

Nebraska Workers' Compensation Court

Annual Report

81

Fiscal Year 2023

July 1, 2022 through June 30, 2023

Presiding Judge	Dirk V. Block
Judge	James R. Coe
Judge	John R. Hoffert
Judge	Thomas E. Stine
Judge	Daniel R. Fridrich
Judge	Julie A. Martin
Clerk of the Court	Kimberly Krzycki
Court Administrator	Jill Gradwohl Schroeder



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Report Transmittal

The Nebraska Workers' Compensation Court has the privilege of submitting its 81st Annual Report, prepared in accordance with NEB. REV. STAT. § 48-166.

Dirk V. Block, Presiding Judge
Nebraska Workers' Compensation Court

Report Contents

This publication has been prepared by the Nebraska Workers' Compensation Court. Please **contact us** with questions or comments about this report, workers' compensation in Nebraska, or any of our programs and services.

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The pages that follow provide factual information about the court and describe the ongoing efforts of the court's dedicated staff and judges to carry forward and enhance the court's mission.



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General Information

Mission

The mission of the Nebraska Workers' Compensation Court is to administer and enforce all provisions of the Nebraska Workers' Compensation Act, except those committed to the courts of appellate jurisdiction or as otherwise provided by NEB. REV. STAT. § 48-152.

History

Legislation establishing a system for resolving claims of workplace injuries was first enacted in Nebraska in 1913 with the adoption of the Nebraska Workmen's Compensation Act (the Act). From then until 1917, the Act was administered by the several state district courts. In 1917, the Nebraska Legislature created the Compensation Division within the Department of Labor and the commissioner of labor was designated compensation commissioner.

The 1935 Legislature established the three-judge Workmen's Compensation Court and transferred Compensation Division functions to the court. That change was made to assure stability through longer-tenured judges not subject to political changes and to provide a degree of specialization and expertise in a technical area.

The authority and responsibilities of the court are described in Chapter 48, Article 1, of the Revised Statutes of Nebraska (cited as "NEB. REV. STAT."). Per NEB. REV. STAT. § 48-152, the court was created in recognition that:

- industrial relations between employers and employees within the State of Nebraska are affected with a vital public interest;
- an impartial and efficient administration of the Nebraska Workers' Compensation Act is essential to the prosperity and well-being of the state; and
- suitable laws should be enacted for establishing and preserving the administration of the Nebraska Workers' Compensation Act.

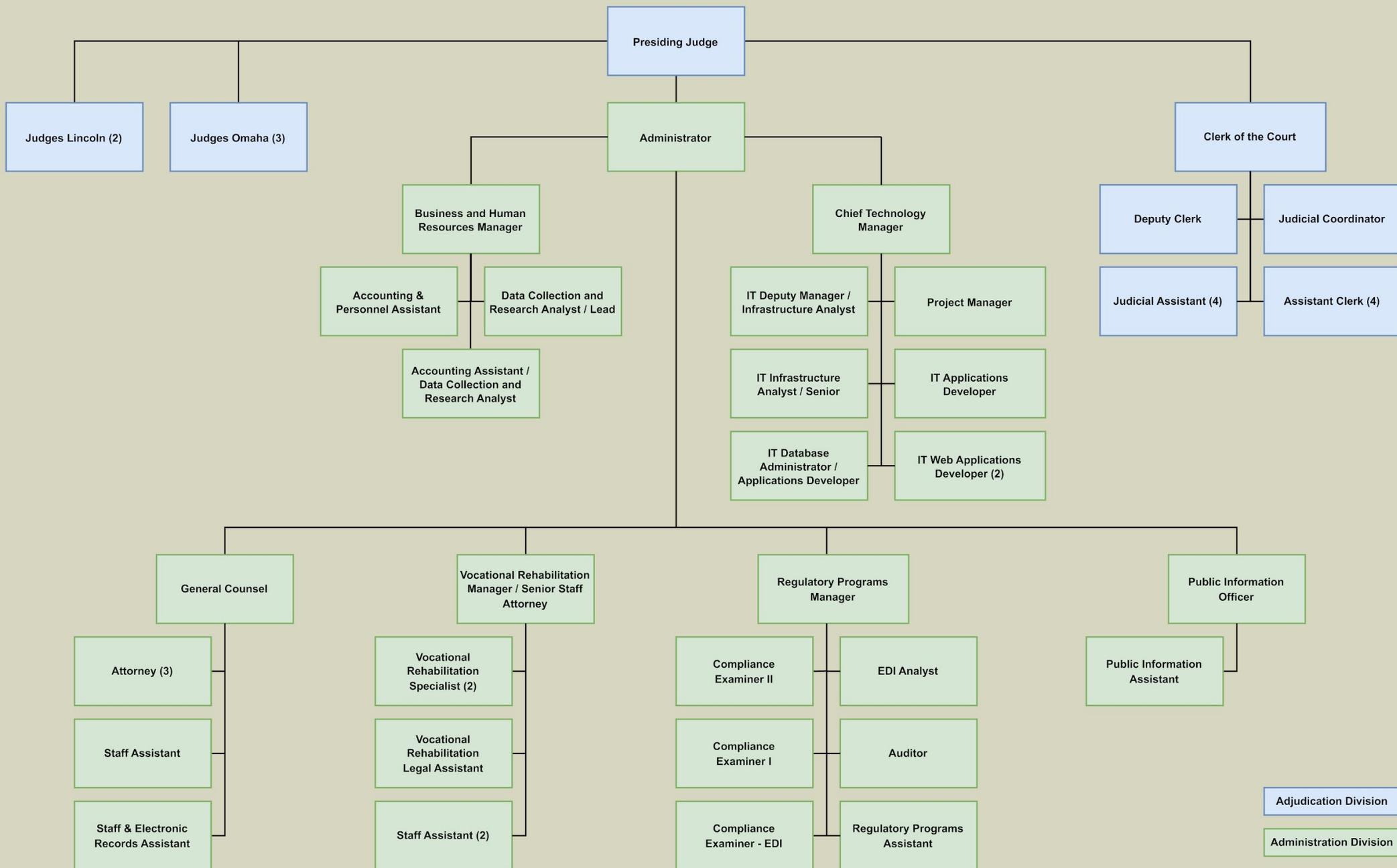
In 1986, the name of the court was changed to the *Workers' Compensation Court*. Currently, the workers' compensation bench is composed of six judges who hear disputed cases throughout the state.

Organization

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: Business and Human Resources; Legal; Regulatory Programs; Vocational Rehabilitation; Public Information; and Information Technology. The presiding judge is charged with overall responsibility for the functioning of the court, and the court administrator serves as its chief administrative officer.



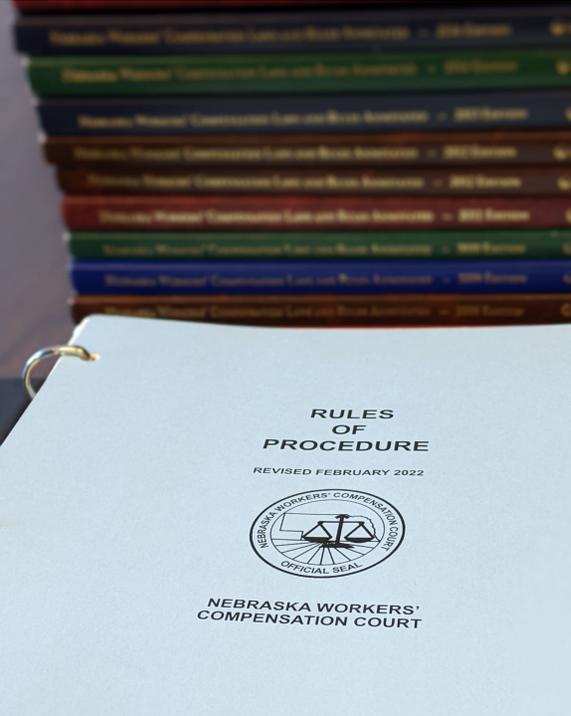
Nebraska Workers' Compensation Court



Adjudication Division
Administration Division

Revised
June 2023

Fiscal Year Activities



Changes to Court Rules

During its **December 2022** Public Hearing and Meeting, the Nebraska Workers' Compensation Court adopted revisions to its Rules of Procedure, summarized as follows:

- **Rule 2, Filings**, was amended to provide an update to privacy rules for filing documents with the court, implement mandatory E-Filing with the court for all Nebraska attorneys, and to clarify the rules for the possession of printed documents with signatures.
 - The privacy rules in Rule 2 apply to all filings and correspondence received by the court, including pleadings, attachments, and any other documents. Also, exhibits used at a hearing or trial must not contain personal or financial account information.
 - E-Filing is required for any pleadings or other documents filed by a Nebraska attorney in this court, with exceptions for exhibits to be offered at a hearing or trial; supersedeas bonds; documents to be filed under seal pursuant to court order; or any pleading where an exception is granted by the trial judge in extraordinary circumstances.
 - A document that requires the signatures of opposing parties or counsel (such as a stipulation) may be electronically filed by typing the names of each signing party or counsel, but the filer is required to first obtain the original signatures of all opposing parties or counsel on a document, or obtain approval of all opposing parties or attorneys in writing. This rule does not apply to pleadings that require verification of signatures, such as lump sum settlement applications or releases of liability.
 - Extended E-Filing system unavailability is added to the list of exceptions to allow the court to issue an order expanding the statutory time period for commencing an action or perfecting an appeal.
 - E-Filing users may file paper documents with the clerk when the court's E-Filing system is not available for more than 24 hours. Such filing may be made by fax. In that event, the filing party is responsible for service pursuant to Rule 3,B.
- **Rule 3, Pleadings**, was revised in accordance with the Nebraska Supreme Court's modernization changes regarding the formatting of pleadings. Also, language regarding the submission of proposed orders by email was stricken to be consistent with mandatory E-Filing.
- **Rule 8, Continuances**, was amended to clarify that the court's judges have the authority to continue a hearing or trial if good cause is shown. Stricken from Rule 8 was language disallowing continuances when a request for assignment of a vocational rehabilitation counselor, informal dispute resolution (IDR or mediation), or assignment of an independent medical examiner is made fewer than 60 days prior to the

Fiscal Year Activities, continued to next page.



date set for hearing. New language was added to Rules 42, 45, and 63 to provide authority for the court to decline appointment of a vocational rehabilitation counselor or an independent medical examiner if a request to appoint is made within 60 days of a trial. As for IDR, Rule 48 does not address scheduling an IDR within 60 days of trial. Parties may request IDR up to the time of trial.

- **Rule 13, Fax Filings**, allows self-represented litigants to file a pleading by fax. Attorneys must E-File pleadings; however, exhibits may be faxed and pleadings may be faxed during extended E-Filing system unavailability provided in Rule 2,D,13.
- **Rule 14, Exhibits**, requires exhibits to be marked in numerical order and indicate the number of pages the exhibit contains. It is the obligation of the attorney offering the exhibits to mark and number the exhibits. The trial judge may, at their discretion, mark and number the exhibits if needed. Also, exhibits must be easily readable.
- **Rule 26, Schedules of Fees for Medical, Surgical, and Hospital Services**, amendments affirmed the Schedule of Fees for Medical Services and established the Diagnostic Related Group (DRG) Codes that became effective on January 1, 2023. The court is empowered by NEB. REV. STAT. §§ 48-120 and 48-120.04 to publish medical fee schedules in keeping with the methodology for creating the schedules. The fee schedules set forth the reimbursement rates for various medical services provided to injured workers.

- **Rule 42, Vocational Rehabilitation Choice of Counselor**, was amended to state that a vocational rehabilitation counselor will not be appointed by the court if the request for appointment is submitted within 60 days before trial, unless the trial is continued.
- **Rule 45, Loss of Earning Power Evaluation**, was amended to provide that a vocational rehabilitation counselor will not be appointed by the court to perform a loss of earning power evaluation if the request for appointment is submitted within 60 days before trial, unless the trial is continued.
- **Rule 47, Lump Sum Settlement**. The Centers for Medicare and Medicaid Services began using the 2019 U.S. Life Table for the total population in June, 2022. Rule 47 was amended to require the 2019 U.S. Life Table to be used for cases involving life expectancies in the U.S. Accordingly, Addendum 2 was updated to reflect the 2019 U.S. Life Table. Also, references to submitting proposed orders by email or fax were deleted in order to be consistent with mandatory E-Filing.
- **Rule 63, Independent Medical Examiners, Selection**, was updated to add language clarifying that an independent medical examiner will not be appointed if the request is received within 60 days of a trial.

