

Nebraska Workers' Compensation Court  
**73<sup>rd</sup> Annual Report**



**Fiscal Year 2015**

July 1, 2014 through June 30, 2015



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**Laureen K. Van Norman**  
Presiding Judge

**James R. Coe**  
Judge

**J. Michael Fitzgerald**  
Judge

**John R. Hoffert**  
Judge

**Thomas E. Stine**  
Judge

**Daniel R. Fridrich**  
Judge

**Julie A. Martin**  
Judge

**Glenn W. Morton**  
Court Administrator

**Elizabeth A. Gianunzio**  
Clerk of the Court





STATE OF NEBRASKA  
WORKERS' COMPENSATION COURT

1010 LINCOLN MALL, STE. 100 • 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, 2015

Honorable Michael Heavican  
Chief Justice of the Nebraska Supreme Court

Honorable Pete Ricketts  
Governor of Nebraska

Honorable Galen Hadley  
Speaker of the Nebraska Legislature

Dear Chief Justice, Governor, and Speaker:

We have the privilege of submitting herewith the 73<sup>rd</sup> Annual Report of the Nebraska Workers' Compensation Court, prepared in accordance with the provisions and requirements of Section 48-166, Revised Statutes of Nebraska.

Yours respectfully,

NEBRASKA WORKERS' COMPENSATION COURT  
By

Laureen K. Van Norman  
Presiding Judge



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# General Information

## History

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

## Mission

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

## Organization

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

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

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

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

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

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

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

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

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

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

## **Activities in Fiscal Year 2015**

### ***Legislation***

LB 480 from the 2015 session of the Nebraska Legislature amended several sections of the Nebraska Workers' Compensation Act and added one new section as follows. All provisions of LB 480 became effective August 30, 2015.

Section 48-120 was amended to clarify that employees are not responsible for any finance charges or late penalty payments as a result of medical services rendered by a provider pursuant to § 48-120.

Section 48-125 was amended to provide that for injuries occurring on or after August 30, 2015, the interest rate for an award shall be 6 percentage points above the bond investment yield, as published by the Secretary of the Treasury of the United States, of the average accepted auction price for the first auction of each annual quarter of the 26-week United States Treasury bills in effect on the date of entry of the judgment. As of

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August 30, 2015, the rate was 6.2112 percent. For injuries occurring prior to August 30, 2015, the interest rate is the rate provided under § 45-104.01, or 14 percent.

Section 48-145 was amended to expand the authority of self-insured employers to invest assets held in irrevocable workers' compensation trusts. New language allows for investments in the same manner as corporate trustees holding retirement or pension funds for governmental employees as found in § 30-3209(1)(a) through (i). If the value of the trust assets is reduced below the acceptable trust required by the compensation court, the trustor shall deposit additional trust assets to account for the shortfall. The trustee shall not invest trust assets into stocks, bonds, or other obligations of the trustor.

A new section 48-148.01 was added to provide that no compensation shall be allowed if: (1) the employee knowingly and willfully made a false representation as to his or her physical or medical condition by acknowledging in writing that he or she is able to perform the essential functions of the job with or without reasonable accommodation based upon the employer's written job description; (2) the employer relied upon the false representation and the reliance was a substantial factor in the hiring; and (3) a causal connection existed between the false representation and the injury.

### ***Court Rules***

The court's Rule 26 was amended at a public meeting on December 9, 2014 to establish a methodology for updating the court's Schedule of Fees for Medical Services. Effective January 1, 2016, the schedule will be adjusted annually in accordance with the Medicare Resource-Based Relative Value Scale and to include the then current procedural terminology codes, relative value units, and other components or factors adopted by Medicare. This essentially codified the procedure followed informally by the court in previous biennial updates of the schedule. However, for calendar years after 2016 the conversion factors for the various service categories in the schedule will be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors. The conversion factors are used in conjunction with other elements of the schedule in determining the maximum fee allowed for services under the schedule. Previously, the conversion factors were adjusted based on a variety of factors and input from interested parties.

Rule 26 was also amended at the public meeting on December 9, 2014 to identify the Medicare Diagnostic Related Groups to be included in the Diagnostic Related Group inpatient hospital fee schedule for calendar year 2015, and to amend the inpatient trauma services provisions to account for the nationwide conversion from the ICD-9 to the ICD-10 diagnosis codes.

### ***Adjudication***

During FY 2015, the Office of the Clerk of the Court and the Information Technology section completed work with Nebraska Interactive, LLC (Nebraska.gov) on development of a system for electronic filing and processing of pleadings and other litigation documents in workers' compensation cases. On May 26, 2015, the eFiling system was launched to a limited group of attorneys for live filing, and soon thereafter the system was moved into full production. Similar to the system in place for other state courts, workers' compensation eFiling allows attorneys who are registered to eFile with Nebraska.gov to electronically file pleadings and other litigation documents with the court. The system also provides the Office of the Clerk of the Court with the ability to review

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submitted documents and provide electronic notice to the filing attorney upon acceptance. The court anticipates future additions and enhancements to the system.

As a result of LB 151 from the 2011 session of the Nebraska Legislature, appeals of single-judge decisions of the Workers' Compensation Court now proceed directly to the Nebraska Court of Appeals rather than first being reviewed by a three-judge panel of the compensation court. All cases previously heard by a three-judge panel have now worked their way through the system, and as a result the summary statistics regarding litigated cases and settlements have now been substantially revised, as shown on pages 17 through 20 of this annual report.

### ***Court Technology***

During FY 2015, the court's Information Technology (IT) section successfully completed the migration of the court's Windows 2003 servers to Windows 2008 servers, substantially reducing the number of physical and virtual servers. At the same time, third-party applications were updated to insure compatibility with the new operating system, and in some instances were replaced with in-house developed processes. As a result of these activities, the court's technical environment has been substantially reduced and simplified.

The IT section continues to provide technical support to the Supreme Court's Mandatory Continuing Legal Education (MCLE) system. This system has been expanded to include attorney license status and other attorney services under management of the Supreme Court's Attorney Services Division. The court's IT staff assisted in this expansion by creating web applications to access the attorney services database. The IT section also began working with the Supreme Court's technical staff in preparation for the court's migration to the Supreme Court's NASCSP.gov directory services domain.

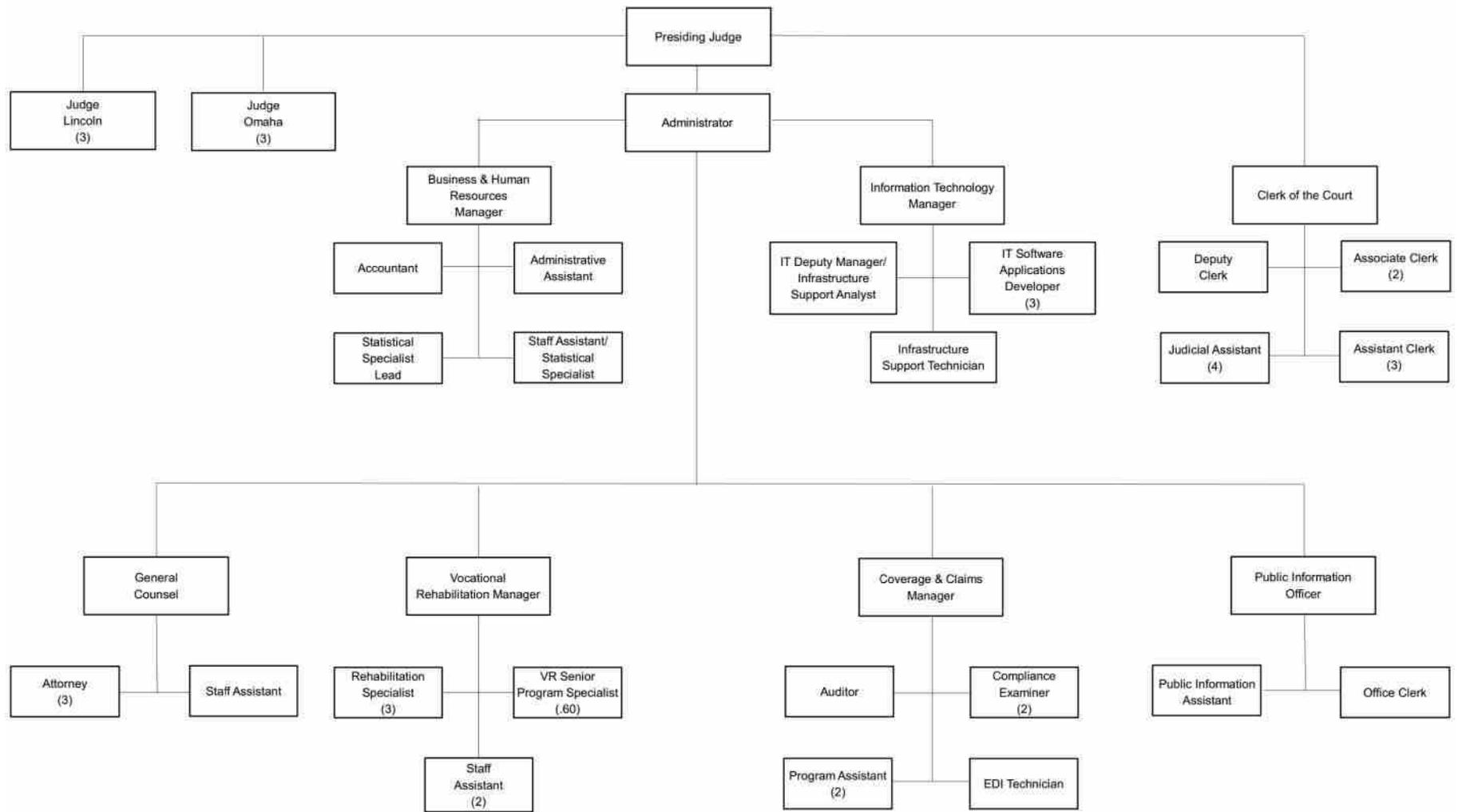
Also during FY 2015, the section completed an authenticated and secured internet claims information look-up application for the federal Social Security Administration (SSA). This allows the SSA to monitor workers' compensation settlement and payment information for administration of federal law. This internet application replaced a client-server based solution implemented in prior years for the SSA's Lincoln office.

