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# Workers' Compensation Court 72<sup>nd</sup> Annual Report

## Fiscal Year 2014:

July 1, 2013 through June 30, 2014



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**Nebraska Workers' Compensation Court**

# **72<sup>nd</sup> Annual Report**

**Fiscal Year 2014:**

July 1, 2013 through June 30, 2014



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

**James R. Coe,**  
Judge

**J. Michael Fitzgerald,**  
Judge

**Michael K. High,**  
Judge

**John R. Hoffert,**  
Judge

**Thomas E. Stine,**  
Judge

**Daniel R. Fridrich,**  
Judge

**Glenn W. Morton,**  
Court Administrator

**Elizabeth Gianunzio,**  
Clerk of the Court





STATE OF NEBRASKA  
WORKERS' COMPENSATION COURT

1010 LINCOLN MALL, STE. 100 • P. O. BOX 98908 • LINCOLN, NE 68509-8908 • (800) 599-5155 • (402) 471-6468 • <http://www.wcc.ne.gov/>

**Letter of Transmittal**

Lincoln, Nebraska  
December 1, 2014

Honorable Michael Heavican  
Chief Justice of the Nebraska Supreme Court

Honorable Dave Heineman  
Governor of Nebraska

Honorable Greg Adams  
Speaker of the Nebraska Legislature

Dear Sirs:

We have the privilege of submitting herewith the 72<sup>nd</sup> Annual Report of the Nebraska Workers' Compensation Court, prepared in accordance with the provisions and requirements of Section 48-166, Revised Statutes of Nebraska.

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

## Mission

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

## Organization

The Nebraska Workers' Compensation Court is composed of seven judges who are initially appointed by the governor. A judge is then subject to a retention vote by the electorate three years after his or her appointment and every six years thereafter. Every two years one of the judges is elected as presiding judge by the judges of the court, subject to approval of the Nebraska Supreme Court. The court maintains offices in Lincoln and Omaha, although all court filings must be made in the Lincoln office. A judge will travel to any county in the state where an accident occurred to hear a dispute regarding workers' compensation benefits. A case is first heard by a single judge, whose decision may be appealed. Prior to LB 151 from the 2011 session of the Nebraska Legislature cases were first appealed to a three-judge review panel of the compensation court, with a possible further appeal to the Nebraska Court of Appeals. Following LB 151, cases are appealed directly to the Nebraska Court of Appeals. A limited number of appeals may also be heard by Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals.

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

The *Office of the Clerk of the Court* receives and processes court filings, docket cases, issues summons, schedules trials and hearings on 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 which provides benefits to qualified workers who have suffered multiple injuries. Under a federal

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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, performs research for the judges, 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-insured employers. Medical services activities include revising and maintaining schedules of medical and hospital fees, administering the independent medical examiner program, certifying and monitoring managed care plans, and responding to inquiries related to medical issues. Self-insurance activities include reviewing applications for self-insurance approval, monitoring the financial status and payroll records of self-insured employers, and collecting fees and assessments from self-insured employers.

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

The ***Public Information section*** receives and processes all reports of injury and benefit payments, responds to requests for records and information, and manages the court's records retention schedule and business continuity program. The section also supports a toll-free information line, maintains the court's Internet web site, and prepares court publications.

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

## **Activities in Fiscal Year 2014**

### ***Legislation***

LB 961 from the 2014 session of the Nebraska Legislature amended § 48-126.01 of the Nebraska Workers' Compensation Act to provide that the wages for members of a volunteer fire department or volunteer emergency medical service shall be deemed to be 1½ times the maximum weekly benefit set forth in § 48-121.01 or the wages received by such member from his or her regular employment, whichever is greater. In addition, the bill provided that any such member shall not lose his or her volunteer status under the Act if he or she receives reimbursement for expenses, reasonable benefits, or a nominal fee, a nominal per-call fee, a nominal per-shift fee or combination thereof. A fee will be conclusively presumed to be nominal if it does not exceed 20 percent of the amount that otherwise would be required to hire a permanent employee for the same services.

While not part of the Nebraska Workers' Compensation Act, LB 961 also included provisions authorizing the Governor to join the Great Plains Interstate Fire Compact for the prevention and

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control of forest fires. Among the provisions is a requirement that each member state shall assure that workers' compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state. For purposes of the compact, "employee" includes any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state.

LB 961 also amended § 48-139 of the Nebraska Workers' Compensation Act to provide that a release filed with the compensation court shall be final and conclusive as to all rights waived in the release, unless procured by fraud. The bill further provided that amounts to be paid pursuant to the release shall be paid within 30 days of filing the release with the compensation court, and 50 percent shall be added for payments owed to the employee if made more than 30 days after the date the release is filed with the compensation court. Upon payment, such release shall be a full and complete discharge from further liability on account of the injury, including future medical expenses, unless such expenses are specifically excluded from the release. The court shall enter an order of dismissal with prejudice as to all rights waived in the release.

The above provisions of LB 961 became effective July 18, 2014.

### ***Court Rules***

The court's Rule 26 was amended at a public meeting on December 12, 2013 to identify the Medicare Diagnostic Related Groups to be included in the Diagnostic Related Group inpatient hospital fee schedule for calendar year 2014. Rule 47 was amended at the same public meeting to eliminate a requirement that a lump sum settlement application must be an original, and to provide that the U.S. Life Table, 2008 shall be the minimum life expectancy table used in lump sum settlements involving life expectancies. Rule 26 was further amended at a public meeting on May 22, 2014 to adopt a revised Schedule of Fees for Medical Services, effective June 1, 2014. Rule 47 was also further amended at the May 22, 2014 public meeting to provide that in cases where an order of dismissal is required by statute, the parties shall file a receipt or satisfaction and submit a proposed order of dismissal to be signed by a judge of the court. This became effective July 18, 2014, to coincide with the effective date of the LB 961 changes to § 48-139, as discussed above.

### ***Adjudication***

During FY 2014, the Office of the Clerk of the Court and the Information Technology section began working with Nebraska Interactive, LLC (Nebraska.gov) to develop a system for electronic filing and processing of pleadings and other litigation documents. The e-filing process will be similar to the system now in place for other state courts, and is projected for implementation during the latter half of FY 2015.

As a result of LB 151 from the 2011 session of the Nebraska Legislature, appeals of single-judge decisions of the Workers' Compensation Court now proceed directly to the Nebraska Court of Appeals. In light of the added complexity involved in perfecting such appeals, there was a need to provide updated, easily understood information for self-represented litigants. During FY 2014, the court developed and published an information sheet explaining the appeal process along with the forms needed to pursue an appeal. While these forms were developed with the primary intention of assisting self-represented litigants, they may serve as useful reference for practicing attorneys as well.

### ***Vocational Rehabilitation***

The Vocational Rehabilitation section announced significant policy changes during the past year relating to the processing of and payment for vocational rehabilitation plans submitted for

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approval by a court specialist. The changes address plans submitted shortly before or even after the proposed plan start date, which does not allow sufficient time for review by the specialist or consideration by the employer or its workers' compensation insurer. Such late plan submissions can also put the injured worker at risk if he or she should incur expenses for carrying out the plan prior to approval of the plan either administratively or by a judge of the court. As a result of these changes, numerous form letters used by the section in communicating with the parties have also been revised, and the plan form has been amended to ensure that the worker is advised of the risk that he or she may be responsible for plan expenses incurred before the plan is finally approved.

