

DIVISION OF ADMINISTRATIVE HEARINGS



LONG-RANGE PROGRAM PLAN

**FISCAL YEAR 2005-2006 THROUGH
FISCAL YEAR 2009-2010**

August 2, 2004

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**MISSION OF THE
DIVISION OF ADMINISTRATIVE HEARINGS**

Impartially Adjudicate Disputes

To provide a uniform and impartial forum for the trial and resolution of disputes between private citizens and organizations and agencies of the state in an efficient and timely manner.

To maintain a statewide mediation and adjudication system for the resolution of disputed workers' compensation claims.

DIVISION OF ADMINISTRATIVE HEARINGS

**GOAL AND OBJECTIVES IN PRIORITY ORDER
INCLUDING PROJECTION TABLES**

GOAL 1: Improve the statewide adjudication and mediation processes.

OBJECTIVE 1A: To increase the number of administrative law cases that can reasonably be closed within 120 days after filing to a rate greater than the baseline year rate and maintain that rate increase throughout the planning period.

OUTCOME: Percent of cases closed within 120 days after filing.

Baseline FY 1998-99	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
61%	76%	76%	76%	76%	76%

OBJECTIVE 1B: To increase the number of petitions for benefits that can reasonably be closed within the statutory timeframe to a rate greater than the baseline year rate and increase that rate throughout the planning period.

OUTCOME: Percent of petitions closed within the statutory timeframe.

Baseline FY 2003-04	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
40%	60%	65%	70%	75%	80%

TRENDS AND CONDITIONS STATEMENT

The Division of Administrative Hearings (DOAH) is unique because it is an independent, quasi-judicial agency established within the Department of Management Services for the provision of support services only. The Division has only two programs (services): Adjudication of Disputes and Workers' Compensation Appeals. These programs are mutually exclusive and equally important to the state. Hence, they are equally weighted as the Division's "number one" priority. No substantive revisions to the Division's programs or current structure are recommended over the five-year planning period.

With regard to the Adjudication of Disputes program, the Division of Administrative Hearings provides independent Administrative Law Judges to conduct hearings pursuant to Sections 120.569 and 120.57(1), Florida Statutes, pursuant to other law, and under contract with governmental entities. The judges are not subject to control, supervision, or direction by any party or any department or commission of state government.

On October 1, 2001, the Workers' Compensation Appeals Program, Office of the Judges of Compensation Claims (OJCC), was transferred to the Division of Administrative Hearings from the Department of Labor and Employment Security. The primary responsibility of this program is to dispose of disputed workers' compensation claims through mediation and adjudication. The Office of the Judges of Compensation Claims is created in Section 440.45(1), Florida Statutes. The conducting of pre-trial and final hearings is mandated in Section 440.25, Florida Statutes, and the mandatory mediation program is outlined also in Section 440.25, Florida Statutes. Other duties of the Office of the Judges of Compensation Claims are detailed throughout Chapter 440.

The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In FY 2003-2004, the Division closed 76% of its cases within 120 days after filing. The Division also scheduled for hearing 87% of its cases within 90 days after filing, a slight improvement over the prior year's performance of 85%. This success is attributed primarily to new policies implemented, which require more expeditious scheduling of hearings and closure of cases. The FY 2005-06 requested outcome standards equal FY 2003-04 achievement levels.

The primary outcome measure for the Workers' Compensation Appeals service is the "Percent of appealed, decided orders affirmed." In FY 2003-2004, 86% of the judges' orders were affirmed, thus exceeding the standard of 80% established by the Legislature. It should be noted that the Division is requesting that the primary outcome measure for this service be changed to "Percent of petitions closed within the statutory timeframe." This is a better indicator of performance and measures the timeliness of the adjudication and mediation activities of this service.

Funds and positions appropriated to the Division do not impact demand. Demand for the Adjudication of Disputes program is defined as the number of cases filed by the parties to administrative proceedings, including those cases that are carried forward from the preceding fiscal year. Demand for the Workers' Compensation Appeals program is defined as the number of petitions for benefits filed. Parties will continue to file cases at a rate independent of the

Division's funding and workforce levels. The Division has no control over the demand for its services.

For the first three years (FY 2001-02 through FY 2003-04) of the Five-Year Workforce Plan, the Division requested that the prescribed workforce and spending reductions **not** be applied to either of its programs, which are both mandated by statute and mission-critical. No reductions were made by the Legislature the first two years, but in FY 2003-04, the Legislature deleted two vacant administrative law judge positions from the Adjudication of Disputes Program. In FY 2004-05, the Division supported the Legislature's deletion of three court reporter positions from this program. The Division's remaining workforce reduction target is (74) full time equivalent (FTE) positions, or 27% of its total remaining workforce over the next two fiscal years. To adopt a reduction of this magnitude would severely limit the Division's ability to effectively provide either service and meet statutory time frames and performance objectives.

