

**N
E
B
R
A
S
K
A**

Workers' Compensation Court 66th Annual Report

Fiscal Year 2008:

July 1, 2007 through June 30, 2008



Nebraska Workers' Compensation Court

66th Annual Report

Fiscal Year 2008:

July 1, 2007 through June 30, 2008



Laureen K. Van Norman,
Presiding Judge

Michael P. Cavel,
Judge

James R. Coe,
Judge

Ronald L. Brown,
Judge

J. Michael Fitzgerald,
Judge

Michael K. High,
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, 2008

Honorable Michael Heavican
Chief Justice of the Nebraska Supreme Court

Honorable Dave Heineman
Governor of Nebraska

Honorable Mike Flood
Speaker of the Nebraska Legislature

Dear Sirs:

We have the privilege of submitting herewith the Sixty-Sixth 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

Laureen K. Van Norman
Presiding Judge

Table of Contents

Section	Title	Page
	Table of Contents	i
Section 1	General Information	1
	History, Mission, Organization	1
	Fiscal Year Activities	2
	Organizational Chart	4
	Profiles of the NWCC Judges	5
	Compensation Court Cash Fund	9
	Workers' Compensation Statistics Fund	10
	Workers' Compensation Trust Fund	11
	Workers' Compensation Trust Fund — Transfers and Assessments	12
	Second Injury and Vocational Rehabilitation Expenditures	12
	Reported Injuries	13
	Fatal Injuries	14
	Weekly Income Benefits and Maximum Rates	15
	Litigated Case Summary	16
	Hearings and Review Hearings	17
	Summary of Settlements	18
Section 2	Legal	19
	Informal Dispute Resolution	19
Section 3	Coverage and Claims	21
	Medical Services Activities	21
	Compliance Activities	23
	Self-Insurance Activities	23
Section 4	Vocational Rehabilitation	25
	Certification of Counselors and Specialists	25
	Appointment of Counselors	25
	Vocational Rehabilitation Plans	26

Table of Contents

Section	Title	Page
Section 5	Public Information	27
	Education	27
	Record Searches	30
	Data Processing and Analysis	30
Section 6	Information Technology	31
	Fiscal Year Activities	31
Section 7	Nebraska Occupational Injury and Illness Survey	33
	Occupational Safety and Health Act	33
	2007 Occupational Injury and Illness Survey	33
Section 8	Census of Fatal Occupational Injuries	35
	2007 Census of Fatal Occupational Injuries	35
	2007 Census Results	35

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 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.

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 schedules 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 Internet web site.

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 2008

Legislation

There were no amendments to the Nebraska Workers' Compensation Act during the 2008 session of the Legislature. However, LB 588 from the 2007 session established a Diagnostic Related Group (DRG) Inpatient Hospital Fee Schedule which became effective for discharges on and after January 1, 2008. This schedule applies to hospitals located in or within 15 miles of a Nebraska city of the metropolitan class or primary class and to other hospitals with 51 or more licensed beds. An exception exists for services covered by contract as provided in the bill. Charges for services not subject to the DRG fee schedule and not contracted for by the parties are to be reimbursed under the schedules of fees adopted by the court. The court is charged with determining the DRG's to be covered by the new DRG fee schedule and with publishing the DRG fee schedule based on criteria established in the bill. LB 588 also requires hospitals, workers' compensation insurers, self-insured employers, and risk management pools to report DRG related claims data to the court in order to facilitate publication of the DRG fee schedule.

Court Rules

Changes to the court's Rule 26 were adopted at a public hearing on November 14, 2007 to determine the DRG's to be covered by the new DRG fee schedule for calendar year 2008, to define trauma services which are not currently subject to the DRG fee schedule, and to make adjustments to the court's fee schedules in response to LB 588. Rule 26 was further amended at a public hearing on April 24, 2008 to adopt a revised Schedule of Fees for Medical Services,

with an effective date of June 1, 2008. Also at the April 24, 2008 hearing, the court adopted a new Rule 5 governing the use of interpreters in proceedings before the court. This was subsequently approved by the Supreme Court and became effective July 2, 2008.

Vocational Rehabilitation

During FY 2008 an electronic system was implemented for certification of private vocational rehabilitation counselors and specialists.

Public Information

In May 2008, the court's web site was augmented with an insurance coverage look-up application which allows the public to search for workers' compensation insurance for a particular employer for a particular date. This has not only made such information more readily available to the public, but has also reduced the workload for court staff in responding to inquiries for such information. This is the court's first web-based application allowing the public to directly access information in the court's databases.

Court Technology

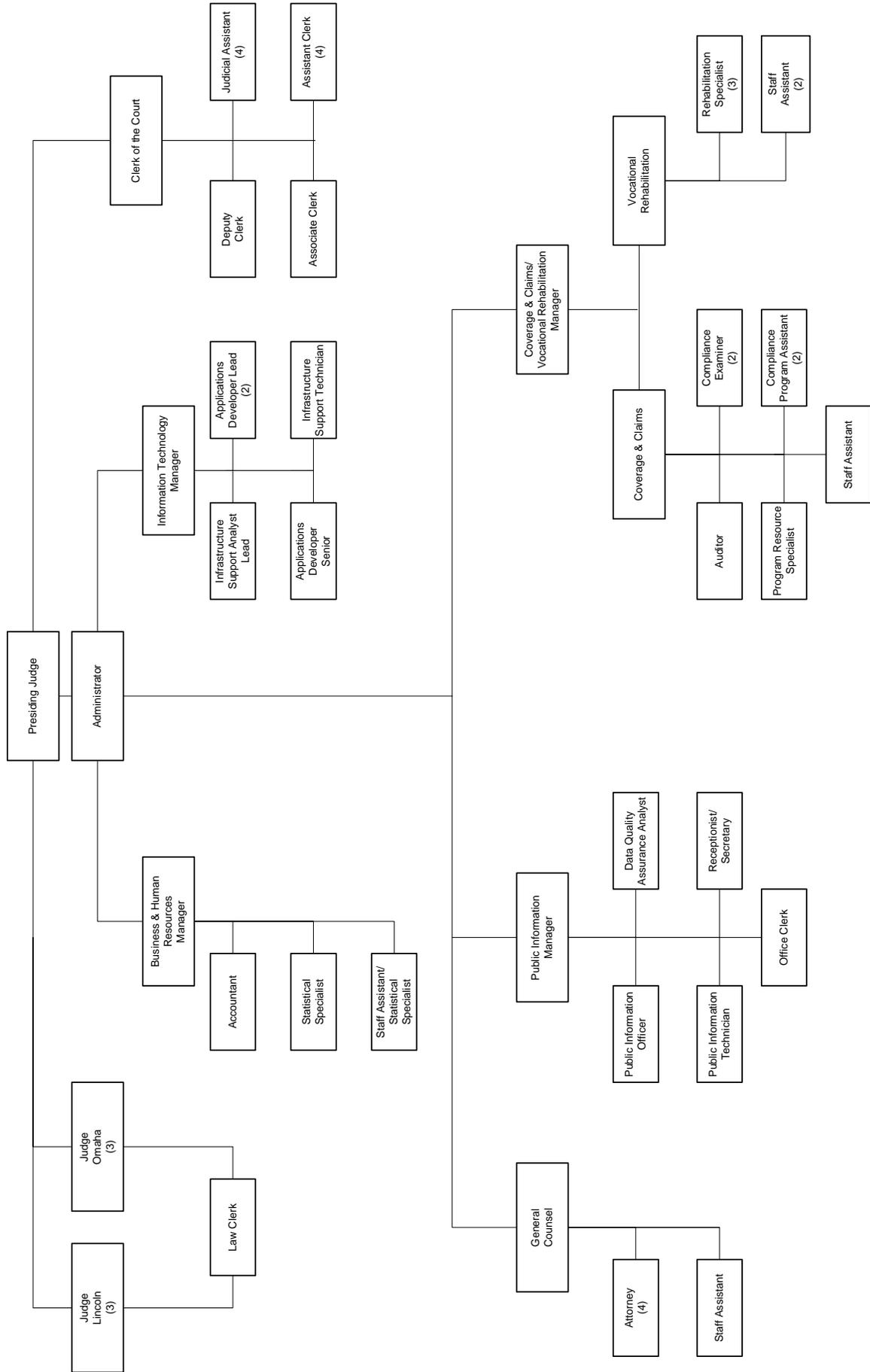
The court has established a broad goal of becoming paperless in its operations, including the electronic filing and processing of pleadings and other litigation documents. To this end, the court has obtained workflow/business process management software which is being integrated with the court's case and document management system. This software is an important part of the infrastructure necessary to support an electronic working environment. As a first step in implementing electronic filing of litigation documents, the court is developing an electronic filing system for settlement applications similar to that used in commercial tax preparation software. Electronic filing of settlement applications will allow the attorneys for the parties to electronically draft, review, and file settlement applications using the court's computer system. Outside stakeholders, including attorneys and law office support staff, are actively engaged in the analysis, design, and testing phases of the project.

