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Workers' Compensation Court 69th Annual Report

Fiscal Year 2011:

July 1, 2010 through June 30, 2011



Nebraska Workers' Compensation Court

69th Annual Report

Fiscal Year 2011:

July 1, 2010 through June 30, 2011



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, 2011

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-Ninth 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

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General Information

History

The Nebraska Workers' Compensation Act was first passed in 1913 (originally known as the Nebraska *Workmen's* Compensation Act) 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 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 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 at 1010 Lincoln Mall in Lincoln, Nebraska and three judges are officed in the Hall of Justice in Omaha, Nebraska. 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, whose decision may be appealed. The appeal procedure is governed by LB 151 from the 2011 session of the Nebraska Legislature. Under LB 151, some cases continue to be appealed to a three-judge review panel of the compensation court, with a possible further appeal to the Nebraska Court of Appeals. Other cases are appealed directly to the Nebraska Court of Appeals. Regardless of the initial appeal procedure, a case may ultimately go to the Nebraska Supreme Court. Appeal of a single judge decision is based on the record created at the original hearing, and no new evidence may be introduced on appeal.

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 business continuity plan, 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 desktop and internet systems, 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 2011

Legislation

LB 151 from the 2011 session of the Nebraska Legislature altered the method of appeal from a decision of a single judge of the compensation court on original hearing. The review panel procedure before three judges of the court was eliminated for cases filed on or after August 27, 2011, and for cases pending before the court on that date in which a hearing on the merits had not been held. Appeal from a decision of a single judge in any such case will be directly to the Nebraska Court of Appeals, in accordance with the procedures regulating appeals from the state district courts. Conversely, appeals from any case pending before the compensation court on August 27, 2011 in which a hearing on the merits had been held will continue to be in accordance with the three-judge review panel procedure. LB 151 also (1) expanded the compensation court's authority to modify or change its findings, order, award, or judgement, (2) allowed compensation court hearings to be held telephonically or by videoconferencing in all non-evidentiary hearings and in any evidentiary hearings approved by the court and by

stipulation of the parties, (3) eliminated a requirement that judges of the court reside in Lancaster County unless otherwise permitted by a majority vote of the judges of the court, and (4) removed statutory references to the office of the court and clerk of the court being in the State Capitol.

LB 152, also from the 2011 legislative session, amended section 48-120.04 to establish a Trauma Services Inpatient Hospital Fee Schedule. The schedule becomes effective for discharges on and after January 1, 2012, with adjustments to be made annually as provided in section 48-120.04. The schedule is applicable to diagnostic related groups subject to the Diagnostic Related Group Inpatient Hospital Fee schedule, and to hospitals subject to that schedule. The Diagnostic Related Group Inpatient Hospital Fee schedule was established in 2007 by amendments to section 48-120.04, and is also updated annually as provided in that section. Charges for services not subject to the diagnostic related group or trauma services inpatient hospital fee schedules, or not contracted for by the parties, are to be reimbursed under the schedules of fees adopted by the compensation court.

Court Rules

Changes to the court's Rule 26 were adopted at a public meeting on December 14, 2010 to determine the Medicare Diagnostic Related Groups (DRGs) to be included in the Diagnostic Related Group Inpatient Hospital Fee Schedule for calendar year 2011. A revised schedule of fees for hospitals and ambulatory surgical centers not covered by the DRG fee schedule was also adopted, effective January 1, 2011.

Rule 1 was amended at a public meeting on June 3, 2011, and further amended at a public meeting on August 10, 2011, to provide that on and after July 1, 2011 the office of the court will be at 1010 Lincoln Mall, Lincoln, Nebraska, rather than in the State Capitol. Court judges and staff located at the Hall of Justice in Omaha and at 1221 "N" Street in Lincoln will not be affected by the change, and will remain at those locations. However, in accordance with Rule 1, no place other than 1010 Lincoln Mall, Lincoln, Nebraska shall be deemed to be an office or branch office of the court, and any pleading relating to a proceeding of the court must now be filed with the clerk of the court at that location.

Several additional court rules were also amended or repealed at the public meeting on August 10, 2011 in response to LB 151 from the 2011 session of the Nebraska Legislature. As noted above, LB 151 eliminated appeal to a three-judge review panel for cases filed with the court on or after August 27, 2011, and for cases pending before the court on that date in which a hearing on the merits had not been held. Consequently, those court rules relating to the review panel procedure were amended to provide that such rules are now applicable only to cases pending before the compensation court on August 27, 2011 in which a hearing on the merits had been held before that date.

Miscellaneous adjustments to other court rules were approved at the December 14, 2010 and August 10, 2011 public meetings.

Vocational Rehabilitation

During FY 2011, the court's approach to administrative review and approval of vocational rehabilitation plans was adjusted in order to focus such plans more directly on returning the injured worker to employment. As a result, the Vocational Rehabilitation Section specialists will no longer administratively review or approve plans for formal training in the absence of a specified career field and job goal. Therefore, traditional plans for English as a Second Language (ESL), Graduate Record Examinations (GRE), Adult Basic Education (ABE), or similar training that have not identified a specified career field and job goal will no longer be administratively reviewed or approved. However, such training may be considered as a supportive

service in another formal training or job placement plan, as applicable in the particular case. Any party who refuses to accept an administrative decision by a specialist may request a hearing before a judge of the court.

Public Information

The Public Information Section frequently responds to requests from the public for record searches regarding injuries to an individual employee. In FY 2011 the court's internal processing of such requests was augmented with Handysoft's BizFlow, a workflow/business process management tool. The transfer of such records to the requester was also augmented with Repliweb's RMFT, a managed file transfer tool. Implementation of these tools has resulted in more efficient and secure processing and fulfillment of such requests.

