
Withdrawn/Defendant Represented	4
Inappropriate For Mediation	3
Withdrawn/Plaintiff Represented	2
Petition Dismissed	2
Total Closed in FY 2006	99

Mediated Cases

Of the 99 cases closed in FY 2006, 29 met in a mediation conference either in person or over the telephone. Of those 29 cases, 59 percent reached full or partial agreement.

Outcome of Mediated Cases	
Full Agreement	13
No Agreement	12
Partial Agreement	4
Total Mediated in FY 2006	29

Arbitration

During the 2006 legislative session, section 48-168 of the Workers' Compensation Act was amended by LB 489 to provide that until January 1, 2008, the court shall establish procedures for informal dispute resolution and arbitration for a dispute regarding the medical fees owed for services provided pursuant to section 48-120. If the medical provider and the insurer are unable to reach an agreement on the fees to be paid: 1) they may agree to submit the dispute to an attorney staff member of the court for resolution through the informal dispute resolution process and for arbitration, if the dispute is unresolved in the informal dispute resolution process; or 2) the parties may agree to submit the dispute directly to arbitration. The operative date of this statute change was July 14, 2006. As of November 2006, the court had not received any requests for arbitration.

Coverage and Claims

This section includes a manager, a workers' compensation auditor, two compliance examiners, two program assistants, and a staff assistant. Section responsibilities are divided into three categories: medical services; compliance; and self-insurance.

Medical Services Activities

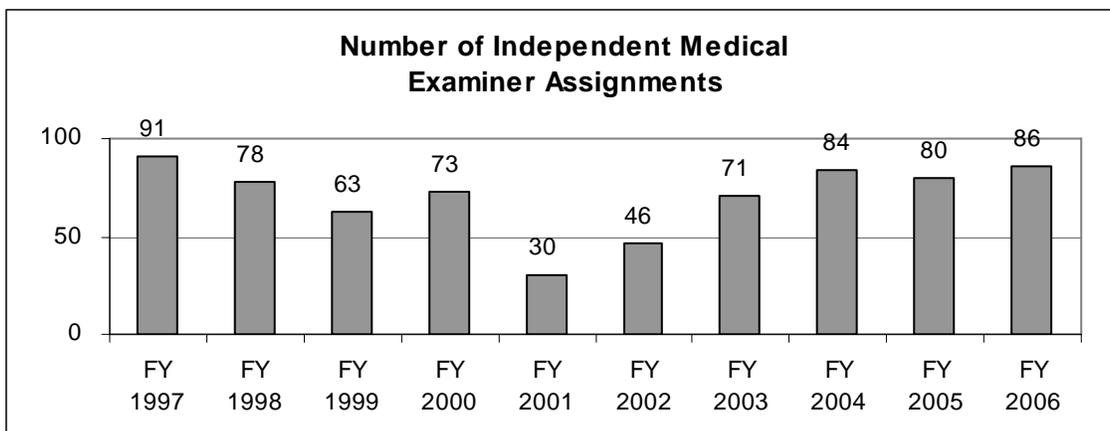
Section staff respond to inquiries from a variety of sources concerning the application and use of the court's Schedule of Medical and Hospital Fees, the Independent Medical Examiner program, managed care, the choice of physician rule, and other questions relating to medical, surgical, and hospital services under the Nebraska Workers' Compensation Act.

Section 48-120 of the Act requires the court to review the Schedule of Medical and Hospital Fees at least biennially and make appropriate changes when necessary. The schedule was reviewed during FY 2006 and a complete revision was adopted at a public hearing held June 6, 2006. The revised schedule is effective for all payments made on and after July 1, 2006. For the first time the schedule was published electronically on the court's website, and the schedule is now available for access or download free of charge.