### ***Court Technology***

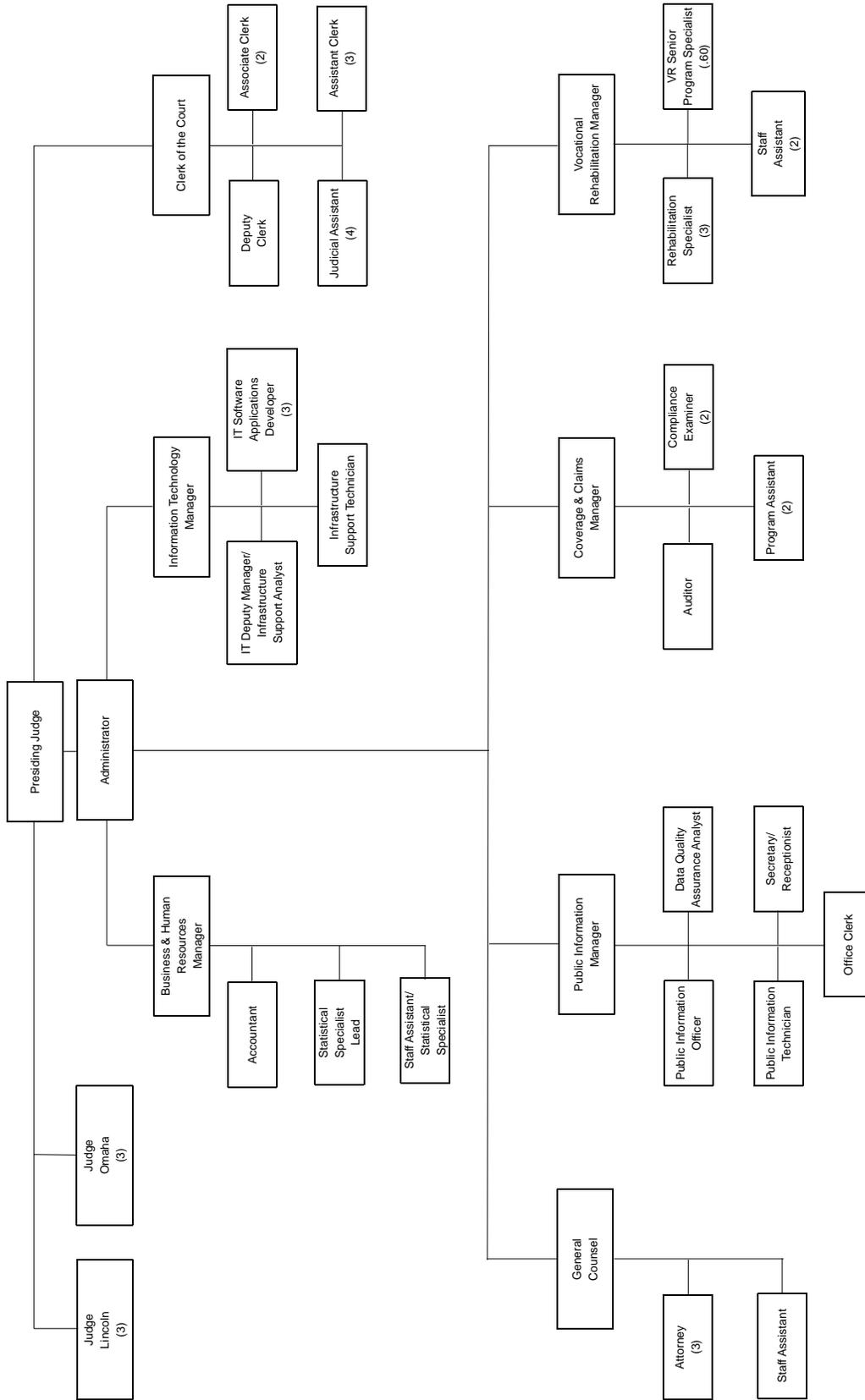
After careful consideration, the court decided in FY 2014 to become an operational unit of the Nebraska Supreme Court's NASCAP.gov domain. This will allow closer collaboration with the Administrative Office of the Courts and Office of Probation Administration with regard to information technology.

The court's Information Technology section continues to provide technical support to the Supreme Court's Mandatory Continuing Legal Education (MCLE) system. This system is being expanded to include attorney license status and other attorney services under management of the Supreme Court's Attorney Services Division. The court's IT staff is assisting in this expansion by creating web applications to access the attorney services database.

The section is also migrating the court's Windows 2003 servers to Windows 2008 servers, substantially reducing the number of physical and virtual servers. At the same time, third-party applications are being updated to insure compatibility with the new operating system, and in some instances are being replaced with in-house developed processes. As a result of these activities, the court's technical environment is being substantially reduced and simplified.

In addition to the specific activities listed for FY 2014, 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 2014 are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding injuries reported in FY 2014. Additional injury statistics and statistics regarding benefit payments are available in a separate statistical report that can be accessed on the court's web site at <http://www.wcc.ne.gov/publications/statisticalreports.aspx>.

# NEBRASKA WORKERS' COMPENSATION COURT



REVISED  
July 2014

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# Judges



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

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

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

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

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# Judges



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

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

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

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



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

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

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

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

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# Judges



## **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) and 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). Member: Nebraska Supreme Court Interpreter Advisory Committee (2005–present). Past member: Legal Services of Southeast Nebraska, Board of Directors; Folsom Children’s Zoo and Botanical Gardens, Board of Directors; Nebraska Association of Trial Attorneys; American Judicature Society and American Trial Lawyers Association.

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# Judges



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

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

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

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



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

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

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

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

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# Compensation Court Cash Fund

## *Fiscal Year 2014 (July 1, 2013 to June 30, 2014)*

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 2014 was \$5,717,099.

<b>Fund Balance on July 1, 2013:</b>		\$5,782,614.20
<b>Revenue:</b>		
Assessments	5,157,360.51	
Interest	85,535.48	
Miscellaneous Income	121,571.79	
Sale of Surplus Property	94.62	
Total Revenue		<u>5,364,562.40</u>
<b>Expenditures:</b>		
Court Administration (Includes Judges)	4,658,188.60	
Federal Grant Administration	41,395.80	
Voc. Rehab. Administration	460,900.35	
Second Injury Administration	809.39	
Self-Insurance Administration	96,773.60	
Total Expenditures		<u>5,258,067.74</u>
<b>Fund Balance on June 30, 2014:</b>		<u><u>\$5,889,108.86</u></u>

# Federal General Fund

## *Federal Fiscal Year 2014 (October 1, 2013 to September 30, 2014)*

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

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

<b>Fund Balance on October 1, 2013:</b>					<b>\$0</b>
<b>Revenue:</b>					
Intergovernmental Revenue				45,400	
Deobligation June 30, 2014				(1,290)	
Total Revenue					<u>44,110</u>
<b>Expenditures:</b>					
	Legislative	Administrative	Not	Actual	
	Appropriation	Adjustments	Expended	Expended	
Federal Grant Admin.	<u>49,967</u>	<u>-5,857</u>	0	44,110	
Total Expenditures					<u>44,110</u>
<b>Fund Balance on September 30, 2014:</b>					<b><u><u>\$0</u></u></b>

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# Workers' Compensation Trust Fund

## *Fiscal Year 2014 (July 1, 2013 to June 30, 2014)*

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

<b>Fund Balance on July 01, 2013:</b>		\$2,034,186.00
<b>Revenue:</b>		
Assessments	3,506,290.50	
Interest	41,982.63	
Miscellaneous Income	0	
Total Revenue		<u>3,548,273.13</u>
<b>Expenditures:</b>		
Second Injury Benefits	249,960.86	
Voc. Rehab. Benefits	703,041.55	
Total Expenditures		<u>953,002.41</u>
<b>Fund Balance on June 30, 2014:</b>		<u><u>\$4,629,456.72</u></u>

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

<b>Fiscal Year Ending:</b>	
<b>Assessments:</b>	
June 30, 2014	\$3,506,290.50
June 30, 2013	\$0
June 30, 2012	\$0
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
<b>Transfers:</b>	
July 1, 2000	*\$6,200,991

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

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

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

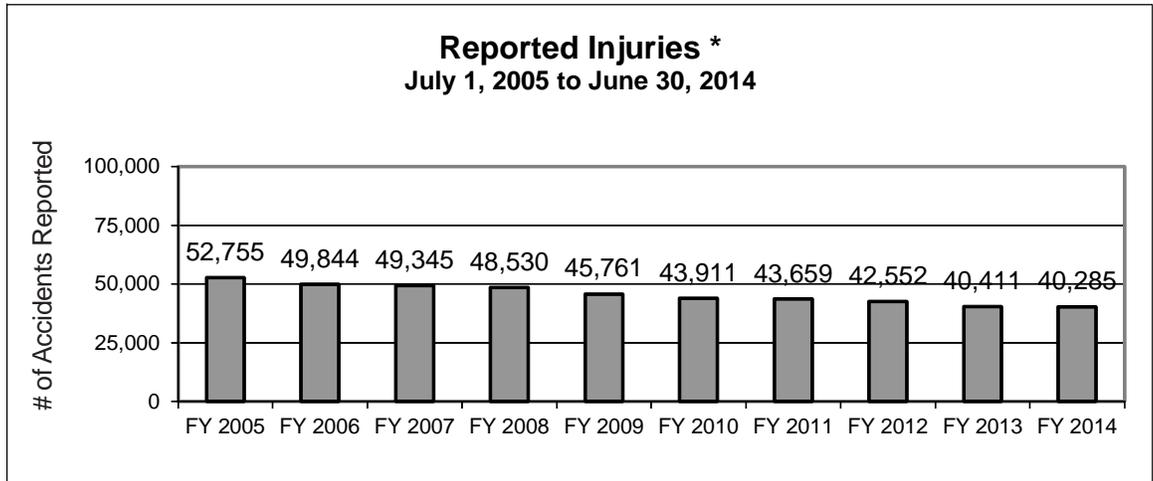
**Second Injury & Vocational Rehabilitation Expenditures**  
**(Benefit and Administrative Costs\*)**

<b>Fiscal Year Ending</b>	<b>Second Injury</b>	<b>Vocational Rehabilitation</b>	<b>Total Expenditures</b>
June 30, 2014	\$250,770	\$1,163,460	\$1,414,230
June 30, 2013	\$280,010	\$1,244,052	\$1,524,062
June 30, 2012	\$298,944	\$1,244,214	\$1,543,158
June 30, 2011	\$278,373	\$1,257,611	\$1,535,984
June 30, 2010	\$356,535	\$1,232,870	\$1,589,405
June 30, 2009	\$344,705	\$1,240,963	\$1,585,668
June 30, 2008	\$354,338	\$1,277,193	\$1,631,531
June 30, 2007	\$403,784	\$1,301,091	\$1,704,875
June 30, 2006	\$436,798	\$1,291,376	\$1,728,174
June 30, 2005	\$428,983	\$1,344,549	\$1,773,532