The Division is not aware of any significant policy changes that could affect its FY 2005-06 Legislative Budget Request (LBR). It is important to note, however, that there is a potential issue related to the administrative establishment of child support obligations that is not included in the Division's LBR. Initial projections indicated that a large number of these cases could be filed by the Department of Revenue, possibly doubling the caseload of the Adjudication of Disputes service. Although this prediction has not materialized, the volume of cases filed to date is growing but is still manageable. Because of the uncertainty surrounding the number of cases that could be filed, the Division has not requested additional resources at this time but may need to in the future.

There are no requested changes in the Division's approved programs, services or activities that would require substantive legislative action, including elimination of or combining its programs, services, or activities.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) issued Report No. 04-37 in June 2004. This report concludes that there are no compelling reasons for merging the Division of Administrative Hearings, the Commission on Human Relations, the Public Employees Relations Commission, the State Retirement Commission, and the Unemployment Appeals Commission. OPPAGA also issued Progress Report No. 04-48 in July 2004, which concludes that the Division of Administrative Hearings has significantly improved its method of assessing fees. Both of these reports will be summarized in the Schedule IX, Major Audit Findings and Recommendations, of the Division's FY 2005-06 LBR. The Division is not aware of any other studies or task forces in progress that are related to either of its services.

**LRPP Exhibit I:
Agency
Workforce Plan**

Fiscal Years	Total FTE Reductions	Description of Reduction Issue	Positions per Issue	Impact of Reduction
FY 2005-2006	(37.00)	Adjudication of Disputes: Distribute targeted reduction evenly over the last two years of the workforce reduction plan.	(9) FTE	Over the last two years, 6% of this program's FTE workforce has been eliminated. To reduce this program's remaining FTE by an additional 24% over the next two years would limit the Division's ability to effectively provide this service and meet statutory time frames and performance objectives.
		Workers' Compensation Appeals: Distribute targeted reduction evenly over the last two years of the workforce reduction plan.	(28) FTE	No positions have been eliminated from this program. Eliminating 30% of this program's FTE workforce over two years would limit the Division's ability to effectively provide this service and meet statutory time frames and performance objectives.
FY 2006-2007	(37.00)	Adjudication of Disputes: Distribute targeted reduction evenly over the last two years of the workforce reduction plan.	(9) FTE	Over the last two years, 6% of this program's FTE workforce has been eliminated. To reduce this program's remaining FTE by an additional 24% over the next two years would limit the Division's ability to effectively provide this service and meet statutory time frames and performance objectives.
		Workers' Compensation Appeals: Distribute targeted reduction evenly over the last two years of the workforce reduction plan.	(28) FTE	No positions have been eliminated from this program. Eliminating 30% of this program's FTE workforce over two years would limit the Division's ability to effectively provide this service and meet statutory time frames and performance objectives.
Total*	(74.00)			

*to equal remainder of target

LRPP Exhibit II - Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Worker Comp/Judges	Code: 72970200
Service/Budget Entity: Worker Comp/Judges	Code: 72970200

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2004-05 (Words)	Approved Prior Year Standard FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Percent of appealed, decided orders affirmed	80%	86%	80%	DELETE
New Measure - Percent of petitions closed within the statutory timeframe	N/A	40%	N/A	60%
New Measure - Number of petitions closed	N/A	69,349	N/A	76,200
New Measure - Average number of days from date petition filed to date petition closed	N/A	362	N/A	210
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	51%	52%	52%
Percent of timely held mediations (130 days)	50%	86%	50%	DELETE
Average number of days from petition filed to disposition order	210	204	210	DELETE
Percent of petitions resulting in final orders (i.e. final merit) within statutory timeframe (240 days)	50%	46%	50%	DELETE
Of total claimant attorney's fees awarded, percent awarded under the statutory contingency fee schedule	50%	47%	50%	DELETE

Approved Performance Measures for FY 2004-05 (Words)	Approved Prior Year Standard FY 2003-04 (Numbers)	Prior Year Actual FY 2003-04 (Numbers)	Approved Standards for FY 2004-05 (Numbers)	Requested FY 2005-06 Standard (Numbers)
Number of petitions received by presiding judge	115,000	127,548	115,000	DELETE
Number of mediations held	23,400	34,613	29,000	29,000
Number of final merit hearings held	3,410	3,545	3,410	DELETE
Number of other hearings held	28,250	25,741	28,250	DELETE
Number of final merit orders entered	2,850	3,095	2,850	DELETE
Number of lump sum settlement orders entered	43,500	42,444	43,500	DELETE
Number of stipulation orders entered	25,000	24,769	25,000	DELETE
Number of orders other than final orders entered (i.e., procedural orders)	84,500	85,434	84,500	DELETE
Average number of days from date petition filed to scheduled date of first mediation	130	84	130	DELETE
Number of disposition orders entered	71,350	70,308	71,350	DELETE