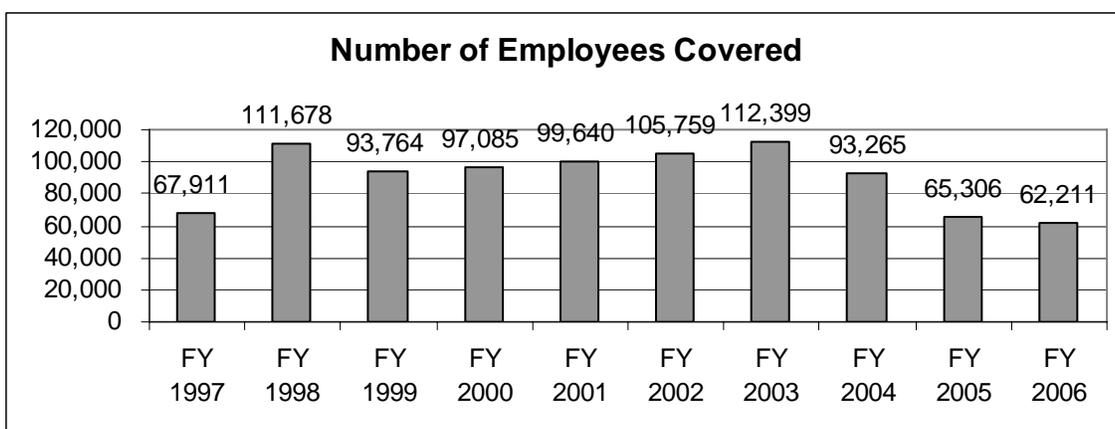
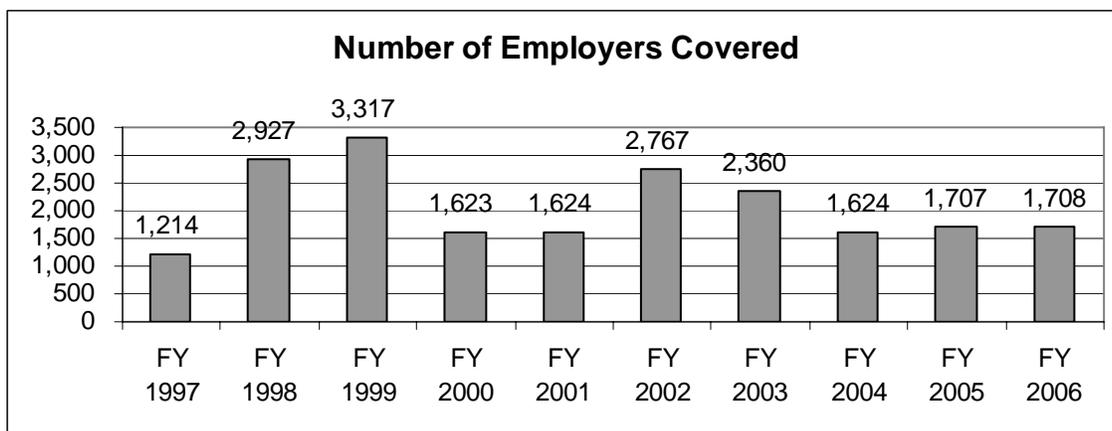
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an independent medical examiner. The IME system was designed to give the parties an additional means of resolving disputes outside the judicial process.

To serve as an Independent Medical Examiner for the court, physicians must complete an application and be approved by the judges of the court. Currently there are 151 physicians on the court's list of Independent Medical Examiners.

During FY 2006, 86 IME cases were opened. Fifty-one requests for assignment of a physician were filed by an attorney representing an injured employee, six were requested by unrepresented employees, 26 were submitted by a workers' compensation insurer or the insurer's attorney, and three were ordered by a judge of the court. Four of the IME requests were conducted by physicians agreed upon by the parties. The graph below shows assignments since the system began in 1996.



A table showing current information about managed care plans certified for workers' compensation is available on the court's website (<http://www.wcc.ne.gov/medical/mcp.pdf>). No new applications were submitted during FY 2006. On June 30, 2006 there were 1,708 employers and 62,211 employees covered by the certified managed care plans. Bar graphs showing the trend in covered employers and employees follow.



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 4,314 informational letters to new corporations registering with the Secretary of State during FY 2006. When an uninsured employer is identified, 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.

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 payments in accordance with the Act and the court's Rules of Procedure. Coverage and Claims staff enforce those reporting requirements, requesting missing injury reports and monitoring for their receipt, clarifying discrepancies on existing reports and obtaining missing information. The section has devoted an increasing amount of time to the court's Electronic Data Interchange (EDI) initiative. Section staff have

worked with Public Information and Information Technology staff on compliance issues, testing, editing for errors, and planning for future EDI activities.