Court Facilities

On April 14, 2008 the State Building Division issued a Request for Proposal (RFP) on behalf of the court for alternative space for the judges and court staff now located on the 12th and 13th floors of the State Capitol building in Lincoln. The current space is inadequate in a number of important ways, including lack of security for the judges and court staff, inadequate access for the public and disabled clients, and insufficient court room space and technology. A second RFP was subsequently issued on September 15, 2008, after the first RFP proved unsuccessful, and further proposals are currently under consideration. Court judges and staff located at the Hall of Justice in Omaha and at the TierOne Center, 1221 "N" Street, in Lincoln will remain at those locations.

In addition to the specific activities listed above for FY 2008, 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 2008 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2008. Additional injury statistics and statistics regarding benefit payments are available in a separate statistical report which can be accessed on the court's web site at <http://www.wcc.ne.gov/publications/statisticalreports.htm>.

NEBRASKA WORKERS' COMPENSATION COURT



REVISED
August 2008

Judges



Laureen K. Van Norman, Presiding 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.

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.



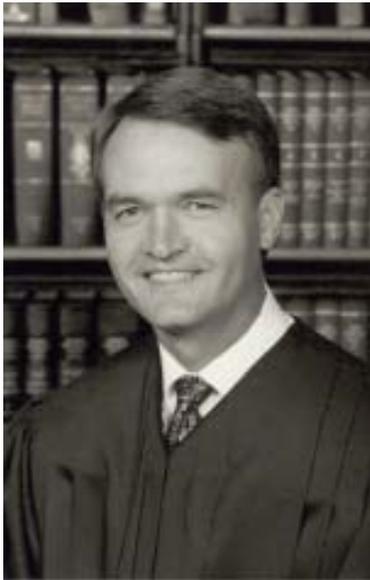
James R. Coe, Judge

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



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.



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.

Judges

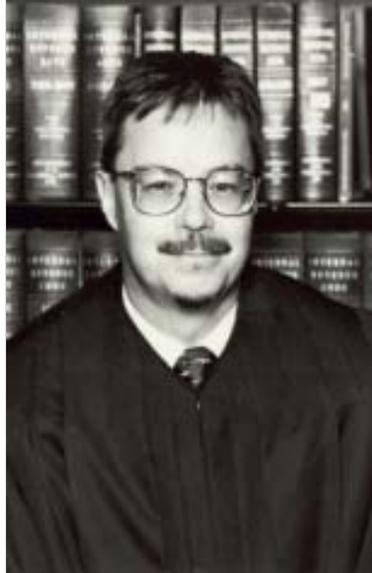


Michael K. High, Judge

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).



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 2008 (July 1, 2007 to June 30, 2008)

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 2008 was \$4,909,434.

BALANCE of fund on July 01, 2007:		\$11,843,447	
Revenue:			
Assessments		5,109,829	
Interest		532,537	
Accounts Receivables Invoiced		(51,407)	
Due to Vendor		(10,067)	
Bonds Payable		(75)	
Sale of Surplus Property		1,377	
Miscellaneous Income		138,525	
Miscellaneous Adjustment		164	
Total Revenue			<u>5,720,883</u>
Expenditures:			
	Appropriation	Not Expended	Actual Expended
Court Administration	4,406,758	649,582	3,757,176
Federal Grant Administration	39,260	7,563	31,697
Voc. Rehab. Administration	366,745	7,509	359,236
Second Injury Administration	1,406	13	1,393
Self-Insurance Administration	95,265	2,880	92,385
Totals	<u>4,909,434</u>	<u>667,547</u>	<u>4,241,887</u>
Less Total Expenditures			<u>4,241,887</u>
BALANCE of fund on June 30, 2008:			<u><u>13,322,443*</u></u>
* Does not include FY 2008 expenditures of \$55,727 paid in FY 2009.			

Workers' Compensation Statistics Fund

Fiscal Year 2008 (July 1, 2007 to June 30, 2008)

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 2008 was \$30,729.

BALANCE of fund on July 01, 2007:				0
Revenue:				
Intergovernmental Revenue			30,729	
Total Revenue				<u>30,729</u>
Expenditures:				
	Appropriation	Not Expended	Actual Expended	
Federal Grant Admin.	30,729	0	30,729	
Totals	<u>30,729</u>	<u>0</u>	<u>30,729</u>	
Less Total Expenditures				<u>30,729</u>
BALANCE of fund on June 30, 2008:				<u><u>0</u></u>

Workers' Compensation Trust Fund

Fiscal Year 2008 (July 1, 2007 to June 30, 2008)

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. 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.