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Percent of Cases Closed Within 120 Days After Filing

Action:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
77%	76%	(1%)	(1%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input checked="" type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

Even though two Administrative Law Judge positions were deleted in FY 2003-04, the Division maintained its performance at the prior-year level of 76%.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) - Due process rights. |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The Division requested that this standard be reduced to 76% in FY 2003-04, but it was approved at 77% instead.

The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often circumvented, not by the lack of availability of Division personnel to conduct the hearing, but on the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a

case, to complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case.

All these factors impact the ability of the Division to quickly schedule hearings and close cases.

Management Efforts to Address Differences/Problems (check all that apply):

- Training
- Personnel

- Technology
- Other (Identify): -
Implementation of internal policies.

Recommendations:

The Division began operating under “Performance-Based Program Budgeting” principles on July 1, 2000 and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division’s performance has significantly improved over the last four fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with the loss of two Administrative Law Judge positions in FY 2003-04, support the Division’s request that this measure’s FY 2005-06 standard be approved at the FY 2003-04 achievement level of 76%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Percent of Cases Scheduled for Hearing Within 90 Days After Filing

Action:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	87%	(3%)	(3%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input checked="" type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

Even though two Administrative Law Judge positions were deleted in FY 2003-04, the Division increased its performance level from 85% in FY 2002-03 to 87% in FY 2003-04.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) - Due process rights. |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The Division requested that this standard be reduced to 85% in FY 2003-04, but it was approved at 90% instead.

The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often circumvented, not by the lack of availability of Division personnel to conduct the hearing, but on the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a

case, to complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case.

All these factors impact the ability of the Division to quickly schedule hearings and close cases.

Management Efforts to Address Differences/Problems (check all that apply):

- Training
- Personnel

- Technology
- Other (Identify): -
Implementation of internal policies.

Recommendations: The Division began operating under “Performance-Based Program Budgeting” principles on July 1, 2000 and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division’s performance has significantly improved over the last four fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with the loss of two Administrative Law Judge positions in FY 2003-04, support the Division’s request that this measure’s FY 2005-06 standard be approved at the FY 2003-04 achievement level of 87%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Concluded Mediations Resulting in Resolution (All Issues Except Attorneys Fees)

Action:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure
<input type="checkbox"/> Performance Assessment of <u>Output</u> Measure
<input type="checkbox"/> Adjustment of GAA Performance Standards | <input type="checkbox"/> Revision of Measure
<input type="checkbox"/> Deletion of Measure |
|--|--|

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
52%	51%	(1%)	(2%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Personnel Factors
<input type="checkbox"/> Competing Priorities
<input checked="" type="checkbox"/> Previous Estimate Incorrect
<input type="checkbox"/> Other (Identify) | <input type="checkbox"/> Staff Capacity
<input type="checkbox"/> Level of Training |
|---|---|

Explanation:

This small decrease in performance (1%) is not significant enough to indicate factors which may be responsible for the decline. Mediator turnover experienced during FY 2003-04 may be partly responsible. Also, there may be an increasing desire by parties to settle cases prior to the scheduling of mediation. Future data will be analyzed to determine if this decrease suggests a significant trend.

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable
<input type="checkbox"/> Legal/Legislative Change
<input type="checkbox"/> Target Population Change
<input type="checkbox"/> This Program/Service Cannot Fix The Problem
<input type="checkbox"/> Current Laws Are Working Against The Agency Mission | <input type="checkbox"/> Technological Problems
<input type="checkbox"/> Natural Disaster
<input type="checkbox"/> Other (Identify) |
|--|---|

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Training
<input type="checkbox"/> Personnel | <input type="checkbox"/> Technology
<input checked="" type="checkbox"/> Other - Data Analysis |
|--|--|

Recommendations:

The Judges of Compensation Claims will continue to provide training to new state mediators in the form of conferences, seminars and access to a library of audiotapes for Continuing Legal Education (CLE) credits.