Compliance examiners 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 questions, payment explanation, delay in receiving benefits, and general rights and obligations questions. The examiners recorded over 2,300 calls during FY 2006. Often, callers identify situations in which employers are uninsured, injury reports are not being filed, and insurers, employers, or risk management pools are not complying with other obligations under the Act. Staff investigate the specific cases, encourage voluntary compliance, and request appropriate legal action when necessary.

A total of 243 case investigations were opened last fiscal year as a result of the above activities.

Self-Insurance Activities

The Coverage and Claims section is responsible for reviewing applications from individual employers to self-insure their workers' compensation liability, determining and collecting fees and assessments, and monitoring the employers' continued ability to meet their financial obligations under the Nebraska Workers' Compensation Act. Self-insurance privileges are subject to periodic review and renewal. The Coverage and Claims section initiated a program for periodic on-site audit of payroll records in FY 2002. Thirteen such audits were completed in FY 2006, bringing the total performed to 45.

At the beginning of each calendar year, the court calculates and collects from employers self-insured for the prior calendar year the necessary assessments for the state's General Fund, the Compensation Court Cash Fund, and the Workers' Compensation Trust Fund. The assessments are based on the number and classification of employees, payroll, and benefits paid during the previous calendar year. Additional assessments are made for carrying out the Insurance Fraud Act. Because much of the information about self-insurers in Nebraska is kept on a calendar year basis, the statistics reported do not always coincide with the end of the court's fiscal year. It is important to note this distinction in the tables that follow. As of June 30, 2006 there were 50 employers approved for self-insurance. For calendar year 2006 assessment purposes, there were 54 self-insurers

Self-Insured Status By Major Industrial Division

Manufacturing	14
Services	11
Transportation & Public Utilities	9
Government	6
Retail	5
Insurance	3
Wholesale	2
<hr/>	
Total Self-Insurers as of 6/30/2006	50

(employers who were self-insured for all or part of calendar year 2005). The State of Nebraska is self-insured by statute and is not included in any of the statistics that follow.

Self-Insurance Status By Calendar Year

Calendar Year	# of Self-Insurers	# of Employees	Gross Payroll
2005	54	129,940	\$4,279,963,006
2004	51	124,762	\$4,038,916,419
2003	52	135,670	\$3,932,199,098
2002	58	135,904	\$3,961,076,218
2001	62	139,419	\$3,914,599,183
2000	62	148,113	\$3,785,487,567
1999	64	136,136	\$3,785,362,521
1998	68	130,134	\$3,908,884,324
1997	76	123,282	\$3,095,073,558
1996	89	137,640	\$3,441,007,693

Note: 2006 figures not available at time of publication.

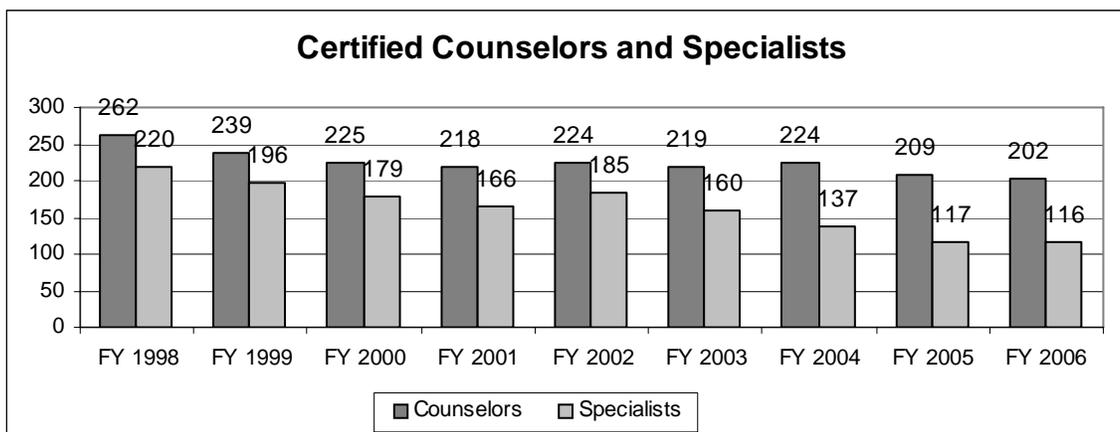
Vocational Rehabilitation

A manager, three vocational rehabilitation specialists, and two support staff are 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, gainful 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 retraining.