BALANCE of fund on July 01, 2007:		\$6,692,745
Revenue:		
Interest	310,795	
Reimbursements	0	
Assessments	*1,187,171	
Sale of Surplus Property	0	
Miscellaneous Adjustment	158	
Total Revenue		<u>1,498,124</u>
Expenditures:		
Second Injury Benefits	352,945	
Voc. Rehab. Benefits	917,957	
Due to Vendor	2,281	
Less Total Expenditures		<u>1,273,183</u>
BALANCE of fund on June 30, 2008:		<u><u>\$6,917,686</u></u>

* Adjustment on assessments made in prior years. Assessments were not made in FY 2008.

**Workers' Compensation Trust Fund
(Transfers and Assessments)**

Fiscal Year Ending:	
Assessments:	
June 30, 2008	**1,187,171
June 30, 2007	*4,892,612
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

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

** Adjustment on assessments made in prior years.

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

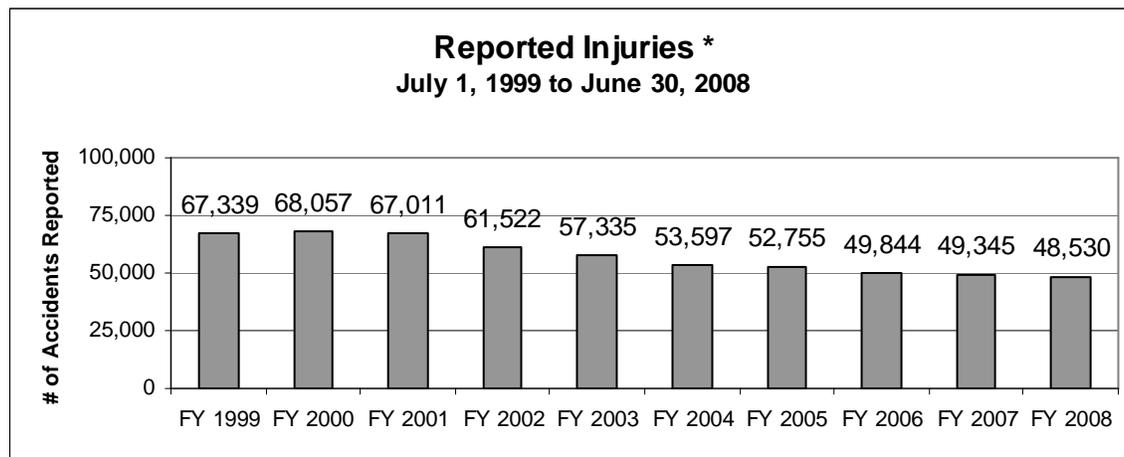
**Second Injury & Vocational Rehabilitation Expenditures
(Benefit and Administrative Costs)**

Fiscal Year Ending	*Second Injury	*Vocational Rehabilitation	Total Expenditures
June 30, 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
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

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

Reported Injuries *

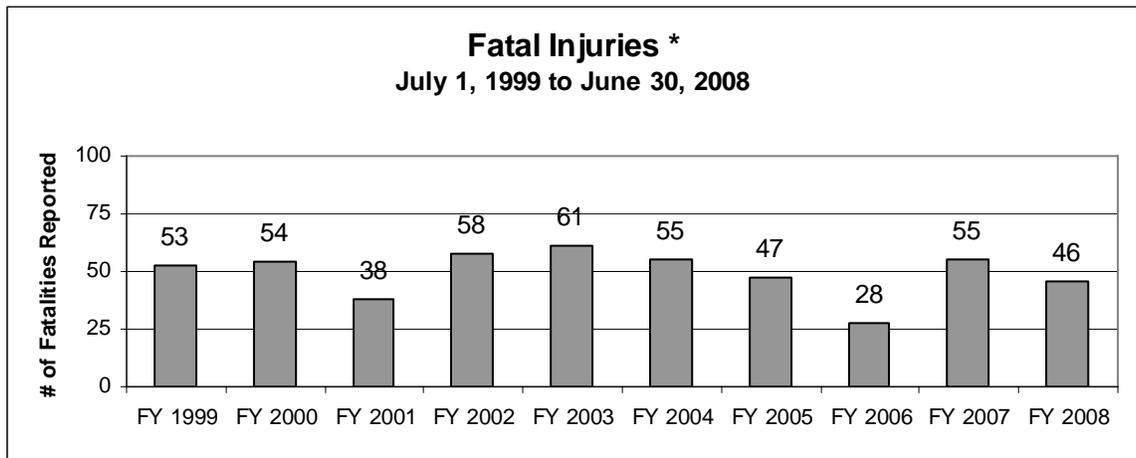
	Male	Female	Unknown	Total
July 1, 2007 to June 30, 2008	26,184	18,308	4,038	48,530
July 1, 2006 to June 30, 2007	27,175	18,813	3,357	49,345
July 1, 2005 to June 30, 2006	28,547	18,762	2,535	49,844
July 1, 2004 to June 30, 2005	31,027	20,468	1,260	52,755
July 1, 2003 to June 30, 2004	32,131	20,711	755	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



* Includes injuries reported in FY 2008 regardless of the year in which the injury occurred.
Includes injuries resulting from occupational disease.

Fatal Injuries *

	Male	Female	Total
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
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



* Includes fatal injuries reported in FY 2008 regardless of the year in which the injury or death 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 2009 will be \$671.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2009. The minimum rate remains at \$49 as provided in section 48-121.01(2).

Injury Occurring Between:	Maximum	Minimum
01/01/09 to 12/31/09	\$671	\$49
01/01/08 to 12/31/08	\$644	\$49
01/01/07 to 12/31/07	\$617	\$49
01/01/06 to 12/31/06	\$600	\$49
01/01/05 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	
	2008	* 2007	2008	2007	2008	* 2007
Cases Pending at beginning of Fiscal Year	1,355	1,371	55	71	27	29
Petition or Appeal filed in Fiscal Year	1,215	1,234	91	120	42	48
Reopened	140	143	N/A	N/A	N/A	N/A
Total	2,710	2,748	146	191	69	77
Court Disposition						
Decisions Issued	268	347	88	89	36	46
Settlements	740	821	10	22	1	6
Other Dispositions ³	363	372	9	18	7	7
Total Dispositions	1,371	1,540	107	129	44	59
Total Pending	1,339	1,208	39	62	25	18

Fiscal Year	2008	* 2007	2006	2005	2004
Number of Motions Filed	2,457	2,495	2,496	2,475	2,558
Number of Motion Dispositions	2,003	2,064	2,019	2,114	2,223
Number of Motion Hearings	946	880	966	1,094	1,177