Court Technology

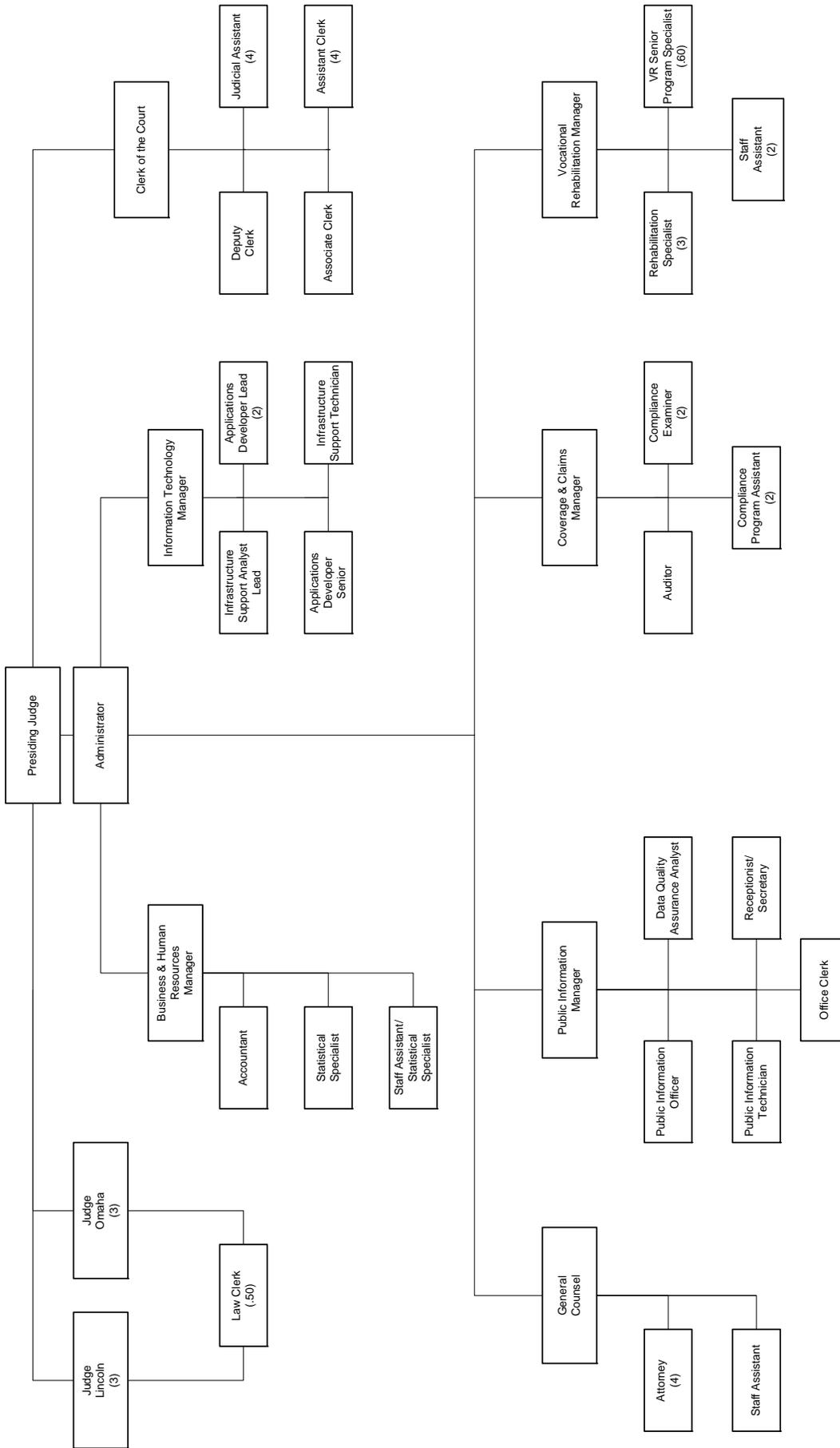
The Information Technology Section began the process of upgrading the court's Oracle database systems from version 10g to 11g during FY 2011 and will complete the process in FY 2012. During this process the court is moving to virtualized servers hosted by the Office of the Chief Information Officer and the Linux operating system platform.

The section has participated with the Office of the Chief Information Officer and several other state agencies in procuring an enterprise content management system. Once implemented, this system will be utilized to provide storage and content management of electronically filed and/or scanned documents, including documents currently stored in Lotus Notes.

The court also continues to implement other infrastructure to improve internal business processes and to support future electronic filing and processing of pleadings and other litigation documents. Electronic filing development continued in FY 2011.

In addition to the specific activities listed above for FY 2011, 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 2011 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2011. 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.aspx>.

NEBRASKA WORKERS' COMPENSATION COURT



REVISED
August 2011

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; the Supreme Court’s Committee on Self-represented Litigants; and the Supreme Court’s Technology Committee.

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. (BA); Creighton University School of Law (JD). 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 (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.

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 (BS, cum laude); Creighton University School of Law (JD). 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: 1010 Lincoln Mall, Suite 100, Lincoln NE 68508, phone (402) 471-3924, (800) 599-5155.

Date Appointed: April 12, 1996.

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

Judges



Michael K. High, Judge

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

Date Appointed: January 8, 1998.

Biography: Graduate of University of Nebraska—Lincoln (BS in Agricultural Economics, 1972); MA in Economics, 1986); University of Nebraska College of Law (JD, 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: 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). 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 2011 (July 1, 2010 to June 30, 2011)

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 2011 was \$6,854,555.

| | | | |
|---|------------------|--------------------------|--------------------|
| BALANCE of fund on July 01, 2010: | | \$8,779,818 | |
| Revenue: | | | |
| Assessments | | 4,433,625 | |
| Interest | | 252,321 | |
| Accounts Receivables Invoiced | | 8,065 | |
| Due to Vendor | | 31,948 | |
| Bonds Payable | | (675) | |
| Sale of Surplus Property | | 1,141 | |
| Miscellaneous Income | | 122,987 | |
| Reimbursement Non-Government Sources | | 0 | |
| Miscellaneous Adjustment | | 0 | |
| Operating Transfers Out | | (1,000,000) | |
| Total Revenue | | | <u>3,849,412</u> |
| Expenditures: | | | |
| | Appropriation | Not Expended | Actual Expended |
| Court Administration | 6,268,229 | 1,048,266 | 5,219,963 |
| Federal Grant Administration | 47,984 | 4,741 | 43,243 |
| Voc. Rehab. Administration | 442,935 | (15,340) | 458,275 |
| Second Injury Administration | 1,270 | 508 | 762 |
| Self-Insurance Administration | 94,137 | 2,100 | 92,037 |
| Totals | <u>6,854,555</u> | <u>1,040,275</u> | <u>5,814,280</u> |
| Less Total Expenditures | | | <u>5,814,280</u> |
| BALANCE of fund on June 30, 2011: | | <u>6,814,950*</u> | |
| * Does not include FY 2011 expenditures of \$449,235 paid in FY 2012. | | | |

Federal General Fund

Federal Fiscal Year 2011 (October 1, 2010 to September 30, 2011)

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 an administrative adjustment may also be made at that time. The amount to be deobligated is calculated and sent to the BLS as an adjustment to the original grant award. The legislative appropriation for fiscal year 2011 was \$33,208.

| | | | | | |
|---|------------------------------|-------------------------------|-----------------|--------------------|-----------------|
| BALANCE of fund on October 1, 2010: | | | | | 0 |
| Revenue: | | | | | |
| Intergovernmental Revenue | | | | 48,927 | |
| Deobligation June 30, 2011 | | | | (3,467) | |
| Total Revenue | | | | | <u>45,460</u> |
| Expenditures: | | | | | |
| | Legislative Appropriation | Administrative Adjustments | Not Expended | Actual Expended | |
| Federal Grant Admin. | <u>33,208</u> | <u>12,252</u> | 0 | 45,460 | |
| Totals | <u>33,208</u> | <u>12,252</u> | 0 | 45,460 | |
| Less Total Expenditures | | | | | <u>45,460</u> |
| BALANCE of fund on September 30, 2011: | | | | | <u><u>0</u></u> |

Workers' Compensation Trust Fund

Fiscal Year 2011 (July 1, 2010 to June 30, 2011)

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, 2010: | | \$5,013,757 |
| Revenue: | | |
| Interest | 158,035 | |
| Reimbursements | 0 | |
| Assessments | * 0 | |
| Sale of Surplus Property | 0 | |
| Miscellaneous Adjustment | 0 | |
| Total Revenue | | <u>158,035</u> |
| Expenditures: | | |
| Second Injury Benefits | 277,611 | |
| Voc. Rehab. Benefits | 799,336 | |
| Due to Vendor | 27,667 | |
| Less Total Expenditures | | <u>1,104,614</u> |
| BALANCE of fund on June 30, 2011: | | <u><u>\$4,067,178</u></u> |

* Assessments were not made in FY 2011.