Future data will be analyzed to determine if a trend towards settling cases prior to mediation is developing. If so, this would result in only the more difficult cases being scheduled for mediation and consequently a lower resolution rate for the state mediators. At that time it may be necessary to request an adjustment to our standard for this measure. Thus, the Division requests that the FY 2005-06 standard be maintained at 52%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Petitions Resulting in Final Orders (i.e. Final Merit) Within Statutory Timeframe (240 days)

Action:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
50%	46%	(4%)	(8%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other - Needs of litigants and circumstances beyond the Judges' control |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Needs of Litigants: Florida Statutes allow for parties to request continuances for mediations and hearings if the reason for the continuance was beyond the parties' control, and if both parties agree to the continuance. The Judges of Compensation Claims granted continuances when necessary; therefore, those cases may extend beyond the 240 day timeframe.

Circumstances Beyond the Judges of Compensation Claims' Control: The number of work-related injuries, disputes and petitions for benefits filed are all beyond the control of the Judges of Compensation Claims.

Management Efforts to Address Differences/Problems (check all that apply):

- Training
- Personnel

- Technology
- Other - Delete Measure

Recommendations:

The Division requests that this measure be deleted and replaced with a measure which better reflects the outcome of each petition for benefit: "Percent of Petitions Closed Within the Statutory Timeframe." Petitions for benefits represent the demand for this service. Every petition for benefits received by the Judges of Compensation Claims is closed either through voluntary dismissal, dismissal, settlement, stipulation or final merit order. All of the statutory timeframes established in Chapter 440 begin with the filing of the petition for benefits. Therefore, the end product of this service is the closing of a petition for benefits. One disposition order can close several petitions at once, or can apply to only some issues on a single petition. Adopting a measure which reflects closed petitions will more accurately portray our work performance and product.

The recommended new FY 2005-06 measure is: Percent of Petitions Closed Within the Statutory Timeframe, and the requested standard is 60%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Of Total Claimant Attorney's Fees Awarded, Percent Awarded Under the Statutory Contingency Fee Schedule

Action:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
50%	47%	(3%)	(6%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

External Factors (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input checked="" type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Regarding accidents occurring prior to October 1, 2003, the circumstances in which a judge must deviate from the statutory schedule are established by case law, and despite the statutory language placing the issue in the discretion of the Judges of Compensation Claims, in practice there is little discretion. The appeals court requires that fees exceed the schedule when strict adherence to the schedule would result in a fee that is too low to attract attorneys to similar cases in the future. Accordingly, since the judges have little control over the number of cases in which fees are awarded outside of the schedule, this is not a good measure of their performance.

Beginning with accidents occurring on October 1, 2003, Senate Bill 50A (Chapter 2003-412, L.O.F.) removed the discretion granted by statute to the Judges of Compensation Claims. However, of all the fees approved by the Judges in FY 2003-04, less than 1% involved dates of accident of October 1, 2003 or later.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Delete Measure |

Recommendations:

The Division is requesting that this measure be deleted as it is not a valid indicator of the performance of the Judges of Compensation Claims. The percentage of total attorney's fees awarded under the statutory fee schedule is a measure which should be reported to the Legislature for policy making considerations, but it is not a good measure of the performance of the judges.

This data will continue to be collected and provided in the annual report and upon request.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Other Hearings Held
Action:

- | | |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
28,250	25,741	(2,509)	(9%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

The Judges of Compensation Claims conduct a variety hearings other than final merit hearings. This decrease can be attributed to the decrease in the number of petitions filed in FY 2003-04.

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|---|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other -Delete Measure |

Recommendations:

This measure is not a valid measure of the performance of the Judges of Compensation Claims because it reports only the number of other hearings held. This measure is not an indicator of quality or timeliness. Depending on the issues and parties involved in a workers' compensation

dispute, there may be several procedural or other types of hearings held. The number of these hearings does not measure judges' performance. It is therefore requested that this measure be deleted. This data will continue to be collected and will be available to decision-makers upon request and in the annual report.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Lump Sum Settlement Orders Entered
Action:

- | | |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
43,500	42,444	(1,056)	(2%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

The standard for FY 2003-04 was based on data from previous fiscal years. However, actual data revealed a slight decrease in the number of settlement orders. This can be attributed to a decrease in the number of petitions filed in FY 2003-04.

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Delete Measure |

Recommendations:

This measure is not a valid measure of the performance of the Judges of Compensation Claims because it reports only the number of lump sum settlement orders entered. This measure is not an

indicator of quality or timeliness. A lump sum settlement is simply one of many orders which resolve workers' compensation disputes. Of the total number of workers' compensation disputes, a large percentage will end in lump sum settlement. While this data is a useful management tool to evaluate the manner in which workers' compensation disputes are disposed, the number of lump sum settlements approved does not indicate judges' performance. It is therefore requested that this measure be deleted. This data will continue to be collected and will be available to decision-makers upon request and in the annual report.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Stipulation Orders Entered
Action:

- | | |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
25,000	24,769	(231)	(1%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

The standard for FY 2003-04 was based on data from previous fiscal years. However, actual data revealed a slight decrease in the number of stipulation orders entered. This can be attributed to a decrease in the number of petitions filed in FY 2003-04.