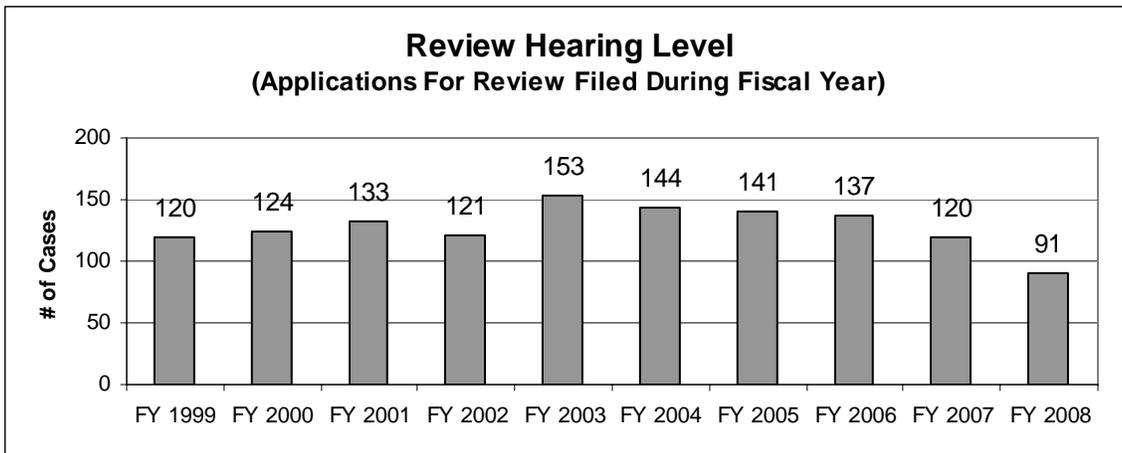
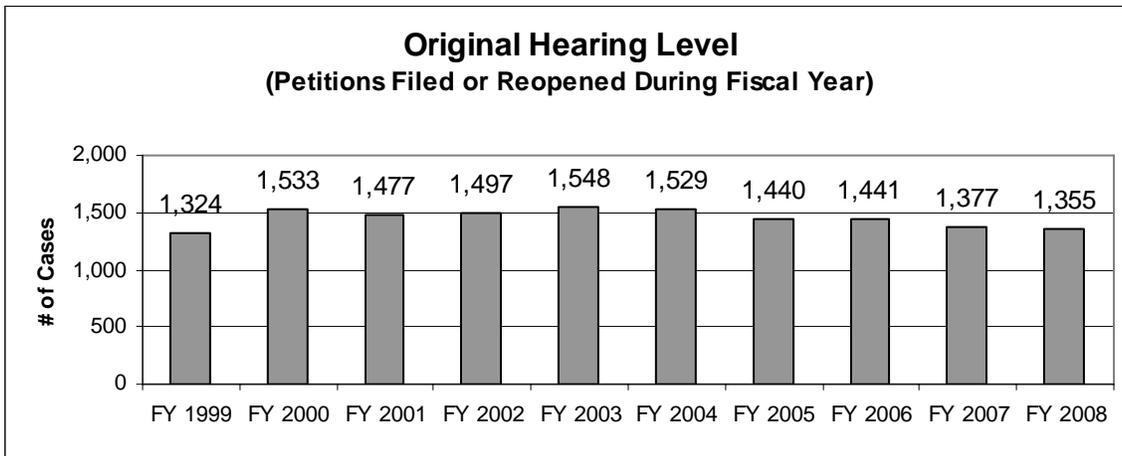
¹ Cases may appear more than once in any year if they are appealed.

² Fiscal Years run from July 1 through June 30.

³ Dismissals without hearings.

* Numbers for FY 2007 may differ from those shown in the FY 2007 Annual Report due to corrections to data.

Hearings and Review Hearings

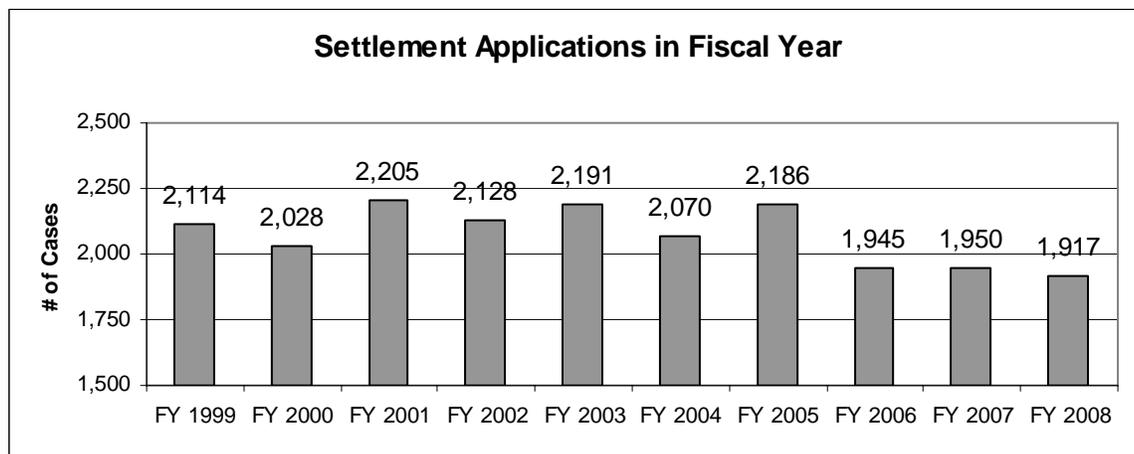


Summary of Settlements

Fiscal Year ¹	2008	* 2007	2006	2005	2004
Applications					
Applications Pending at Beginning of Fiscal Year	79	113	132	111	158
Applications Made in Fiscal Year	1,917	1,950	1,945	2,186	2,070
Total	1,996	2,063	2,077	2,297	2,228
Dispositions					
Applications Approved Without Litigation	1,114	1,093	1,125	1,256	1,326
Applications Approved at the Original Hearing Level	740	821	782	856	749
Applications Approved at Review Hearing Level	10	22	22	26	12
Applications Approved at the Sup. Ct./Crt. App. Level	1	6	2	4	5
Applications — Total Approved	1,865	1,942	1,931	2,142	2,092
Applications — Total Disapproved	41	42	43	23	25
Total	1,906	1,984	1,974	2,165	2,117
Applications Pending at End of Fiscal Year	90	79	103	132	111

¹ Fiscal years run from July 1 through June 30.

* Numbers for FY 2007 may differ from those shown in the FY 2007 Annual Report due to corrections to data.