Workers' Compensation Trust Fund
(Transfers and Assessments)

| | |
|----------------------------|-----------------|
| Fiscal Year Ending: | |
| Assessments: | |
| June 30, 2011 | \$0 |
| June 30, 2010 | \$0 |
| June 30, 2009 | ** (762) |
| 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.

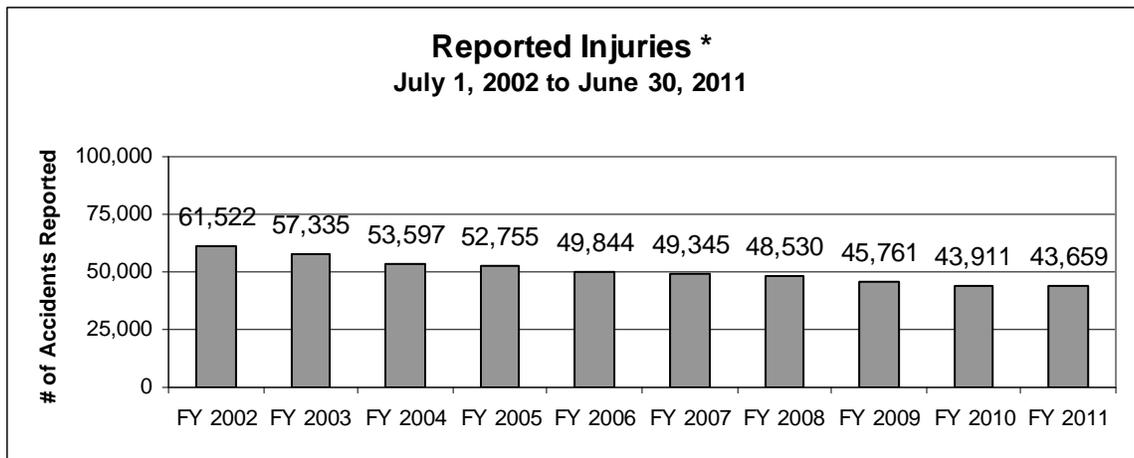
Second Injury & Vocational Rehabilitation Expenditures
(Benefit and Administrative Costs*)

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

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

Reported Injuries *

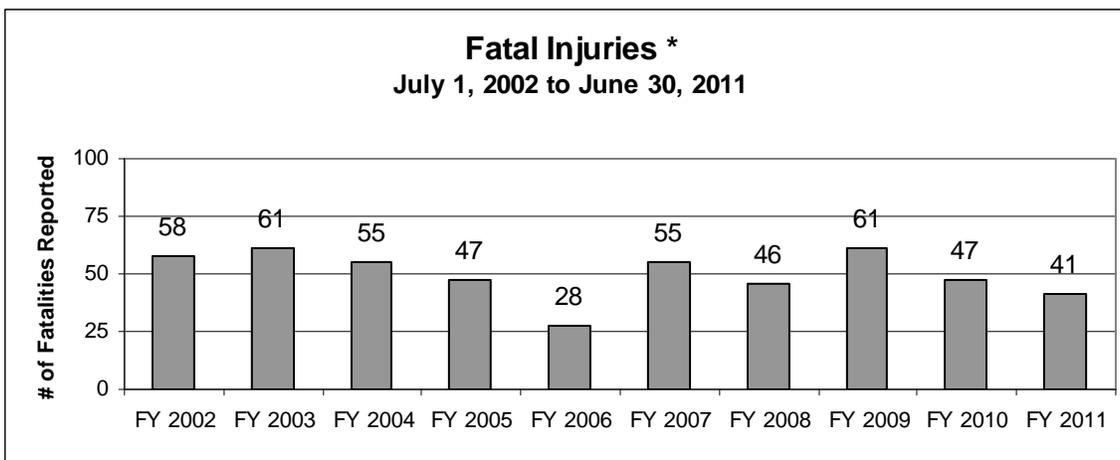
| | Male | Female | Unknown | Total |
|-------------------------------|--------|--------|---------|--------|
| July 1, 2010 to June 30, 2011 | 22,774 | 16,711 | 4,174 | 43,659 |
| July 1, 2009 to June 30, 2010 | 23,143 | 16,676 | 4,092 | 43,911 |
| July 1, 2008 to June 30, 2009 | 24,705 | 16,712 | 4,344 | 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 |
| 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 |



* Includes injuries reported in FY 2011 regardless of the year in which the injury occurred.
Includes injuries resulting from occupational disease.

Fatal Injuries *

| | Male | Female | Total |
|-------------------------------|------|--------|-------|
| 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 |
| 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 |



* Includes fatal injuries reported in FY 2011 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 of the Nebraska Workers' Compensation Court. The calculation excludes federal employees, and is made in accordance with sections 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 2012 will be \$710.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2012. The minimum rate remains at \$49 as provided in section 48-121.01(2).

Maximum/Minimum Compensation Benefits

| Injury Occurring Between: | Maximum | Minimum |
|----------------------------------|----------------|----------------|
| 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 |
| 01/01/1996 to 12/31/1996 | \$409 | \$49 |

Litigated Case Summary¹

| Fiscal Year ² | Original Hearing Level | | Review Hearing Level | | Supreme Court/ Court of Appeals Level | |
|--|------------------------|--------------|----------------------|------------|---------------------------------------|-----------|
| | 2011 | * 2010 | 2011 | * 2010 | 2011 | * 2010 |
| Cases Pending at Beginning of Fiscal Year | 1,329 | 1,420 | 37 | 48 | 23 | 15 |
| Petition or Appeal Filed in Fiscal Year | 1,313 | 1,220 | 84 | 82 | 27 | 38 |
| Reopened Petitions Filed in Fiscal Year | 215 | 184 | N/A | N/A | N/A | N/A |
| Remands Filed in Fiscal Year | 11 | 17 | 14 | 26 | N/A | N/A |
| Total Cases | 2,868 | 2,841 | 135 | 156 | 50 | 53 |
| Court Disposition | | | | | | |
| Decisions Issued | 316 | 315 | 71 | 72 | 16 | 21 |
| Court-Approved Settlements | 323 | 386 | 2 | 10 | 3 | 2 |
| Other Dispositions ³ | 905 | 811 | 29 | 37 | 6 | 7 |
| Total Dispositions | 1,544 | 1,512 | 102 | 119 | 25 | 30 |
| Total Pending at End of Fiscal Year | 1,324 | 1,329 | 33 | 37 | 25 | 23 |

| Fiscal Year ² | 2011 | * 2010 | * 2009 | * 2008 | * 2007 |
|-------------------------------|-------|--------------------|--------|--------|--------|
| Number of Motions Filed | 2,939 | 2,958 ⁴ | 2,400 | 2,458 | 2,497 |
| Number of Motion Dispositions | 2,499 | 2,489 | 1,936 | 2,004 | 2,065 |
| Number of Motion Hearings | 782 | 943 | 985 | 947 | 881 |

* Numbers may differ from those shown in the FY 2010 Annual Report due to corrections to data.