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Delete Measure |

Recommendations:

This measure is not a valid measure of the performance of the Judges of Compensation Claims because it reports only the number of stipulation orders entered. This measure is not an indicator

of quality or timeliness. Stipulation is simply one of many orders which resolve workers' compensation disputes. Of the total number of disputed workers' compensation issues, many will be resolved by the parties through a stipulation. While this data is a useful management tool to evaluate the manner in which workers' compensation disputes are disposed, the number of stipulation orders entered does not indicate judges' performance. It is therefore requested that this measure be deleted. This data will continue to be collected and will be available to decision-makers upon request and in the annual report.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Disposition Orders Entered
Action:

- | | |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
71,350	70,308	(1,042)	(1%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | |
| <input type="checkbox"/> Other (Identify) | |

Explanation:

External Factors (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Delete Measure |

Recommendations:

Petitions for benefits represent the demand for this service. Every petition for benefits received by the Judges of Compensation Claims is closed either through voluntary dismissal, dismissal, settlement, stipulation or final merit order. All of the statutory timeframes established in Chapter 440 begin with the filing of the petition for benefits. Therefore, the end product of this service is the closing of a petition for benefits. One disposition order can close several petitions at once, or

can apply to only some issues on a single petition. Replacing this measure with a measure to reflect closed petitions will more accurately portray our work performance and product. This new measure will also be the unit cost measure for the "Adjudicate and Hear Workers' Compensation Disputes" activity.

The recommended new FY 2005-06 measure is: Number of Petitions Closed; the requested standard is 76,200.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Appealed, Decided Orders Affirmed

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The First District Court of Appeal collects data regarding the outcome of their rulings on workers' compensation appeals, and provides this information to the Judges of Compensation Claims. The applicable First District Court of Appeal decisions are either Per Curiam Affirmed, Affirmed by Opinion, Reversed/Remanded, or Reversed/Affirmed in Part. The First District Court of Appeal also dispenses with cases by denial, dismissal or administrative order, but since these do not concern the Judges of Compensation Claims' merit orders, these do not apply.

This measure is a percentage of the final merit orders that were appealed, have been decided by the First District Court of Appeal, and were affirmed. The FY 2003-04 standard of 86% was calculated by dividing the number of per curiam affirmed and affirmed by opinion decisions (299) by the total number of decisions (349).

Validity:

The rate of affirmance of appealed orders is not a good measure of the quality of the office's work product. First, the orders that are appealed are a small sample of the office's total output, and every case in the sample was selected specifically because the appealing party determined the case was potentially reversible. Thus, the sample has a built-in bias that could cause results to mislead. A judge who decided 200 cases and had only 2 appeals in a year has produced 198 orders that no one considered reversible and that would not be counted using the current standard. If only one of those cases was reversed, the judge would have produced 199 good orders and one reversible order, yet he would have an affirmance rate of only 50%, well below the standard.

It should also be noted that the administrative hearings function of the Division of Administrative Hearings is not evaluated according to a frequency of affirmance measure. Deletion of the metric, and substituting the timeliness-based measure "Percent of Petitions Closed Within the Statutory Timeframe," would improve consistency within the Division of Administrative Hearings. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of appealed, decided orders affirmed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

The First District Court of Appeal compiles information and provides data to the Judges of Compensation Claims monthly, containing the disposition of all appeals filed with the First District Court of Appeal. Data are collected in a consistent manner, compiled on a monthly and annual basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: New Measure - Percent of Petitions Closed Within the Statutory Timeframe

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of petitions closed within the statutory timeframe in a specified year by the total number of petitions closed during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, the closing date is entered into the CMS by the Judges of Compensation Claims' staff. The FY 2003-04 standard of 40% was calculated by dividing the number of petitions closed within the statutory timeframe (28,039) by the number of petitions closed that year (69,349). The requested standard for FY 2005-06 is 60%.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (Percent of petitions closed within the statutory timeframe). This indicator is a valid measure of how timely the Office of the Judges of Compensation Claims is closing its cases.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of petitions closed within the statutory timeframe) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As petitions are closed, judges' staff enter this data into the CMS database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: New Measure - Number of Petitions Closed

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data source is the Division of Administrative Hearings' database, "Case Management System."

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data is recorded from the petition including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into the "Case Management System."