Our current Rules of Procedure may be accessed on our website (<https://www.newcc.gov/resources/court-forms-and-publications/rules-of-procedure>).

Fiscal Year Activities, continued to next page.



Statutory Changes

Legislative Bill (LB) 799 amended **NEB. REV. STAT. § 48-153(1)** to provide that the Nebraska Workers' Compensation Court shall consist of six judges. **LB 799** became effective on May 22, 2023.

In addition, the following statutory changes were made by the Nebraska Legislature when it enacted **LB 191**. These changes were effective as of May 26, 2023:

- **NEB. REV. STAT. § 48-174** increased the time for return of summons from seven days to 14 days to accommodate United States Postal Service delivery.
- **NEB. REV. STAT. § 48-164** eliminated the requirement for the court to hold a hearing within 60 days of the filing of a petition. Extending this time frame allows the litigants to engage in the formal discovery process.

Changes to this statute also eliminated the requirement that the court enter an order or award within 30 days after the hearing. This change better accommodates litigants and the court in cases when post-trial arguments or briefs are submitted to the court.

- **NEB. REV. STAT. § 48-163(2)** reduced the required Public Hearing and Meeting notice period from 30 days to 14 days.
- **NEB. REV. STAT. § 48-145** redirected certain self-insurance assessments to the Compensation Court Cash Fund instead of the General Fund.
- **NEB. REV. STAT. § 49-506** eliminated the requirement that the court receive hard copies of the Legislative session laws and journals. Access to this information is now available online through the Legislature's website.

- **NEB. REV. STAT. § 101.01(6)(a)** now provides that DHHS will reimburse a first responder for a mental health exam, the initial resilience training, and annual resilience training if the first responder's employer does not reimburse the employee.

Changes to this statute also set the reimbursement rates for mental health examinations and resilience training under **NEB. REV. STAT. § 48-101.01**.

- **NEB. REV. STAT. § 48-2103** standardized fees for in-state and out-of-state contractors who register under the Contractor Registration Act and eliminated additional fees for the registration of non-resident contractors.

The Nebraska Workers' Compensation Act may be accessed on the Nebraska Legislature's website (<https://www.nebraskalegislature.gov/laws/browse-chapters.php?chapter=48>).



1 NEBRASKA LEGISLATURE
The official site of the Nebraska Unicameral Legislature

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Legislature ▶
Bills and Laws ▶

Nebraska Revised Statutes Chapters
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Revised Statutes Chapter 48 - LABOR



Project Management Program

Modernization Project

The Nebraska Workers' Compensation Court kicked off a large-scale modernization project at the beginning of FY 2023. The project is part of a nationwide trend for public workers' compensation organizations to modernize their systems in order to better serve the public. Using its own IT team, the court expects to keep all the planning and development in-house. This will save the court a significant amount of money in contracting costs, while also preserving the court's vision and control over the project.

The modernization project will focus on three areas:

- redesigning the court's Windows-based case management system into a cloud-based system;
- enhancing the court's processes to improve data quality and security; and
- creating a web-based portal for the public to securely access and transmit documents and data.

The driving force behind this modernization project is security of the court's data. Transitioning to cloud-based servers and databases provides built-in encryption which adds an extra layer of protection for personally identifiable information (PII). Doing so will also enhance compliance with applicable security standards. Data centers located throughout the country provide data redundancy for quick resolution of technical outages and for purposes of disaster recovery, which facilitates continuity of operations for the court.

A positive effect of redesigning the case management system to a cloud-based system is the significant cost savings to the court. A cloud-based system reduces license management fees and hardware replacement costs. With the goal of transitioning to a paperless system, the court will see lower postage and supply expenses. Web-based solutions also reduce the hours IT staff spend on setup, maintenance, troubleshooting, updates, and backups of the court's systems.

The mission of the court creates working relationships with many bodies of the public, such as injured workers, employers, attorneys, insurers, vocational rehabilitation counselors, and medical providers. This modernization endeavor will provide increased access, efficiencies, and education for the public. In turn, we expect court staff to benefit from streamlined processes, enhanced data quality, improved communications and workflows, and a user-friendly system.

The IT team began the first phase of the modernization project in FY 2023, by designing and developing the base structure for the court's new online case management system. As part of this phase, the team began work on a web-based portal for public access to the court's data – the **Nebraska Legal Link Access Kiosk (NELLAK)**. Development of the NELLAK portal is ongoing.

In FY 2023, the Nebraska Workers' Compensation Court implemented a **Project Management program** within the court's Information Technology (IT) section. Liz Gianunzio, who served for eight years as Clerk of the Court, is the court's Project Manager and oversees all projects associated with modernization of the court's operations. In this role, Liz works with division and section heads to review current operations to see where improvements can be made.



[Click this link to see report contents](#)

Judges of the Nebraska Workers' Compensation Court

Six judges serve on the Nebraska Workers' Compensation Court. The judges resolve disputes about injuries that are claimed to have been caused by workplace accidents or diseases. Judges of the court determine whether injuries or occupational diseases were caused by accidents or exposures at work, and if so, the types and amounts of benefits injured workers should receive.

The court maintains offices in Lincoln and Omaha, although all court filings must be made electronically or physically in the Lincoln office. Cases are heard throughout Nebraska in the county where the injury is reported to have occurred. After each hearing, the judge enters a written decision stating their factual and legal conclusions. Decisions may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or upon further review of a decision by the Nebraska Court of Appeals.

The judges are initially appointed by the governor. Judges are then subject to a retention vote by the electorate three years after appointment and every six years thereafter. Every two years, one of the judges is elected by the judges of the court to serve as presiding judge, subject to approval of the Nebraska Supreme Court.



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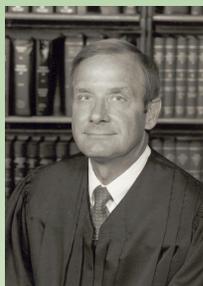
Judges of the Nebraska Workers' Compensation Court



Dirk V. Block
Presiding Judge

Office: Lincoln, Neb.

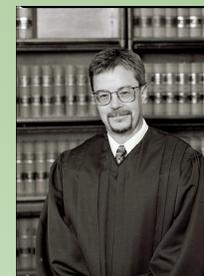
Appointed: December 8, 2016.



James R. Coe
Judge

Office: Omaha, Neb.

Appointed: October 7, 1988.



John R. Hoffert
Judge

Office: Lincoln, Neb.

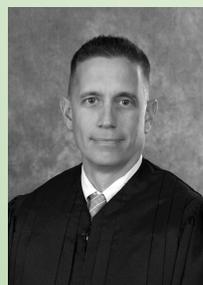
Appointed: October 4, 2001.



Thomas E. Stine
Judge

Office: Lincoln, Neb.

Appointed: September 13, 2011.



Daniel R. Fridrich
Judge

Office: Omaha, Neb.

Appointed: September 18, 2012.



Julie A. Martin
Judge

Office: Omaha, Neb.

Appointed: December 23, 2014.



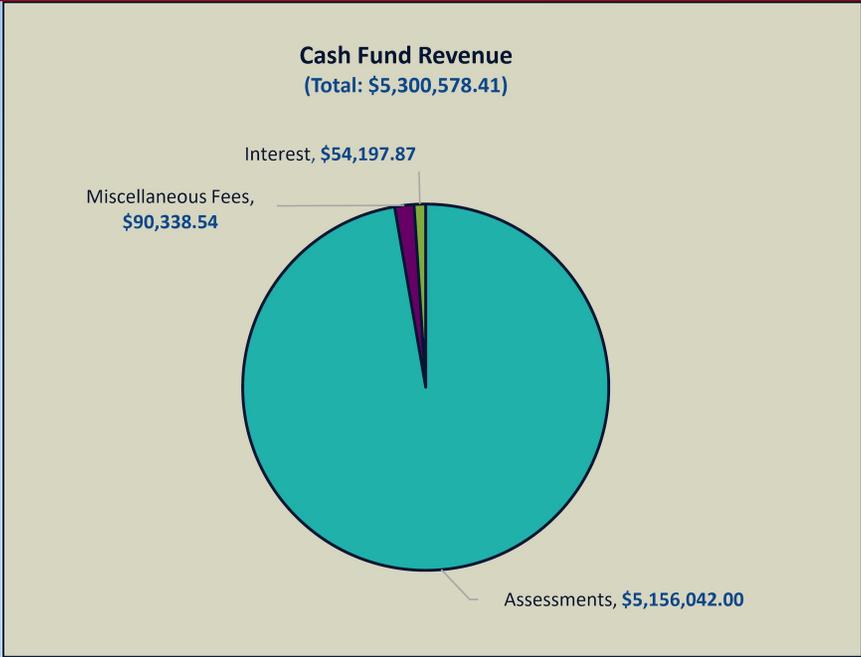
Funding, Benefit Rates, and Injuries

Compensation Court Cash Fund

Fiscal Year 2023 (July 1, 2022 to June 30, 2023)

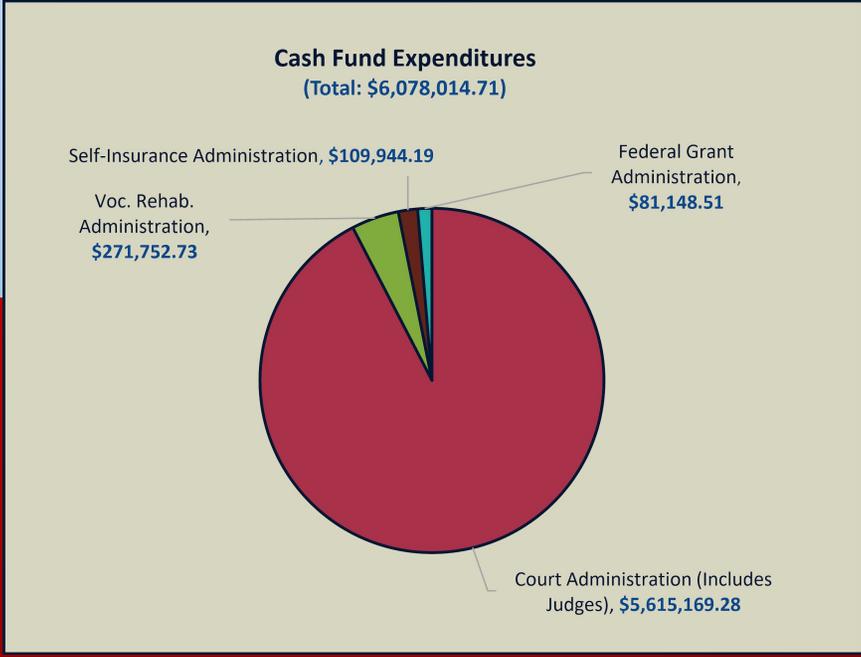
The Compensation Court Cash Fund (Cash Fund) provides for the expense of administering the Nebraska Workers' Compensation Act and for the payment of the salaries and expenses of the personnel of the Nebraska Workers' Compensation Court (see NEB. REV. STAT. § 48-1,116). The fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers (see NEB. REV. STAT. § 48-1,117). Miscellaneous fees referenced in the chart **Cash Fund Revenue** include filing fees for lump sum settlements and releases, fees for self-insurance applications, and copies of public records.

Contributions to the Cash Fund abate for one year whenever its balance 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 Cash Fund. The appropriation for FY 2023 was \$6,812,618.