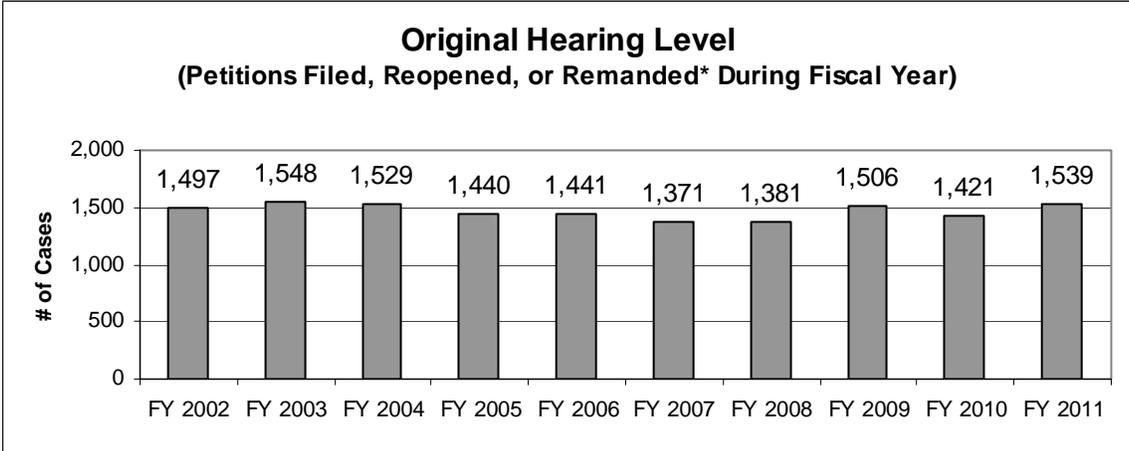
¹ Cases may appear more than once in any year if they are appealed.

² Fiscal Years run from July 1 through June 30.

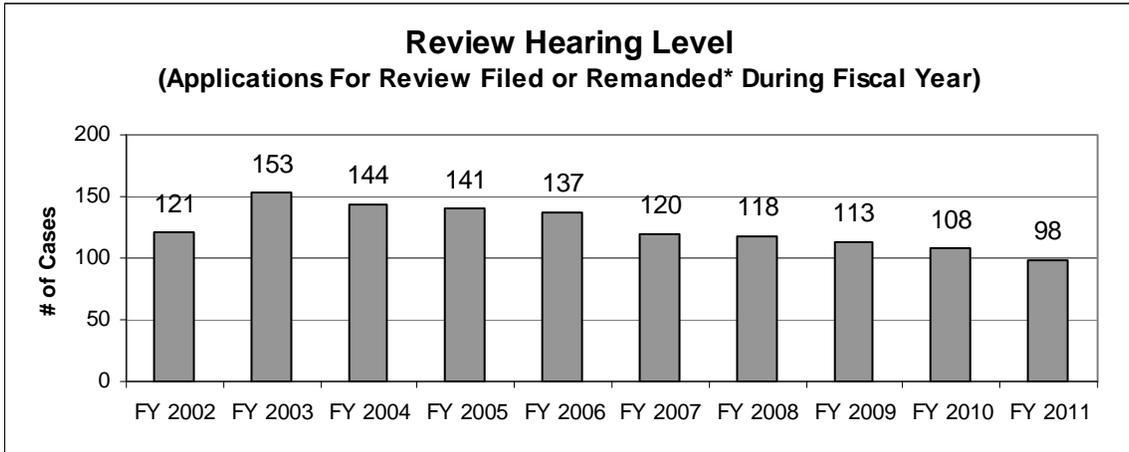
³ Includes dismissals without hearings, remands without hearings, and cases closed by release of liability.

⁴ LB 630, which became effective May 27, 2009, eliminated mandatory court approval of some settlement agreements, and required the filing of a release for those settlements no longer requiring court approval.

Hearings and Review Hearings



* Remands included in totals beginning in FY 2008.



* Remands included in totals beginning in FY 2008.

Summary of Settlements

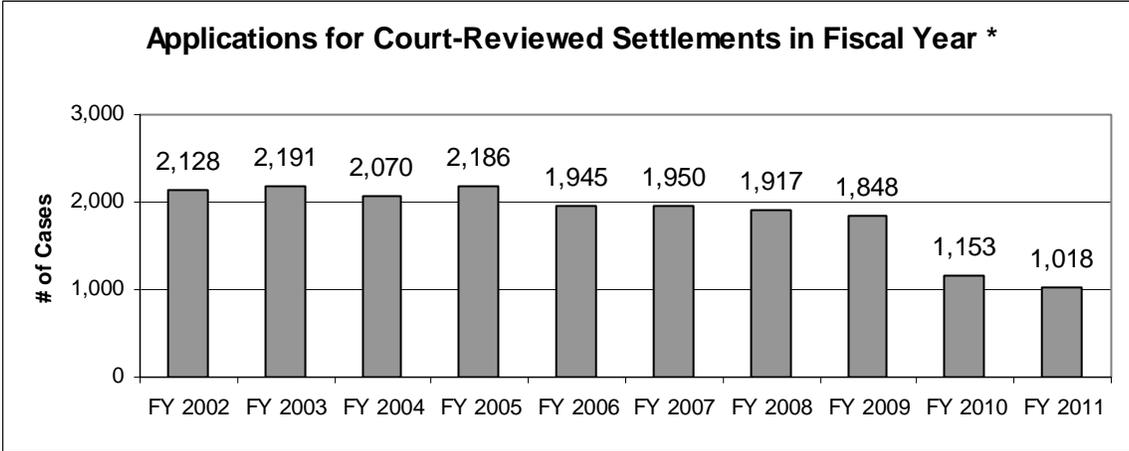
| Fiscal Year ¹ | 2011 | * 2010 | 2009 | 2008 | 2007 |
|--|--------------|---------------|--------------|--------------|--------------|
| Applications for Court-Reviewed Settlements ² | | | | | |
| Applications Pending at Beginning of Fiscal Year | 54 | 87 | 90 | 79 | 113 |
| Applications Filed in Fiscal Year | 1,018 | 1,153 | 1,848 | 1,917 | 1,950 |
| Total | 1,072 | 1,240 | 1,938 | 1,996 | 2,063 |
| Dispositions for Court-Reviewed Settlements | | | | | |
| Applications Approved Without Litigation | 684 | 766 | 1,048 | 1,109 | 1,093 |
| Applications Approved at Original Hearing Level | 323 | 386 | 759 | 745 | 821 |
| Applications Approved at Review Hearing Level | 2 | 10 | 14 | 10 | 22 |
| Applications Approved at Sup. Ct./Crt. App. Level | 3 | 2 | 2 | 1 | 6 |
| Applications — Total Approved | 1,012 | 1,164 | 1,823 | 1,865 | 1,942 |
| Applications — Total Disapproved | 24 | 22 | 28 | 41 | 42 |
| Total | 1,036 | 1,186 | 1,851 | 1,906 | 1,984 |
| Applications for Court-Reviewed Settlements Pending at End of Fiscal Year | | | | | |
| Applications Pending at End of Fiscal Year | 36 | 54 | 87 | 90 | 79 |
| Total | 36 | 54 | 87 | 90 | 79 |
| Releases for Settlements Not Requiring Court Approval ² | | | | | |
| Fiscal Year ¹ | 2011 | 2010 | 2009 | 2008 | 2007 |
| Releases Filed in Fiscal Year | 797 | 677 | 20 | N/A | N/A |

* Numbers may differ from those shown in the FY 2010 Annual Report due to corrections to data.