This measure is a simple count of the number of petitions closed on a fiscal year basis. The CMS database provided the count of 69,349 petitions closed in FY 2003-04. The requested standard for FY 2005-06 is 76,200 petitions closed.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the output because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the number of petitions for benefits closed).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This measure evaluates the productivity of the process. Petitions

for benefits represent the demand for the Judges of Compensation Claims service. The number of petitions for benefits closed is a valid measure to use in calculating unit costs.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of petitions for benefits closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As petitions for benefits are closed, judges' staff enter this data into the database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: New Measure - Average Number of Days From Date Petition Filed to Date Petition Closed

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard.

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data is recorded from the petition including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into the "Case Management System." The database can calculate the average number of days from the petition filed date to the petition closed date. The CMS program calculated the FY 2003-04 standard of 362 days. The requested standard for FY 2005-06 is 210 days.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the average number of days from petition filed to petition closed.)

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final

merit, settlement, stipulation). This indicator is a valid measure of how timely the Judges of Compensation Claims are closing petitions for benefits. The statutory timeframes begin with the filing of the petition for benefits.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the average number of days from petition filed to petition closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As petitions are closed, judges' staff enter this data into the database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Timely Held Mediations (130 days)

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the mediators' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). The percentage is calculated by dividing the number of mediations held within the statutory timeframe in a specified year by the total number of mediations held during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. Multiple petitions are addressed in each mediation. The FY 2003-04 performance standard of 86% was calculated by dividing the number of petitions mediated within 130 days after filing (59,534) by the number of petitions mediated that year (69,226).

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. Due to the changes in the statutory timeframes effective January 1, 2003, this measure is no longer a valid indicator of the Judges of Compensation Claims' performance. The statutory timeframe is now 130 days from the date the petition was filed to the date of mediation. If the Judges of Compensation Claims' mediators are unable to schedule the mediation within 130 days of the date the petition was filed, the petition will be assigned to a private mediator. This change in the statute renders this measure obsolete. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of timely held mediations) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

Office of Policy and Budget – June, 2004

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings

Program: Workers' Compensation Appeals - Judges of Compensation Claims

Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims

Measure: Average Number of Days from Petition Filed to Disposition Order

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

For all final merit orders and for a sample of settlement and stipulation orders, individual judges manually recorded the average number of days from the date the petition was filed to the date of the disposition order. One disposition order usually pertains to multiple petitions that may have been filed over a long period of time. The result is calculated by reviewing all the petitions addressed by the disposition order, then determining the number of days from the petition filed date to the date of the disposition order. The FY 2003-04 standard of 204 days was calculated by averaging the number of days reported by the 31 judges.

It is requested that this measure be deleted and replaced with the measure: "Average Number of Days from Date Petition Filed to Date Petition Closed." This will more accurately reflect the outcome of each petition. The data source will be the Division's "Case Management System," which will contain the filing and closing dates of each petition for benefits. The requested FY 2005-06 standard is 210 days.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the average number of days from date petition filed to date of disposition order).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final

merit, settlement, stipulation). This indicator is a valid measure of how timely the Judges of Compensation Claims are closing petitions for benefits. The statutory timeframes begin with the filing of the petition for benefits.

The requested new measure will be a more valid measure, because rather than determining the dates of the petitions addressed by a merit order or relying on a sampling of settlement and stipulation orders, the "Case Management System" will allow tracking of each petition for benefits from filing date to closing date, which is a more valid indicator of timeliness.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the average number of days from date petition filed to date of disposition order) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As disposition orders are entered, judges' staff determine the petitions addressed by the order, and determine the average number of days from the petition filed date to the order date for every final merit order and for a sample of settlement and stipulation orders. The sampling was necessary because the number of settlement orders and stipulation orders is too great to analyze each order. By replacing this with a measure that reflects each petition's closing date, the "Case Management System" can calculate the length of time each petition for benefits remains open.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Petitions Resulting in Final Orders (i.e. Final Merit) Within Statutory Timeframe (240 Days)

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

When a final merit order is entered, the judges' staff manually counts the number of petitions addressed by each order. They examine the petitions' filing dates, and determine how many were addressed by the order within the statutory timeframe. For FY 2003-04, the standard of 46% was calculated by dividing the number of petitions closed by final merit order within the statutory timeframe (3,401) by the number of petitions addressed in final merit orders (7,393).

It is requested that this measure be deleted and replaced with the measure: "Percent of Petitions Closed Within the Statutory Timeframe." This will more accurately reflect the outcome of each petition. The data source will be the Division of Administrative Hearings' "Case Management System," which will contain the filing and closing dates of each petition for benefits. The requested FY 2005-06 standard is 60%.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of petitions resulting in final orders within the statutory timeframe).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, (3) closed by lump sum settlement, (4)

closed by stipulation, or (5) closed by final merit order. Less than 10% of the petitions are ultimately addressed by a final merit order.