Fund Balance
July 1, 2022:
\$4,449,073.99

Fund Balance
June 30, 2023:
\$3,671,637.69



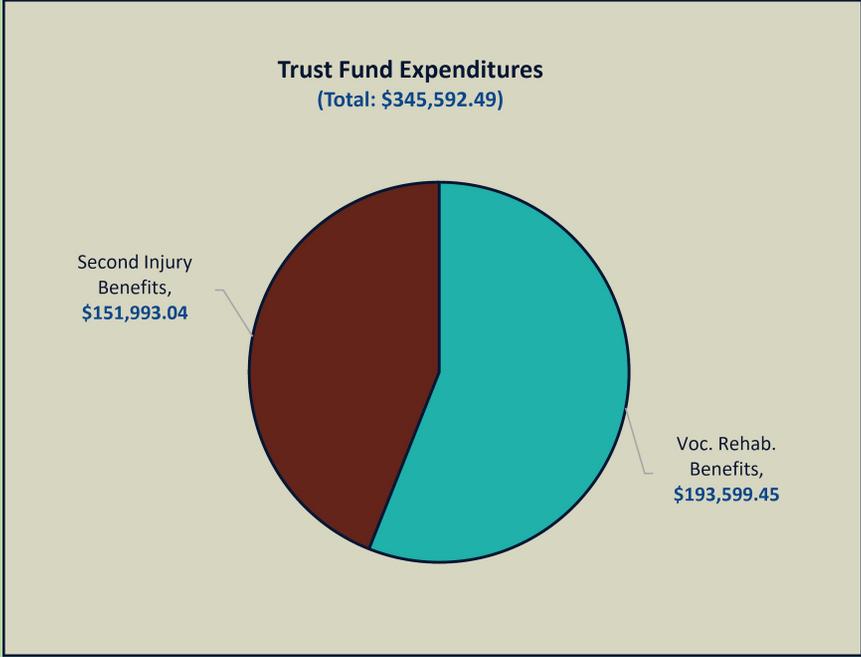
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Workers' Compensation Trust Fund

Fiscal Year 2023 (July 1, 2022 to June 30, 2023)

The purpose of the Workers' Compensation Trust Fund (Trust Fund) is to make second injury benefit payments in accordance with NEB. REV. STAT. § 48-128 and vocational rehabilitation benefit payments in accordance with NEB. REV. STAT. § 48-162.01. The Trust Fund is financed by assessments against workers' compensation insurers, risk management pools, and self-insured employers. When the Trust Fund equals or exceeds \$2.3 million, no further contributions from employers, insurers, or risk management pools are required. Contributions resume when the administrator determines payments from the Trust Fund during the next year will reduce its balance below \$1.2 million.

Trust Fund revenue in FY 2023 consisted entirely of interest. The court made no Trust Fund assessments and received no miscellaneous revenue for that fund during the fiscal year.



Trust Fund Revenue:
\$133,662.48

Fund Balance
July 1, 2022:
\$6,401,074.41

Fund Balance
June 30, 2023:
\$6,189,144.40



[Click this link to see report contents](#)

Federal Fund

Federal Fiscal Year 2023 (October 1, 2022 to September 30, 2023)

The court is designated as the agency in Nebraska to conduct a survey of work-related injuries / illnesses and collect data as to fatal injuries pursuant to grants from the U.S. Department of Labor, Bureau of Labor Statistics (BLS). Additional information about these grants is available in the Federal Grant Program section of this report.

Expenses for administering these two federal grants are split evenly 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 Fund. Federal monies are requested on a monthly basis and

deposited into the Federal Fund. The Nebraska Legislature appropriates a specific sum each year for expenditures from the Federal Fund to the court. 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.

Fund Balance on October 1, 2022:					\$0
Revenue:					
Intergovernmental Revenue				47,100	
Deobligation June 30, 2023				0	
Total Revenue				47,100	
Expenditures:					
	Legislative Appropriation	Administrative Adjustments	Not Expended	Actual Expended	
Federal Grant Admin.	59,894	(12,794)	0	47,100	
Total Expenditures				47,100	
Fund Balance on September 30, 2023:					\$0



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 NEB. REV. STAT. §§ 48-121.01 and 48-121.02. Based on the state average weekly wage determined by the administrator, the maximum weekly income benefit for injuries occurring in calendar year 2023 is \$1,029.00. The minimum rate remains at \$49.00 as provided in NEB. REV. STAT. § 48-121.01(2).

Calendar Year 2023
Maximum Benefit Rate:
\$1,029.00

A table of maximum and minimum compensation benefits for previous years is available on our website (<https://www.newcc.gov/service-providers/attorneys/benefit-rates>)

Injuries Reported in Fiscal Year

The Nebraska Workers' Compensation Court received reports of 37,627 injuries resulting from accidents and occupational diseases in FY 2023.

The data collected during this fiscal year is not final as there may be late filings and corrections to data during the life of any workers' compensation claim. This means that some of the reports received may have had injury dates from prior fiscal years.

Our Statistical Reports provide more mature and more detailed information regarding injuries and benefit payments by calendar year (<https://www.newcc.gov/resources/court-forms-and-publications/statistical-reports>).

Total Injuries Reported
in FY 2023:

37,627



[Click this link to see report contents](#)

Office of the Clerk of the Court

Mandatory E-Filing Adopted

The court's Rules of Procedure, effective on January 25, 2023, require all pleadings or other documents filed by a Nebraska attorney in the Nebraska Workers' Compensation Court, to be through its E-Filing system. All pleadings must be consistent with the format and font rules mandated by the Nebraska Supreme Court rules. Self-represented litigants have the options to file pleadings via the U.S. Postal Service (regular mail), fax, or in person.

E-Notice Preparations Underway

As part of its modernization efforts in FY 2023, the court prepared for the FY 2024 implementation of electronic notice (E-Notice). E-Notice is the electronic transmission (via email) of notices, opinions, court entries, and other dispositional orders to those registered for E-Filing with the court, which may include self-represented litigants. This service is tentatively scheduled to launch upon adoption and approval of proposed amendments to the court's Rule 2, *Filings*, and successful testing of the E-Notice application in development by the court's technology provider.

Omaha Courtroom Technology Modernized

In May 2023, the court's Omaha courtroom was modernized with new audiovisual equipment. The equipment features updated technology, including 65-inch television monitors, microphones, and speakers. The ability to efficiently conduct video trials and hearings is greatly enhanced through these upgrades. The court anticipates adopting similar technology in its Lincoln courtrooms.

Judge Fitzgerald Retires

Judge J. Michael Fitzgerald retired on May 31, 2023, after serving 27 years on the bench of the Nebraska Workers' Compensation Court.

The *Office of the Clerk of the Court (the Clerk's office)*, together with the judges, make up the court's adjudicatory operating division. The judges resolve disputes concerning injuries that are claimed to have been caused by workplace injuries or diseases. The Clerk's office supports these judicial proceedings by:

- receiving and processing filings;
- docketing cases;
- communicating with litigants;
- scheduling trials and motion hearings;
- keeping records of judicial proceedings;
- notifying litigants of court rulings; and,
- providing administrative and secretarial support for the judges.



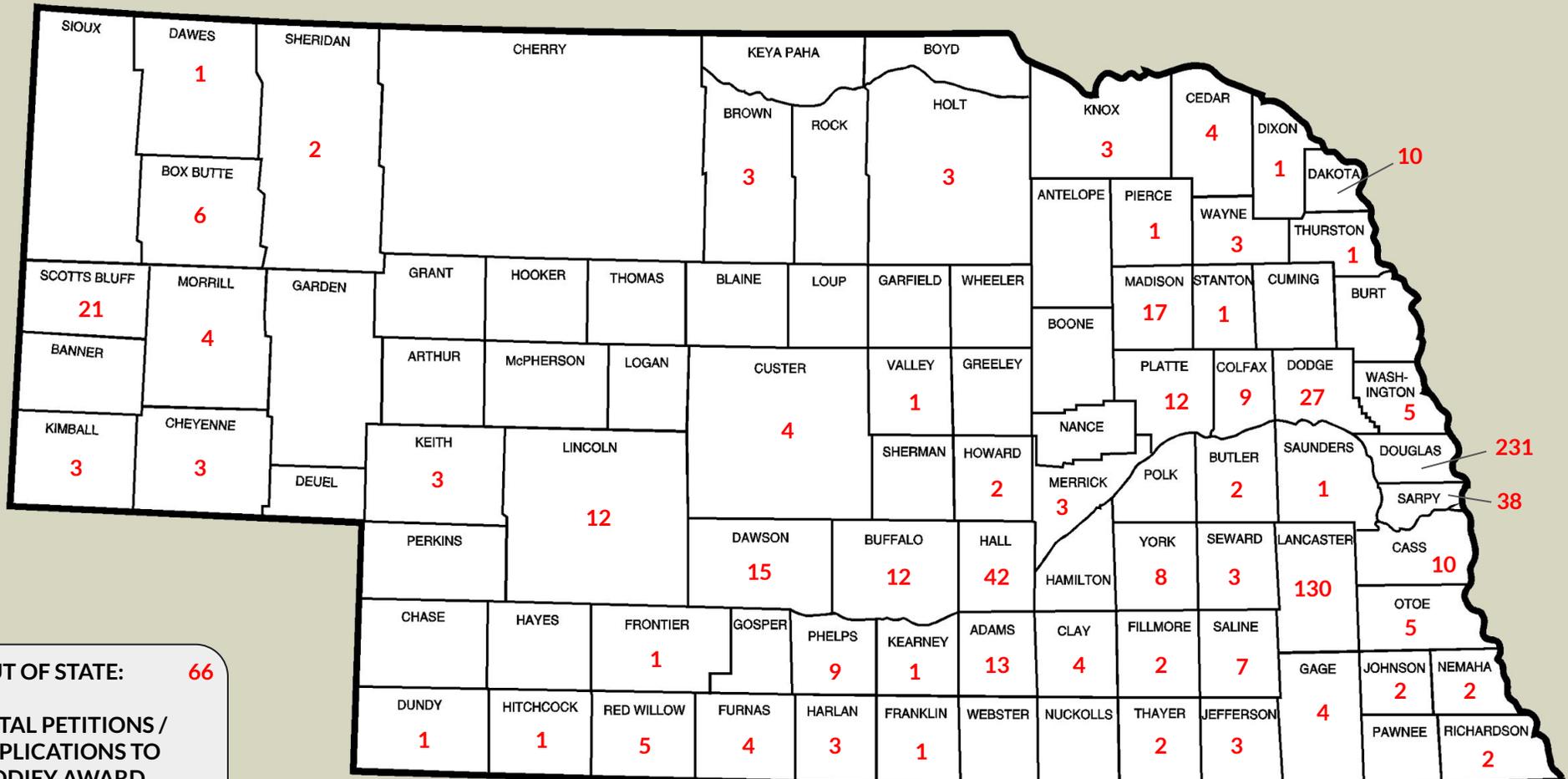
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Petitions and Applications to Modify Award by County

Below is a map showing the total number of Petitions and Applications to Modify Award filed with the court and allocating them to the counties where those Petitions allege the accidents occurred.

In addition to the cases shown below, allegations in an initial Petition can be litigated separately upon entry of an order allowing such. This happened in five cases during FY 2023.