¹ Fiscal Years run from July 1 through June 30.

² LB 630, which became effective May 27, 2009, eliminated mandatory court approval of some settlement agreements, and required the filing of a release for those settlements no longer requiring court approval.

Applications for Court-Reviewed Settlements



* LB 630, which became effective May 27, 2009, eliminated mandatory court approval of some settlement agreements, and required the filing of a release for those settlements no longer requiring court approval. Information about settlement releases filed with the court may be found in the Summary of Settlements on the previous page.

Legal

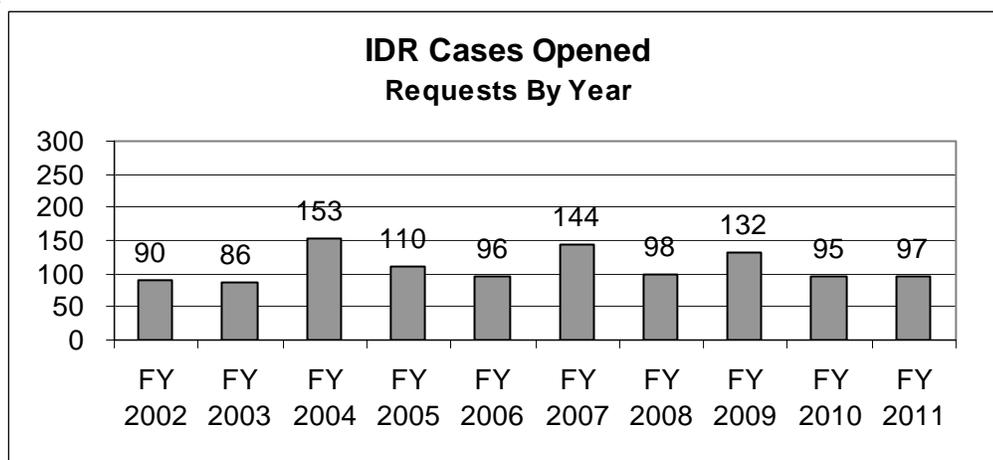
The Legal section of the Nebraska Workers' Compensation Court is responsible for reviewing lump sum settlements, facilitating informal dispute resolution, responding to inquiries from the public, providing legal advice to the court's administrative staff, and monitoring legislation for potential impact 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 2011 (July 1, 2010 through June 30, 2011) are provided beginning on Page 19. 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/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 participants 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 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 a judge. Many IDR inquiries can be resolved without the need for a mediation conference simply through information and education provided by the mediation coordinator.



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

Closed Cases

Mediation through the court is voluntary. In 82 cases, or 80.4 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 | 62 |
| No Response by Party(s) | 20 |
| Full Agreement | 8 |
| Withdrawn/Resolved by Parties | 5 |
| No Agreement | 3 |
| Partial Agreement | 2 |
| Withdrawn/Plaintiff Represented | 1 |
| Inappropriate for Mediation | 1 |
| Total Closed in FY 2011 | 102 |

Mediated Cases

Of the 102 cases closed in FY 2011, 13 met in a mediation conference either in person or over the telephone. Of these mediated cases, 10 (76.9 percent) reached full or partial agreement.

| Outcome of Mediated Cases | |
|----------------------------------|-----------|
| Full Agreement | 8 |
| No Agreement | 3 |
| Partial Agreement | 2 |
| Total Mediated in FY 2011 | 13 |

Coverage and Claims

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

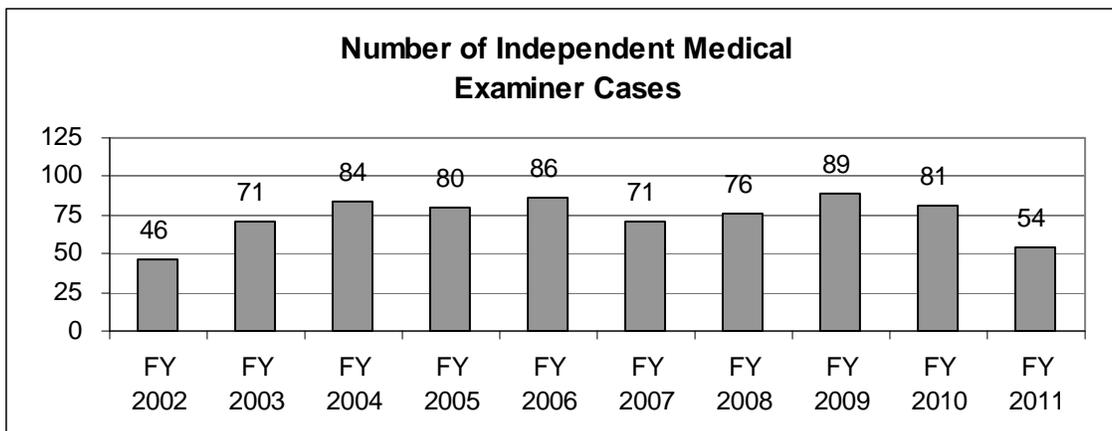
Medical Services Activities

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 (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.