Legal

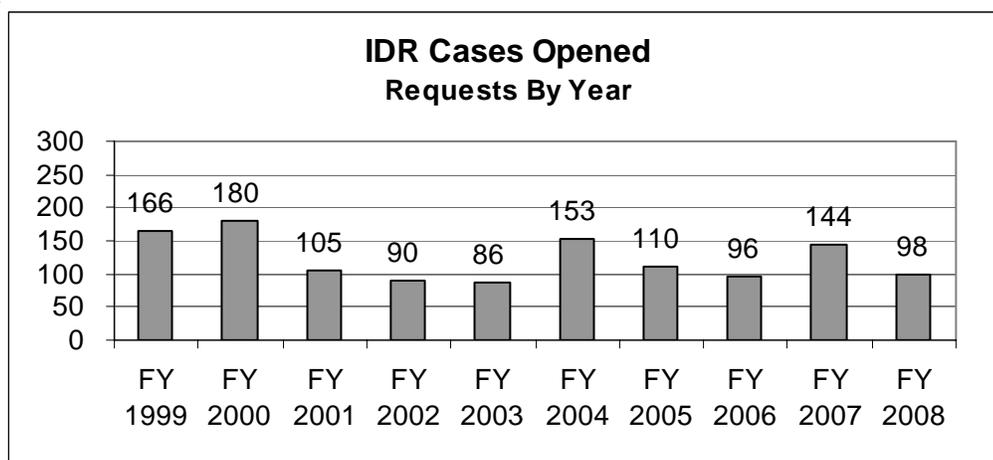
The Legal section of the Nebraska Workers' Compensation Court is responsible for reviewing lump sum settlements, facilitating informal dispute resolution, responding to inquiries from the public, providing legal advice to the court's administrative staff, and monitoring legislation for potential impact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

Statistics for lump sum settlements processed in FY 2008 (July 1, 2007 through June 30, 2008) are provided on the preceding page. Summaries of the Nebraska Supreme Court and Court of Appeals decisions relating to workers' compensation may be found on the court's web site (http://www.wcc.ne.gov/decision_summaries.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 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 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.

Closed Cases

All IDR requests are evaluated to determine whether the issues are appropriate for IDR under workers’ compensation laws and rules. Sometimes they are not. In 13 of the 97 cases closed in FY 2008, the parties also came to an agreement while still in the intake process with communication facilitated by court staff. Mediation through the court is voluntary. In 71 cases, or 73 percent of all closed cases, at least one party declined to participate or did not respond to the request. Cases may be closed for a variety of other reasons as shown in the following table.

IDR Cases Closed	
Party(s) Did Not Consent	53
No Response by Party(s)	18
Withdrawn/Resolved by Parties	13
Full Agreement	5
No Agreement	4
Partial Agreement	2
Inappropriate For Mediation	1
Withdrawn/Plaintiff Represented	1
Total Closed in FY 2008	97

Mediated Cases

Of the 97 cases closed in FY 2008, 11 met in a mediation conference either in person or over the telephone. Of these mediated cases, seven (64 percent) reached full or partial agreement.

Outcome of Mediated Cases	
Full Agreement	5
No Agreement	4
Partial Agreement	2
Total Mediated in FY 2008	11

Coverage and Claims

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

Medical Services Activities

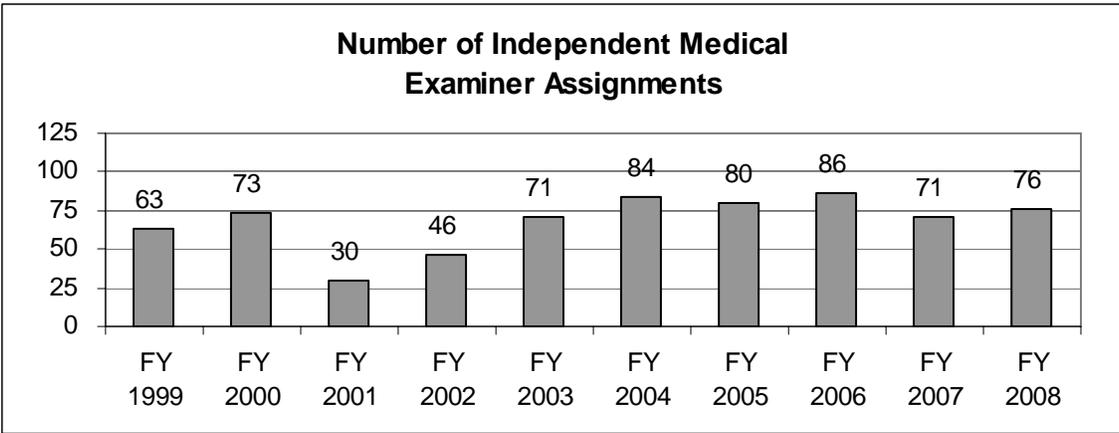
Section staff respond to inquiries from a variety of sources concerning the application and use of the various medical and hospital fee schedules, the Independent Medical Examiner program, managed care, the choice of physician rule, and other questions relating to medical, surgical, and hospital services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

LB 588 was passed during the 2007 legislative session, putting into place a Diagnostic Related Group (DRG) Inpatient Hospital Fee Schedule. While the statute determines the formula for reimbursement, section staff gather the data necessary to make the calculations and publish the schedule for each covered hospital. The initial DRG fee schedule was published and implemented for discharges on and after January 1, 2008. Section 48-120 of the Act continues to require the court to establish additional fee schedules and review such schedules at least biennially and make appropriate changes when necessary. Section staff gathered the data and performed the research required to recommend appropriate changes to the Schedule of Fees for Medical Services. Those changes were adopted at a public hearing held April 24, 2008. The revised schedule is effective for medical services rendered on and after June 1, 2008.

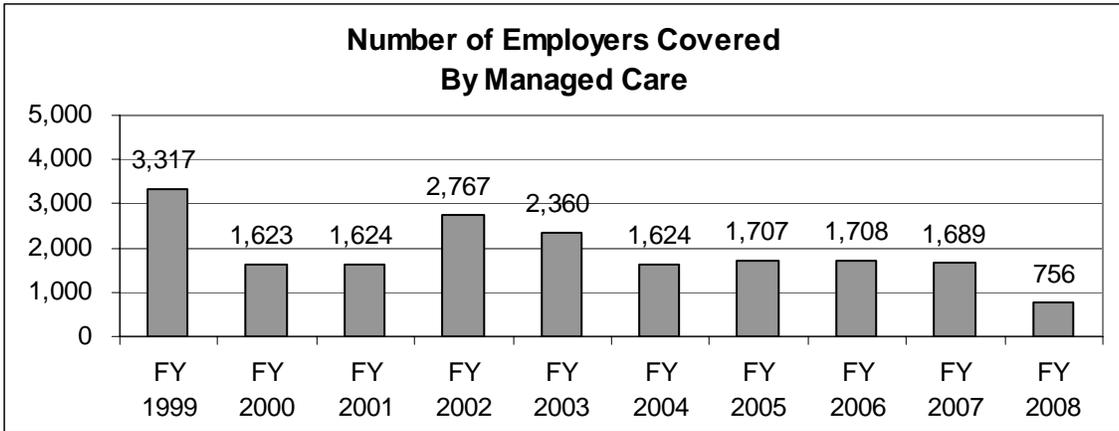
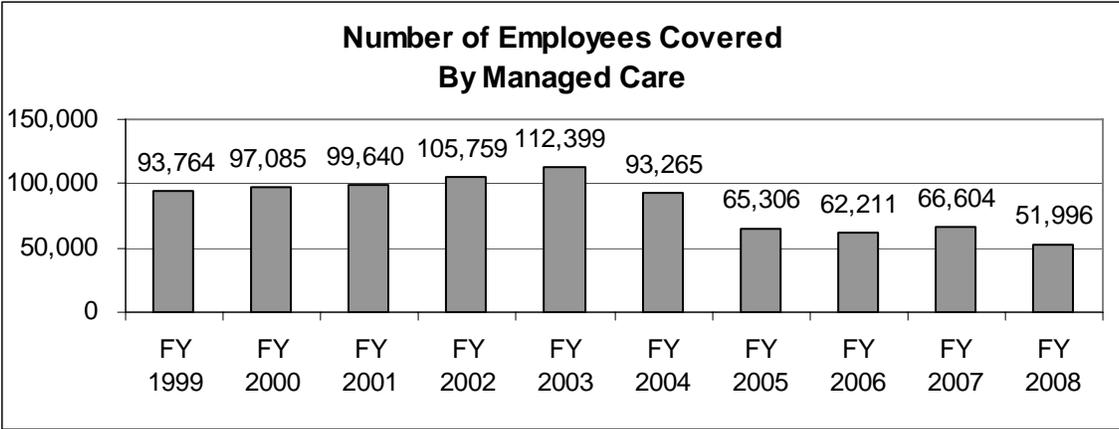
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an independent medical examiner. The IME system was designed to give the parties an additional means of resolving disputes outside the judicial process.