### ***Section Responsibilities***

Substantial adjustments to section responsibilities and staffing occurred in FY 2015 due to the retirement of a long-time section manager. As a result, management of the court's records retention schedule was transferred to the Legal section, and responsibility for receiving and processing reports of injury and benefit payments was assumed by the Coverage and Claims section. Both responsibilities were previously performed by the Public Information section, which has now been given a narrower and more appropriate focus. Other functions previously assigned to the Public Information section have been assumed by the Business and Human Resources section.

In addition to the specific activities listed for FY 2015, 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 2015 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2015. Additional injury statistics and statistics regarding benefit payments are available in a separate statistical report that can be accessed on the court's web site at <http://www.wcc.ne.gov/publications/statisticalreports.aspx>.

# NEBRASKA WORKERS' COMPENSATION COURT



REVISED  
April 2015

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# Judges



**Lauren K. Van Norman, Presiding Judge**

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

**Date Appointed:** July 6, 1993.

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

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# Judges



## **James R. Coe, Judge**

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

**Date Appointed:** October 7, 1988.

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



## **J. Michael Fitzgerald, Judge**

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

**Date Appointed:** April 12, 1996.

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

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# Judges



## **John R. Hoffert, Judge**

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

**Date Appointed:** October 4, 2001

**Biography:** Graduate of Western Illinois University (BA, High Honors, Political Science); University of Nebraska College of Law (JD with Distinction). Associate/Partner: Knudsen, Berkheimer, Richardson & Endacott, LLP (1980 – 2001). United States Army (1970 – 1972). Member: Nebraska Supreme Court Interpreter Advisory Committee (2005 – present). 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.



## **Thomas E. Stine, Judge**

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

**Date Appointed:** September 13, 2011.

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

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# Judges



## **Daniel R. Fridrich, Judge**

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

**Date Appointed:** September 18, 2012.

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



## **Julie A. Martin, Judge**

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

**Date Appointed:** December 23, 2014.

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

# Compensation Court Cash Fund

## *Fiscal Year 2015 (July 1, 2014 to June 30, 2015)*

The Compensation Court Cash Fund provides for the expense of administering the Nebraska Workers' Compensation Act and for the payment of the salaries and expenses of the personnel of the Nebraska Workers' Compensation Court. The fund was established September 9, 1993 as part of LB 757 from the 1993 session of the Nebraska Legislature. The fund replaced the use of general funds, and is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. Contributions to the fund abate for one year whenever the balance of the fund equals or exceeds three times the amount expended and encumbered in the fiscal year just ending. The Nebraska Legislature appropriates a specific sum each year for operations of the Nebraska Workers' Compensation Court, to be funded from the Compensation Court Cash Fund. The appropriation for fiscal year 2015 was \$5,823,471.

<b>Fund Balance on July 1, 2014:</b>		<b>\$5,889,108.86</b>
<b>Revenue:</b>		
Assessments	5,280,013.43	
Interest	87,881.57	
Miscellaneous Income	111,267.46	
Sale of Surplus Property	253.99	
Total Revenue		<u>5,479,416.45</u>
<b>Expenditures:</b>		
Court Administration (Includes Judges)	4,854,830.48	
Federal Grant Administration	45,136.79	
Voc. Rehab. Administration	452,202.53	
Second Injury Administration	701.67	
Self-Insurance Administration	93,880.59	
Total Expenditures		<u>5,446,752.06</u>
<b>Fund Balance on June 30, 2015:</b>		<u><u>\$5,921,773.25</u></u>

# Federal General Fund

## ***Federal Fiscal Year 2015 (October 1, 2014 to September 30, 2015)***

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

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

<b>Fund Balance on October 1, 2014:</b>					<b>\$0</b>
<b>Revenue:</b>					
Intergovernmental Revenue				43,750	
Deobligation June 30, 2015				0	
Total Revenue				<u>43,750</u>	
<b>Expenditures:</b>					
	Legislative Appropriation	Administrative Adjustments	Not Expended	Actual Expended	
Federal Grant Admin.	<u>50,590</u>	<u>(6,840)</u>	0	43,750	
Total Expenditures				<u>43,750</u>	
<b>Fund Balance on September 30, 2015:</b>					<b><u><u>\$0</u></u></b>

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# Workers' Compensation Trust Fund

## *Fiscal Year 2015 (July 1, 2014 to June 30, 2015)*

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

<b>Fund Balance on July 01, 2014:</b>		<b>\$4,629,456.72</b>
<b>Revenue:</b>		
Assessments	153.00 *	
Interest	84,646.07	
Miscellaneous Income	0	
Total Revenue		<u>84,799.07</u>
<b>Expenditures:</b>		
Second Injury Benefits	246,610.60	
Voc. Rehab. Benefits	613,782.92	
Total Expenditures		<u>860,393.52</u>
<b>Fund Balance on June 30, 2015:</b>		<u><u>\$3,853,862.27</u></u>

\* Prior year trust fund assessment adjustment.

## **Workers' Compensation Trust Fund**

### **(Transfers and Assessments)**

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

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

\*\* Adjustment on assessments made in prior years.

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

## **Second Injury and Vocational Rehabilitation Expenditures**

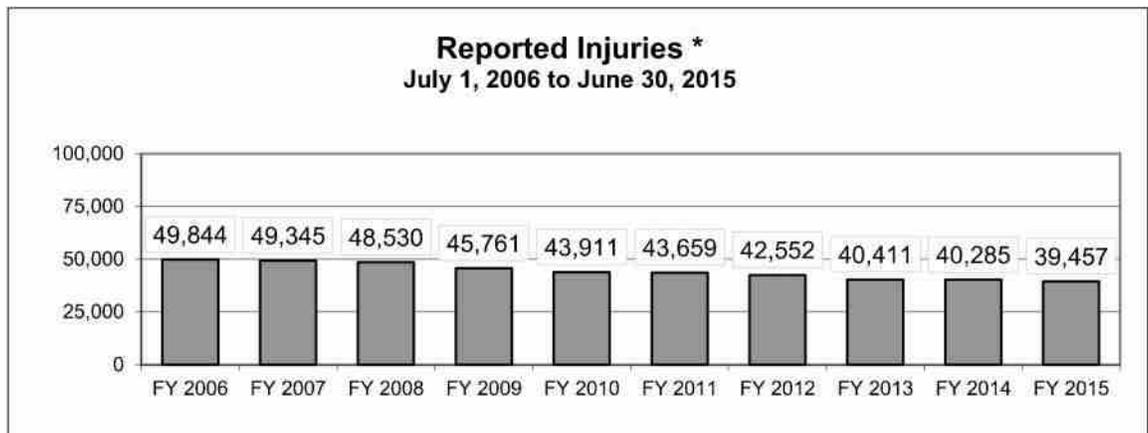
### **(Benefit and Administrative Costs\*)**

<b>Fiscal Year Ending</b>	<b>Second Injury</b>	<b>Vocational Rehabilitation</b>	<b>Total Expenditures</b>
June 30, 2015	\$247,312	\$1,065,985	\$1,313,297
June 30, 2014	\$250,770	\$1,163,460	\$1,414,230
June 30, 2013	\$280,010	\$1,244,052	\$1,524,062
June 30, 2012	\$298,944	\$1,244,214	\$1,543,158
June 30, 2011	\$278,373	\$1,257,611	\$1,535,984
June 30, 2010	\$356,535	\$1,232,870	\$1,589,405
June 30, 2009	\$344,705	\$1,240,963	\$1,585,668
June 30, 2008	\$354,338	\$1,277,193	\$1,631,531
June 30, 2007	\$403,784	\$1,301,091	\$1,704,875
June 30, 2006	\$436,798	\$1,291,376	\$1,728,174