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 can only be provided to injured workers by individuals who have been certified by the court. Rules 39–41 contain the requirements for certification. On June 30, 2006 there were 202 vocational rehabilitation counselors and 116 job placement specialists certified by the court. It should be noted that, by rule, vocational rehabilitation counselors and job placement specialists employed by a state agency and not working as private vocational service providers are considered certified. However, such vocational rehabilitation counselors are not available for selection or appointment to a workers' compensation vocational rehabilitation case, and are not included on the directory maintained by the court for such purpose. The directory lists 120 private vocational rehabilitation counselors available for selection or appointment, 53 of whom are located in Nebraska.



Appointment of Counselors

When an injured worker claims entitlement to vocational rehabilitation services, the employee and the employer (or the employer's workers' compensation insurer) must try to agree on a vocational rehabilitation counselor to evaluate the employee and provide needed services. If they cannot agree, one of them can ask the court to appoint a counselor from the directory. If notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, a vocational rehabilitation case is established. Of the 562 cases opened in FY 2006, the court appointed 148 counselors from its directory and

the parties were able to agree upon a counselor in 407 cases. Seven requests for appointment of a counselor were denied or withdrawn.

At the end of FY 2006 (June 30, 2006) there were 858 open cases. A total of 645 cases were closed for a variety of reasons during FY 2006 (training completed, employee returned to work, claim settled, etc.).

Vocational Rehabilitation Plans

Once it is determined that an employee may be entitled to vocational rehabilitation services in order to return to suitable, gainful employment the employee is evaluated and, if necessary, a vocational rehabilitation plan is developed. The level of services to be provided is based on a hierarchy outlined in Section 48-162.01 of the Nebraska Workers' Compensation Act. These services range from coordinating a return to the pre-injury job with the pre-injury employer to a plan of formal retraining.

A vocational rehabilitation plan of some type is involved in a majority of the cases monitored by the section. The following chart shows the type of plans closed during FY 2006. A total of 328 plans had start dates in FY 2006 and currently there are 233 plans being monitored on open cases.

Type of Vocational Plan

Job Placement	207
Associate Degree	108
Certificate/Other Training	52
English as Second Language (ESL)	30
General Education Diploma (GED)	25
Seminar/Remedial	4
Bachelor's or Other Advanced Degree	4
On-The-Job Training (OJT)	3
Total Vocational Plans Closed in FY 2006	433

When an 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. In addition, salaries, other benefits, and expenses incurred by the court for the purposes of vocational rehabilitation are paid from the fund. Total disbursements from the trust fund for vocational rehabilitation purposes are shown in Section 1, page 12 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 a loss of earning power 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 exists for three purposes.

- To educate 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, publications, workshops, and seminars. Plans are currently underway to notify injured employees upon the filing of a first report of injury of basic information regarding their rights and obligations under the workers' compensation system.
- To provide access to public records maintained by the court.
- To process and analyze injury and payment reports filed electronically and on paper by the court's trading partners, including insurers, risk management pools, and self insured employers. Public Information staff also administer access to a secure Internet claims search application to assist trading partners in complying with their reporting responsibilities.

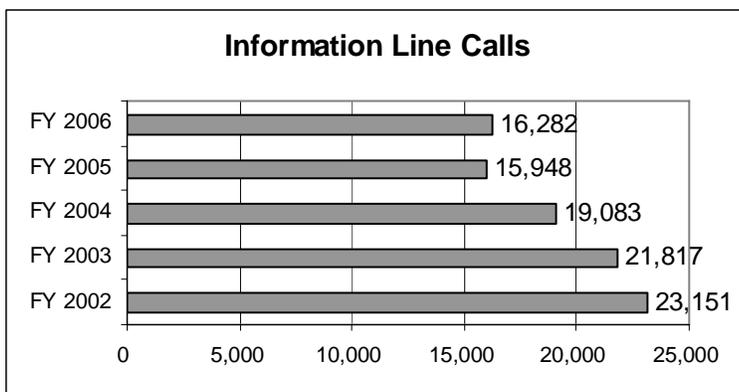
Providing these services requires eight full-time staff members: a manager, two public information specialists, a data quality assurance analyst, two computer operators, a receptionist/secretary, and an office clerk.