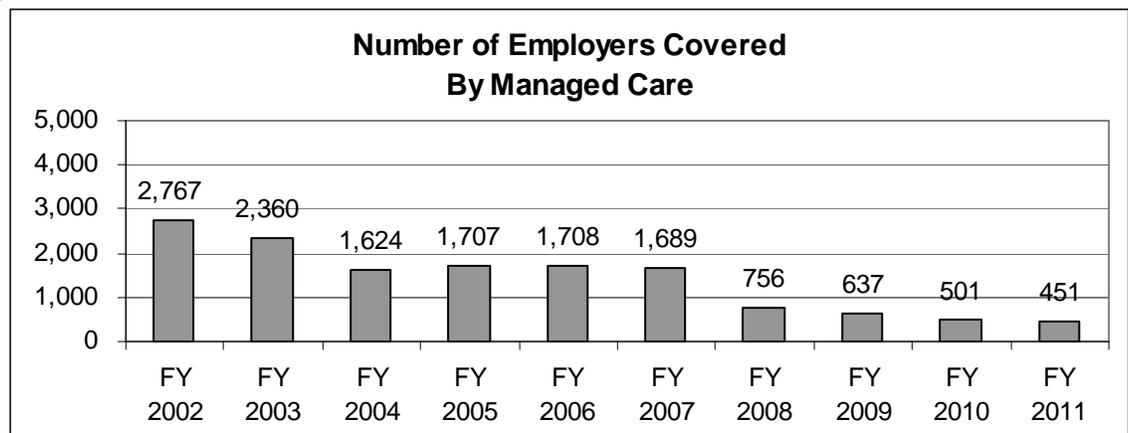
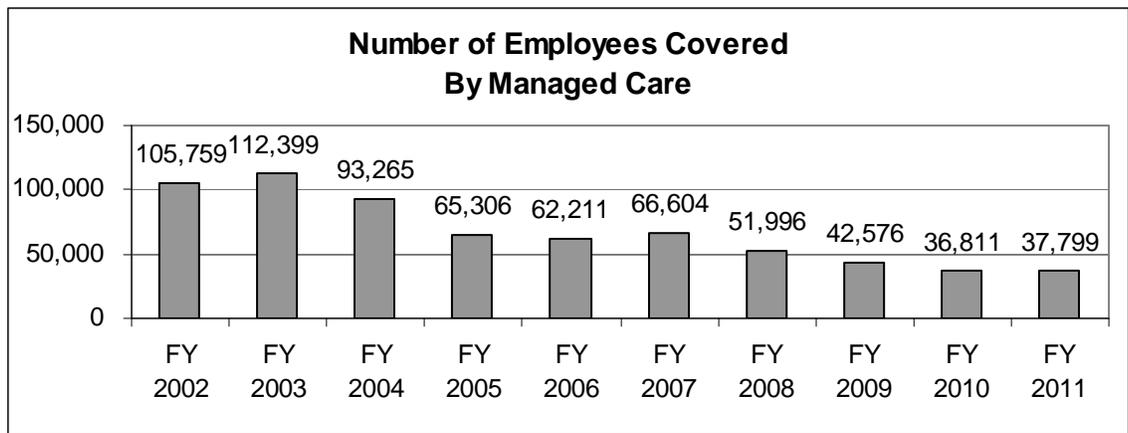
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an IME. The parties may agree on a physician to submit the finding or may request assignment of a court-approved IME. The IME system was designed to give the parties an additional 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 138 court-approved IMEs.

During FY 2011, 54 IME cases were opened. Three of the IME requests were conducted by a physician agreed upon by the parties. Thirty-four requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee, and 13 were submitted by a workers' compensation insurer or the insurer's attorney. There were no requests from unrepresented employees in FY 2011. Four IME assignments were ordered by a judge of the court. The following chart shows IME cases opened during the last 10 years.



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, 2011 there were 451 employers and 37,799 employees covered by the certified managed care plans. Bar graphs on the following page show the trend in covered employers and employees.



Compliance Activities

One of the primary enforcement activities of the section is to identify employers who do not have insurance coverage as required under the Nebraska Workers' Compensation Act. The section sent 3,274 informational letters to new corporations registering with the Secretary of State during FY 2011. The letters resulted in 129 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. 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. During FY 2011, letters were sent to 3,869 employers whose coverage had been cancelled or not renewed, and 243 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 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 492 calls during FY 2011. 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 171 case investigations were opened last fiscal year as a result of the above activities. Twenty-one 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. Ten such audits were completed in FY 2011.

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. 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, 2011 there were 42 employers approved for self-insurance. For calendar year 2011 assessment purposes, there were 43 self-insurers (employers who were self-insured for all or part of calendar year 2010). 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 | 10 |
| Services | 9 |
| Transportation & Public Utilities | 8 |
| Government | 6 |
| Retail | 5 |
| Wholesale | 2 |
| Insurance | 2 |
| Total Self-Insurers as of 6/30/2011 | 42 |

Self-Insurance Status By Calendar Year

| Calendar Year | # of Self-Insurers | # of Employees | Gross Payroll |
|---------------|--------------------|----------------|-----------------|
| 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 |
| 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 |

Note: 2011 figures not available at time of publication.

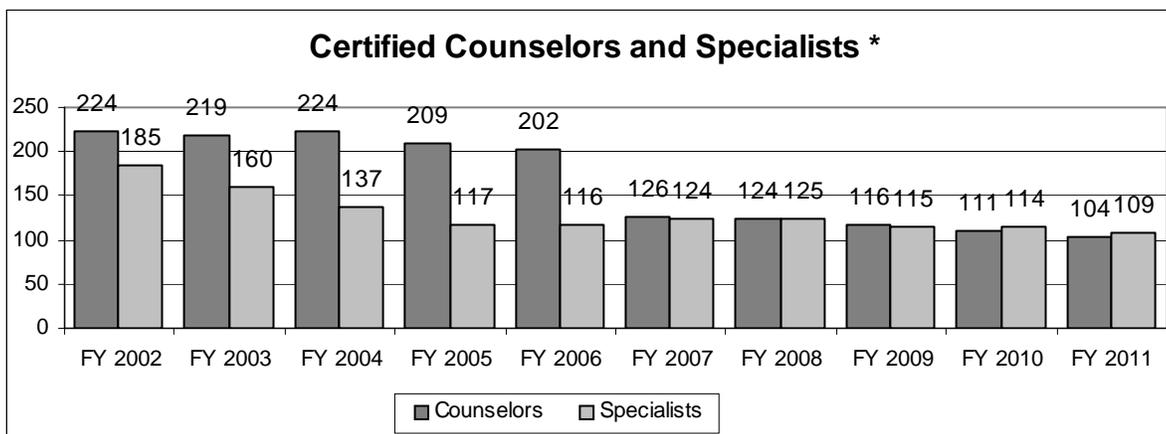
Vocational Rehabilitation

A manager, three vocational rehabilitation specialists, one senior program specialist, 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 is 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. On June 30, 2011 there were 104 private vocational rehabilitation counselors and 109 job placement specialists certified by the court. There are 48 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, 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 553 cases opened in FY 2011, the court appointed 211 counselors from its directory and the parties were able to agree upon a counselor in 317 cases. The remaining cases were opened and closed before a counselor was agreed to or appointed, or are currently open with no counselor assigned.

At the end of FY 2011 (June 30, 2011) there were 578 open vocational rehabilitation cases. A total of 597 cases were closed for a variety of reasons during FY 2011. The table below shows reasons for case closure.

| Cases Closed BEFORE Counselor Agreed to or Appointed | |
|---|------------|
| Request For Appointment Denied | 14 |
| Request to Appoint Withdrawn | 4 |
| Other | 3 |
| Lump Sum Settlement | 2 |
| No Contact After Award | 2 |
| Employee Did Not Respond | 1 |
| Rehab Not Awarded By Court | 1 |
| Release Of Liability Filed | 1 |
| Cases Closed AFTER Counselor Agreed To Or Appointed | |
| Closed Loss Of Earning Power Only | 195 |
| Release Of Liability Filed | 79 |
| Lump Sum Settlement Approved, Not Working | 69 |
| Return To Work New Employer | 37 |
| Other | 31 |
| Lump Sum Settlement Pending, Not Working | 26 |
| Employee Not Interested | 24 |
| Completed Training, Not Working | 17 |
| Not Working | 15 |
| Vocational Rehabilitation Not Awarded | 15 |
| Lump Sum Settlement, Working | 9 |
| Permanent Total Disability | 9 |
| Uncooperative | 9 |
| Return To Work Same Employer, New Job | 6 |
| Closed At Carrier's Request | 4 |
| Plan Denied | 4 |
| Released To Work | 4 |
| Return To Work Same Employer. Same job | 4 |
| Moved, Unable To Locate | 3 |
| Return To Work Same Employer, Modified Job | 3 |
| Employee Did Not Report After Award | 2 |
| Deceased | 2 |
| Self-Employment | 2 |
| Total Cases Closed | 597 |

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 training.