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 140 physicians on the court's list of Independent Medical Examiners.

During FY 2008, 76 IME cases were opened. Fifty-two requests for assignment of a physician were filed by an attorney representing an injured employee, three were requested by unrepresented employees, 17 were submitted by a workers' compensation insurer or the insurer's attorney, and four were ordered by a judge of the court. Six of the IME requests were conducted by physicians agreed upon by the parties. The chart on the following page shows assignments during the course of the last 10 years.



A table showing current information about managed care plans certified for workers' compensation is available on the court's web site (<http://www.wcc.ne.gov/medical/mcp.pdf>). One new application was submitted during FY 2008 and that application is pending. On June 30, 2008 there were 756 employers and 51,996 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 3,926 informational letters to new corporations registering with the Secretary of State during FY 2008. The letters resulted in 259 employers obtaining the required coverage.

On July 1, 2007, section staff began monitoring the court's electronic proof of coverage information for employers whose coverage has been cancelled or non-renewed. 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. Letters were sent to 3,941 employers and 174 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 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.

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, payment explanation, delay in receiving benefits, and general rights and obligations. The examiners recorded 726 calls during FY 2008. 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 212 case investigations were opened last fiscal year as a result of the above activities. Thirteen 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. Fifteen such audits were completed in FY 2008.

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, 2008 there were 49 employers approved for self-insurance. For calendar year 2008 assessment purposes, there were 49 self-insurers (employers who were self-insured for all or part of calendar year 2007). 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

Manufacturing	14
Services	10
Transportation & Public Utilities	9
Government	6
Retail	4
Wholesale	3
Insurance	3
Total Self-Insurers as of 6/30/2008	49

Self-Insurance Status By Calendar Year

Calendar Year	# of Self-Insurers	# of Employees	Gross Payroll
2007	49	154,501	\$4,511,207,864
2006	52	135,084	\$4,356,488,485
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

Note: 2008 figures not available at time of publication.

Vocational Rehabilitation

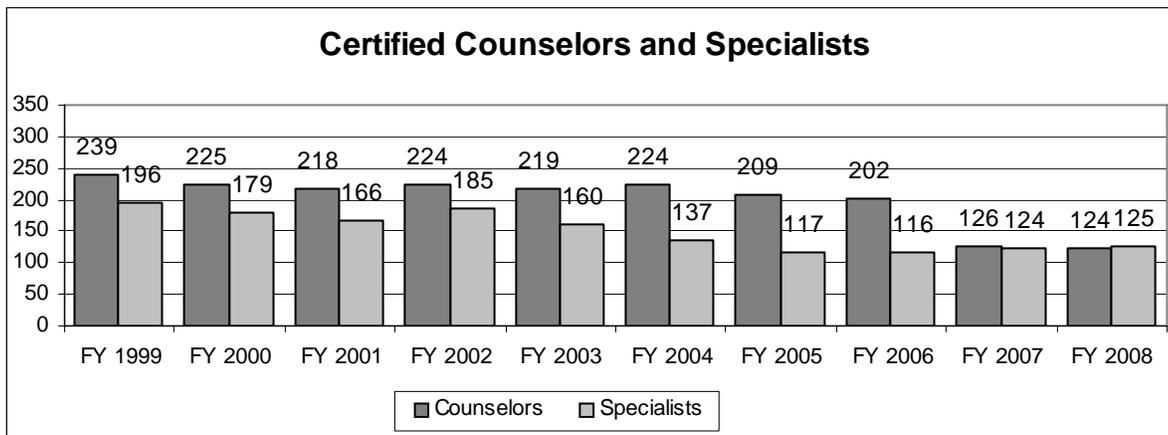
A manager, three vocational rehabilitation specialists, and two support staff are responsible for duties associated with vocational rehabilitation services to which an employee may be entitled under the Nebraska Workers' Compensation Act. The goal of vocational rehabilitation is to return an injured 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 under the Act can only be provided by individuals who have been certified by the court. Rules 39–41 contain the requirements for certification. On June 30, 2008 there were 124 private vocational rehabilitation counselors and 125 job placement specialists certified by the court. There are 58 certified private vocational rehabilitation counselors located in Nebraska. It should be noted that, effective in FY 2007, vocational rehabilitation counselors employed by a state agency are 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.

During FY 2008 an electronic system for application for certification, certification, and renewal of certification was implemented.



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

596 cases opened in FY 2008, the court appointed 242 counselors from its directory and the parties were able to agree upon a counselor in 342 cases.

At the end of FY 2008 (June 30, 2008) there were 622 open vocational rehabilitation cases. A total of 690 cases were closed for a variety of reasons during FY 2008 (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 many of the cases monitored by the section. The following chart shows the number and type of plans closed during FY 2008. A total of 251 plans had start dates in FY 2008 and currently there are 189 plans being monitored on open cases.

Type of Vocational Plan	
Job Placement	121
Associate Degree	62
General Education Diploma (GED)	26
Certificate/Other Training	23
English as Second Language (ESL)	18
Bachelor's or Other Advanced Degree	13
On-The-Job Training (OJT)	4
Seminar/Remedial	1
Total Vocational Plans Closed in FY 2008	268

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 Compensation Court Cash Fund. Total disbursements from the trust and cash funds 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 web site, publications, workshops, and seminars. 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.
- 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.