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. Public information specialists assist callers on the information line from 8:00 a.m. to 5:00 p.m, Monday through Friday. After hours and during weekends and holidays, callers receive instructions to leave a message so that a specialist can return the call on the next working day.

The specialists provide answers to commonly asked questions about workers' compensation in Nebraska or research inquiries for a response, usually within 24 hours. Calls can also be transferred to other court sections for more information. Court staff do not provide opinions, guesses, or legal advice.



The information line received 16,282 calls in FY 2006, an average of 313.1 calls per week or 65.7 calls per working day. This is a 2.1 percent increase from FY 2005. Calls on the information line come from employees, attorneys, employers, insurers, medical and vocational rehabilitation providers, and others in Nebraska and throughout the nation.

Website

Public Information staff develop and maintain the court's website (<http://www.wcc.ne.gov/>). The contents of the site validate to World Wide Web Consortium (W3C) standards to maximize overall accessibility and ease of use. The site's electronic forms use Secure Socket Layer (SSL) technology to protect transmitted information from interception by internet hackers.

The "What's New" page of the website was reformatted and relaunched in February 2006 as a Really Simple Syndication (RSS) Feed to make the latest court news and announcements available for download into a variety of media. In addition to viewing and printing the "What's New" page directly from our site as usual, the public may now subscribe to and download its content for use in portable digital assistants (PDA), news readers, and other devices.

With the exception of the court's Law Book, which is published by LexisNexis, all of the court's publications and forms may be downloaded from our website in Portable Document Format (PDF), at no charge. The latest among these is the court's first electronic Schedule of Medical and Hospital Fees and a Proof of Coverage Implementation Guide for Electronic Data Interchange (EDI).

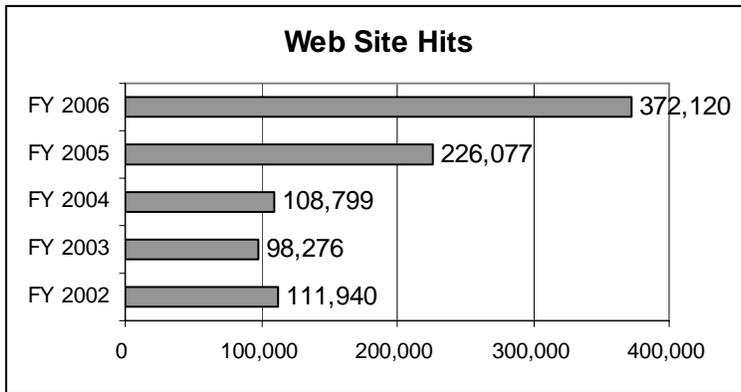
Other updates to the website include new sections dedicated to medical issues, self-insurance, careers, requests for proposal, and a downloadable present value calculator (to calculate the present value for the number of weeks to be commuted in a workers' compensation case). Also, as a security measure, email addresses for court staff on the site have now been electronically masked to help prevent email spam.

Justice Served, a court management consulting firm, named the Nebraska Workers' Compensation Court as a winner of its Top 10 Court Website Award for 2006. According to Justice Served, more than 3,500 court websites were evaluated worldwide for the 2006 award. This is the first time in the eight-year history of the award that any workers' compensation court has won. Evaluation criteria for the award are available on the firm's website (<http://www.justiceserved.com>).

In FY 2006, the website received 372,120 hits, a 64.8 percent increase from FY 2005. During the past five years, traffic on the website has increased 232.4 percent from FY 2002's total of 111,940 hits. The website's server host, Nebraska.gov, gathers these statistics and it should be noted that these statistics do not include hits to our site from State of Nebraska agencies.

Of the website activity tracked in FY 2006, the "Publications and Forms" page was accessed most often by the public. The files on this page had a combined total of 96,622 hits (25.9 percent of all website hits). Of these, the Rule Book had 21,855 hits (22.6 percent of all Publications and Forms hits) and the Schedule of Medical and Hospital Fees had 19,250 hits (19.9 percent of all Publications and Forms hits).