A vocational rehabilitation plan of some type is involved in many of the cases monitored by the section. The following table shows the number and type of plans closed during FY 2011. A total of 245 plans had start dates in FY 2011 and currently there are 161 plans being monitored on open cases.

| Type of Vocational Plan | |
|---|------------|
| Job Placement | 93 |
| Associate Degree | 74 |
| Certificate/Other Training | 34 |
| General Education Diploma (GED) | 18 |
| English as Second Language (ESL) | 13 |
| Bachelor's of Other Advanced Degree | 9 |
| On-The-Job Training (OJT) | 1 |
| Total Vocational Plans Closed in FY 2011 | 242 |

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. 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 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 e-mail 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.

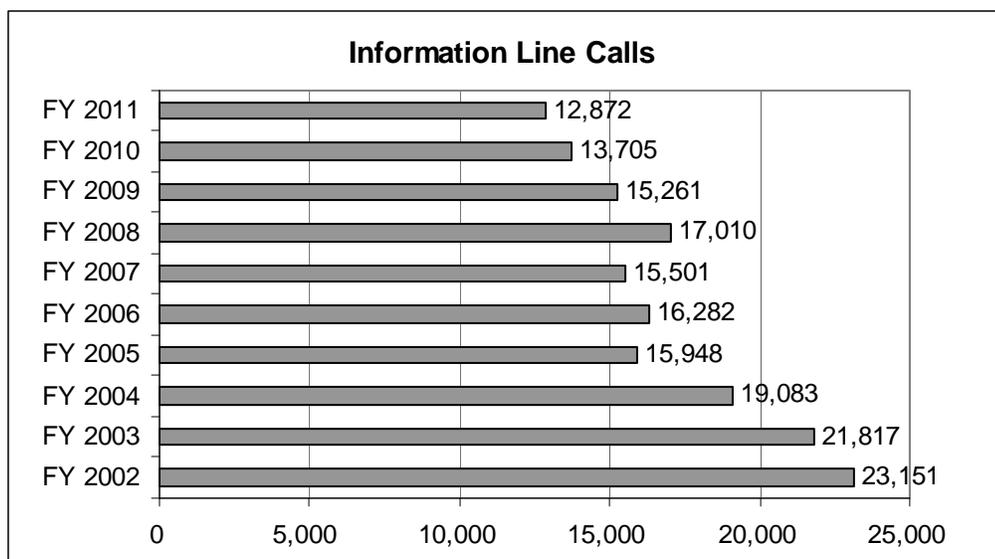
Providing these services requires six full-time staff members: a manager, a public information officer, a data quality assurance analyst, a public information technician, a receptionist/ secretary, and an office clerk.

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 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. In FY 2011, 525 information line calls came from employees who had been notified by the court's automated mailing service that their injury reports had been filed with the court.

The information line received a total of 12,872 calls in FY 2011, an average of 247.5 calls per week or 51.9 calls per working day. This is a 6.1 percent decrease from FY 2010.

Web site

Public Information staff 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:

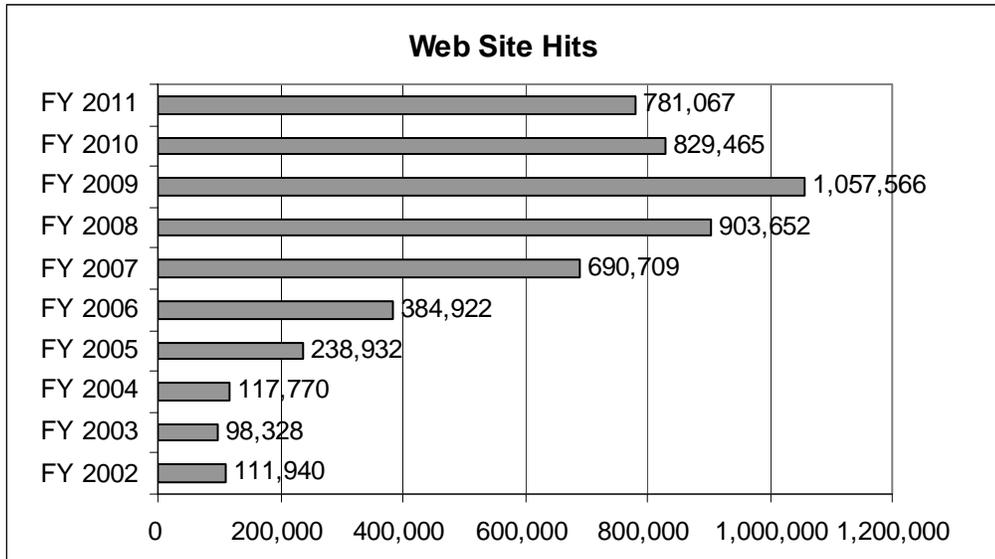
- The web site was converted to Microsoft's ASP.NET format in FY 2010. This framework alleviates the overhead and redundancy usually associated with the development of dynamic web sites, applications and services. As part of the conversion project, the web site was moved onto the court's internal servers. This has enabled the court to maintain its entire web presence (including all previously developed web applications) in one location, while eliminating multiple file formats. It has also allowed for more efficient records management, enforcement of better security practices, and web site maintenance cross-training.
- The web site has been designed to maximize readability in any web browser, at any screen resolution (including internet-enabled handheld devices).
- A number of useful applications are available: a coverage look-up application (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, and benefit calculators.
- 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).
- 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.

The web site received 781,067 hits in FY 2011, a 5.8 percent decrease from FY 2010. The public accessed the following areas of the web site most often in FY 2011:

1. The **Court News** section (RSS feed) had 320,398 hits (41.0 percent of all hits).
2. The **Medical** section had a combined total of 82,680 hits (10.6 percent of all hits). Of these, the Fee Schedules (for Medical Services, Hospitals and Ambulatory Surgical Centers, and Implantable Medical Devices, as well as the Diagnostic Related Group Inpatient Hospital Fee Schedule) had a combined total of 77,803 hits (10.0 percent of all hits).
3. The **Legal** section had a combined total of 73,532 hits (9.4 percent of all hits). Of these, the Rules of Procedure had 37,744 hits (4.8 percent of all hits).

4. The **Clerk's Office** section had a combined total of 34,825 hits (4.5 percent of all hits).
5. The **About the Court** section (contact information, facility locations, judges and staff, history, mission, and organization) had a combined total of 26,110 hits (3.3 percent of all hits).

Other web site activity in FY 2011 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 on the next page, Public Information staff responded to 2,291 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 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.