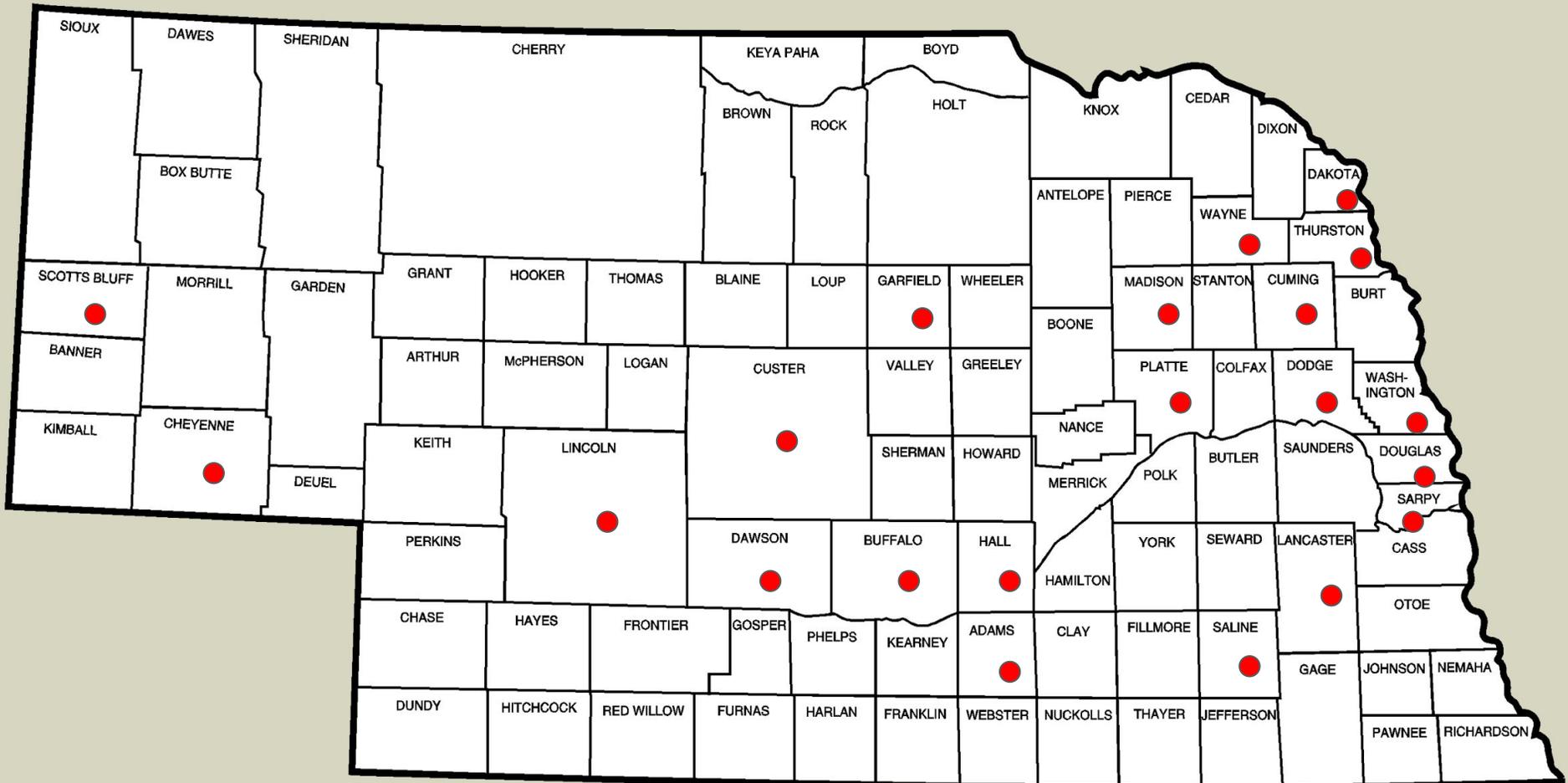
OUT OF STATE: 66

TOTAL PETITIONS / APPLICATIONS TO MODIFY AWARD FILED IN FY 2023: 795



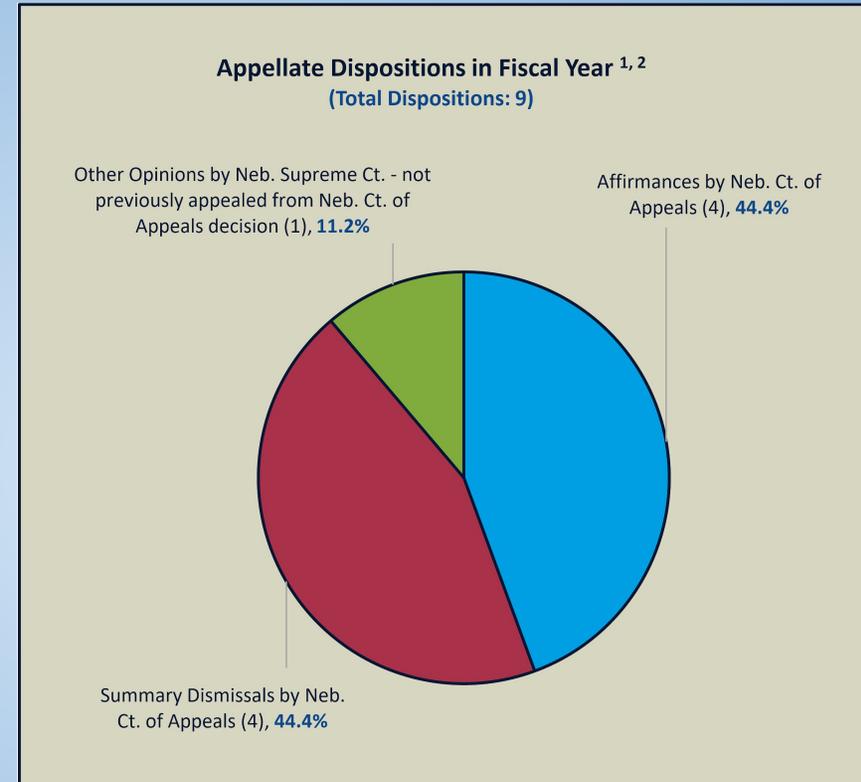
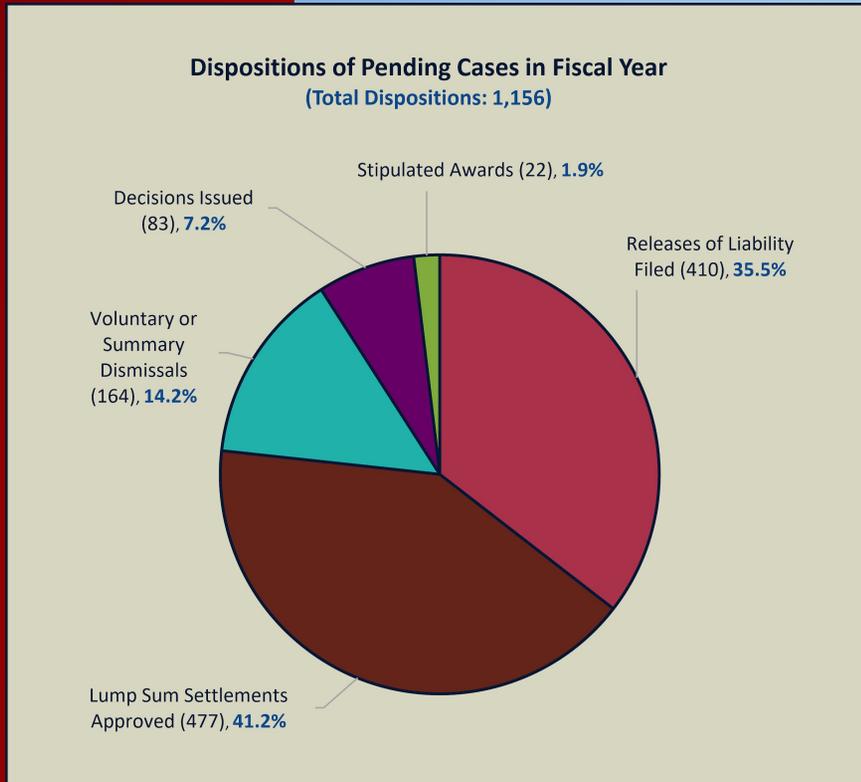
Trials and Evidentiary Hearings by County

Generally, trials and evidentiary hearings are conducted in the county in which the accident occurred unless the litigants agree to a different location (see NEB. REV. STAT. § 48-177). For that reason, the venue for workers' compensation cases could be in any county in Nebraska. In FY 2023, trials were conducted in the 21 Nebraska counties marked below.



Litigation Summary – Dispositions

The charts on this page summarize Nebraska Workers' Compensation Court and appellate court dispositions of workers' compensation cases during FY 2023. Ten appeals were filed from decisions of the Nebraska Workers' Compensation Court during the fiscal year.



Motions in FY 2023

2,573
Filed

345
Hearings

1,829
Dispositions

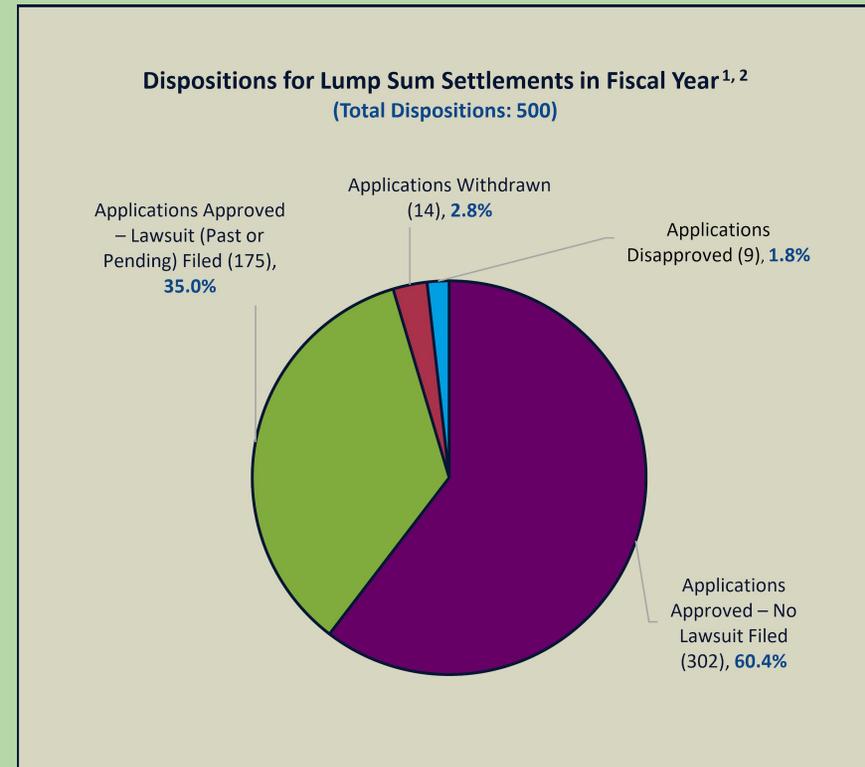
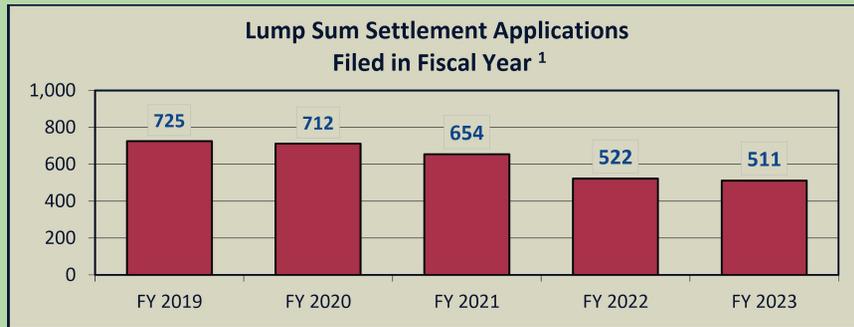
- Regarding appeals, a decision of a judge of the Nebraska Workers' Compensation Court may be appealed to the Nebraska Court of Appeals. A limited number of appeals may also be heard by the Nebraska Supreme Court, either directly or by further review of a decision by the Nebraska Court of Appeals. Appeals from an order, award, or judgment of the compensation court in any such case are made in accordance with the procedures regulating appeals in actions at law from the district courts, except as otherwise provided in NEB. REV. STAT. §§ 48-182 and 48-185.
- Regarding "other opinions," these are opinions from the Nebraska Supreme Court or Court of Appeals such as: reversed and remanded; reversed; affirmed in part, reversed in part, and in part remanded; affirmed in part, and in part reversed, and any other variations thereof.



[Click this link to see report contents](#)

Settlement Summary – Lump Sum Settlement Applications and Dispositions in Fiscal Year

The charts on this page summarize Lump Sum Settlement applications filed and dispositions made during FY 2023. When comparing the charts on this page, please note that not all settlement applications filed in a fiscal year are disposed of in the same fiscal year.