Other website activity in FY 2006 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 on Page 32, Public Information staff responded to 1,471 such requests.



Publications

The Public Information section produces and maintains an inventory of the following court publications. Public Information staff work with other sections of the court to assist with issues of content, editing and style. After design and layout tasks are performed, Public Information staff deliver the finished documents for printing and publish them on the court website.

- Annual Report
- Statistical Report
- Rules of Procedure
- Bulletin (*newsletter of the court*)
- Schedule of Medical and Hospital Fees
- EDI First Report of Injury Implementation Guide
- EDI Subsequent Report of Injury Implementation Guide
- EDI Proof of Coverage Implementation Guide
- Rights & Obligations (*also available in Spanish*)
- Choosing a Doctor for a Work-Related Injury (*also available in Spanish*)
- Vocational Rehabilitation Services (*also available in Spanish*)
- Informal Dispute Resolution and Mediation
- Information for Claimants Not Represented by an Attorney

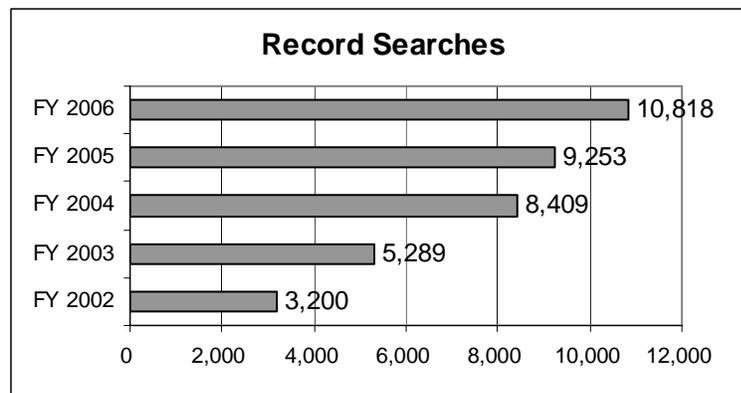
The section also produces and maintains a number of forms used for insurance coverage, medical and vocational rehabilitation purposes, reporting workers' compensation injuries and payments, and requesting records. A complete listing of available publications and forms may be found on the court website (<http://www.wcc.ne.gov/pubs.htm>). Most of the forms are in Portable Document Format (PDF) and may be downloaded, completed electronically, then printed and mailed to the Nebraska Workers' Compensation Court, P.O. Box 98908, Lincoln NE 68509-8908. The record request form is entirely electronic and may be completed and submitted online.

Workshops and Seminars

Public Information staff assist with planning, preparing, and conducting informational workshops and seminars presented by the court. During FY 2006, court staff have presented information to more than 600 people in 13 workshops and seminars.

Record Searches

One of the most common requests from the public are for record searches regarding injuries to an individual employee. Public Information staff fulfilled 10,818 requests for such records in FY 2006, a 16.9 percent increase from FY 2005. Of the record requests fulfilled in FY 2006, 9,198 (85 percent of all requests) were fulfilled by means of electronic mail or electronic fax. Five-year searches of first and subsequent reports are fulfilled at no charge if sufficient information is provided to promptly identify the records. Public Information staff fulfill most record requests within four business days.



Data Processing and Analysis

Public Information staff processed 67,414 first reports and 94,806 subsequent reports in FY 2006. At the time of publication, 98.9 percent of all first reports and 98.8 percent of all subsequent reports are filed electronically using Electronic Data Interchange (EDI). Public Information staff process the electronic reports and also code and manually enter the remaining paper reports. Once processed, the data quality assurance analyst examines and maintains the data for statistical purposes. Section staff maintain a database of court-approved EDI trading partners to assist with data quality assurance duties.

Public information staff also administer access to a secure Internet application, hosted by the Office of the Nebraska Chief Information Officer on the “MyNebraska” Portal. Since July 2002, the “WCC—Search Claims” application has been available to help the court’s trading partners to file accurate subsequent reports by providing them with access to basic claims information. Section staff maintain a database of court-approved application users and provide basic troubleshooting services when problems arise. At the time of publication, 62 of the court’s 175 trading partners are approved for access to this application.