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

## Reported Injuries\*

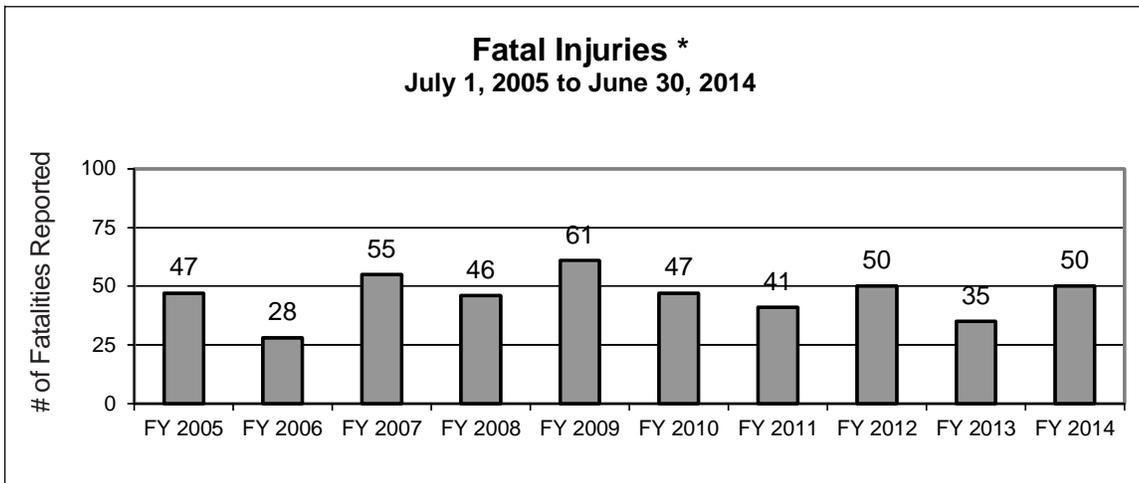
	Male	Female	Unknown	Total
July 1, 2013 to June 30, 2014	20,490	15,668	4,127	40,285
July 1, 2012 to June 30, 2013	20,828	15,516	4,067	40,411
July 1, 2011 to June 30, 2012	21,839	16,268	4,445	42,552
July 1, 2010 to June 30, 2011	22,774	16,711	4,174	43,659
July 1, 2009 to June 30, 2010	23,143	16,676	4,092	43,911
July 1, 2008 to June 30, 2009	24,705	16,712	4,344	45,761
July 1, 2007 to June 30, 2008	26,184	18,308	4,038	48,530
July 1, 2006 to June 30, 2007	27,175	18,813	3,357	49,345
July 1, 2005 to June 30, 2006	28,547	18,762	2,535	49,844
July 1, 2004 to June 30, 2005	31,027	20,468	1,260	52,755



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

# Fatal Injuries \*

	Male	Female	Total
July 1, 2013 to June 30, 2014	42	8	50
July 1, 2012 to June 30, 2013	32	3	35
July 1, 2011 to June 30, 2012	46	4	50
July 1, 2010 to June 30, 2011	36	5	41
July 1, 2009 to June 30, 2010	42	5	47
July 1, 2008 to June 30, 2009	57	4	61
July 1, 2007 to June 30, 2008	38	8	46
July 1, 2006 to June 30, 2007	51	4	55
July 1, 2005 to June 30, 2006	24	4	28
July 1, 2004 to June 30, 2005	43	4	47



\* Includes fatal injuries reported in the fiscal year 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 §§ 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 2015 will be \$761.00. This becomes the maximum weekly income benefit for injuries occurring in calendar year 2015. The minimum rate remains at \$49 as provided in § 48-121.01(2).

<b>Maximum/Minimum Compensation Benefits</b>		
<b>Injury Occurring Between:</b>	<b>Maximum</b>	<b>Minimum</b>
01/01/2015 to 12/31/2015	\$761	\$49
01/01/2014 to 12/31/2014	\$747	\$49
01/01/2013 to 12/31/2013	\$728	\$49
01/01/2012 to 12/31/2012	\$710	\$49
01/01/2011 to 12/31/2011	\$698	\$49
01/01/2010 to 12/31/2010	\$691	\$49
01/01/2009 to 12/31/2009	\$671	\$49
01/01/2008 to 12/31/2008	\$644	\$49
01/01/2007 to 12/31/2007	\$617	\$49
01/01/2006 to 12/31/2006	\$600	\$49
01/01/2005 to 12/31/2005	\$579	\$49
01/01/2004 to 12/31/2004	\$562	\$49
01/01/2003 to 12/31/2003	\$542	\$49
01/01/2002 to 12/31/2002	\$528	\$49
01/01/2001 to 12/31/2001	\$508	\$49
01/01/2000 to 12/31/2000	\$487	\$49
01/01/1999 to 12/31/1999	\$468	\$49
01/01/1998 to 12/31/1998	\$444	\$49
01/01/1997 to 12/31/1997	\$427	\$49
01/01/1996 to 12/31/1996	\$409	\$49

# Litigated Case Summary<sup>1</sup>

Fiscal Year <sup>2</sup>	Original Hearing Level		Review Hearing Level		Supreme Court/ Court of Appeals Level	
	2014	* 2013	2014	* 2013	2014	* 2013
Cases Pending at Beginning of Fiscal Year	1,367	1,323	3	5	38	45
Petition or Appeal Filed in Fiscal Year <sup>5</sup>	1,150	1,231	1	1	54	58
Reopened Petitions Filed in Fiscal Year	171	184	N/A	N/A	N/A	N/A
Remands Filed in Fiscal Year	32	22	1	13	N/A	N/A
<b>Total Cases</b>	<b>2,720</b>	<b>2,760</b>	<b>5</b>	<b>19</b>	<b>92</b>	<b>103</b>
Court Disposition						
Decisions Issued	215	280	1	4	40	44
Court-Approved Settlements	255	251	0	0	4	4
Other Dispositions <sup>3</sup>	869	862	2	12	16	17
<b>Total Dispositions</b>	<b>1,339</b>	<b>1,393</b>	<b>3</b>	<b>16</b>	<b>60</b>	<b>65</b>
<b>Total Pending at End of Fiscal Year</b>	<b>1,381</b>	<b>1,367</b>	<b>2</b>	<b>3</b>	<b>32</b>	<b>38</b>

Fiscal Year <sup>2</sup>	2014	* 2013	2012	2011	2010
Number of Motions Filed	3,029	3,080	2,836	2,942	2,959 <sup>4</sup>
Number of Motion Dispositions	2,493	2,613	2,428	2,499	2,489
Number of Motion Hearings	638	645	665	782	943

\* Numbers may differ from those shown in the FY 2013 Annual Report due to corrections to data.

<sup>1</sup> Cases may appear more than once in any year if they are appealed.