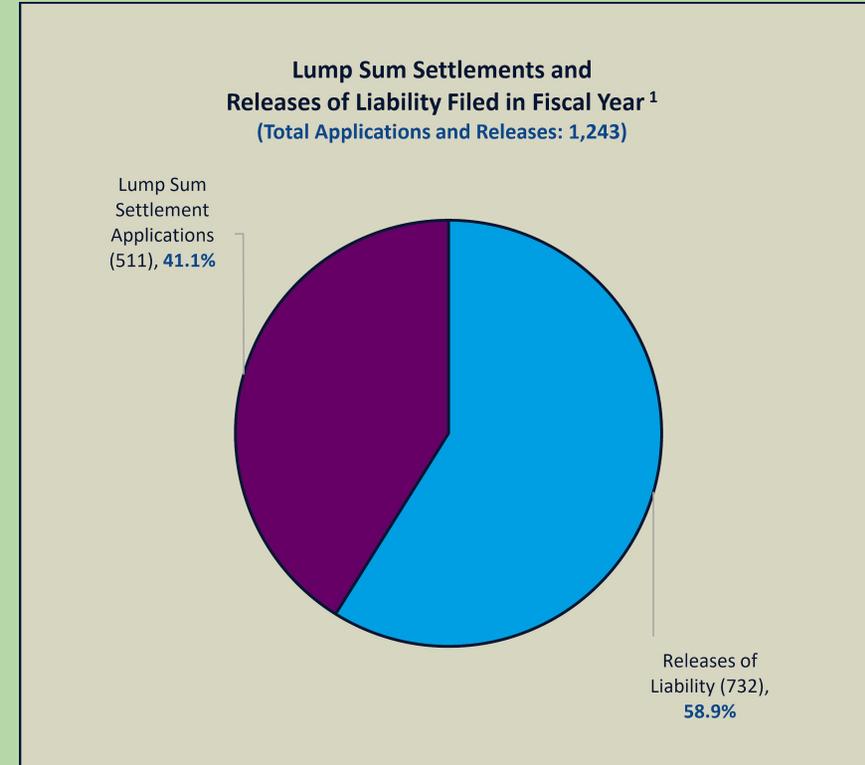
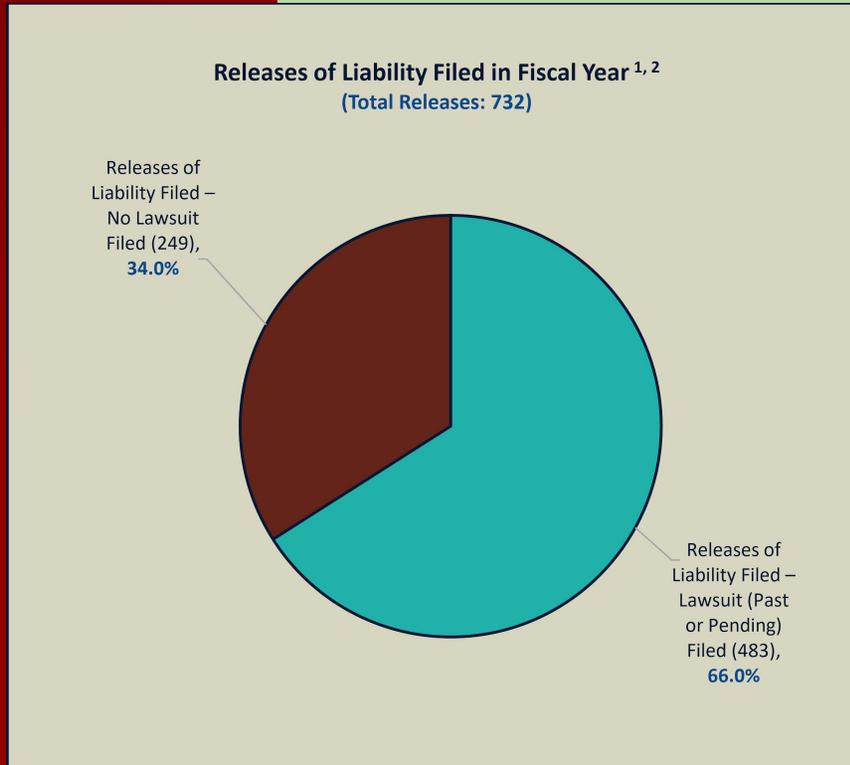


- 1 Pursuant to NEB. REV. STAT. § 48-139, lump sum settlement agreements require court approval. In 2009, the Nebraska Legislature amended this statute to eliminate mandatory court approval of certain settlement agreements and to require the filing of a release of liability for those settlements no longer requiring court approval.
- 2 “Applications Approved – Lawsuit (Past or Pending) Filed” includes Applications for Lump Sum Settlement accounted for in the “Litigation Summary” as to pending cases in addition to settlements in cases previously litigated.



Settlement Summary – Releases of Liability Filed in Fiscal Year

The charts on this page summarize Releases of Liability filed during FY 2023 and compare the number of Lump Sum Settlement applications with the number of Releases of Liability filed during FY 2023.



- 1 Pursuant to NEB. REV. STAT. § 48-139, lump sum settlement agreements require court approval. In 2009, the Nebraska Legislature amended this statute to eliminate mandatory court approval of certain settlement agreements and to require the filing of a release of liability for those settlements no longer requiring court approval.
- 2 “Releases of Liability Filed – Lawsuit (Past or Pending) Filed” includes Releases of Liability accounted for in the “Litigation Summary” as to pending cases in addition to settlements in cases previously litigated.



\$316,602.92 in Lump Sum Settlement Application Underpayments Identified

In FY 2023, the Legal section identified underpayments in 40 lump sum settlement applications totaling \$275,626.02 in indemnity (wage loss) benefits. The section also identified \$40,976.90 in underpayments of medical benefits. In cases of underpayment, the court requires these settlements to be revised to provide additional compensation to or on behalf of the injured employee to ensure compliance with the Nebraska Workers' Compensation Act and that the settlement is in the best interest of the employee or his or her dependents. Statistics for lump sum settlements processed in FY 2023 are provided in the [Office of the Clerk of the Court](#) section of this report.

Lump Sum Settlements

Information about the requirements for Lump Sum Settlements can be found in NEB. REV. STAT. §§ 48-138 through 48-140, in the Nebraska Workers' Compensation Court's Rule 47, and on the court's website (<https://www.newcc.gov/service-providers/attorneys/settlements>).

Informal Dispute Resolution

Informal Dispute Resolution (IDR) is available to the following individuals or entities with an interest in a workers' compensation dispute:

- any party to a workers' compensation dispute or controversy;
- a medical provider who provided medical, surgical, or hospital expenses to an employee involved in the dispute or controversy; or
- any certified vocational counselor providing services to such an employee.

The guidelines for the IDR process are found in NEB. REV. STAT. § 48-168 and Rule 48 of the court's Rules of Procedure. 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 the worker who claims injury is not represented by an attorney. In addition, a judge may order the parties to participate in IDR. IDR also provides a dispute resolution mechanism for health care providers, vocational rehabilitation counselors, and others who would otherwise have no standing before the court.

Informal Dispute Resolution, continued to next page.

The **Legal section** reviews settlement applications for adequacy and compliance with the Nebraska Workers' Compensation Act (the Act); conducts mediation conferences to facilitate informal resolution of disputes; informs injured workers, employers, and others about the Act; performs legal research for the judges; provides legal advice to court staff; monitors legislation for potential impact on the workers' compensation system; and manages the court's access to public records process, assists in the court's records and information management, and the records retention schedule.

The Legal section also prepares summaries of the Nebraska Supreme Court and Court of Appeals decisions relating to workers' compensation. These summaries may be accessed in the Appellate Court Decisions section of our website (<https://www.newcc.gov/service-providers/attorneys/appellate-court-decisions>).



55

Informal Dispute Resolution cases opened in FY 2023

52

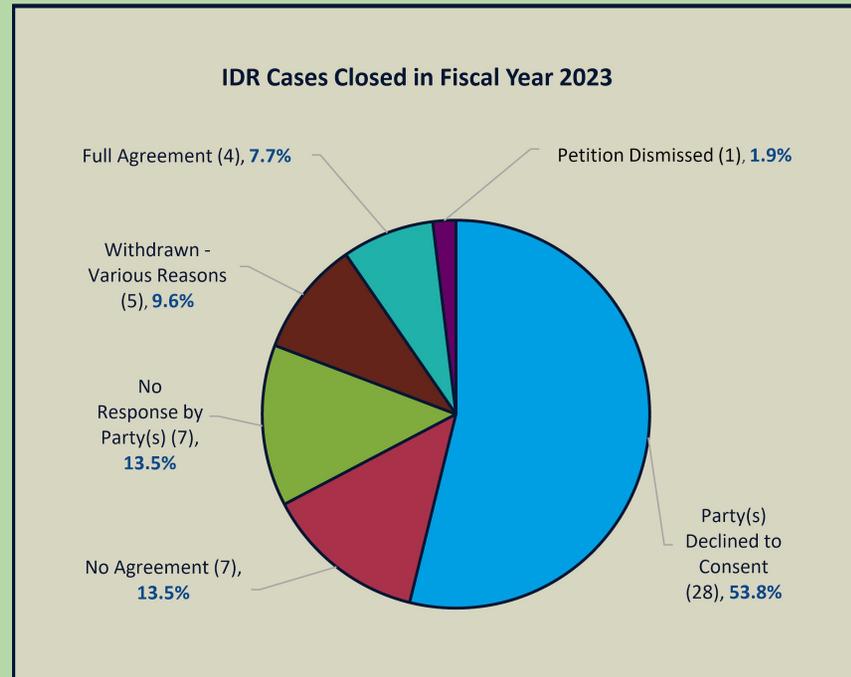
Informal Dispute Resolution cases closed in FY 2023

Informal Dispute Resolution, continued from previous page.

Mediation conferences are conducted by the section's staff attorneys, who address a variety of issues. Trained in the essential skills of mediation, these attorney-mediators do not advocate or make decisions on behalf of either party; rather, they facilitate discussions to assist litigants in identifying ways to resolve their disputes without the need for a trial. In its efforts to modernize access to the court's IDR program, the Legal section developed a request form that can be completed and submitted directly from the website. Upon successful submission, the requester is automatically emailed a copy of the form to keep for their records.

The number of IDR requests in FY 2023 remained unchanged from the previous fiscal year. The court's attorney-mediators addressed issues involving compensability of a claim, settlement, payment and disputes regarding indemnity benefits, medical treatment, medical provider and vocational rehabilitation counselor fee disputes, and medical expenses.

Mediation through the court is voluntary absent an order by a judge. In 28 cases, or 53.8 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 chart below.



Regulatory Programs

EDI Claims Release 3.1

The Nebraska Workers' Compensation Court mandates use of the International Association of Industrial Accident Boards and Commissions' (IAIABC) Electronic Data Interchange (EDI) Claims Release 3.1 for reporting of work injuries and payments related to such injuries. More information can be found on our EDI website (<https://nwccedi.info>).

The *Regulatory Programs* section has responsibilities in four distinct areas.

1. **Electronic Data Interchange (EDI)** is the process through which the court receives and processes reports of injuries and benefit payments.
2. **Compliance** activities include enforcing insurance coverage requirements as well as claims handling and reporting obligations of insurers and self-insured employers.
3. **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.
4. **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.

Electronic Data Interchange (EDI)

Collection of Data

Workers' compensation insurers, risk management pools, and self-insured employers are required to report injuries and payments relating to injuries in accordance with the Nebraska Workers' Compensation Act (the Act) and the court's Rules of Procedure. These reports about injuries and payments made by employers, insurers, and risk management pools are transmitted electronically through the Electronic Data Interchange (EDI) system used by the court.

In FY 2023, the court received reports of 37,627 workplace injuries or occupational diseases. Section staff, in conjunction with the court's EDI contractor, processed 73,540 reports relating to work-related injuries or occupational illnesses for the current and previous years. A work-related injury or occupational disease typically involves multiple reports that must be submitted during the normal course of each claim. These include the original injury and payment reports, transactions rejected due to incomplete data, as well as any applicable follow-up reports involving data changes / corrections, denials, cancellations, or other reports that may be periodically submitted during the course of a claim.