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

## Reported Injuries \*

	Male	Female	Unknown	Total
July 1, 2014 to June 30, 2015	20,084	15,531	3,842	39,457
July 1, 2013 to June 30, 2014	20,490	15,668	4,127	40,285
July 1, 2012 to June 30, 2013	20,828	15,516	4,067	40,411
July 1, 2011 to June 30, 2012	21,839	16,268	4,445	42,552
July 1, 2010 to June 30, 2011	22,774	16,711	4,174	43,659
July 1, 2009 to June 30, 2010	23,143	16,676	4,092	43,911
July 1, 2008 to June 30, 2009	24,705	16,712	4,344	45,761
July 1, 2007 to June 30, 2008	26,184	18,308	4,038	48,530
July 1, 2006 to June 30, 2007	27,175	18,813	3,357	49,345
July 1, 2005 to June 30, 2006	28,547	18,762	2,535	49,844

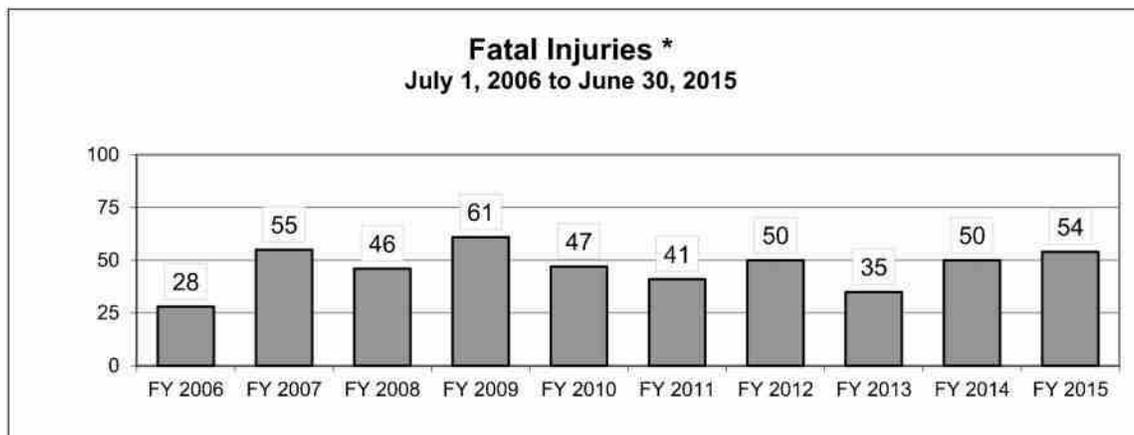


\* Includes injuries reported in the fiscal year regardless of the year in which the injury occurred.

Includes injuries resulting from occupational disease.

## Fatal Injuries \*

	Male	Female	Total
July 1, 2014 to June 30, 2015	48	6	54
July 1, 2013 to June 30, 2014	42	8	50
July 1, 2012 to June 30, 2013	32	3	35
July 1, 2011 to June 30, 2012	46	4	50
July 1, 2010 to June 30, 2011	36	5	41
July 1, 2009 to June 30, 2010	42	5	47
July 1, 2008 to June 30, 2009	57	4	61
July 1, 2007 to June 30, 2008	38	8	46
July 1, 2006 to June 30, 2007	51	4	55
July 1, 2005 to June 30, 2006	24	4	28



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

Includes injuries resulting from occupational disease.

## Weekly Income Benefits and Maximum Rates

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

The maximum benefit level is set at 100 percent of the state average weekly wage, as determined by the administrator of the Nebraska Workers' Compensation Court. The calculation excludes federal employees and is made in accordance with §§ 48-121.01 and 48-121.02 of the Nebraska Revised Statutes. The administrator has determined that the state average weekly wage for calendar year 2016 will be \$785.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2016. The minimum rate remains at \$49 as provided in § 48-121.01(2).

### Maximum / Minimum Compensation Benefits

Injury Occurring Between	Maximum	Minimum
01/01/2016 to 12/31/2016	\$785	\$49
01/01/2015 to 12/31/2015	\$761	\$49
01/01/2014 to 12/31/2014	\$747	\$49
01/01/2013 to 12/31/2013	\$728	\$49
01/01/2012 to 12/31/2012	\$710	\$49
01/01/2011 to 12/31/2011	\$698	\$49
01/01/2010 to 12/31/2010	\$691	\$49
01/01/2009 to 12/31/2009	\$671	\$49
01/01/2008 to 12/31/2008	\$644	\$49
01/01/2007 to 12/31/2007	\$617	\$49
01/01/2006 to 12/31/2006	\$600	\$49
01/01/2005 to 12/31/2005	\$579	\$49
01/01/2004 to 12/31/2004	\$562	\$49
01/01/2003 to 12/31/2003	\$542	\$49
01/01/2002 to 12/31/2002	\$528	\$49
01/01/2001 to 12/31/2001	\$508	\$49
01/01/2000 to 12/31/2000	\$487	\$49
01/01/1999 to 12/31/1999	\$468	\$49
01/01/1998 to 12/31/1998	\$444	\$49
01/01/1997 to 12/31/1997	\$427	\$49

# Litigation Summary

<b>Petitions in Fiscal Year <sup>1</sup></b>	<b>2015</b>	<b>2014*</b>	<b>2013*</b>	<b>2012*</b>	<b>2011*</b>
Petitions Pending at Beginning of Fiscal Year	1,369	1,358	1,318	1,331	1,326
Petitions Filed in Fiscal Year	1,084	1,151	1,232	1,168	1,316
Reopened Petitions Filed in Fiscal Year	140	171	184	233	217
<b>Total Petitions</b>	<b>2,593</b>	<b>2,680</b>	<b>2,734</b>	<b>2,732</b>	<b>2,859</b>
<b>Dispositions in Fiscal Year</b>					
Decisions Issued	166	181	223	241	282
Stipulated Awards	34	30	50	40	28
Lump Sum Settlements Approved	210	258	251	253	323
Releases of Liability Filed	515	529	520	491	452
Voluntary or Summary Dismissals	339	313	332	389	443
<b>Total Dispositions</b>	<b>1,264</b>	<b>1,311</b>	<b>1,376</b>	<b>1,414</b>	<b>1,528</b>
<b>Total Petitions Pending at End of Fiscal Year</b>	<b>1,329</b>	<b>1,369</b>	<b>1,358</b>	<b>1,318</b>	<b>1,331</b>

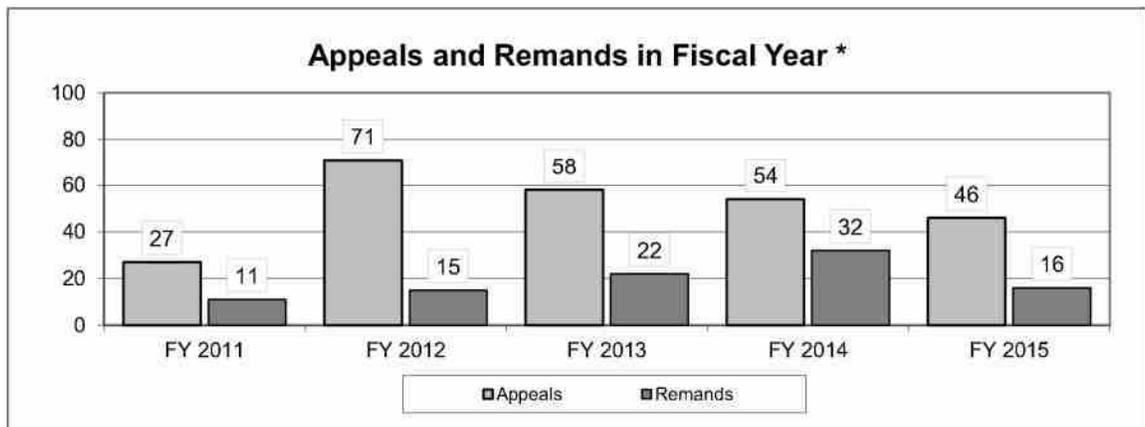
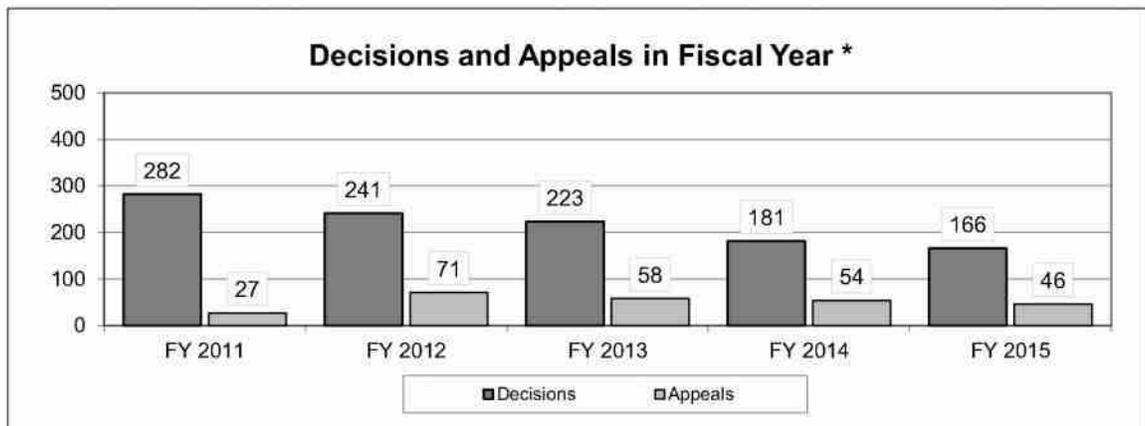
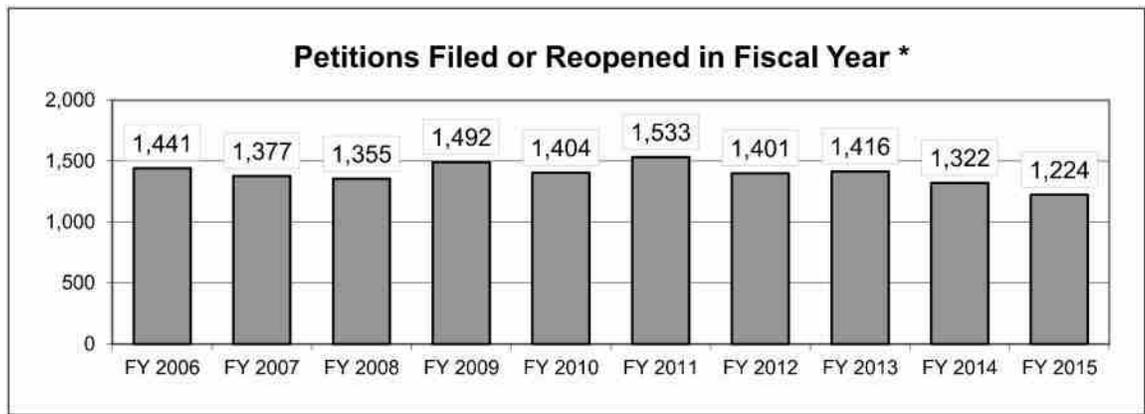
<b>Motions in Fiscal Year <sup>1</sup></b>	<b>2015</b>	<b>2014*</b>	<b>2013*</b>	<b>2012*</b>	<b>2011*</b>
Motions Filed	3,287	3,031	3,080	2,836	2,942
Motion Dispositions	2,597	2,493	2,613	2,428	2,499
Motion Hearings	581	639	645	665	782