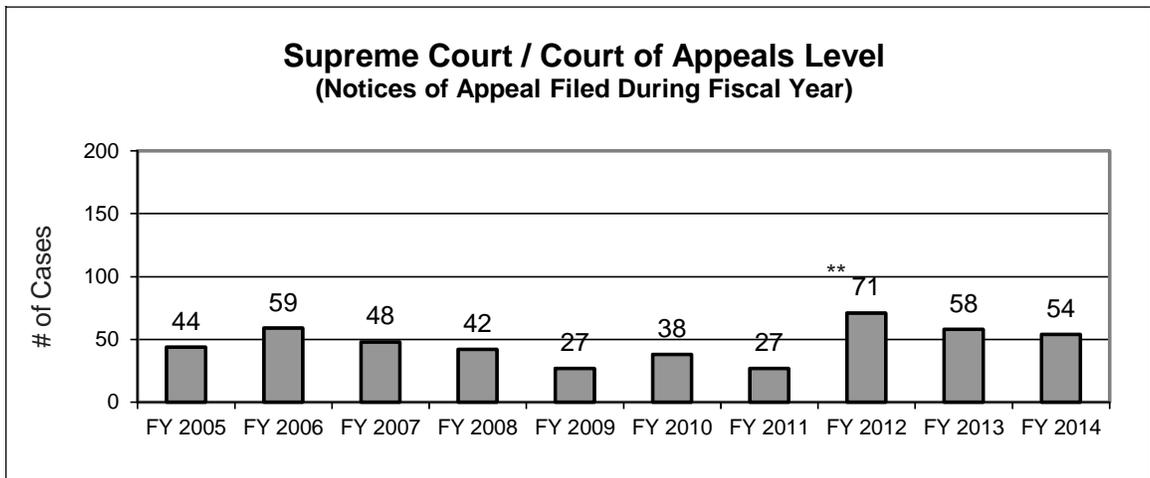
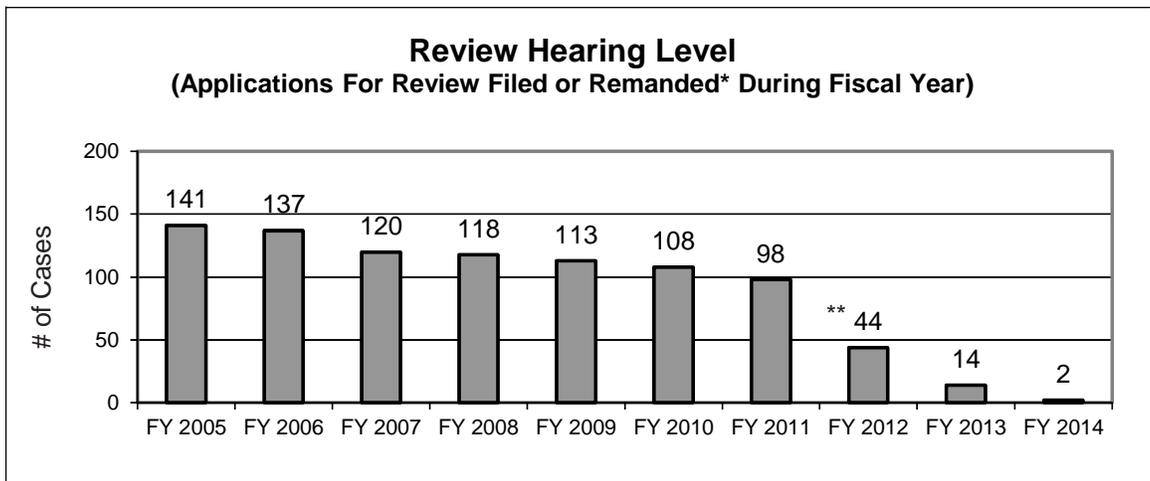
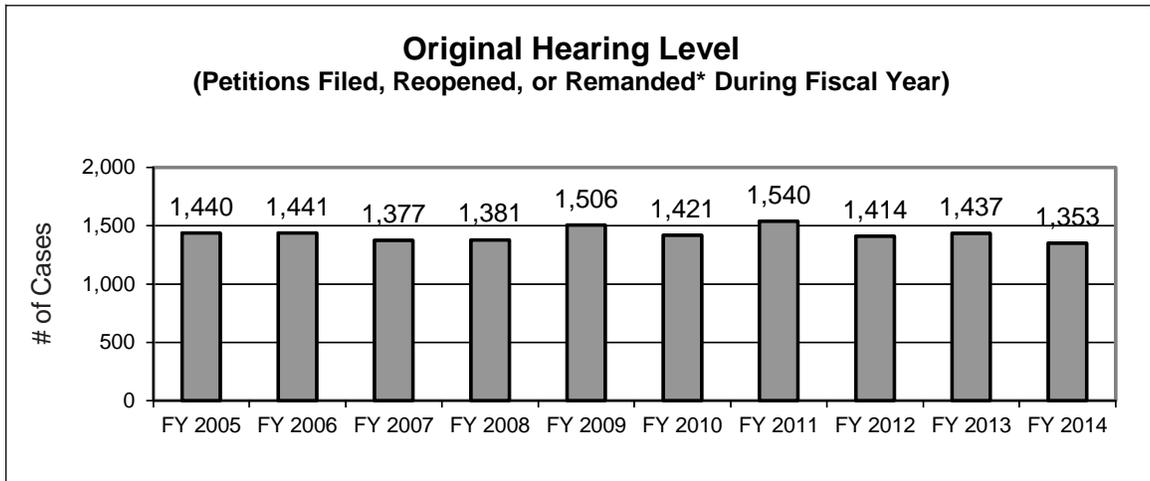
<sup>2</sup> Fiscal Years run from July 1 through June 30.

<sup>3</sup> Includes dismissals without hearings, remands without hearings, and cases closed by release of liability.

<sup>4</sup> 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.

<sup>5</sup> The appeal procedure is governed by LB 151 from the 2011 session of the Nebraska Legislature. The review panel procedure has been eliminated for cases filed with the Compensation Court on or after August 27, 2011, and for cases pending before the Compensation Court on that date in which a hearing on the merits has not been held. Appeals from an order, award, or judgment of the Compensation Court in any such case shall be made in accordance with the procedures regulating appeals in actions at law from the district courts, except as otherwise provided in §§ 48-182 and 48-185. Conversely, appeals from any case pending before the Compensation Court on August 27, 2011 in which a hearing on the merits has been held will continue to be in accordance with the current three-judge review panel procedure.

# Litigated Case Levels



\* Remands included in totals beginning in FY 2008.

\*\* See Note 5, Page 17.

# Summary of Settlements

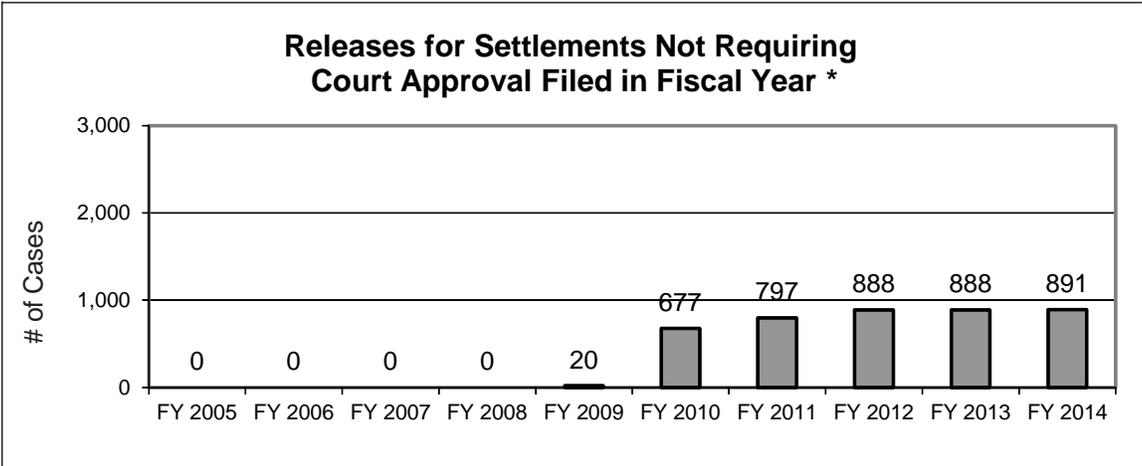
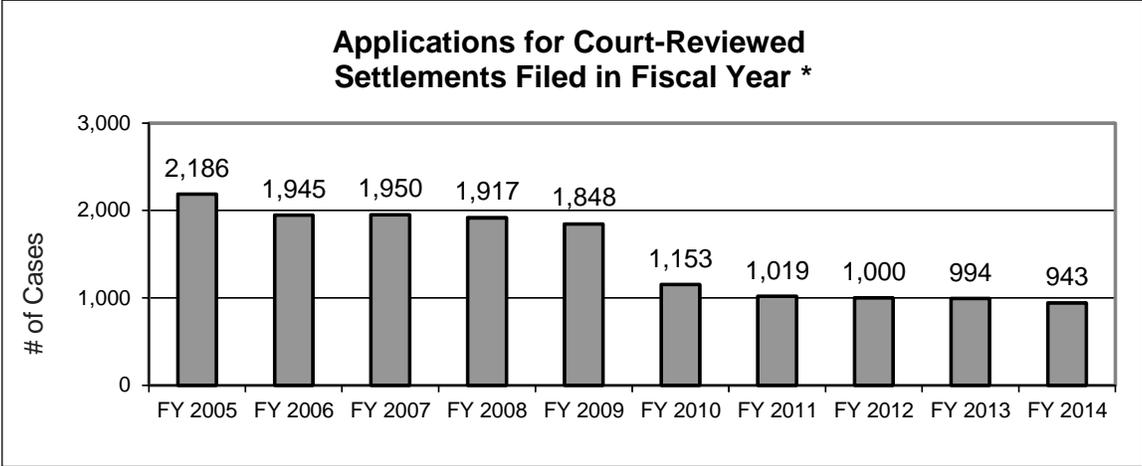
<b>Fiscal Year <sup>1</sup></b>	<b>2014</b>	<b>* 2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
<b>Applications for Court-Reviewed Settlements <sup>2</sup></b>					
Applications Pending at Beginning of Fiscal Year	53	48	37	54	87
Applications Filed in Fiscal Year	943	994	1,000	1,019	1,153
<b>Total</b>	<b>996</b>	<b>1,042</b>	<b>1,037</b>	<b>1,073</b>	<b>1,240</b>
<b>Dispositions for Court-Reviewed Settlements</b>					
Applications Approved Without Litigation	641	705	694	684	766
Applications Approved at Original Hearing Level	255	251	252	323	386
Applications Approved at Review Hearing Level	0	0	1	2	10
Applications Approved at Sup. Ct./Crt. App. Level	4	4	7	3	2
Applications — Total Approved	900	960	954	1,012	1,164
Applications — Total Disapproved	39	29	36	24	22
<b>Total</b>	<b>939</b>	<b>989</b>	<b>990</b>	<b>1,036</b>	<b>1,186</b>
<b>Applications for Court-Reviewed Settlements Pending at End of Fiscal Year</b>					
Applications Pending at End of Fiscal Year	57	53	48	37	54
<b>Total</b>	<b>57</b>	<b>53</b>	<b>48</b>	<b>37</b>	<b>54</b>
<b>Releases for Settlements Not Requiring Court Approval <sup>2</sup></b>					
<b>Fiscal Year <sup>1</sup></b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
Releases Filed in Fiscal Year	891	888	888	797	677

\* Numbers may differ from those shown in the FY 2013 Annual Report due to corrections to data.