Additionally, together with the EDI contractor, in FY 2023 section staff processed 90,290 reports involving payments of compensation and expenses relating to work-related injuries or occupational illnesses for the current and previous years. Included in these reports were periodic updates to data, corrections, transactions rejected due to incomplete data, and other reports. Section staff process the electronic reports and also code and manually enter the few remaining paper reports the court receives.

Once processed, the data is examined and maintained for statistical purposes. The section maintains a database of court-approved EDI trading partners to assist with data quality assurance duties. Section staff also enforce those reporting requirements, request missing injury reports and monitor for their receipt, clarify discrepancies on existing reports, respond to questions about EDI, and obtain missing information from employers or insurers.



[Click this link to see report contents](#)

4,647

**Letters Sent to Verify
Coverage Status**

Compliance Activities

One of the most important enforcement activities of the Regulatory Programs section is to identify employers who don't have insurance coverage as required by the Act. Any employer of one or more people needs to ensure workers' compensation coverage is available to pay benefits in case a workplace injury occurs. If the court is informed that coverage is not in place, it takes steps to educate those employers or hold them accountable and bring them into compliance with the Act.

514

**Employers Brought
Into Compliance**

Section staff monitor the court's electronic proof of coverage information for employers whose coverage has been canceled or not renewed to identify employers who may not have coverage in place. If coverage is canceled or not renewed because a business ceased operation or obtained a replacement workers' compensation policy, no action is needed. If coverage is still required, compliance examiners notify and educate employers to ensure they secure workers' compensation insurance. If the efforts of the Regulatory Programs section staff do not result in compliance, the case is then referred to the Attorney General for further action.

185

**Non-Compliance Cases
Referred for Legal Action**

During FY 2023, 4,647 letters were sent to employers whose coverage had been canceled or not renewed. New or alternative coverage had voluntarily been secured by most of them and was confirmed by the court. In response to follow-up efforts by the section, 514 employers were brought into compliance with their statutory obligation to obtain workers' compensation coverage. Additionally, 185 cases were referred to the Attorney General, who collected a total of \$182,673.13 in penalties from employers who failed to obtain required workers' compensation coverage. The Nebraska State Constitution provides that the money collected for these fines is for the use and support of schools in Nebraska.

\$182,673.13

**Collected in Penalties
by the Attorney General**

Compliance examiners additionally respond to a large volume of phone inquiries from a wide range 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. Often, callers identify situations in which employers are uninsured; injury reports are not being filed; or insurers, employers, or risk management pools are not complying with other obligations under the Act. Section staff investigate those matters, encourage voluntary compliance, and request appropriate legal action when necessary. A total of 307 case investigations were opened last fiscal year as a result of the above activities.

307

**Case Investigations
Opened**



[Click this link to see report contents](#)

Fee Schedules

The Regulatory Programs section develops and maintains the following fee schedules:

1. Medical Services
2. Hospital and Ambulatory Surgical Centers
3. Implantable Medical Devices
4. Diagnostic Related Group (DRG) Inpatient Hospital
5. Trauma Services Inpatient Hospital

Information about the Fee Schedules can be found in the Fee Schedules section of our website (<https://www.newcc.gov/service-providers/medical-providers/fee-schedules>).

Medical Services Activities

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

Fee Schedules

Medical fee schedules establish the maximum fee a provider of medical services for a workers' compensation claim may collect from an employee or employer. Different fee schedules apply depending on the type and location of the medical service provided. The section develops and maintains five fee schedules: Medical Services; Hospital and Ambulatory Surgical Centers; Implantable Medical Devices; Diagnostic Related Group (DRG) Inpatient Hospital; and Trauma Services Inpatient Hospital.

Section staff are charged with collecting data from payors and certain hospitals in order to develop and maintain the DRG Inpatient Hospital Fee Schedule and the Trauma Services Inpatient Hospital Fee Schedule, both of which follow the methodology set forth in NEB. REV. STAT. § 48-120.04 and Rule 26 of the court's Rules of Procedure. The data is collected through the use of a web-based data entry system that allows those reporting to directly enter the information through the court's website.

In accordance with NEB. REV. STAT. § 48-120(1)(b) and Rule 26, Regulatory Programs staff also collect data and make recommendations regarding the other fee schedules published by the court: the Medical Services Fee Schedule; the Hospital and Ambulatory Surgical Centers Fee Schedule; and the Implantable Medical Devices Fee Schedule. That work includes updates to the Schedule of Fees for Medical Services that apply to services by physicians and other licensed health care providers performing medical services within the scope of their respective practices. Rule 26 establishes the methodology for creating and updating this fee schedule.

Medical Services Activities, continued to next page.



101

IME Physicians

14

IME Cases Opened

Medical Services Activities, continued from previous page.

Independent Medical Examiner System

Once a dispute arises regarding the medical condition of the employee or related issues, either the employee or employer may request opinions from an Independent Medical Examiner (IME). The parties may agree on a physician to evaluate the medical disputes or may request assignment of a court-approved IME. The IME system was designed to give the employer and employee an additional means of resolving disputes outside the judicial process. To serve as a qualified IME, physicians must complete an application and be approved by the judges of the court. Currently there are 101 court-approved IME physicians who specialize in varying disciplines.

During FY 2023, 14 IME cases were opened. Seven requests for assignment of a court-approved IME were submitted by an attorney representing an injured employee. The remaining seven requests were submitted by a workers' compensation insurer or the insurer's attorney on behalf of the employer.

Managed Care Plans for Workers' Compensation

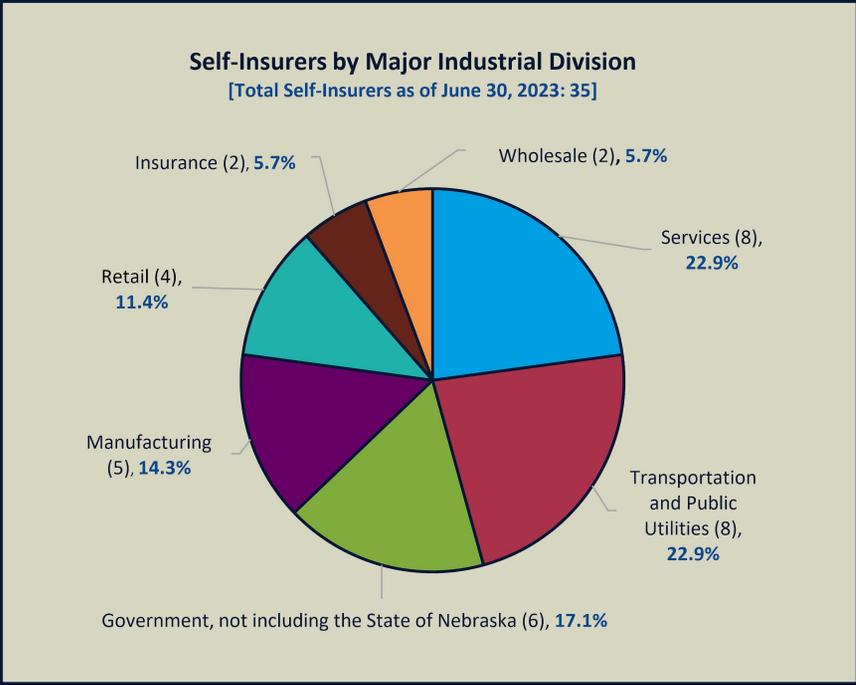
On June 30, 2023, there were 368 employers and 29,731 employees covered by certified managed care plans in Nebraska. A table showing current information about managed care plans certified by the court for workers' compensation purposes may be accessed in the Managed Care Plans section of our website (<https://www.newcc.gov/service-providers/medical-providers/managed-care-plans>).



Self-Insurance Activities

The Regulatory Programs 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 Regulatory Programs section conducts periodic on-site audits of payroll records.

As of June 30, 2023, there were 35 employers approved for self-insurance. In addition, the State of Nebraska is self-insured by statute and is not included in any of these statistics.



Assessments for Self-Insurers

At the beginning of each calendar year, the court calculates and collects the necessary assessments for the state's General Fund, the Compensation Court Cash Fund, and the Workers' Compensation Trust Fund from employers self-insured for the prior calendar year. Additional assessments are made in support of the Nebraska Department of Insurance for carrying out the Insurance Fraud Act. The assessments are based on the number and classification of employees, payroll, and benefits paid during the previous calendar year. As reflected in the data at the right, for calendar year 2023 assessment purposes, there were 35 self-insurers (employers who were self-insured for all or part of calendar year 2022).

Self-Insurance

Calendar Year	Number of Self-Insurers	Number of Employees	Gross Payroll
2022	35	126,962	\$5,574,618,689



[Click this link to see report contents](#)

Vocational Rehabilitation

Getting Back To Work:

Vocational Rehabilitation Plans

An employee who claims entitlement to vocational rehabilitation services is evaluated by an agreed to or appointed counselor in order to determine whether it is necessary to develop a vocational rehabilitation plan to restore the employee to suitable employment following a work-related injury. The level of services to be provided is based on the priorities outlined in NEB. REV. STAT. § 48-162.01:

- (a) return to the previous job with the same employer;
- (b) modification of the previous job with the same employer;
- (c) a new job with the same employer;
- (c) a job with a new employer; or
- (d) a period of formal training which is designed to lead to employment in another career field.

Starting with (a), each level of service must be eliminated as unlikely to result in suitable employment for the injured employee before considering the next level of service. For example, if (b) is likely to result in suitable employment, then (c), (d), or (e) would not be considered in deciding whether it is necessary to develop a vocational plan.

Prior to implementation, all vocational rehabilitation plans must also be evaluated and approved by a specialist employed by the court or a judge of the court.

A job placement plan must identify a specific employment objective based on the employee's vocational interests, abilities, and prior work history. The vocational rehabilitation counselor may provide job leads, develop or improve job seeking skills, answer questions, and provide guidance in order to return the employee to suitable employment. Job placement plans are generally 60 to 90 days in length, but can be extended in some circumstances.

In a formal training plan, vocational goals are selected based on the employee's interests, experience, and restrictions. During a training plan, the vocational rehabilitation counselor will monitor progress in classes, assist with registration and maintaining the program, and help the employee submit requests for reimbursable expenses. Plans can range from short term (three-to-six-month) training periods to associate's or bachelor's degree programs.

Vocational Rehabilitation Plans, continued to next page.

One of the primary purposes of the Nebraska Workers' Compensation Act is restoration of the injured employee to gainful employment following an injury arising out of and in the course of employment. Toward that end, the duties of the **Vocational Rehabilitation section** include:

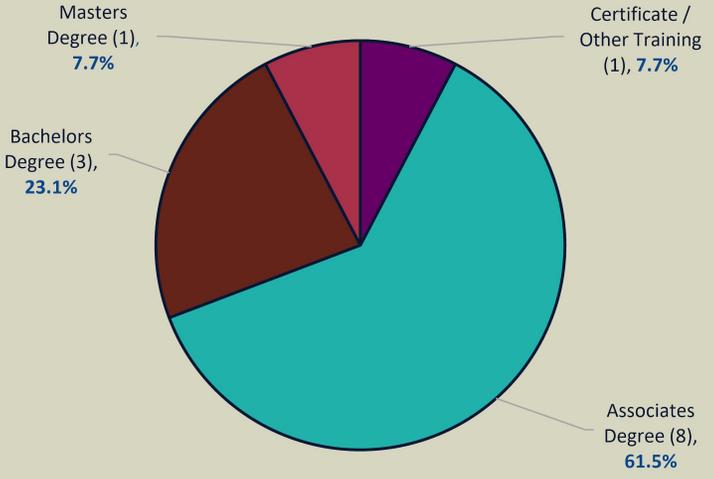
- reviewing, implementing, and monitoring vocational rehabilitation plans;
- appointing counselors to cases when the parties cannot agree;
- recruiting, certifying, and maintaining a directory of vocational rehabilitation counselors and job placement specialists; and
- monitoring expenditures from the Workers' Compensation Trust Fund.