<b>Appeals and Remands in Fiscal Year <sup>1, 2</sup></b>	<b>2015</b>	<b>2014*</b>	<b>2013*</b>	<b>2012*</b>	<b>2011*</b>
Appeals Filed	46	54	58	71	27
Remands Filed	16	32	22	15	11
Remand Dispositions	20	31	20	10	15
Remand Hearings	1	3	0	1	1

\* Numbers may differ from those shown in the FY 2014 Annual Report due to adjustments to data.

<sup>1</sup> Fiscal years run July 1 through June 30.

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



\* Numbers may differ from those shown in the FY 2014 Annual Report due to adjustments to data.

# Settlement Summary

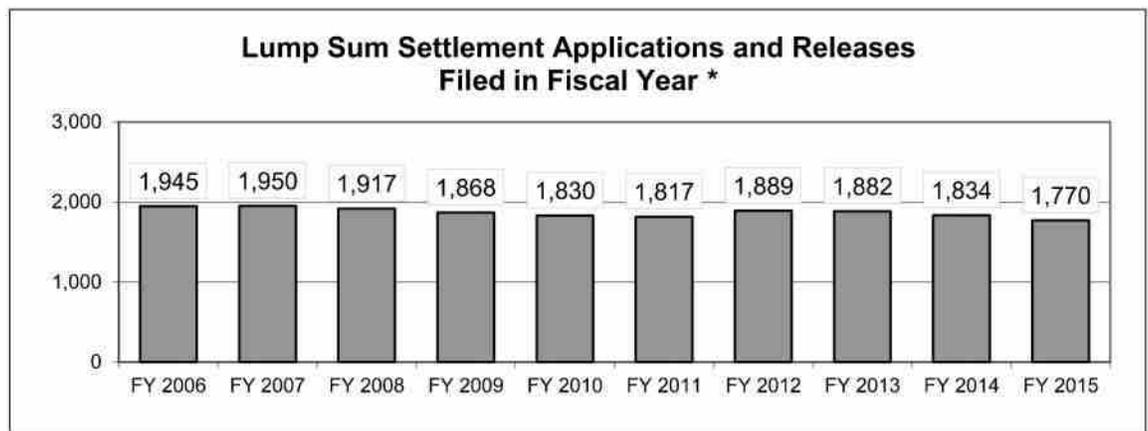
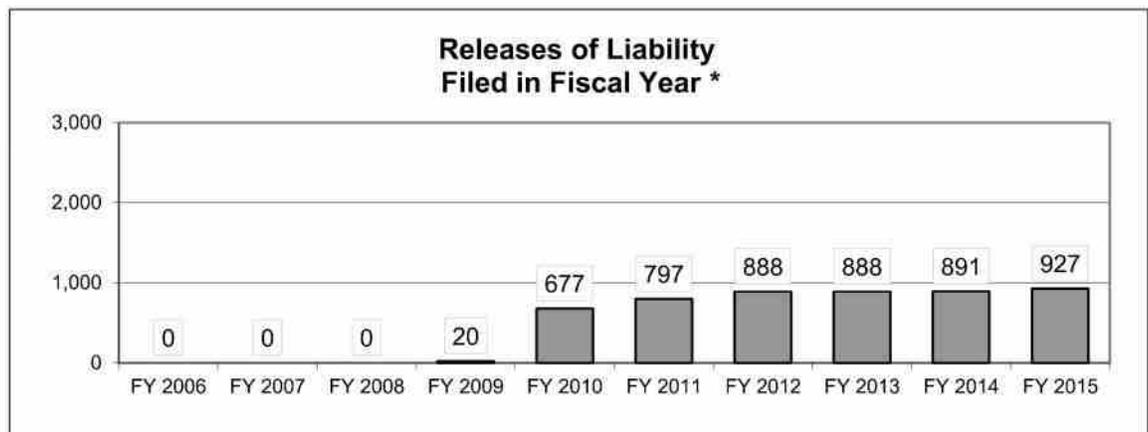
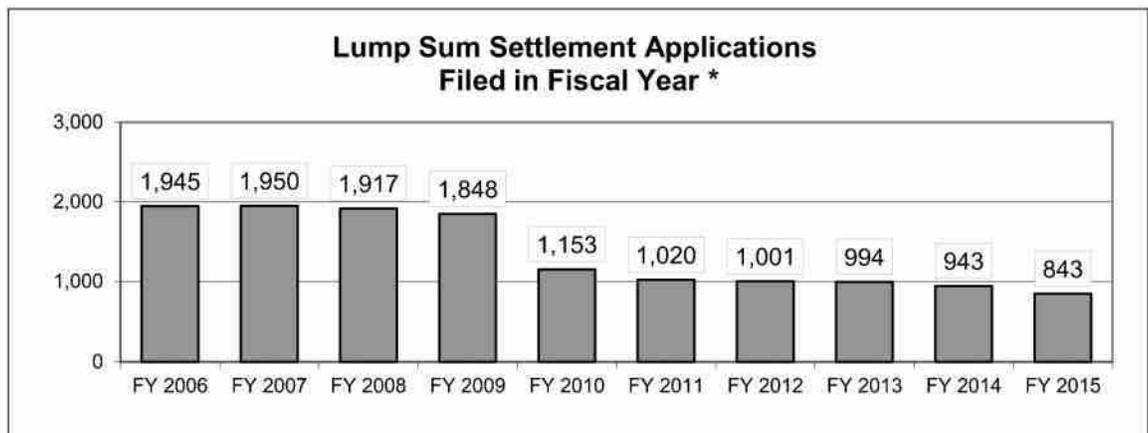
<b>Applications for Lump Sum Settlement in Fiscal Year<sup>1, 2</sup></b>	<b>2015</b>	<b>2014*</b>	<b>2013*</b>	<b>2012*</b>	<b>2011*</b>
Applications Pending at Beginning of Fiscal Year	56	54	48	36	53
Applications Filed in Fiscal Year	843	943	994	1,001	1,020
<b>Total Applications</b>	<b>898</b>	<b>997</b>	<b>1,042</b>	<b>1,037</b>	<b>1,073</b>
<b>Dispositions in Fiscal Year</b>					
Applications Approved – No Litigation	529	534	570	593	610
Applications Approved – Litigation	308	368	390	360	402
Applications – Total Approved	837	902	960	953	1,012
Applications – Total Disapproved	31	39	28	36	25
<b>Total Dispositions</b>	<b>868</b>	<b>941</b>	<b>988</b>	<b>989</b>	<b>1,037</b>
<b>Total Applications Pending at End of Fiscal Year</b>	<b>30</b>	<b>56</b>	<b>54</b>	<b>48</b>	<b>36</b>

<b>Releases of Liability in Fiscal Year<sup>1, 2</sup></b>	<b>2015</b>	<b>2014*</b>	<b>2013*</b>	<b>2012*</b>	<b>2011*</b>
Releases Filed – No Litigation	286	266	269	287	255
Releases Filed – Litigation	641	625	619	601	542
<b>Total Releases Filed</b>	<b>927</b>	<b>891</b>	<b>888</b>	<b>888</b>	<b>797</b>

\* Numbers may differ from those shown in the FY 2014 Annual Report due to adjustments to data.