The requested new measure "Percent of Petitions Closed Within the Statutory Timeframe" will be a more valid measure for this activity. Rather than reporting data on only petitions addressed by final merit orders, the "Case Management System" will allow each petition to be tracked from filing date to closing date, which is a more valid indicator of timeliness.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of petitions resulting in final merit order within the statutory timeframe) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As final merit orders are entered, judges' staff determine how many petitions are addressed by that order and whether the statutory timeframe is met. This presents a problem because the database does not allow the correlation of each petition to its final merit order. The new measure "Percent of Petitions Closed Within the Statutory Timeframe," will serve as a more reliable measure for this activity.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Of Total Claimant Attorney's Fees Awarded, Percent Awarded Under the Statutory Contingency Fee Schedule

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The Judges of Compensation Claims are required to approve every claimant's attorney's fee paid in a workers' compensation case. For FY 2003-04, the data source was a sample of orders entered by the Judges of Compensation Claims, which included the amount of the fee approved, and whether it was above the statutory contingency fee schedule. Actual data was collected on 26,588 of the approximately 58,000 fees approved. Based on this sample, some extrapolations were made for the remainder of the fees as follows:

FY 2003-04	Actual Data	Estimated Data	Total
Number of Fees Approved	26,588	31,412	58,000
Number of Fees Under the Fee Schedule	12,496	14,763	27,260
Percent of Fees Under the Fee Schedule	47%	47%	47%

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims. The percentage of total attorney's fees awarded under the statutory fee schedule is a measure which should be reported to the Legislature for policy-making considerations, but it is not a good measure of the performance of the judges. The circumstances in which a judge must deviate from the statutory schedule are established by case law for accidents occurring before October 1, 2003, and despite the statutory language placing the issue in the discretion of the Judge of Compensation Claims, in practice there is little discretion. The appeals court requires that fees exceed the schedule when strict adherence to the schedule would result in a fee that is too low to attract attorneys to similar cases in the future. Per Senate Bill 50A (Chapter 2003-412, Laws of Florida), attorney's fees for accidents occurring on or after October 1, 2003 are set by the statute and the Judge of Compensation Claims is not allowed any discretion. Accordingly, since the

Judges of Compensation Claims have little control over the number of cases in which fees are awarded outside of the schedule, this is not a good measure of their performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of attorney's fees awarded under the statutory contingency fee schedule) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

Data are collected in a consistent manner, compiled on a fiscal year basis. The data can be extracted at any time to achieve the same result.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Petitions Received by Presiding Judge

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. This measure is a simple count of the number of petitions for benefits received throughout the state of Florida on a fiscal year basis. In FY 2003-04, 127,548 petitions were received.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it is an input measure which reflects the demand for our services. The Judges of Compensation Claims have no control over demand. While this data is effective as a management tool to evaluate workload, it is not an indicator of performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's input because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the input (the number of petitions received by presiding judge) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

Each petition for benefits received is entered into the Division of Administrative Hearings' "Case Management System." Data are collected in a consistent manner, compiled on a fiscal year basis. The data can be extracted at any time to achieve the same results.

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LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Final Merit Hearings Held

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of final merit hearings held throughout the state of Florida on a fiscal year basis. In FY 2003-04, 3,545 final merit hearings were held.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it reports only the number of final merit hearings held. This measure is not an indicator of effectiveness or timeliness. Of the total number of workers' compensation disputes, only a small percentage actually proceed to final merit hearing. The number of final merit hearings held does not measure judges' performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of final merit hearings held) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As final merit hearings are scheduled, held, etc. this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Other Hearings Held

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of other hearings held throughout the state of Florida on a fiscal year basis. In FY 2003-04, 25,741 other hearings were held.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it reports only the number of other hearings held. This measure is not an indicator of effectiveness or timeliness. Depending on the issues and parties involved in a workers' compensation dispute, there may be several procedural or other types of hearings held. The number of these hearings does not indicate judges' performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of other hearings held) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As hearings are scheduled, held, etc. this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Final Merit Orders Entered

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of final merit orders entered throughout the state of Florida on a fiscal year basis. In FY 2003-04, 3,095 final merit orders were entered.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it reports only the number of final merit orders entered. This measure is not an indicator of effectiveness or timeliness. Of the total number of workers' compensation disputes, only a small percentage actually proceed to final merit hearing. While this data is a useful management tool to track the disposition of workers' compensation disputes, the number of final merit orders entered does not measure judges' performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of final merit orders entered) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As final merit orders are entered, this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