See NEB. REV. STAT. § 48-162.01 for a description of Vocational Rehabilitation in Nebraska.

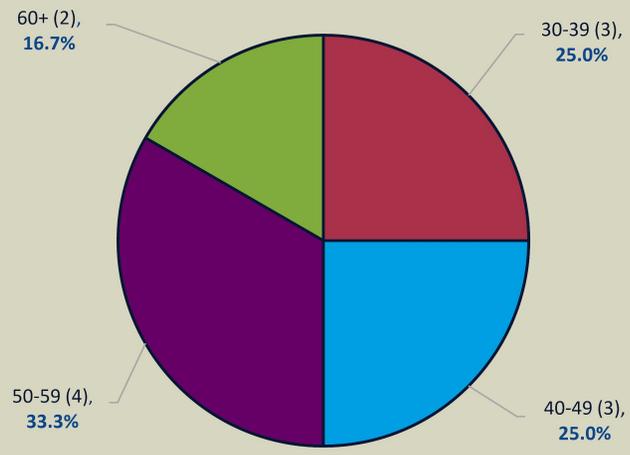


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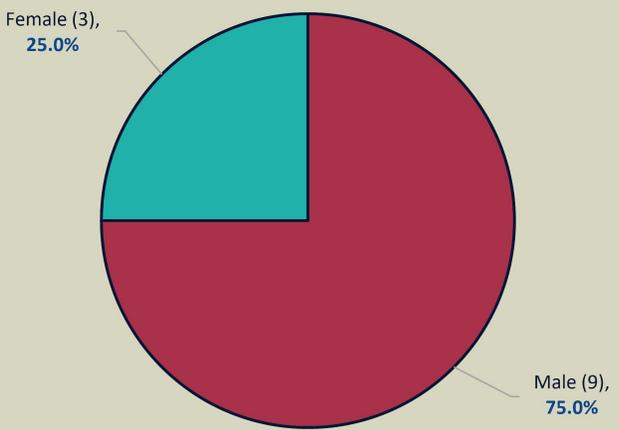
Formal Training Plans
(Total: 12 participants in 13 plans)



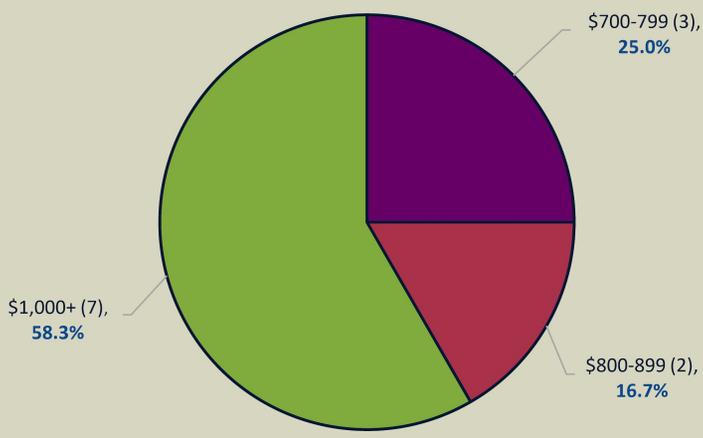
Formal Training Plan Participants By Age In Years
(Total: 12 participants in 13 plans)



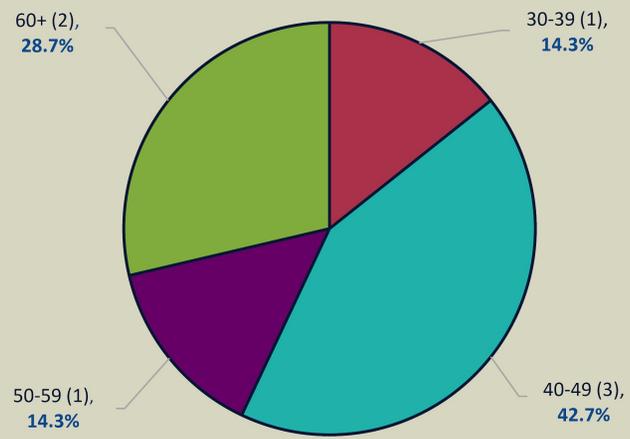
Formal Training Plan Participants By Gender
(Total: 12 participants in 13 plans)



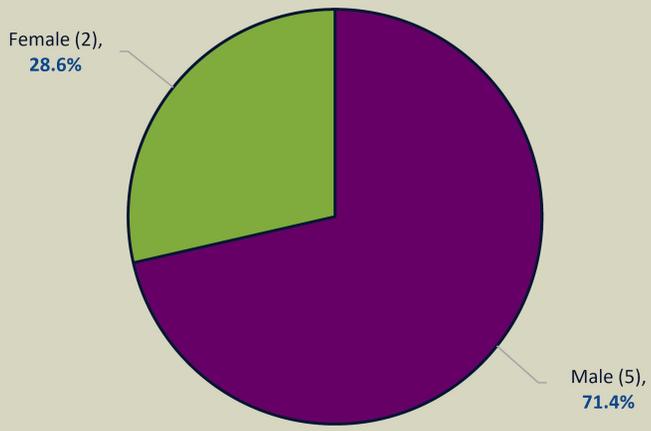
Formal Training Plan Participants By Average Weekly Wage At Time Of Injury
(Total: 12 participants in 13 plans)



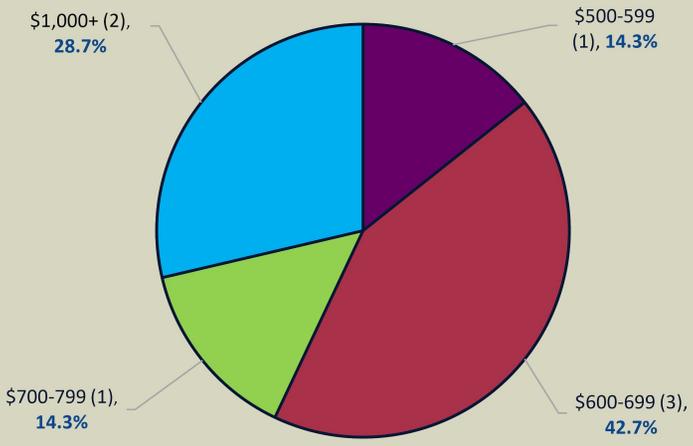
Job Placement Plan Participants By Age In Years
(Total: 7 participants in 7 plans)



Job Placement Plan Participants By Gender
(Total: 7 participants in 7 plans)



Job Placement Plan Participants By Average Weekly Wage At Time Of Injury
(Total: 7 participants in 7 plans)



Appointment of Vocational Rehabilitation Counselors

When an injured employee 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 upon a vocational rehabilitation counselor to evaluate the worker and provide needed services. If the parties cannot agree, the court may then appoint a counselor to provide vocational rehabilitation services and / or a LOEP evaluation to an injured worker.

Vocational Rehabilitation Plans, continued from previous page.

Section staff monitored 59 court-approved plans involving 52 injured employees in FY 2023. This total represents 20 plans started during the fiscal year and 39 carryover plans. The court-approved plans included 16 job placement plans and 43 formal training plans.

A vocational rehabilitation counselor may also provide a Loss of Earning Power evaluation report. These reports evaluate an employee's ability to "procure employment generally, ability to hold a job obtained, and capacity to perform the tasks of the work, as well as the ability of the [worker] to earn wages in the employment..." see *Sidel v. Travelers Insurance Company*, 205 Neb. 541, 288 N.W.2d 482 (1980).

When an injured employee is in a court-approved vocational rehabilitation plan, the following costs are paid by the Workers' Compensation Trust Fund administered by the court: tuition, books, tools, other appropriate fees and costs, and board, lodging, and / or travel in some circumstances. Total disbursements from the Compensation Court Cash Fund and Workers' Compensation Trust Fund for vocational rehabilitation purposes are shown in the "Funding, Benefit Rates, and Injuries" section of this report.

Vocational rehabilitation counselor fees are paid by the employer or workers' compensation insurer. This includes costs of job placement specialists or interpreters, if necessary. The employer or insurer is also responsible for payment of temporary disability benefits while the employee is participating in a court-approved vocational rehabilitation plan.

Certification of Counselors and Job Placement Specialists

Vocational rehabilitation services under the Nebraska Workers' Compensation Act can only be provided by counselors who have been certified by the court. The vocational rehabilitation certification process is designed to ensure counselors working in this specialized area of rehabilitation have attained an acceptable level of education, knowledge, and experience necessary to provide vocational rehabilitation services to employees and return the employee to suitable employment. Rules 39 to 41 of the court's Rules of Procedure contain the requirements for certification.

At the end of FY 2023, there were 37 court-certified vocational rehabilitation counselors and 33 court-certified job placement specialists.



Vocational Rehabilitation Cases

A case is opened by the Vocational Rehabilitation section when notice of agreement to a counselor or a request for appointment of a counselor is filed with the court, or a judge of the court orders appointment of a counselor for vocational rehabilitation services. Of the 331 cases opened in FY 2023, the court appointed 96 counselors, the parties were able to agree on a counselor in 231 cases, two cases were pending appointment at the end of the fiscal year, and two cases involving vocational rehabilitation services on hold pending appeals.

During FY 2023, 467 cases required action by the vocational rehabilitation section. These actions involved reviewing and monitoring rehabilitation plans, monitoring loss of earning power cases, and reviewing and processing forms or requests for action received from parties or vocational rehabilitation counselors.

Opened Cases

	Appointed By The Court	Agreed To By The Parties
Vocational Rehabilitation Services and Loss of Earning Power Evaluation	49	5
Vocational Rehabilitation Services Only	14	27
Loss of Earning Power Evaluation Only	33	199
Total	96	231

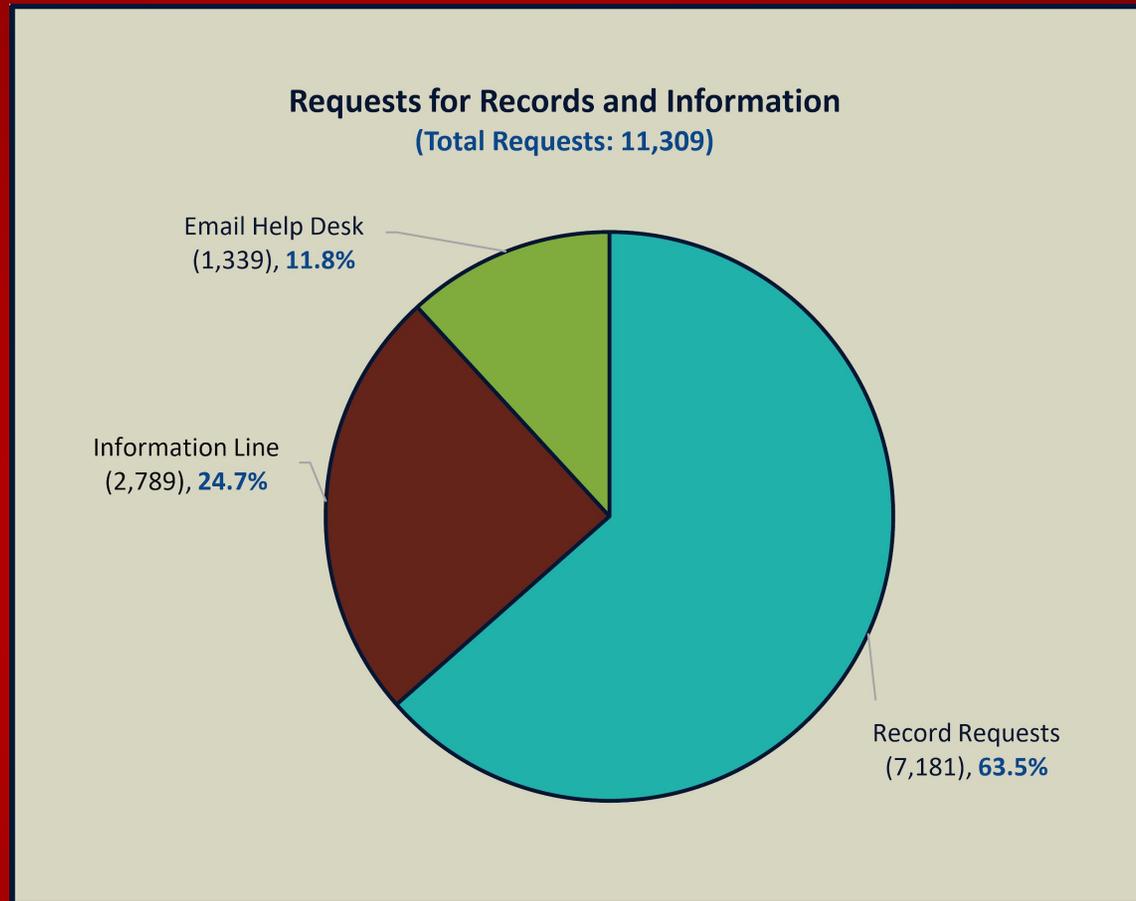


Public Information

The **Public Information section** responds to requests for records and information, supports the court's toll-free telephone information line, maintains its website, prepares its publications and forms, and manages its business continuity program.