<sup>1</sup> Fiscal years run July 1 through June 30.

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



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

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# Legal

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

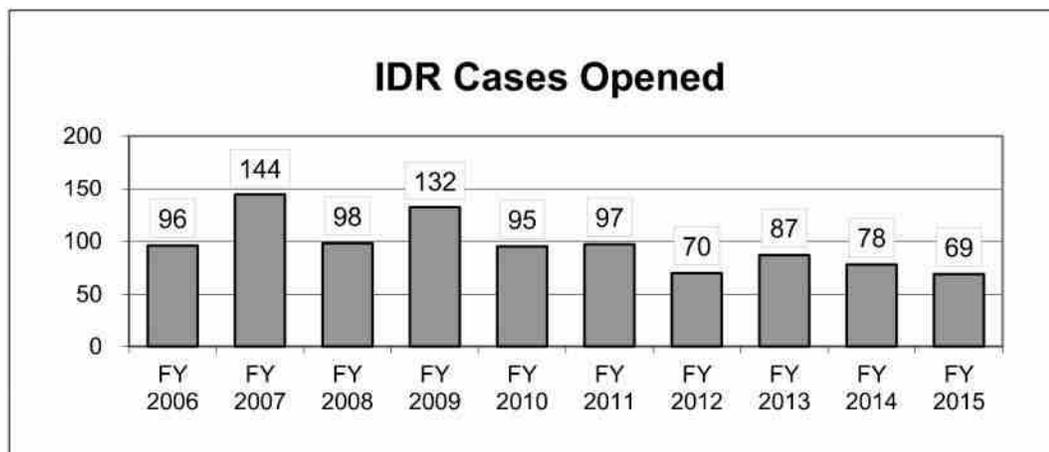
Statistics for lump sum settlements processed in FY 2015 (July 1, 2014 through June 30, 2015) are provided on Pages 19 and 20 of this Annual Report. As a result of the court's review of lump sum settlement applications, the Legal section identified a total of \$229,287.81 in underpayments to or on behalf of injured employees in FY 2015. The underpayments involved 35 cases. In such cases, the court requires that the settlement be revised to provide additional compensation to or on behalf of the injured employee in order to ensure compliance with the Nebraska Workers' Compensation Act.

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

## Informal Dispute Resolution

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

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



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

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

Mediation through the court is voluntary absent an order by a judge. In 58 cases, or 82.9 percent of all closed cases, at least one party declined to participate or did not respond to the request. Cases may be closed for a variety of other reasons as shown in the following table.

<b>IDR Cases Closed</b>	
Party(s) Did Not Consent	33
No Response by Party(s)	25
Withdrawn / Resolved by Parties	5
Full Agreement	3
No Agreement	3
Withdrawn / Plaintiff Represented	1
<b>Total Closed in FY 2015</b>	<b>70</b>

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# Coverage and Claims

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

## Medical Services Activities

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

### *Fee Schedules*

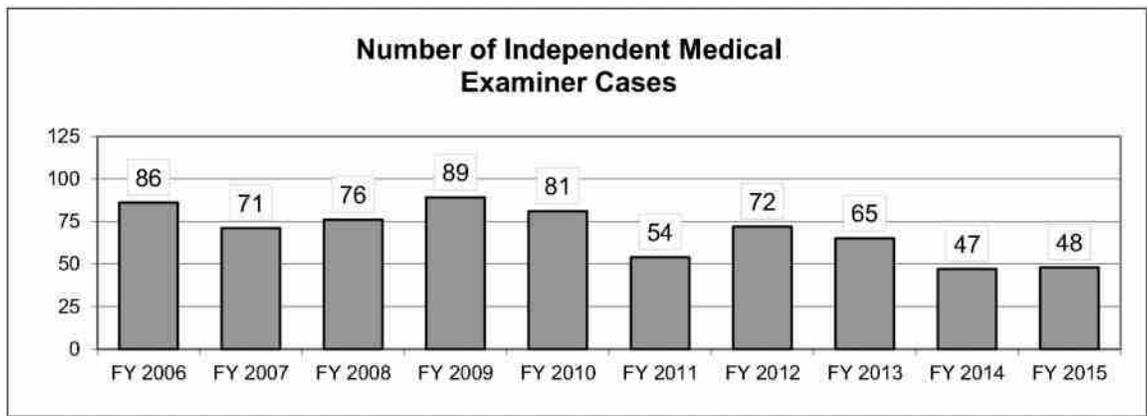
Section staff are charged with collecting data from payors and certain hospitals in order to develop the Diagnostic Related Group Inpatient Hospital Fee Schedule and the Trauma Services Inpatient Hospital Fee Schedule, both of which are established in § 48-120.04 of the Nebraska Workers' Compensation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

Section staff also collect data and make recommendations regarding the other fee schedules published by the court. That work includes updates to the Schedule of Fees for Medical Services, which applies to services by physicians and other licensed health care providers performing medical services within the scope of their respective practices. During FY 2015, section staff assisted in revising the language of Rule 26 of the Rules of Procedure of the Nebraska Workers' Compensation Court. The changes to Rule 26 will result in an annual update to the Schedule of Fees for Medical Services starting January 1, 2016. The revised Rule 26 also establishes the methodology for creating and updating the Schedule of Fees for Medical Services.

### *Independent Medical Examiner (IME) System*

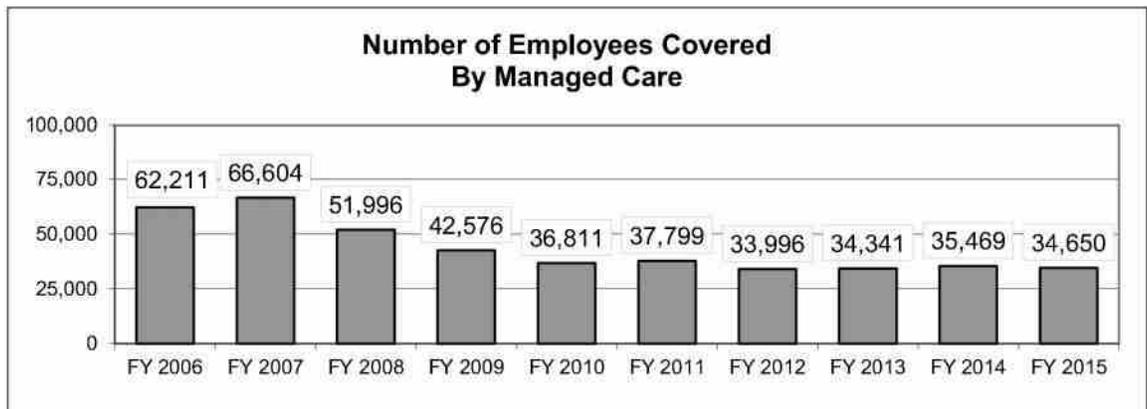
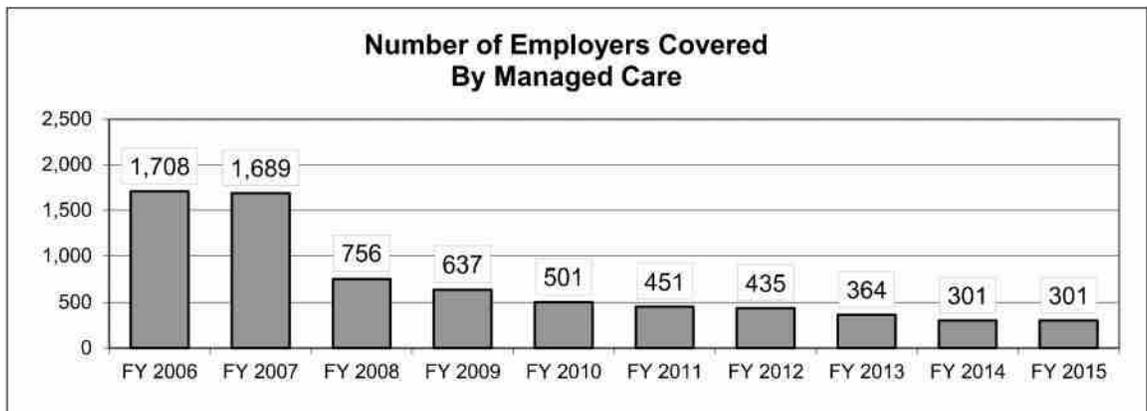
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an IME. The parties may agree on a physician to submit the finding or may request assignment of a court-approved IME. The IME system was designed to give the parties an additional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

During FY 2015, 48 IME cases were opened. Thirty-three requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee, and 14 were submitted by a workers' compensation insurer or the insurer's attorney. The remaining request was submitted by an employee. The chart on the next page shows IME cases opened during the last 10 years.