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LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Lump Sum Settlement Orders Entered

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of lump sum settlement orders entered throughout the state of Florida on a fiscal year basis. In FY 2003-04, 42,444 lump sum settlement orders were entered.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it reports only the number of lump sum settlement orders entered. This measure is not an indicator of effectiveness or timeliness. Of the total number of workers' compensation disputes, many will end in lump sum settlements. While this data is a useful management tool to track the disposition of workers' compensation disputes, the number of lump sum settlement orders entered does not measure judges' performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of lump sum settlements) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As lump sum settlements are approved, this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

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LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings

Program: Workers' Compensation Appeals - Judges of Compensation Claims

Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims

Measure: Number of Stipulation Orders Entered

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of stipulation orders entered throughout the state of Florida on a fiscal year basis. In FY 2003-04, 24,769 stipulation orders were entered.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it reports only the number of stipulation orders entered. This measure is not an indicator of effectiveness or timeliness. Of the total number of workers' compensation disputes, many will end in a stipulation. While this data is a useful management tool to track the disposition of workers' compensation disputes, the number of stipulation orders entered does not measure judges' performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of stipulation orders entered) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As stipulation orders are entered, this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Orders Other than Final Orders Entered (i.e., Procedural Orders)

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of procedural orders entered throughout the state of Florida on a fiscal year basis. In FY 2003-04, 85,434 procedural orders were entered.

Validity:

This measure is not a valid indicator of the performance of the Judges of Compensation Claims because it reports only the number of procedural orders entered. This measure is not an indicator of effectiveness or timeliness. Depending on the issues and parties involved in a workers' compensation dispute, there may be several procedural orders entered. The number of these orders does not indicate judges' performance. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of orders other than final orders entered (i.e. procedural orders)) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As orders are entered, this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

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LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Average Number of Days From Date Petition Filed to Scheduled Date of First Mediation

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure nor previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the mediators' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). As mediation conferences are scheduled, staff enters this information into the "Case Management System." The result is calculated by reviewing the filing dates of the petitions being scheduled for mediation, and noting the average number of days to the scheduled mediation. In FY 2003-04, the average was 84 days from filing the petition to scheduling the first mediation.

Validity:

Due to the changes in the statutory timeframes effective January 1, 2003, this measure is no longer a good timeliness indicator of the Judges of Compensation Claims. The statutory timeframe is now 130 days from the date the petition was filed to the date of mediation. If the state mediator is unable to schedule the mediation to occur within 130 days, the statute requires that the parties attend a private mediation at the carrier's expense. Because all state mediations will be scheduled to occur within 130 days, this measure is now obsolete. It is therefore requested that this measure be deleted.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the average number of days from date petition filed to scheduled date of first mediation) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As petitions are received and mediations are scheduled, these dates are recorded in the "Case Management System." Through this system, a petition can be tracked from filing to mediation, hearing and closure. Data are collected in a consistent manner and compiled on a fiscal year basis. The results can be recreated manually by reviewing case files and the "Case Management System" database.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Disposition Orders Entered

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure not previously approved or for which validity, reliability and/or methodology information has not been provided.

Data Sources and Methodology:

The data sources are the Judges of Compensation Claims' manual monthly reports and the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of disposition orders, which are defined as orders disposing of requested benefits, entered throughout the state of Florida on a fiscal year basis. In FY 2003-04, 70,308 disposition orders were entered.

It is requested that this measure be deleted and replaced with the following measure: "Number of Petitions Closed." The requested standard for this new FY 2005-06 measure is 76,200 petitions closed. This will more accurately reflect the outcome of each petition. The data source and methodology will remain the same. The result will be calculated by the Division of Administrative Hearings' "Case Management System" which contains the filing and closing dates of each petition for benefits.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the output because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the number of disposition orders entered).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when the petition is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a final merit, stipulation or lump sum settlement order. This measure evaluates the productivity of the process.

Petitions for benefits represent the demand for the Judges of Compensation Claims' service. The number of petitions closed is a valid measure to use in calculating unit costs.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of disposition orders entered) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As disposition orders are entered, this information is entered into the "Case Management System" and also reported on a manual form to the Deputy Chief Judge of Compensation Claims each month. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and fiscal year basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

Glossary of Terms and Acronyms

CMS - Case Management System

DOAH - Division of Administrative Hearings

FTE – Full Time Equivalent Position

OJCC - Office of the Judges of Compensation Claims

OPPAGA - Office of Program Policy Analysis and Government Accountability

PL – Professional Licensure Case