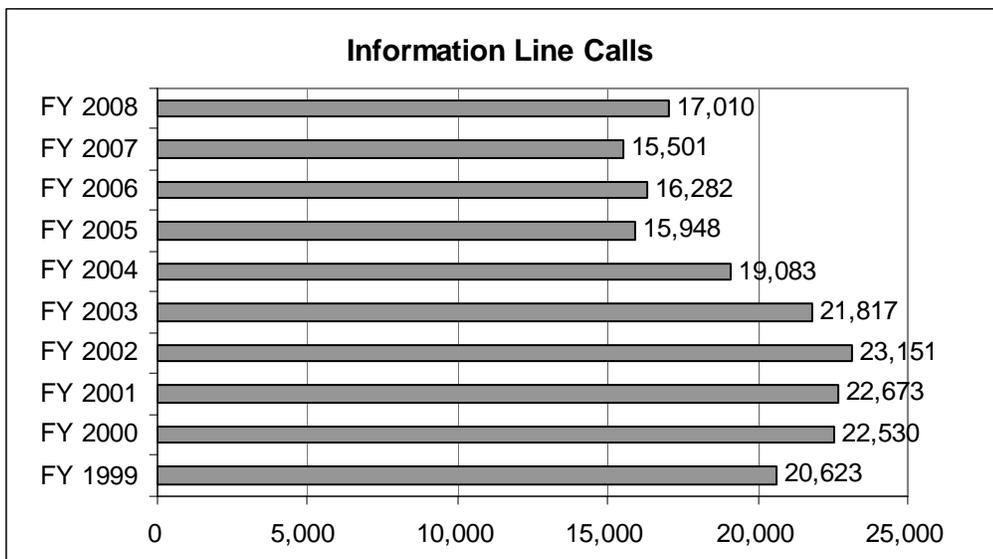
Providing these services requires six full-time staff members: a manager, a public information officer, a data quality assurance analyst, a public information technician, a receptionist/secretary, and an office clerk.

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 staff assist callers from 8:00 a.m. to 5:00 p.m, Monday through Friday. After hours and during weekends and holidays, callers may leave a message and a staff member will return the call on the next working day. AT&T's Language Line provides language translation services when required.

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, guesses, or legal advice.



The information line received 17,010 calls in FY 2008, an average of 327.1 calls per week or 68.6 calls per working day. This is a 9.7 percent increase from FY 2007. Calls come from employees, employers, attorneys, insurers, medical and vocational rehabilitation providers, and others in Nebraska and throughout the nation.

In July 2007, the court implemented an automated mailing service to notify employees of injury reports filed with the court. While these mailings resulted in nearly 800 calls in FY 2008, increased use of the court's web site and email help desk may have contributed to the overall decrease in calls during the past decade.

Web site

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

- In May 2008, the web site was augmented with a coverage look-up application which allows the public to search for workers' compensation insurance for a particular employer, on a particular date.
- In April 2008, a web site redesign was completed to improve the navigation menu functionality. The page and text width was adjusted to optimize the line length for improved readability, as well as to virtually eliminate horizontal scrolling in any size web browser and at any screen resolution (including internet-enabled handheld devices, such as cellular telephones and portable digital assistants).
- Other applications available on the web site include a records request form, a searchable database of court decisions and orders, benefit calculators, and a Google-powered search engine.
- A news feed has been implemented to make the latest court news available in a variety of formats. The public may view the news feed online or subscribe to receive broadcasts of court news directly using RSS (Really Simple Syndication) third-party news readers (news aggregators).
- The court's publications and forms are available in portable document format (PDF) and may be downloaded at no charge from the web site.
- The web site meets or exceeds all Section 508 Accessibility Guidelines.

In FY 2008, the web site received 903,652 hits, a 30.8 percent increase from FY 2007. During the past decade, traffic on the web site has increased 8,330.4 percent from FY 1999's total of 10,719 hits. The web site'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.

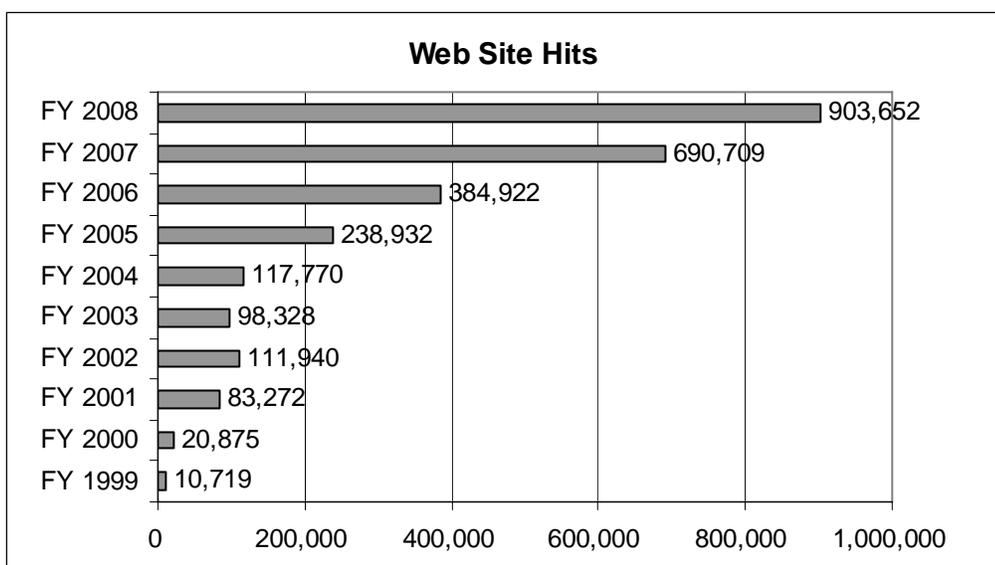
Of the web site activity tracked in FY 2008, the following web pages and downloadable files were most popular:

- The news feed had 433,128 hits (47.9 percent of all hits).
- The Fee Schedules section had a combined total of 70,959 hits (7.9 percent of all hits). The court's fee schedules (Medical Services, Hospitals and Ambulatory Surgical Centers, and Implantable Medical Devices) and the Diagnostic Related Group Inpatient Hospital Fee Schedule are available electronically as a free download in a variety of formats.

- The Hearings and Decisions section had a combined total of 47,732 hits (5.3 percent of all hits).
- The Legal section had a combined total of 41,478 hits (4.6 percent of all hits).
- The Rules of Procedure, available electronically as a pdf document, had 36,462 hits (4 percent of all hits).

Other web site activity in FY 2008 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 30, Public Information staff responded to 2,000 such requests.

In the chart that follows, please note that total hits for FY 2003 through FY 2007 are higher than those shown in previous Annual Reports due to corrections to data.



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 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 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.