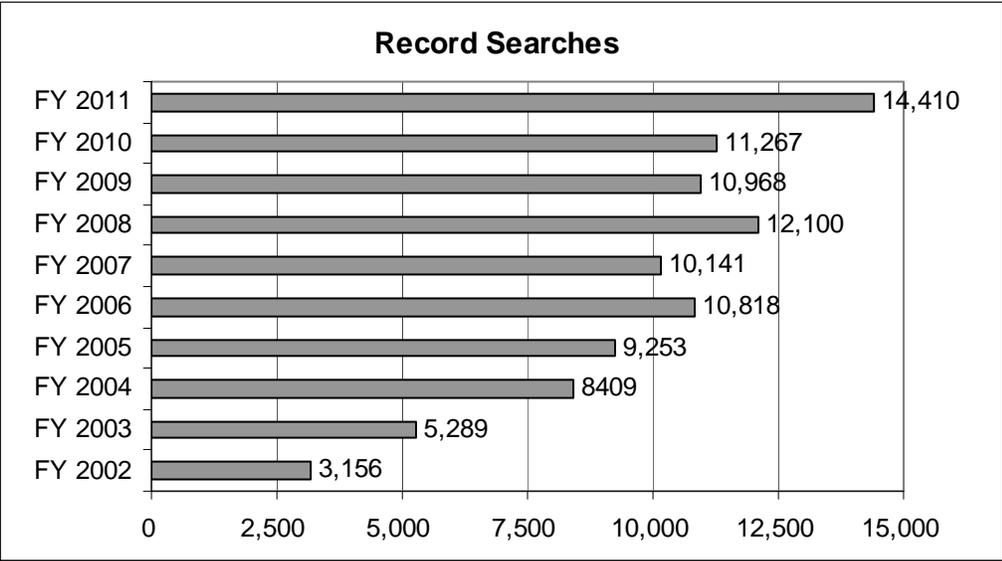
The section also produces and maintains a number of forms used for insurance coverage, medical and vocational rehabilitation purposes, reporting workers' compensation injuries and payments, and requesting records.

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

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 14,410 requests for such records in FY 2011, a 27.9 percent increase from FY 2010. In September 2010, the records request processing function was augmented with Handysoft's Bizflow, a workflow/ business process management tool. At the same time, the records request

fulfillment function was augmented with Repliweb's RMFT, a managed file transfer tool. 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. Public Information staff fulfill most record requests within four business days.



Data Processing and Analysis

Public Information staff processed 55,101 first reports and 85,058 subsequent reports in FY 2011. At the time of publication, 99.9 percent of all first reports and 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.

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, benefit payments, and vocational rehabilitation, which are maintained in Oracle. The court also takes advantage of Internet access to Secretary of State information related to corporation and business records, and has implemented systems for exchanging information through Electronic Data Interchange (EDI). Providing these services requires a manager/database administrator, three full-time developers, and two full-time infrastructure staff members.

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 15 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, Micro Focus Cobol, Embarcadero Delphi, HandySoft BizFlow, and Microsoft Visual Studio. The section also provides support for an Oracle ad hoc reporting tool used by 22 court staff members for producing reports and data extracts from the database.

Utilizing the virtualized servers hosted on the court's blade servers and the Office of the Chief Information Officer's (OCIO) Storage Area Network (SAN) infrastructure, the court has been able to implement and manage over 35 virtual servers. This environment has allowed the court to implement development, testing, and production environments without adding server hardware/software technology, therefore containing costs.

The court continues to move toward electronic case files/documents in its operations, and the court's information technology and strategic plans are structured to achieve that goal. During the fiscal year, the IT section automated the records request process through workflow-enabled applications based upon BizFlow, a workflow/business process management (BPM) system, the Oracle database, and ASP.NET technologies. These technologies will be used to workflow-enable the court's re-engineered lines of business.

Electronic filing (e-filing) development continued during FY 2011. The court's focus has been on researching legal issues surrounding e-filing with the goal of restarting development of pleading types such as petitions and motions in FY 2012. While development of the settlement e-filing has been temporarily postponed, work on that project will resume once systems are in place to accommodate electronic filing of other pleadings.

The court continues to evaluate options to replace policies and procedures documents maintained in Lotus Notes databases. Conversion of the documents is expected to occur during late calendar year 2011 or early 2012. Additional applications and other administrative content will be replaced/moved during calendar year 2012. The court has a goal of decommissioning its Lotus Notes-Domino environment in 2012.

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, data storage, and information technology staff resources (internal and contracted) for hosting, project management, implementation, and ongoing support of an Oracle-based MCLE system procured by the commission.

The court began the process of upgrading its Oracle database systems from version 10g to 11g in the latter half of FY 2011 and will complete the upgrade in 2012 with the exception of the Supreme Court's MCLE system. That upgrade will happen in the second half of FY 2011. During this upgrade the court has moved to OCIO virtualized servers and the Linux operating system platform.

Information technology staff has spent considerable time working with the OCIO and the state contractor on the training and pilot projects to implement the OnBase Enterprise Content Management (ECM) system for the purpose of storing electronically filed and/or scanned documents. The first project has been the replacement of our current Lotus Notes mail-in databases, which today receive electronic faxes and section-level e-mail with attachments, with a system based upon OnBase, BizFlow, and ASP.NET technologies. This will immediately move those faxes and e-mails into the OnBase repository, and will position the court to programmatically turn those faxes and e-mail into "lines-of-business" records in future re-engineering projects.

Nebraska Occupational Injury and Illness Survey — 2010

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)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.

2010 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 2010 sample surveyed 3,803 employing units in the state.

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

Information regarding the survey and the results of the Occupational Injury and Illness Survey for 2010 is available on the court's web site (http://www.wcc.ne.gov/publications/osh_cfoi.aspx).

¹In the State of Nebraska the Workers' Compensation Form 1 — First Report of Alleged Occupational Injury or Illness, may be used in place of the OSHA No. 301 form.

Census of Fatal Occupational Injuries (CFOI) — 2010

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 19th year that CFOI has been conducted in all 50 states and the District of Columbia.

2010 Census of Fatal Occupational Injuries

CFOI 2010 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 2010 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.

2010 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 54 fatal workplace injuries during 2010, down from 57 the previous year. Other findings of the census include:

- The leading fatal event was transportation incidents, accounting for 22 (41 percent) of fatal occupational injuries in 2010. Exposure to harmful substances or environments followed with nine (17 percent). Falls and contact with objects and equipment both had eight fatalities each (15 percent).
- Among industry groups, the largest number of fatal work injuries was in natural resources and mining with 18 (33 percent). Trade, transportation and utilities followed with 17 (31 percent). Construction had eight (15 percent).
- Fourteen (26 percent) of those fatally injured were 45 to 54 years of age. Eleven (20 percent) were 35 to 44. Ten (19 percent) were 55 to 64 years of age.
- Forty-eight (89 percent) of those fatally injured were white, non-Hispanic.
- Fifty-one (94 percent) of those fatally injured were men.
- Thirty-three (61 percent) were wage and salary workers. The remainder of those fatally injured were self-employed.

Information regarding the census and the results of the Census of Fatal Occupational Injuries 2010 is available on the court's web site (http://www.wcc.ne.gov/publications/osh_cfoi.aspx).