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

<sup>2</sup> 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 and Releases for 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.

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# Legal

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

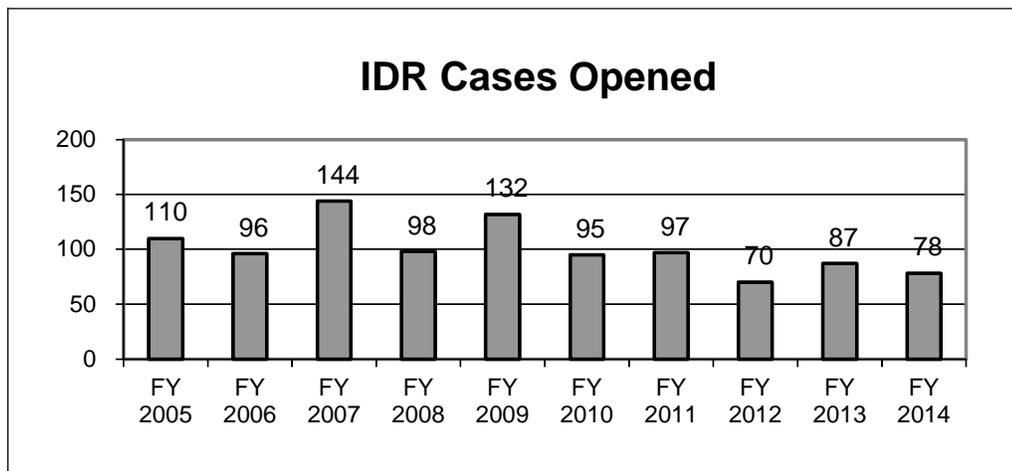
Statistics for lump sum settlements processed in FY 2013 (July 1, 2012 through June 30, 2013) are provided on Pages 19 and 20 of this Annual Report. In FY 2014, the Legal section identified a total of \$98,482.46 in lump sum settlement underpayments to injured employees. The underpayments involved 22 cases. In such cases, the court requires that the settlement be revised to provide additional compensation to or on behalf of the injured employee in order to ensure compliance with the Nebraska Workers' Compensation Act.

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

## Informal Dispute Resolution

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

The court's IDR process focuses on interest-based mediation. This means that one of the court's professionally trained attorney-mediators assists the parties in reaching a resolution of the dispute that satisfies the underlying interests of the parties. The mediator does not advocate or make decisions on behalf of either party. Mediation can be an empowering process because it allows the participants to decide the outcome rather than a judge.



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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.

Mediation through the court is voluntary absent an order by a judge. In 64 cases, or 82.1 percent of all closed cases, at least one party declined to participate or did not respond to the request. Cases may be closed for a variety of other reasons as shown in the following table.

<b>IDR Cases Closed</b>	
Party(s) Did Not Consent	44
No Response by Party(s)	20
Full Agreement	3
No Agreement	3
Withdrawn / Resolved by Parties	3
Partial Agreement	2
Petition Dismissed	1
Withdrawn / Defendants Represented	1
Withdrawn / Plaintiff Represented	1
<b>Total Closed in FY 2014</b>	<b>78</b>

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# Coverage and Claims

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

## Medical Services Activities

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

### *Fee Schedules*

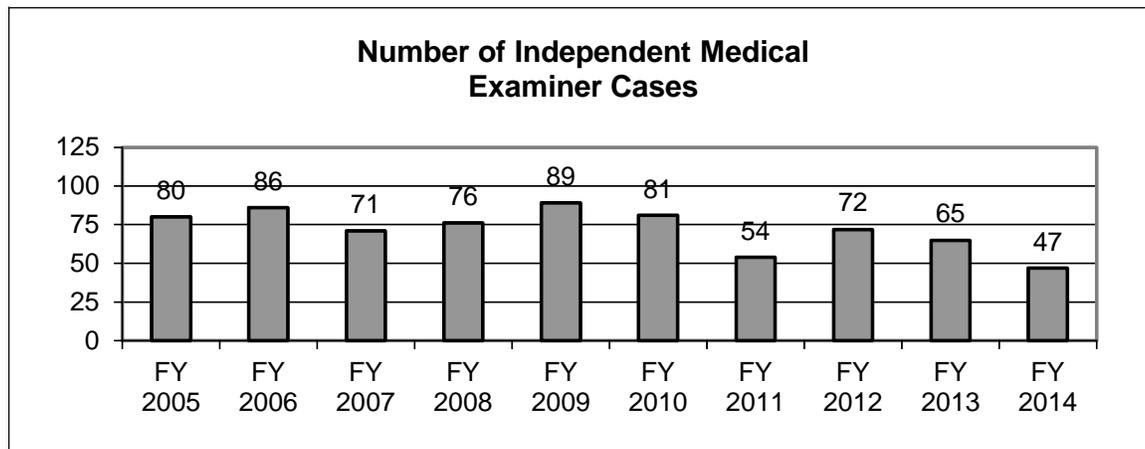
Section staff are charged with collecting data from payors and certain hospitals in order to develop the Diagnostic Related Group Inpatient Hospital Fee Schedule and the Trauma Services Inpatient Hospital Fee Schedule, both of which are established in § 48-120.04 of the Nebraska Workers' Compensation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

Section staff also collect data and make recommendations regarding the other fee schedules published by the court. That work includes updates to the Schedule of Fees for Medical Services, which applies to services by physicians and other licensed health care providers performing medical services within the scope of their respective practices. A new Schedule of Fees for Medical Services was adopted by the court effective July 1, 2014.

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

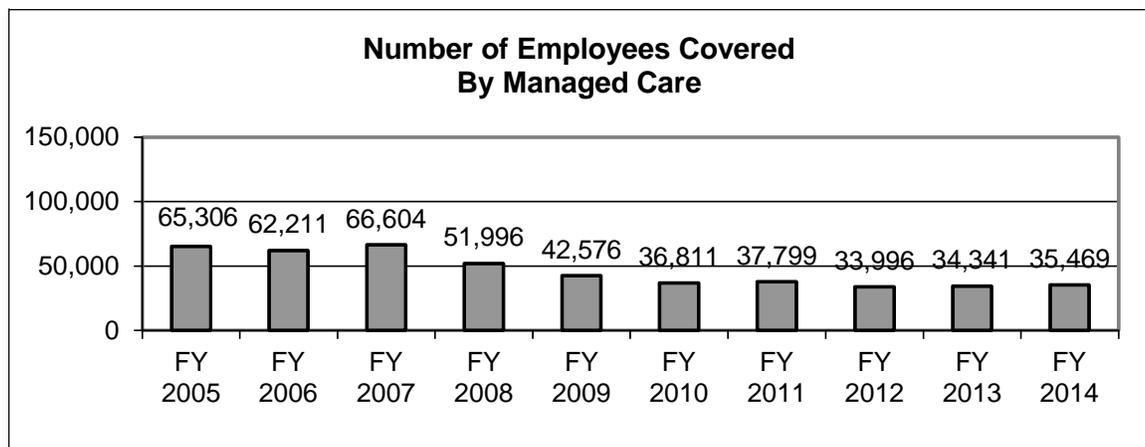
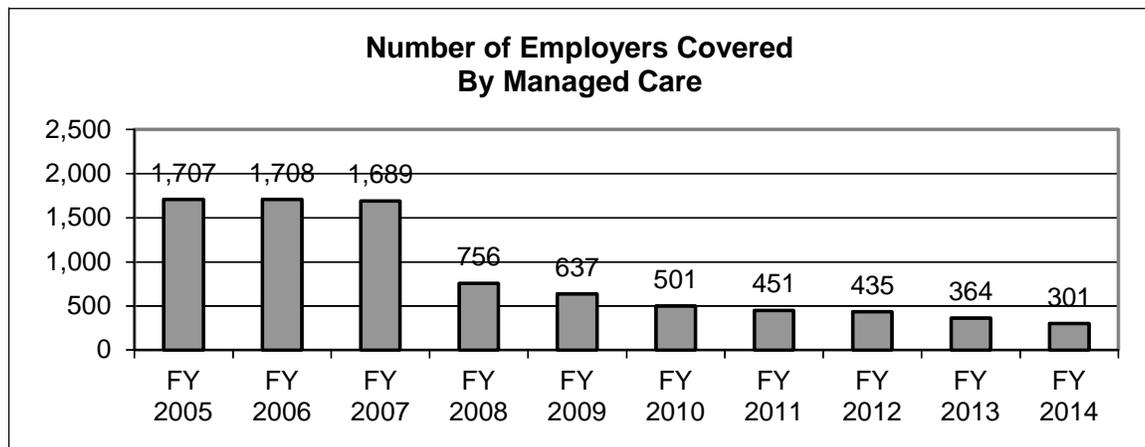
Once a dispute arises regarding the medical condition of the employee or related issues, either side may request a finding by an IME. The parties may agree on a physician to submit the finding or may request assignment of a court-approved IME. The IME system was designed to give the parties an additional means of resolving disputes outside the judicial process. To serve as an IME for the court, physicians must complete an application and be approved by the judges of the court. Currently there are 134 court-approved IMEs.