### ***Managed Care Plans for Workers' Compensation***

A table showing current information about managed care plans certified by the court for workers' compensation purposes is available on the court's web site (<http://www.wcc.ne.gov/medical/mcp.pdf>). On June 30, 2015 there were 301 employers and 34,650 employees covered by the certified managed care plans. The following charts show the trend in covered employers and employees.



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## Compliance Activities

One of the primary enforcement activities of the section is to identify employers who do not have insurance coverage as required under the Nebraska Workers' Compensation Act. The section sent 2,955 informational letters to new corporations registering with the Secretary of State during FY 2015. The letters resulted in 61 employers obtaining the required coverage.

Section staff also monitor the court's electronic proof of coverage information for employers whose coverage has been cancelled or not renewed. If coverage is still required, compliance examiners first attempt to bring the employer into compliance. If the efforts of the staff do not result in compliance, the case is then referred to the Attorney General's office for further action. During FY 2015, letters were sent to 4,033 employers whose coverage had been cancelled or not renewed, and 379 employers were brought into compliance as a result of the effort.

Workers' compensation insurers, risk management pools, and self-insured employers are also required to comply with obligations under the Act, including the obligation to report injuries and benefit payments in accordance with the Act and the court's Rules of Procedure. Coverage and Claims staff processed 53,168 first reports and 85,429 subsequent reports in FY 2015. At the time of publication, 99.9 percent of all first reports and 99.9 percent of all subsequent reports are filed electronically using Electronic Data Interchange (EDI). Coverage and Claims staff process the electronic reports and also code and manually enter the remaining paper reports. Once processed, the data is examined and maintained for statistical purposes. The section maintains a database of court-approved EDI trading partners to assist with data quality assurance duties. Coverage and Claims staff also enforce those reporting requirements, requesting missing injury reports and monitoring for their receipt, clarifying discrepancies on existing reports, and obtaining missing information.

Compliance examiners also respond to a large volume of phone inquiries from a variety of sources and on a variety of topics. Topics frequently addressed include: medical issues, insurer identification and contact information, benefit calculation, payment explanation, delay in receiving benefits, and general rights and obligations. The examiners recorded 330 calls during FY 2015. 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 145 case investigations were opened last fiscal year as a result of the above activities. Thirty cases were referred to the Attorney General's office for further action.

## Self-Insurance Activities

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

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

benefits paid during the previous calendar year. Additional assessments are made in support of the Nebraska Department of Insurance for carrying out the Insurance Fraud Act. As of June 30, 2015, there were 41 employers approved for self-insurance. For calendar year 2015 assessment purposes, there were 41 self-insurers (employers who were self-insured for all or part of calendar year 2014). The State of Nebraska is self-insured by statute and is not included in any of the statistics that follow.

### **Self-Insured Status by Major Industrial Division**

#### **As of June 30, 2015**

Manufacturing	10
Services	8
Transportation & Public Utilities	8
Government	6
Retail	5
Insurance	2
Wholesale	2
<b>Total Self-Insurers</b>	<b>41</b>

### **Self-Insurance Status by Calendar Year**

<b>Calendar Year</b>	<b># of Self-Insurers</b>	<b># of Employees</b>	<b>Gross Payroll</b>
2014	41	131,089	\$4,286,658,513
2013	41	134,209	\$4,116,260,050
2012	42	136,073	\$4,412,911,750
2011	42	135,337	\$4,301,469,456
2010	43	139,766	\$4,348,470,514
2009	46	147,971	\$4,586,800,994
2008	50	161,078	\$4,759,616,035
2007	49	154,501	\$4,511,207,864
2006	52	135,084	\$4,356,488,485
2005	54	129,940	\$4,279,963,006

**Note:** 2015 figures are not available at time of publication

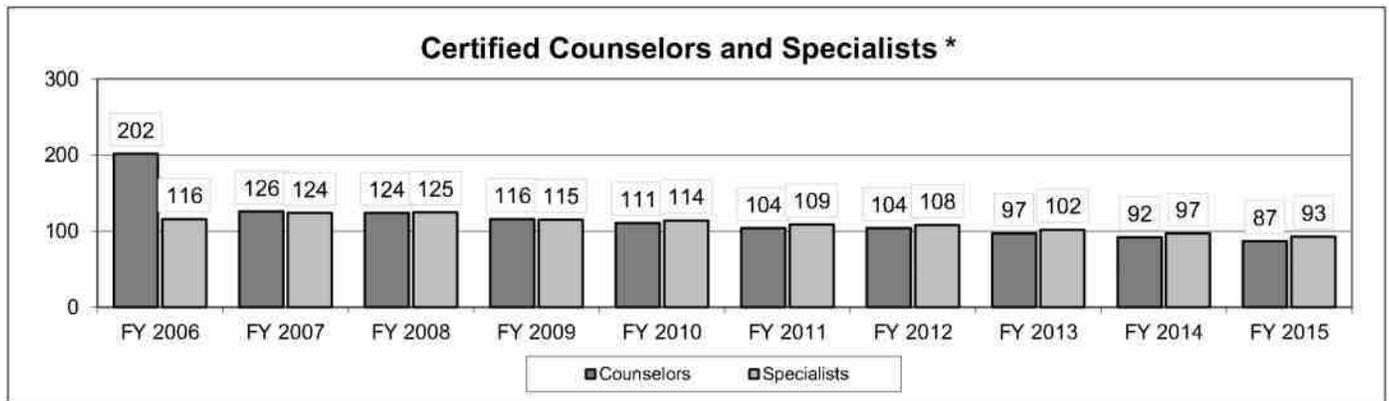
# Vocational Rehabilitation

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

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

## Certification of Counselors and Specialists

Vocational rehabilitation services under the Act can only be provided by individuals who have been certified by the court. Rules 39 – 41 contain the requirements for certification. At the end of FY 2015 (June 30, 2015), there were 87 private vocational rehabilitation counselors and 93 job placement specialists certified by the court. There are 43 certified private vocational rehabilitation counselors located in Nebraska.

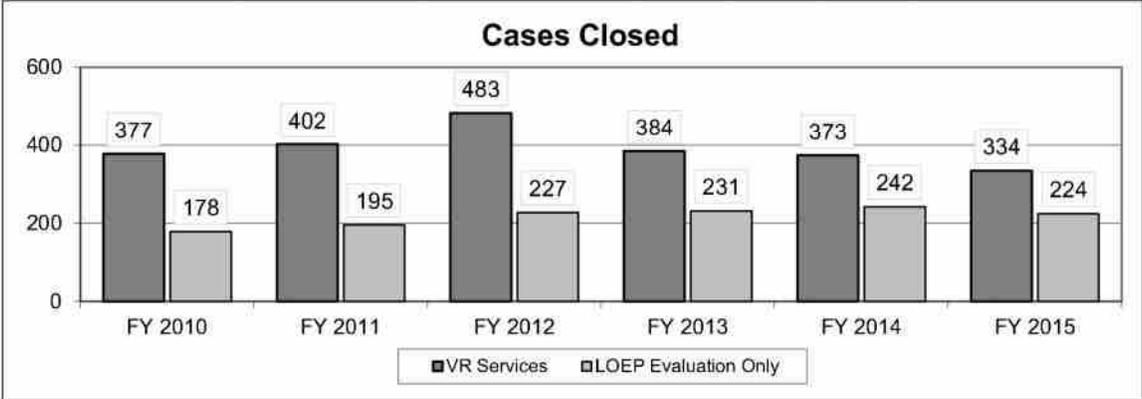


\* Effective in FY 2007, vocational rehabilitation counselors employed by a state agency were no longer automatically certified as vocational rehabilitation counselors for purposes of providing services under the Act. Such counselors continue to be automatically certified as job placement specialists.

## Appointment of Counselors

When an injured worker claims entitlement to vocational rehabilitation services or seeks a loss-of-earning-power (LOEP) evaluation, the worker and the employer (or the employer's workers' compensation insurer) must try to agree on a vocational rehabilitation counselor to evaluate the worker and provide needed services. If they cannot agree, one of them can ask the court to appoint a counselor. Of the 485 cases opened in FY 2015, the court appointed 147 counselors and the parties were able to agree upon a counselor in 338 cases.