Requests for Records and Information

The chart *Requests for Records and Information* shows the number of written requests for copies of court records fulfilled during the fiscal year as well as requests for other types of information received by phone or email. Requests for public records and information come from employees, employers, attorneys, insurers, medical providers, vocational rehabilitation providers, researchers, and others in Nebraska and throughout the nation. Most requests for records are fulfilled within four business days and most requests for information are fulfilled within 24 hours. Court staff do not provide opinions or legal advice.



Information Line

800-599-5155

402-471-6468

Most Common Request Topics

1. Employer workers' compensation coverage status
2. Eligibility for benefits / status of benefits
3. Status / outcomes of trials and hearings
4. How to file with the court / status of court filings
5. Workers' compensation laws and procedural rules

[Click this link to see report contents](#)



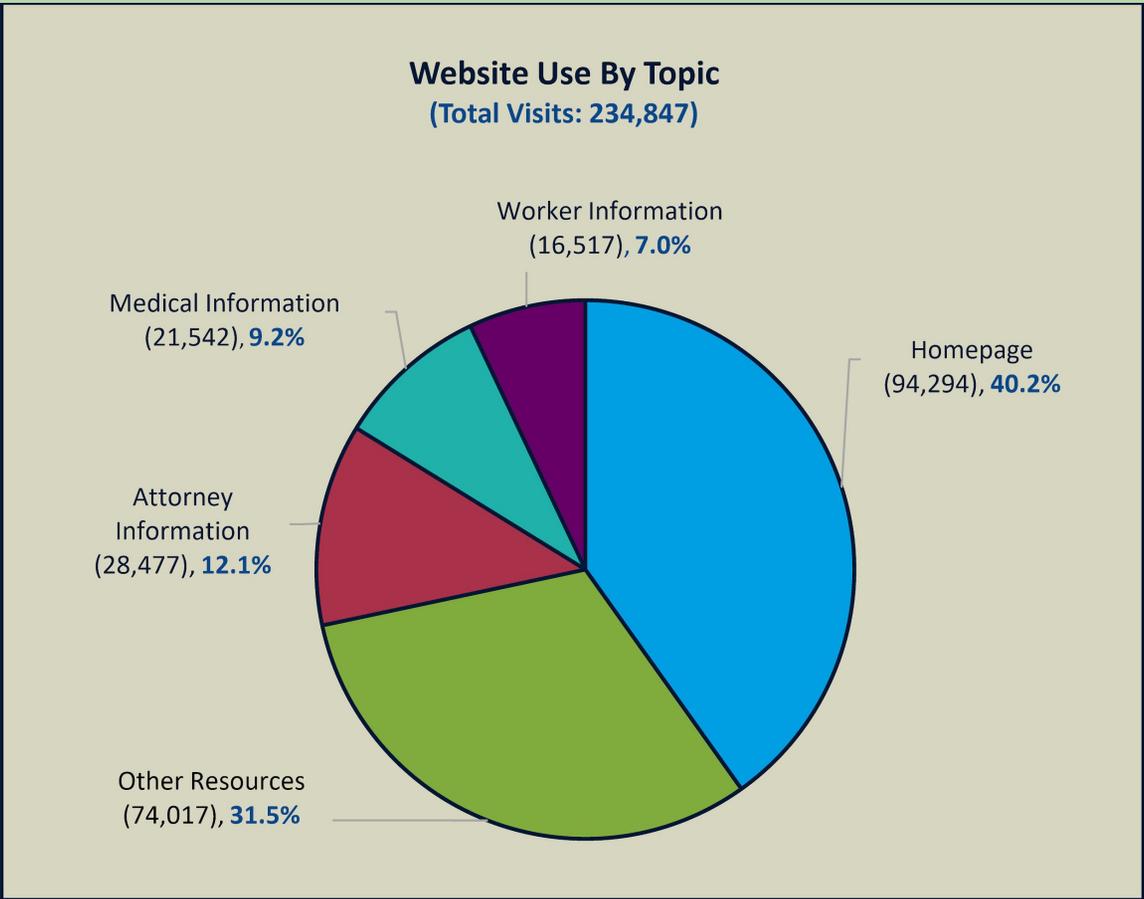
Publications and Forms

The 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.

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

As part of publication development, the section coordinates public hearings and public meetings for the purpose of amending the court's procedural rules. Following approval of adopted amendments, new editions of the Rules of Procedure are published. A public hearing and public meeting was conducted for this purpose in December 2022.

When development of new or revised publications and forms is completed, the section publishes the final products on the court's website.



Website

The chart *Website Use By Topic* breaks out the top five areas of information accessed from our overall web presence during the fiscal year, including the primary website (<http://www.newcc.gov>). Because the most frequently used areas of the primary website are available from its **homepage** for quick access, this web page received more than a third of all page views. The **other resources** category combines totals for areas of the website not otherwise addressed in the chart, including information for employers, insurers, vocational rehabilitation providers, and a general resources directory. While website usage statistics for April through June were impacted by a website domain change, overall access to website content increased, returning in FY 2023 to pre-pandemic levels.



Business Continuity Program

The purpose and objective of the Business Continuity Program (BCP) is to develop, exercise, and maintain plans that enable the court to effectively respond to disruptive events. Components of the program include facility-specific Emergency Procedures, a court-wide Continuity of Operations Plan (COOP), and an Information Technology Disaster Recovery Plan.

Fiscal year BCP activities included the following.

- Successful completion of an exercise scenario to test COOP viability. This event measured the court's response to both Internet vendor service outages and power grid service outages.
- Additional facility safety features were put into place in the administrative offices of the court.



[Click this link to see report contents](#)

Image of overhead power lines representing the U.S. power grid.

Information Technology

Fiscal Year Activities

The court manages its data through desktop programs and web applications, utilizing an Oracle Relational Database Service (RDS) database as its primary information repository. The database currently contains more than 27 years' worth of information, going back to calendar year 1996 for reports of injury. The database also contains historical injury-related information for purposes of performing cross-year statistical analysis. The IT section has developed and maintains over 500 program units in Visual Studio. The section also provides support for ReportServer, a reporting system used by court staff for producing reports and data extracts from the database.

Security

The past year has been filled with high profile cybersecurity attacks, breaches, and ransomware among some of the largest tech companies in the world – and government agencies. Highly publicized breaches and hacks served as reminders to our IT team and court staff about the importance of cybersecurity. We continue to migrate as many of our systems as possible to secure platforms that have been proven to be more resilient against cyberattacks. User education is extremely important and this year we have implemented monthly cybersecurity awareness training for all our users through the Ninjio training platform.

Omaha Technology

The court has continued updating the overall technology at the court's Omaha location. The IT team added a backup internet service provider (ISP) for network redundancy and testing. Before 2023, the courtroom in Omaha never had any form of a videoconferencing system for remote trials. This year it was updated with speakers, microphones, large screens, document solutions, and all necessary equipment to provide a fully remote accessible courtroom. This system now serves as a blueprint for future upgrades of the aging Lincoln courtroom audiovisual systems.

File Server

The court's legacy Windows file server was decommissioned at the end of calendar year 2022. As part of a large push to tighten security and remove Windows operating systems, all file server capabilities were migrated to cloud platforms. This provides enhanced security as all files are encrypted while both in transit and at rest. Also, the court is experiencing considerable cost savings, as maintaining an on-premises file server is more expensive than the licensing fees for cloud storage.

Information Technology Fiscal Year Activities, continued to next page.

The **Information Technology (IT) section** is responsible for the security and maintenance of 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 performing their statutory responsibilities and creating efficiencies through the use of technology.



Desktop Monitors



[Click this link to see report contents](#)



"Tiny-in-One"
Mini Personal
Computer

Print Server

The court's legacy Windows print server was also decommissioned this year. To continue tightening security and removing dependencies on Windows operating systems, the print server capabilities were migrated to a cloud solution. This provides enhanced security as traffic is encrypted and adds the ability for secure print release. This ensures only the owner of the print job sees sensitive data. Evaluating court printing processes brought into focus ways the court can reduce its reliance on paper. When it's necessary to print to paper, the court benefits from being able to print from anywhere. In addition, the print drivers are device agnostic allowing printing from devices running other operating systems such as Linux and ChromeOS.

Domain

In order to improve both performance and security, the court has registered a new Domain Name System (DNS) domain and is actively using it for systems including public facing websites and email addresses. Having full control of the new domain allows the court to implement the strongest email authentication standards to verify that emails come from their claimed domain. These authentication methods are important for preventing spam, phishing attacks, and other email security risks.

VoIP

The court has started the process of evaluating new VoIP solutions to provide additional features to our users. With a growing number of remote workers, there is a need for users to have complete portability of their phone number at different locations. With the court's emphasis on security, our mobile workforce uses Chromebooks necessitating a web based solution. Initial evaluations have already discovered cost savings and greater flexibility with modern VoIP solutions.

Nebraska Supreme Court Support

The court's IT section continues to work regularly on projects with the Supreme Court IT team. The court's IT team has actively been assisting the Supreme Court with domain and network support. Providing guidance and configuration support for the Supreme Court's projects requires frequent contact and coordination between the Nebraska Judicial Branch IT teams.



Federal Grant Program

The federal 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 that involve loss of consciousness, restriction of work or motion, transfer to another job, or require 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) of each occurrence within the calendar year. The data reported to the Nebraska Workers' Compensation Court pursuant to NEB. REV. STAT. § 48-144.01 may be used in place of the OSHA No. 301 form to report Nebraska work-related injuries and illnesses.

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 10 or fewer 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.

Nebraska 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. The Nebraska Workers' Compensation Court has cooperated with the U.S. Department of Labor, Bureau of Labor Statistics (BLS) since 1971 in conducting an annual survey of Nebraska employers, through which these essential work injury and illness statistics are gathered.

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. Beginning with the 2008 survey, local and state government units in addition to the private sector have been surveyed.

Calendar Year Survey Results

Results of the most recent Nebraska Occupational Injury and Illness Survey are available on the BLS website (<https://www.bls.gov/iif/oshstate.htm#NE>).



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Census of Fatal Occupational Injuries (CFOI)

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 30th year that CFOI has been conducted in all 50 states and the District of Columbia.

CFOI uses 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. Please note that the types of workers included in these statistics may vary from those covered by the Nebraska Workers' Compensation Act.

Calendar Year Census Results

Results of the most recent Nebraska Census of Fatal Occupational Injuries are available on the BLS website (<https://www.bls.gov/iif/oshstate.htm#NE>).

Additional Information

Information regarding federal grant program survey and census results by calendar year may be accessed in the *Bureau of Labor Statistics Reports* section of our website:

<https://www.newcc.gov/resources/court-forms-and-publications/bureau-of-labor-statistics-reports>



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Contact Us

Please contact us with questions or comments about this report, workers' compensation in Nebraska, or any of our programs and services.

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Historic fiscal year data is available in our previously published Annual Reports, which may be viewed or downloaded from our website: <https://www.newcc.gov/resources/court-forms-and-publications/annual-reports>



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