During FY 2014, 47 IME cases were opened. Thirty-six requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee, and eight were submitted by a workers' compensation insurer or the insurer's attorney. The remaining three requests were submitted by an employee. The chart on the next page shows IME cases opened during the last 10 years.



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

A table showing current information about managed care plans certified by the court for workers' compensation purposes is available on the court's web site (<http://www.wcc.ne.gov/medical/mcp.pdf>). On June 30, 2014 there were 301 employers and 35,469 employees covered by the certified managed care plans. The following charts show the trend in covered employers and employees.



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## Compliance Activities

One of the primary enforcement activities of the section is to identify employers who do not have insurance coverage as required under the Nebraska Workers' Compensation Act. The section sent 2,936 informational letters to new corporations registering with the Secretary of State during FY 2014. The letters resulted in 83 employers obtaining the required coverage.

Section staff also monitor the court's electronic proof of coverage information for employers whose coverage has been cancelled or not renewed. If coverage is still required, compliance examiners first attempt to bring the employer into compliance. If the efforts of the staff do not result in compliance, the case is then referred to the Attorney General's office for further action. During FY 2014, letters were sent to 4,018 employers whose coverage had been cancelled or not renewed, and 322 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 also respond to a large volume of phone inquiries from a variety of sources and on a variety of topics. Topics frequently addressed include: medical issues, insurer identification and contact information, benefit calculation, payment explanation, delay in receiving benefits, and general rights and obligations. The examiners recorded 417 calls during FY 2014. 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 160 case investigations were opened last fiscal year as a result of the above activities. Twenty-eight cases were referred to the Attorney General's office for further action.

## Self-Insurance Activities

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

At the beginning of each calendar year, the court calculates and collects from employers self-insured for the prior calendar year the necessary assessments for the state's General Fund, the Compensation Court Cash Fund, and the Workers' Compensation Trust Fund. The assessments are based on the number and classification of employees, payroll, and benefits paid during the previous calendar year. Additional assessments are made in support of the Nebraska Department of Insurance for carrying out the Insurance Fraud

Act. As of June 30, 2014, there were 42 employers approved for self-insurance. For calendar year 2014 assessment purposes, there were 41 self-insurers (employers who were self-insured for all or part of calendar year 2013). The State of Nebraska is self-insured by statute and is not included in any of the statistics that follow.

<b>Self-Insured Status By Major Industrial Division As Of June 30, 2014</b>	
Manufacturing	11
Services	8
Transportation & Public Utilities	8
Government	6
Retail	5
Insurance	2
Wholesale	2
<b>Total Self-Insurers</b>	<b>42</b>

<b>Self-Insurance Status By Calendar Year</b>			
<b>Calendar Year</b>	<b># of Self-Insurers</b>	<b># of Employees</b>	<b>Gross Payroll</b>
2013	41	134,209	\$4,116,260,050
2012	42	136,073	\$4,412,911,750
2011	42	135,337	\$4,301,469,456
2010	43	139,766	\$4,348,470,514
2009	46	147,971	\$4,586,800,994
2008	50	161,078	\$4,759,616,035
2007	49	154,501	\$4,511,207,864
2006	52	135,084	\$4,356,488,485
2005	54	129,940	\$4,279,963,006
2004	51	124,762	\$4,038,916,419

**Note:** 2014 figures not available at time of publication.

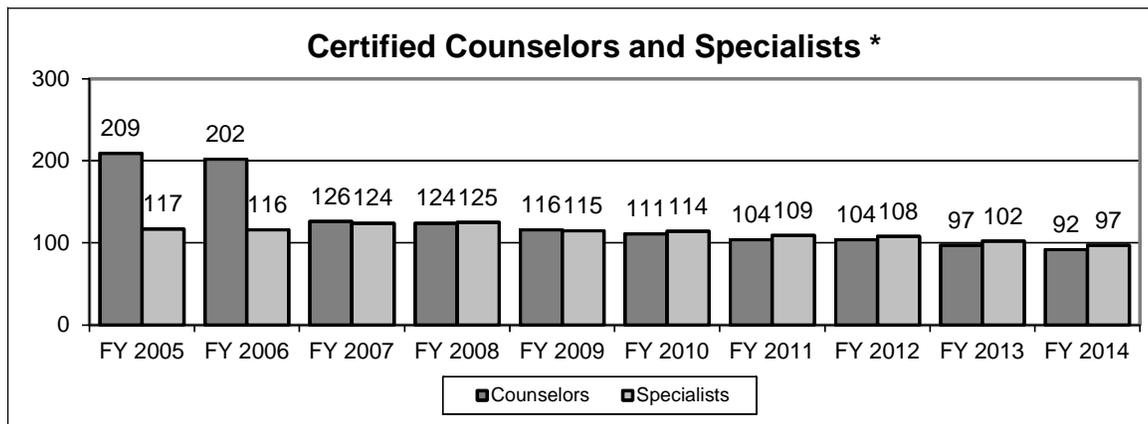
# Vocational Rehabilitation

The Vocational Rehabilitation section is responsible for duties associated with vocational rehabilitation services to which an employee may be entitled under the Nebraska Workers' Compensation Act. The goal of vocational rehabilitation is to return an injured worker to suitable, 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 training.

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

## Certification of Counselors and Specialists

Vocational rehabilitation services under the Act can only be provided by individuals who have been certified by the court. Rules 39–41 contain the requirements for certification. At the end of FY 2014 (June 30, 2014), there were 92 private vocational rehabilitation counselors and 97 job placement specialists certified by the court. There are 43 certified private vocational rehabilitation counselors located in Nebraska.

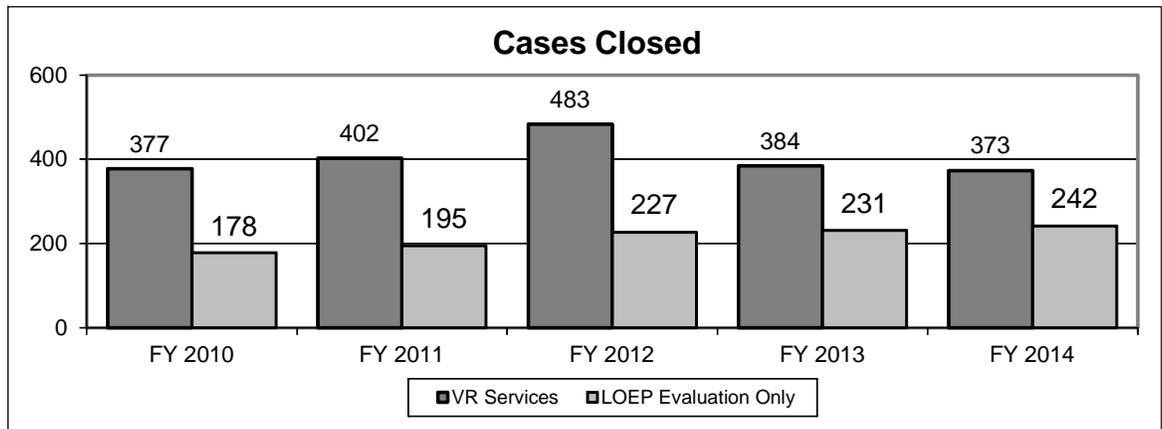


\* Effective in FY 2007, vocational rehabilitation counselors employed by a state agency were no longer automatically certified as vocational rehabilitation counselors for purposes of providing services under the Act. Such counselors continue to be automatically certified as job placement specialists.

## Appointment of Counselors

When an injured worker claims entitlement to vocational rehabilitation services or seeks a loss-of-earning-power (LOEP) evaluation, the worker and the employer (or the employer's workers' compensation insurer) must try to agree on a vocational rehabilitation counselor to evaluate the worker and provide needed services. If they cannot agree, one of them can ask the court to appoint a counselor. Of the 519 cases opened by the section in FY 2014, the court appointed 183 counselors and the parties were able to agree upon a counselor in 336 cases.