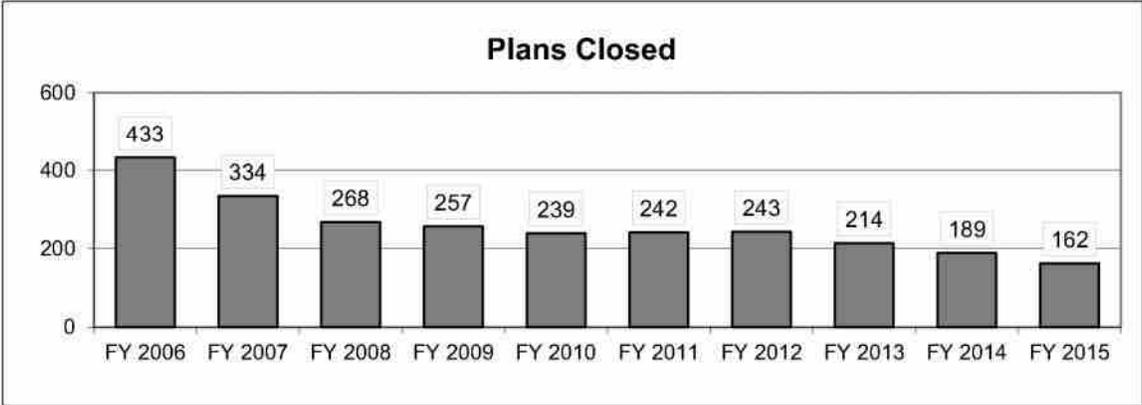
A case is opened by the section when notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, or if a judge of the court orders appointment of a counselor or vocational rehabilitation services. At the end of FY 2015 there were 300 open cases. A case may be closed for a variety of reasons, including, but not limited to, lack of entitlement to vocational rehabilitation services, settlement of the case, return to employment, or completion of a vocational rehabilitation plan. A case will also be closed when a counselor is appointed to perform only an LOEP evaluation. A total of 558 cases were closed during FY 2015. Of these, 224 cases were closed because the counselor was appointed to perform only an LOEP evaluation.



## Vocational Rehabilitation Plans

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

A total of 159 court-approved vocational rehabilitation plans had start dates in FY 2015 and 162 plans were closed in FY 2015.



Vocational rehabilitation plans generally include job placement or formal training, and such plans may also include additional vocational rehabilitation services such as general educational development, adult basic education, English language learning, computer training, or on-the-job training. Of the 92 job placement plans closed in FY 2015, 15 of those plans included some such supportive services. Of the 70 formal training plans closed in FY 2015, nine of those plans included supportive services.

<b>Vocational Rehabilitation Plans Closed in FY 2015</b>	
Job Placement	93
Formal Training: Associate Degree	56
Formal Training: Certificate / Other Training	9
Formal Training: Bachelors or Other Advanced Degree	4
<b>Total</b>	<b>162</b>

A vocational rehabilitation plan of some type is involved in 79 of the 300 open cases being monitored by the section at the end of FY 2015.

<b>Vocational Rehabilitation Plans Monitored at the End of FY 2015</b>	
Associate Degree	50
Job Placement	13
Bachelors or Other Advanced Degree	13
Certificate / Other Training	3
<b>Total</b>	<b>79</b>

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

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



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# Public Information

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

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

## Education

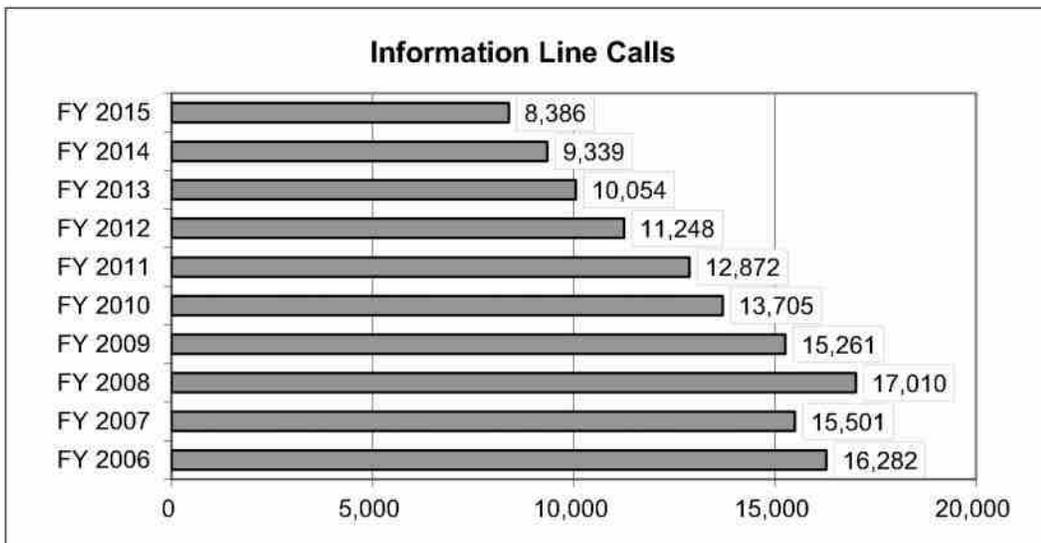
### *Information Line*

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

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

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

The information line received a total of 8,386 calls in FY 2015, an average of 161.3 calls per week or 33.8 calls per working day. This is a 10.2 percent decrease from FY 2014.



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## **Web site**

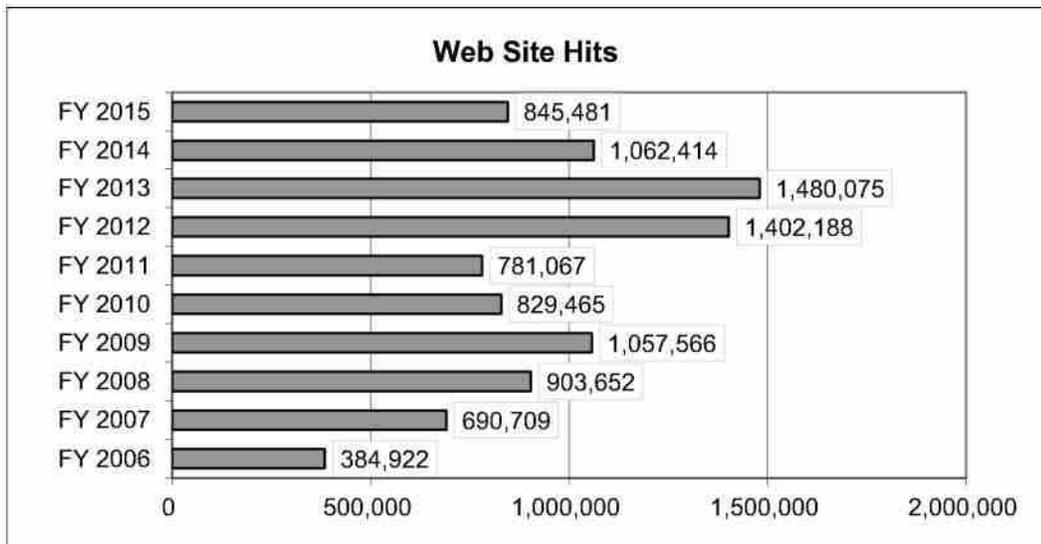
The Public Information and Information Technology sections coordinate to develop and maintain the court's web site (<http://www.wcc.ne.gov/>), which has been steadily upgraded since its inception in 1996 to better serve the public and make use of ever-improving technology:

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

The web site received 845,481 hits in FY 2015, a 20.4 percent decrease from FY 2014. The public accessed the following areas of the web site most often in FY 2015:

1. The Court News section (RSS feed) had 332,452 hits (39.3 percent of all hits).
2. The Medical section had a combined total of 153,473 hits (18.2.6 percent of all hits). Of these, the various fee schedules had a combined total of 121,477 hits (14.4 percent of all hits).
3. The Clerk's Office section had a combined total of 138,406 hits (16.4 percent of all hits).
4. The Legal section had a combined total of 40,065 hits (4.7 percent of all hits). Of these, the Rules of Procedure had 7,542 hits (0.9 percent of all hits).
5. The Record Requests section had a combined total of 30,751 hits (3.6 percent of all hits). Please see the "Record Searches" section on the next page for the number of such requests actually fulfilled.

Other web site activity in FY 2015 included requests for information and services that were transmitted to the court's e-mail help desk from the site's secure electronic forms. Not including requests for records, which are addressed below, Public Information staff responded to 2,245 such requests.



## ***Publications***

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

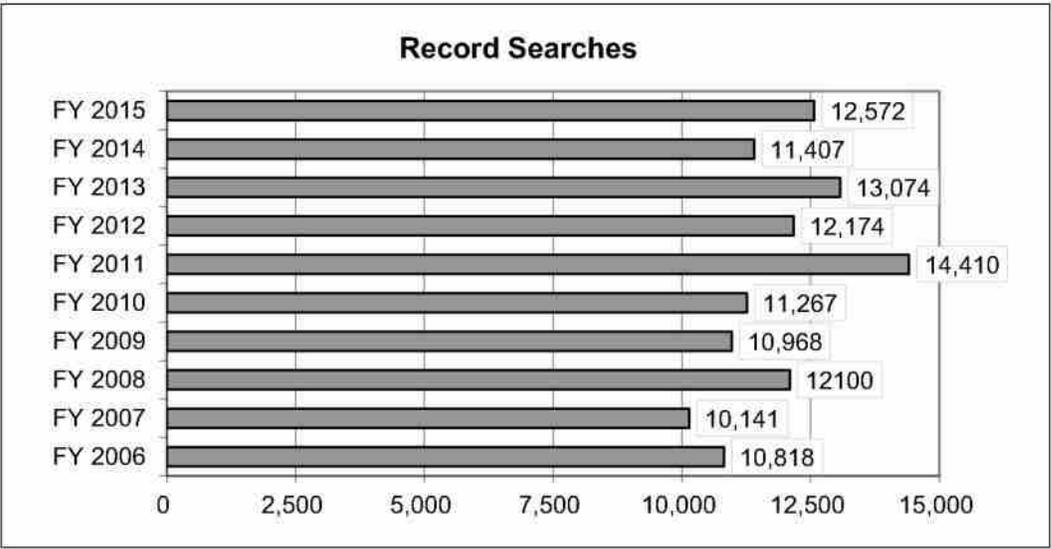
The section also produces and maintains a number of forms used for insurance coverage, medical and vocational rehabilitation purposes, reporting workers' compensation injuries and payments, and requesting records.