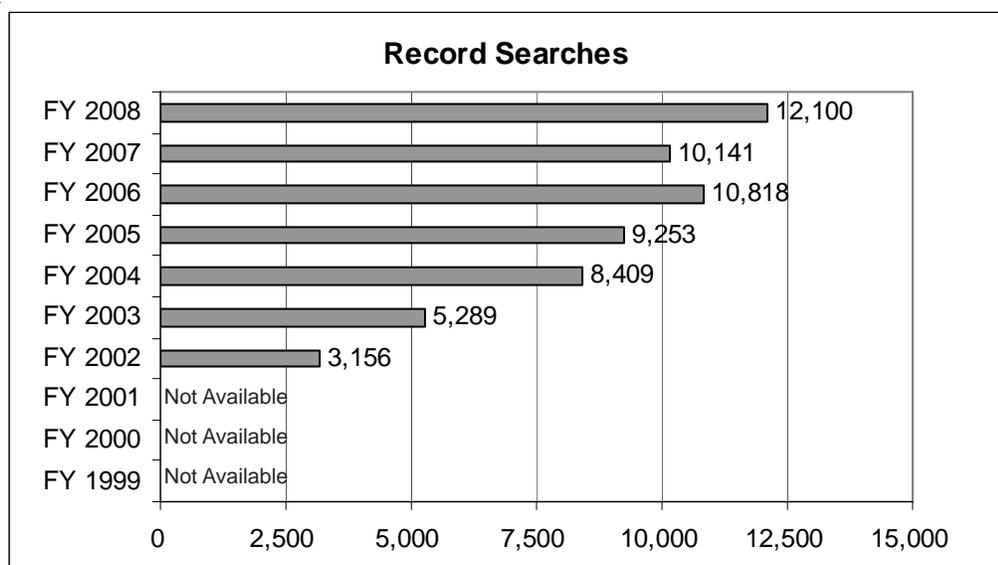
A complete listing of available publications and forms may be found on the court web site (<http://www.wcc.ne.gov/publications.htm>).

Workshops and Seminars

Public Information staff assist with planning, preparing, and conducting informational workshops and seminars presented by the court. During FY 2008, court staff have presented information to 320 people in six 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 12,100 requests for such records in FY 2008, a 19.3 percent increase from FY 2007. Of the record requests fulfilled in FY 2008, 10,354 (85.6 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 58,169 first reports and 91,436 subsequent reports in FY 2008. At the time of publication, 99.8 percent of all first reports and 99.7 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. The “WCC — Search Claims” application is 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, 218 external users from 62 of the court’s 164 trading partners are approved for access to this application.

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 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/database administrator, three full-time developers, and two full-time infrastructure staff members.

Fiscal Year Activities

Ending June 30, 2008, the court completed its 11th full year of managing data on its client/server system, which utilizes an Oracle database. The database currently contains 13 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. During the 11-year time frame the section has developed and maintains 489 program units: 312 in Oracle Forms/Reports, 42 in Micro Focus Cobol, and 135 in Embarcadero/CodeGear Delphi. A number of Oracle Forms/Reports are being replaced with Delphi units as the court continues to move forward with its re-engineering efforts. 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.

The court has set a goal of being "paperless" in its operations, and the court information technology plan and court strategic plan are structured to achieve that goal. The section has been implementing technology to this end. In 2008, the court procured a Workflow/Business Process Management (BPM) system that will be integrated with the court's Unified Case/Document/Message Management (UCDM) system. The HandySoft BizFlow BPM will be combined with Oracle and Delphi technologies to create re-engineered lines of business systems to meet the goal of a "paperless" court.

The court completed development and implementation of a new Vocational Rehabilitation Service Provider Management system. This system combines provider management and document management in one tightly coupled database implementation along with outbound electronic message delivery. It also includes an entry-level work queue management system that will be replaced with the BizFlow system. The court is also in the process of adding message composition to the system for the creation of adhoc outbound messages that are automatically captured in the UCDM data stores and delivered electronically through its outbound message management system.

The court continues work on internal lump sum settlement re-engineering. The internal system will be re-engineered with the addition of tightly integrated document and case management and process management through BizFlow. Message composition will also be incorporated. Today's lump sum settlement process flows from Adjudication to Legal to the Presiding Judge and back to Adjudication. That process will be fully

automated using BizFlow and an electronic application settlement file will be created and replace the paper file.

Electronic filing efforts have begun. The first area being addressed is Adjudication filings, specifically the Application for Lump Sum Settlement. The court has started the Lump Sum Settlement Electronic Filing Project. That project directly includes outside stakeholders such as attorney offices in the analysis, design, and testing efforts. The first phase of that project will deliver centralized electronic drafting functionality that will standardize the application and create consistency of information provided. The system will provide authenticated access to court information such as dockets and injury reports to assist in preparation of the application.

The court completed a major upgrade of its Internet presence and delivered its first public Internet application to look up coverage for employers based upon information maintained in the Proof of Coverage (POC) database. The court is now positioned to begin delivering additional content to the public and provide Internet based systems to interact with the court.

The section, in conjunction with the Office of the Chief Information Officer (OCIO) completed a major server/storage project with the implementation of a Blade Servers/SAN (Storage Area Network) infrastructure and virtualized operating systems. The court is now positioned to add new software functionality with minimal hardware additions. As an example, the section was able to install the development environment of two virtual servers for the BizFlow system with zero additional hardware.

LB588, from the 2007 legislative session, mandated that a Diagnostic Related Group Hospital Fee Schedule be published and that reports be collected from hospitals, workers' compensation insurers, self-insured employers, and risk management pools. The section, working with the court's Coverage and Claims section, created an Internet-based system for the annual electronic submission of the reports and a repository for analysis of the reports for purposes of the annual update of the fee schedule.

Nebraska Occupational Injury and Illness Survey — 2007

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.

2007 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 2007 sample surveyed 3,713 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 2007 is available on the court's web site (<http://www.wcc.ne.gov/publications/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) — 2007

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 16th year that CFOI has been conducted in all 50 states and the District of Columbia.

2007 Census of Fatal Occupational Injuries

CFOI 2007 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 2007 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.

2007 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 63 fatal workplace injuries during 2007, up from 57 the previous year. Other findings of the census include:

- Transportation incidents was the leading fatal event, accounting for 24 (38 percent) of fatal occupational injuries in 2007. Contact with objects and equipment followed with 17 (27 percent) and assaults and violent acts contributed to 13 (21 percent).
- Among industry groups, the largest number of fatal work injuries was in Agriculture, Forestry, Fishing and Hunting with 18 (29 percent). Transportation and Warehousing along with Retail Trade followed with nine deaths each (14 percent). Manufacturing had eight deaths (13 percent).
- Twenty-one (33 percent) of those fatally injured were 65 years and older, and 14 (22 percent) were 45 – 54 years of age.
- Fifty-nine (94 percent) of those fatally injured were white, non-Hispanic.
- Fifty-five (87 percent) of those fatally injured were men.

-
- Forty-five (71 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 2007 is available on the court's web site (<http://www.wcc.ne.gov/publications/osh-cfoi.htm>).