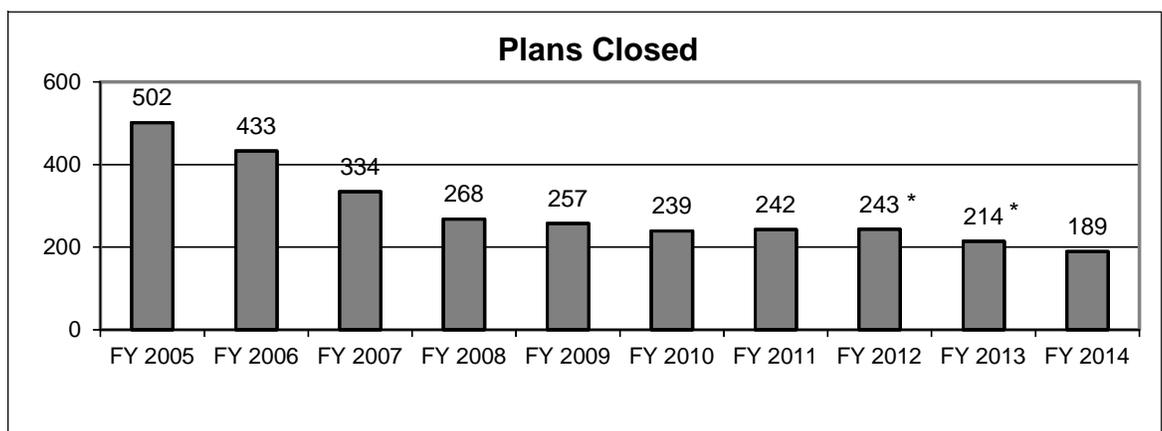
A case is opened by the section when notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, or if a judge of the court orders appointment of a counselor or vocational rehabilitation services. At the end of FY 2014 there were 334 open cases. A case may be closed for a variety of reasons, including, but not limited to, lack of entitlement to vocational rehabilitation services, settlement of the case, return to employment, or completion of a vocational rehabilitation plan. A case may also be closed when a counselor is appointed to perform only an LOEP evaluation. A total of 615 cases were closed during FY 2014. Of these, 242 cases were closed because the counselor was appointed to perform only an LOEP evaluation.



## Vocational Rehabilitation Plans

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

A total of 199 court-approved vocational rehabilitation plans had start dates in FY 2014 and 206 plans were closed in FY 2014.



\* Numbers differ from previous Annual Reports due to corrections to data.

Vocational rehabilitation plans generally include job placement or formal training, and such plans may also include additional vocational rehabilitation services such as general educational development, adult basic education, English language learning, computer training, or on-the-job training. Of the 102 job placement plans closed in FY 2014, 18 of those plans included some such supportive services. Of the 87 formal training plans closed in FY 2014, one such plan included supportive services.

### **Types of Vocational Rehabilitation Plans Closed in FY 2014**

Job Placement	102
Associate Degree	64
Certificate / Other Training	13
Bachelors or Other Advanced Degree	10
<b>Total</b>	<b>189</b>

A vocational rehabilitation plan of some type is involved in 88 of the 334 open vocational rehabilitation cases being monitored by the section at the end of FY 2014.

### **Vocational Rehabilitation Plans Monitored at End of FY 2014**

Associate Degree	55
Job Placement	20
Bachelors or Other Advanced Degree	9
Certificate / Other Training	4
<b>Total</b>	<b>88</b>

When an injured employee is in a court-approved vocational rehabilitation plan, the following costs are paid by the Workers' Compensation Trust Fund administered by the court: tuition, books, tools, other appropriate fees and costs, and board, lodging, and/or travel in some circumstances. Disbursements from the trust and cash funds for vocational rehabilitation purposes are shown in Section 1, pages 12 and 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.

## Education

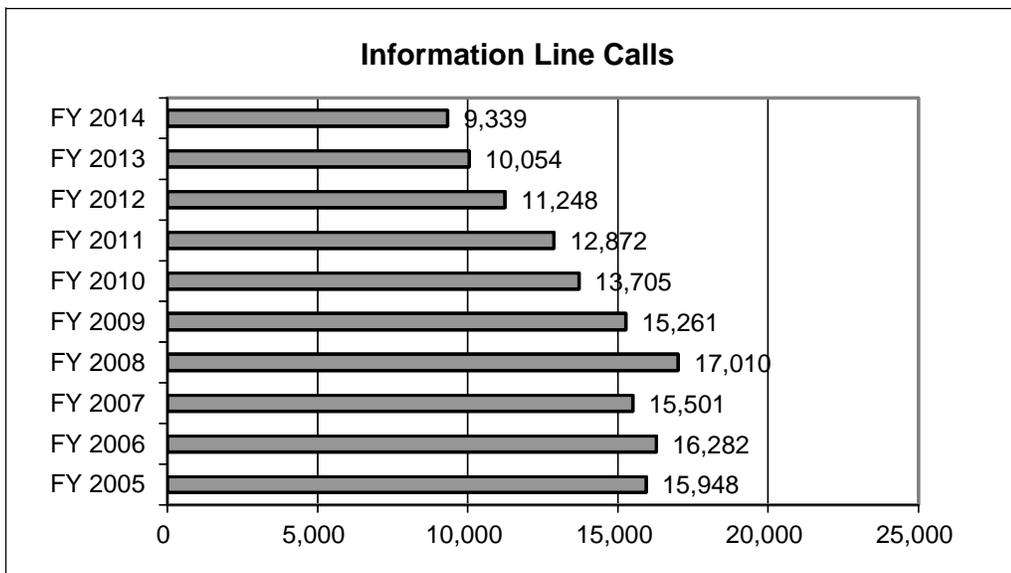
### Information Line

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.

The information line received a total of 9,339 calls in FY 2014, an average of 179.6 calls per week or 37.7 calls per working day. This is a 7.1 percent decrease from FY 2013.



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## **Web site**

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

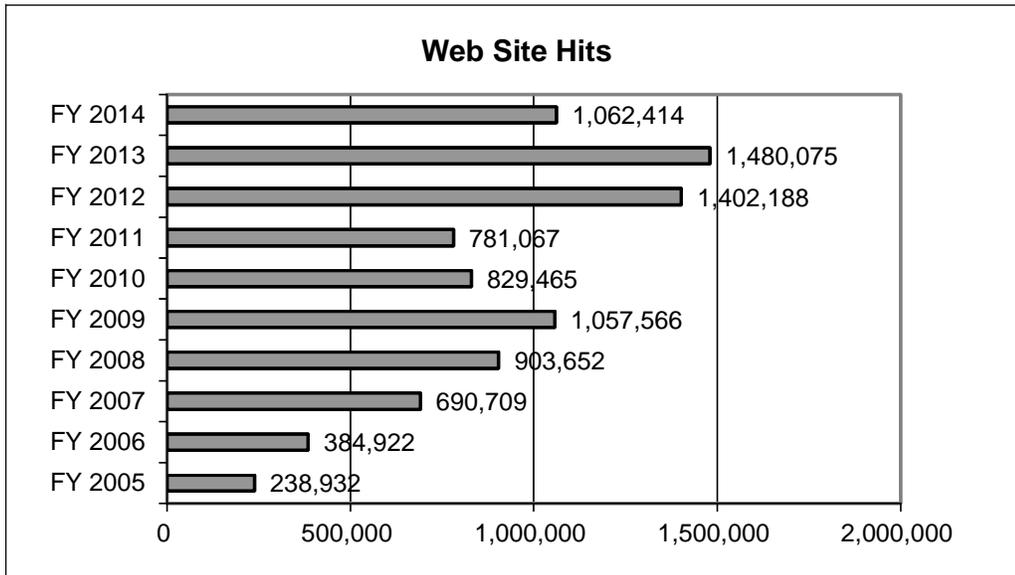
- The web site uses Microsoft's ASP.NET framework to alleviate the overhead and redundancy usually associated with the development of dynamic web sites, applications and services. The court's entire web presence (the main web site and all related web applications) is maintained on the court's internal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

The web site received 1,062,414 hits in FY 2014, a 28.2 percent decrease from FY 2013. The public accessed the following areas of the web site most often in FY 2014:

1. The **Court News** section (RSS feed) had 521,429 hits (49.1 percent of all hits).
2. The **Medical** section had a combined total of 219,240 hits (20.6 percent of all hits). Of these, the various fee schedules had a combined total of 216,074 hits (20.3 percent of all hits).
3. The **Legal** section, had a combined total of 52,658 hits (5.0 percent of all hits). Of these, the Rules of Procedure had 20,309 hits (1.9 percent of all hits).
4. The **Record Requests** section had a combined total of 31,198 hits (2.9 percent of all hits). Please see the "Record Searches" section on the next page for the number of such requests actually fulfilled.
5. The **About the Court** section had a combined total of 22,121 hits (2.1 percent of all hits).

Other web site activity in FY 2014 included requests for information and services that were transmitted to the court's e-mail help desk from the site's secure electronic forms.

Not including requests for records, which are addressed below, Public Information staff responded to 2,784 such requests.