A complete listing of available publications and forms may be found on the court web site (<http://www.wcc.ne.gov/publications/publications.aspx>).

## **Record Searches**

One of the most common requests from the public are for record searches regarding injuries to an individual worker. Public Information staff fulfilled 12,572 requests for such records in FY 2015, a 10.2 percent increase from FY 2014. The records request processing and fulfillment functions have been augmented with workflow/ business process management and managed file transfer tools. Implementation of these tools has resulted in more efficient and secure processing and fulfillment of record requests from the public. Five-year searches of first and subsequent reports are fulfilled at no charge if sufficient information is provided to promptly identify the records. Requests for records other than first and subsequent reports may be subject to a charge, but only if the time required to search, identify, physically redact, or copy such records exceeds four cumulative hours. If fees are charged, they will be based on the actual

added cost of conducting the search and providing the copies. Public Information staff fulfill most record requests within four business days.



## Business Continuity Program

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

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# Information Technology

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

## Fiscal Year Activities

The court manages its data through desktop and Internet ASP.NET systems, utilizing an Oracle database as its primary information repository. The database currently contains 19 full years' worth of information, going back to calendar year 1996 for reports of injury. Historical injury-related information is also maintained for purposes of performing cross-year statistical analysis. The IT section has developed and maintains more than 500 program units in Oracle Forms/Reports, MicroFocus COBOL, Embarcadero Delphi, and Microsoft Visual Studio. The section also provides support for an Oracle ad hoc reporting tool used by court staff for producing reports and data extracts from the database with minimal or no assistance from IT staff after initial training.

During FY 2015, the Office of the Clerk of the Court and the IT section completed work with Nebraska Interactive, LLC (Nebraska.gov) on the development of eFiling and review applications similar to the state-wide trial court eFiling and clerk review systems. The review application has multiple queues for use by clerks, judicial assistants, legal staff, and the presiding judge. The eFiling process electronically encrypts files (packages) which contain pleadings in text-based, searchable portable document format (PDF) files, PDF attachments, proposed orders in word processing formats such as Microsoft Word (\*.docx format), and structured metadata in extensible markup language (XML) format. These packages are unencrypted and individual documents are extracted and stored in our Oracle database. All pleading documents are sent to a printer for inclusion in the paper docket file. The electronic proposed orders are distributed to judicial assistants and legal section attorneys for any changes necessary prior to signing by a judge. In the future the documents will be used to update docket-related data in the Oracle database once electronic document file management is implemented.

FY 2015 also saw the completion of an authenticated and secured internet claims information look-up application for the Social Security Administration. This internet application replaced a client-server based solution implemented for the Administration's Lincoln Office in prior years.

The upgrading of existing desktop computers to Windows 7 was substantially completed in FY 2015. A project to upgrade to Office 2013 was started in FY 2015.

Utilizing the virtualized servers hosted on the court's servers and the OCIO's Storage Area Network (SAN) infrastructure, the court has been able to implement and man-

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age a number of virtual servers. This environment has allowed the court to implement development, testing, and production environments without adding server hardware/software technology, therefore containing costs. Automated server and database monitoring services (provided by Nagios, an open-source software application) continue to assure that critical systems are up and running each business day. Court-developed internet applications are scanned for security risk identification and mitigation prior to any application being placed into production.

Utilizing new physical servers procured in prior years, IT infrastructure staff continues migrating the court's Windows 2003 servers to Windows 2008 servers. The migration requires involvement of development staff in the testing of all court applications in the 2008 environment, including web, client-server, and server services. At the same time, the court is taking the opportunity to upgrade third-party systems such as RMFT (a managed file transfer tool) and DynamicPolicy (a policy and procedure management software). The Visual Studio development platform was upgraded to the current version.

The purchased BizFlow business management process (BPM) software was decommissioned and several applications developed with BizFlow were rewritten/replaced. The Supply Request application was replaced with an OCIO-customized Microsoft SharePoint application. The Records Request system was changed to utilize an existing and enhanced Work Activity system. Future enhancements to the Work Activity system will be made to add group work queues.

A project to upgrade the court's Oracle database and internet application products to version 12c was started in FY 2015. Work on the upgrade began with extensive testing to assure compatibility with existing applications. The upgrade will be completed in the first half of FY 2016.

The court continues to provide technical support to the Supreme Court's Mandatory Continuing Legal Education (MCLE) Commission for the online MCLE system. The court provides Oracle system software, virtual servers, and data storage, along with IT staff resources (internal and contracted) for hosting, upgrades, project management, implementation, and ongoing support of the system. The IT section also monitors the system's performance to mitigate security risks. The MCLE Oracle database and WebLogic application server were upgraded to version 12c in FY 2015.

The MCLE system has been expanded to include attorney license status and other attorney services under management of the Supreme Court's Attorney Services Division. The court's IT staff assisted in this expansion by creating web services to access the attorney services database. These services have or will also be used in other systems such as the Nebraska trial court and Workers' Compensation Court eFiling systems and Justice, the Nebraska trial court case management system.

Court management made a strategic decision in FY 2014 to become an operational unit of the Nebraska Supreme Court's NASCSP.gov directory services domain, rather than migrating to the State of Nebraska (STN) domain. This will allow even closer collaboration with the Administrative Office of the Courts and Office of Probation Administration with regard to information technology. The court's IT section began working with the Supreme Court technical staff in 2015 in preparation for this change.

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# Nebraska Occupational Injury and Illness Survey – 2014

## Occupational Safety and Health Act

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

Under this Act, employers are required to keep records of all work-related deaths, any diagnosed occupational illnesses and any occupational injuries which involve loss of consciousness, restriction of work or motion, transfer to another job, or requires medical treatment beyond first aid. Employers with more than 10 workers are required to maintain a log (OSHA No. 300), a summary of occupational injuries and illnesses (OSHA No. 300A), and a supplementary record (OSHA No. 301)<sup>1</sup> 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.

## 2014 Occupational Injury and Illness Survey

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

The Nebraska Workers' Compensation Court has cooperated with the U.S. Department of Labor and the Bureau of Labor Statistics since 1971 in conducting an annual survey of Nebraska employers, which has provided these essential work injury and illness statistics. Beginning with the 2008 survey, local and state government units in addition to private sector were surveyed. The 2014 sample surveyed 3,640 employing units in the state.

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

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Information regarding the survey and the results of the Occupational Injury and Illness Survey for 2014 is available on the court's web site ([http://www.wcc.ne.gov/publications/osh\\_cfoi.aspx](http://www.wcc.ne.gov/publications/osh_cfoi.aspx)).

<sup>1</sup>In 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.

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# Census of Fatal Occupational Injuries (CFOI) – 2014

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 co-operative program. In Nebraska, CFOI is conducted by the Nebraska Workers' Compensation Court. This is the 23<sup>rd</sup> year that CFOI has been conducted in all 50 states and the District of Columbia.

## 2014 Census of Fatal Occupational Injuries

CFOI 2014 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 2014 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.

## 2014 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 55 fatal workplace injuries during 2014, up from 39 the previous year. Other findings of the census include:

- The leading fatal event was transportation incidents, accounting for 26 (48 percent) of fatal occupational injuries in 2014. Contact with objects and equipment followed with 10 fatalities (19 percent). Falls, slips, and trips accounted for nine fatalities (17 percent) and violence and other injuries by persons or animals accounted for seven fatalities each (13 percent).
- Among industry groups, the largest number of fatal work injuries was in natural resources and mining with 17 (31 percent). Trade, transportation and utilities followed with 14 (26 percent). Construction had 10 (19 percent).
- Seventeen (31 percent) of those fatally injured were 65 years and over. Eleven (20 percent) were 55 to 64 years of age. Another 10 (19 percent) were 45 to 54 years of age.
- Forty-one (75 percent) of those fatally injured were white, non-Hispanic.
- Fifty-one (93 percent) of those fatally injured were men.
- Thirty-seven (68 percent) were wage and salary workers. The remainder of those fatally injured were self-employed.

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Information regarding the census and the results of the Census of Fatal Occupational Injuries 2014 is available on the court's web site ([http://www.wcc.ne.gov/publications/osh\\_cfoi.aspx](http://www.wcc.ne.gov/publications/osh_cfoi.aspx)).