Information Technology

The Information Technology 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 reports of injury, benefit payments, vocational rehabilitation, and adjudication, which are maintained in Oracle. The court has implemented systems for exchanging information through Electronic Data Interchange (EDI). The court also takes advantage of Internet access to Secretary of State information related to corporation and business records. Providing these services requires a manager, four full-time staff members, and one half-time technical support member.

Fiscal Year Activities

Ending June 30, 2006, the court completed its ninth full year of managing data on its client/server system, which utilizes an Oracle database. The database currently contains 11 full years' worth of information, going back to calendar year 1996 for reports of injury. The court also added to its historical statistical injury-related information, for purposes of performing cross-year analysis. During the nine-year time frame the section has developed and maintains 377 program units: 299 in Oracle Forms/Reports, 27 in Micro Focus Cobol, and 74 in Borland Delphi. The section also provides support for an Oracle adhoc reporting tool used by 22 court staff members for producing reports and data extracts from the database.

A new Missing Injury Report request subsystem was developed and implemented during the fiscal year that tightly integrates case management information with electronic documents, a first-phase work queue system, and the first phase of a message management system. The message management system provides staff with the ability to generate request letters, save those letters into the integrated case/document management system, and transmit the letter directly by email, electronic fax, or send to print for mailing with minimal user interaction.

The court's presiding judge has set a goal of being a "paperless" court by the year 2011. The court Information Technology plan and court Strategic plan are structured to achieve that goal. The section has been implementing technology to this end. The services of workflow consultant have been procured to assist the court in obtaining Workflow/Business Process Management (BPM) software that will be integrated with the court's Unified Case/Document/Message Management system. The incorporation of this software will bring the court closer to the completion of its infrastructure necessary to support the business lines of the court and the goal of a "paperless" court. The court is working closely with the Office of the Chief Information Officer on this project.

The court completed work during the fiscal year for receiving electronic transmissions of Proof of Coverage (POC) data from external data sources. The court now processes daily transactions from its POC partners to maintain a comprehensive database of insurer-provided insurance coverage for employers. Internal query screens are used by court staff to look up coverage. Phase Two of this project will incorporate self-insured employers and pools. The court will have a complete database of coverage at the end of Phase Two. The court is also planning to provide a public Internet application to look up coverage for employers.

The section also assisted the Coverage and Claims and Public Information sections with the first time electronic publishing of the Schedule of Medical and Hospital Fees.

Nebraska Occupational Injury and Illness Survey — 2004/2005

Occupational Safety and Health Act

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

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

2004/2005 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. The survey schedule has gradually been pushed forward so that survey results for both 2004 and 2005 are now available. The 2004 sample surveyed 3,675 employing units and the 2005 sample surveyed 3,678 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 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 years 2004 and 2005 is available on the court's website (<http://www.wcc.ne.gov/archives/osh-cfoi.htm>).

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) — 2005

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 14th year that CFOI has been conducted in all 50 states and the District of Columbia.

2005 Census of Fatal Occupational Injuries

CFOI 2005 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 2005 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.

2005 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 36 fatal workplace injuries during 2005, down from 46 the previous year. Other findings of the census include:

- Transportation accidents were the leading fatal event, accounting for 18 (50 percent) of fatal occupational injuries in 2005. Contact with objects and equipment followed with 10 (28 percent) and assaults and violent acts contributed four (11 percent).
- Among industry groups, the largest number of fatal work injuries was in agriculture, forestry, fishing and hunting with 15 deaths (42 percent). Trade, transportation, and utilities followed with nine deaths (25 percent) along with the construction industry, which had four deaths (11 percent).
- Twelve (33 percent) of those fatally injured were 65 years and older, another eight (22 percent) were 55 – 64 years of age, and seven (19 percent) were 45 – 54 years of age.
- Thirty-three (92 percent) of those fatally injured were white, non-Hispanic.
- Thirty-three (92 percent) of those fatally injured were men.

-
- Nineteen (53 percent) of those fatally injured were wage and salary workers. The remainder were self-employed.

Information regarding the census and the results of the Census of Fatal Occupational Injuries 2005 is available on the court's website (<http://www.wcc.ne.gov/archives/osh-cfoi.htm>).