## ***Publications***

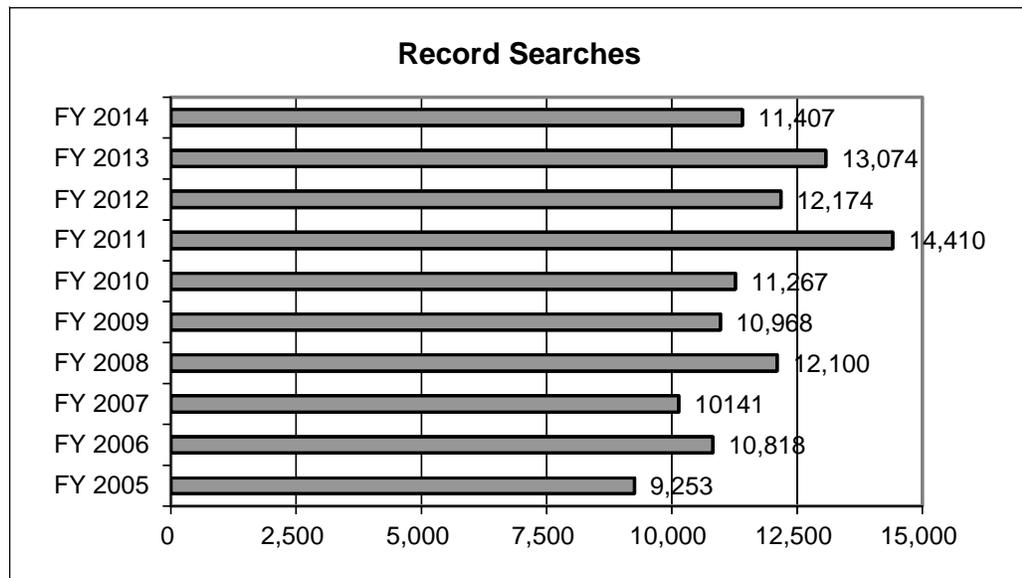
The Public Information section produces and maintains an inventory of court publications. Public Information staff work with other sections of the court to assist with design, content development, and editorial style. Public Information staff deliver finished documents to be printed and/or published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

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

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

## **Record Searches**

One of the most common requests from the public are for record searches regarding injuries to an individual worker. Public Information staff fulfilled 11,407 requests for such records in FY 2014, a 12.8 percent decrease from FY 2013. The records request processing and fulfillment functions have been augmented with workflow/ business process management and managed file transfer tools. Implementation of these tools has resulted in more efficient and secure processing and fulfillment of record requests from the public. Five-year searches of first and subsequent reports are fulfilled at no charge if sufficient information is provided to promptly identify the records. Requests for records other than first and subsequent reports may be subject to a charge, but only if the time required to search, identify, physically redact, or copy such records exceeds four cumulative hours. If fees are charged, they will be based on the actual added cost of conducting the search and providing the copies. Public Information staff fulfill most record requests within four business days.



## Data Processing and Analysis

Public Information staff processed 50,132 first reports and 76,397 subsequent reports in FY 2014. At the time of publication, 99.9 percent of all first reports and 99.9 percent of all subsequent reports are filed electronically using Electronic Data Interchange (EDI). 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.

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# Information Technology

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

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

During FY 2014, the Office of the Clerk of the Court and the Information Technology section began working with Nebraska Interactive, LLC (Nebraska.gov) to develop electronic filing (e-filing) and review applications similar to the state-wide trial court e-filing and clerk review systems. The review application will have multiple queues for use by clerks, judicial assistants, legal staff, and the presiding judge. E-file processing will electronically file "packages" which contain pleadings in text-based, searchable portable document format (PDF) files, PDF attachments, proposed orders in word processing formats such as Microsoft Word (\*.docx format), and structured metadata in extensible markup language (XML) format. These will be used to update docket-related data in the Oracle database once true electronic document file management is implemented. Until that time, all pleading documents will be sent to a printer for inclusion in the paper docket file. The electronic proposed orders will be distributed to judicial assistants and legal section attorneys for any changes necessary prior to signing by a judge.

The web-based Diagnostic Related Group (DRG) entry system for annual submission of information from hospitals and insurance companies, continues to run smoothly as a "turnkey system" that minimizes IT staff involvement each year. Originally developed in FY 2012, only minor changes were made to this system in FY 2014. The DRG entry system serves as the model for future systems for the submittal of administrative electronic information to the court.

The court, in conjunction with the Department of Health and Human Services, decommissioned its Lotus Notes-Domino environment in June 2014.

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The Repliweb Managed File Transfer (RMFT) system continues to be heavily used by sections for business functions such as records request fulfillment to electronically and securely transfer documents and files that contain confidential information and/or file sizes larger than the e-mail system will allow. Development continued on integration of RMFT into our custom-developed outbound message management system. The integration of RMFT will allow confidential information to be added to documents sent to insurance companies which will reduce the communication time with respect to injury report requests.

The project of upgrading existing desktop computers to Windows 7 continued from the previous fiscal year and was mostly completed by the end of the FY 2014.

Utilizing the virtualized servers hosted on the court's servers and the OCIO's Storage Area Network (SAN) infrastructure, the court has been able to implement and manage a number of virtual servers. This environment has allowed the court to implement development, testing, and production environments without adding server hardware/software technology, therefore containing costs. Automated server and database monitoring services (provided by Nagios, an open-source software application) continue to assure that critical systems are up and running each business day.

Utilizing new physical servers procured in the prior year, IT infrastructure staff is migrating the court's Windows 2003 servers to Windows 2008 servers. The migration requires involvement of development staff in the testing of all court applications in the 2008 environment, including web, client-server, and server services. At the same time, we are taking the opportunity to upgrade third-party systems such as RMFT and DynamicPolicy, a policy and procedure management software. The Visual Studio development platform is being upgraded to the current version. The purchased PVCS Version Manager software has been replaced with a version management process developed in-house. The purchased BizFlow business management process (BPM) software is being decommissioned and replaced with an internally developed Work Activity system that has been in place for over 10 years.

The court continues to provide technical support to the Supreme Court's Mandatory Continuing Legal Education (MCLE) Commission for the online MCLE system. The MCLE system functionality is being extended to provide services to attorneys and is managed by the Supreme Court – Attorney Services Division. The court provides Oracle system software, virtual servers, data storage, and IT staff resources (internal and contracted) for hosting, upgrades, project management, implementation, and ongoing support of an Oracle-based MCLE system procured by the commission.

The court made the strategic decision to not migrate to the State of Nebraska (STN) directory services and instead will become an operational unit of the Nebraska Supreme Court, Appeals, and Probation (NSCAP) directory services. Court IT management has been working with Supreme Court technical management in developing a closer collaboration environment. Court development staff is in the process of creating web services to access the Attorney Services (MCLE) database to provide attorney license status and other information to be used in other systems such as Nebraska trial court and Workers' Compensation Court e-filing, Justice (the Nebraska trial court case search system), and unified case management.

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# Nebraska Occupational Injury and Illness Survey — 2013

## Occupational Safety and Health Act

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

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

## 2013 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 2013 sample surveyed 3,744 employing units in the state.

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

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Information regarding the survey and the results of the Occupational Injury and Illness Survey for 2013 is available on the court's web site ([http://www.wcc.ne.gov/publications/osh\\_cfoi.aspx](http://www.wcc.ne.gov/publications/osh_cfoi.aspx)).

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

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# Census of Fatal Occupational Injuries (CFOI) — 2013

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 22<sup>nd</sup> year that CFOI has been conducted in all 50 states and the District of Columbia.

## 2013 Census of Fatal Occupational Injuries

CFOI 2013 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 2013 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.

## 2013 Census Results

The Nebraska Census of Fatal Occupational Injuries recorded 39 fatal workplace injuries during 2013, down from 48 the previous year. Other findings of the census include:

- The leading fatal event was transportation incidents, accounting for 21 (54 percent) of fatal occupational injuries in 2013. Contact with objects and equipment followed with nine fatalities (23 percent). Falls, slips, and trips accounted for four fatalities (10 percent) and violence and other injuries by persons or animals accounted for four fatalities each (10 percent).
- Among industry groups, the largest number of fatal work injuries was in natural resources and mining with 15 (38 percent). Trade, transportation and utilities followed with nine (23 percent). Construction had seven (18 percent).
- Fourteen (36 percent) of those fatally injured were 65 years and over. Ten (26 percent) were 45 to 54 years of age. Another six (15 percent) were 55 to 64 years of age.
- Thirty-three (85 percent) of those fatally injured were white, non-Hispanic.
- Thirty-six (92 percent) of those fatally injured were men.
- Twenty-seven (69 percent) were wage and salary workers. The remainder of those fatally injured were self-employed.

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Information regarding the census and the results of the Census of Fatal Occupational Injuries 2013 is available on the court's web site ([http://www.wcc.ne.gov/publications/osh\\_cfoi.aspx](http://www.wcc.ne.gov/publications/osh_cfoi.aspx)).