

DIVISION OF ADMINISTRATIVE HEARINGS



LONG-RANGE PROGRAM PLAN

**FISCAL YEAR 2007-2008 THROUGH
FISCAL YEAR 2011-2012**

September 26, 2006

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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 efficient and timely 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 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
61%	78%	78%	78%	78%	78%

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 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
40%	67%	70%	73%	75%	75%

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 (ALJs) 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 2005-06, the Division closed 78% of its cases within 120 days after filing. The Division also scheduled for hearing 87% of its cases within 90 days after filing. This success is attributed primarily to policies and procedures that were implemented when the Division began operating under "Performance-Based Program Budgeting" principles in FY 2000-01. These policies and procedures require more expeditious scheduling of hearings and closure of cases. The FY 2007-08 requested outcome standards equal FY 2005-06 achievement levels.

A new primary outcome measure, "Percent of petitions closed within the statutory timeframe," was approved for the Workers' Compensation Appeals service effective FY 2005-06. This new measure is a better indicator of performance and relates to the timeliness of the adjudication activity of this service. In FY 2005-06, the Division closed 55% of its petitions within 210 days after filing. With the addition of one new judge and four support staff appropriated by the 2006 Legislature, data maintenance, timely docketing of orders and added database functionality, the Division estimates that it can significantly improve its performance by closing 67% of its petitions within the statutory timeframe in FY 2006-07 and FY 2007-08. All other FY 2007-08 requested standards equal the standards approved for FY 2006-07, except the standards for the "Number of mediations held," which is slightly more than the 25,522 mediations held in FY 2005-06, and the "Percent of timely held mediations," which is slightly more than the 71%

achieved in FY 2005-06 . Many of the OJCC measures are actually workload indicators and thus are not valid performance measures. Therefore, the Division has again requested that 13 of these measures be deleted. The deletion of these performance measures would not result in the statistical data being unavailable or unreported. The statistical significance of this data for measurement of the performance of the workers' compensation system is conceded; however, it does not measure the performance of the Workers' Compensation Appeals program in adjudicating the issues that are presented by litigants and their counsel.

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, including those petitions that are carried forward from the preceding fiscal year. 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. In FY 2005-06, the Division requested and the Legislature deleted four support positions from the Adjudication of Disputes Program and three support positions from the Workers' Compensation Appeals Program. In FY 2006-07, the Division requested and the Legislature deleted one support position from the Adjudication of Disputes Program. The Division's remaining workforce reduction target is (66) full time equivalent (FTE) positions, or 25% 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 2007-08 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 and paternity 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.

No audit reports on the Division's programs, activities or services were issued in FY 2005-06 by the Office of the Auditor General, the Office of Program Policy Analysis and Government Accountability, or Carr Riggs & Ingram LLC.

**LRPP Exhibit I:
Agency Workforce
Plan**

Fiscal Years	Total FTE Reductions	Description of Reduction Issue	Positions per Issue	Impact of Reduction
FY 2007-2008	(32.00)	Adjudication of Disputes: Evenly distribute targeted reduction over the last two years of the workforce reduction plan.	(6) FTE	Over the last four years, 13% of this program's FTE workforce has been eliminated. To reduce this program's remaining FTE by an additional 19% 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: Evenly distribute targeted reduction over the last two years of the workforce reduction plan.	(26) FTE	This program's only workforce reduction occurred in FY 2005-06 when 3 support staff positions, or 2% of its FTE, were eliminated. In FY 2006-07, the Legislature appropriated 5 new FTE to better manage caseload. To reduce this program's remaining FTE by an additional 27% over the next two years would limit the Division's ability to effectively provide this service and meet statutory time frames and performance objectives.
FY 2008-2009	(34.00)	Adjudication of Disputes: Evenly distribute targeted reduction over the last two years of the workforce reduction plan.	(7) FTE	Over the last four years, 13% of this program's FTE workforce has been eliminated. To reduce this program's remaining FTE by an additional 19% 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: Evenly distribute targeted reduction over the last two years of the workforce reduction plan.	(27) FTE	This program's only workforce reduction occurred in FY 2005-06 when 3 support staff positions, or 2% of its FTE, were eliminated. In FY 2006-07, the Legislature appropriated 5 new FTE to better manage caseload. To reduce this program's remaining FTE by an additional 27% over the next two years would limit the Division's ability to effectively provide this service and meet statutory time frames and performance objectives.
Total*	(66.00)			

*to equal remainder of target

LRPP Exhibit II – Performance Measures and Standards

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

Program: Adjudication of Disputes	Code: 72970100
Service/Budget Entity: Adjudication of Disputes	Code: 72970100

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Percent of cases closed within 120 days after filing	77%	78%	76%	78%
Percent of cases scheduled for hearing within 90 days after filing	90%	87%	90%	87%
Number of cases closed	4,899	4,880	4,424	4,880
Percent of professional licensure cases closed within 120 days after filing	77%	69%	77%	69%
Percent of professional licensure cases scheduled for hearing within 90 days after filing	95%	93%	95%	93%

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 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Percent of petitions closed within the statutory timeframe	60%	55%	67%	67%
Number of petitions closed	N/A	79,768	45,000	45,000
Average number of days from date petition filed to date petition closed	N/A	256	210	210
Percent of appealed, decided orders affirmed	80%	87%	80%	DELETE
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	51%	52%	52%
Percent of timely held mediations (130 days)	86%	71%	86%	75%
Average number of days from petition filed to disposition order	210	335	210	DELETE
Percent of petitions resulting in final orders (i.e. final merit) within statutory timeframe (240 days)	50%	25%	50%	DELETE
Of total claimant attorney's fees awarded, percent awarded under the statutory contingency fee schedule	50%	71%	50%	DELETE

Approved Performance Measures for FY 2006-07 (Words)	Approved Prior Year Standard FY 2005-06 (Numbers)	Prior Year Actual FY 2005-06 (Numbers)	Approved Standards for FY 2006-07 (Numbers)	Requested FY 2007-08 Standard (Numbers)
Number of petitions received by presiding judge	125,000	90,948	115,000	DELETE
Number of mediations held	32,000	25,522	28,000	26,000
Number of final merit hearings held	3,410	1,634	3,200	DELETE
Number of other hearings held	25,000	18,049	25,000	DELETE
Number of final merit orders entered	2,850	1,761	2,850	DELETE
Number of lump sum settlement orders	42,000	35,218	42,000	DELETE
Number of stipulation orders entered	24,000	17,262	23,000	DELETE
Number of orders other than final orders entered (i.e., procedural orders)	84,500	70,404	80,000	DELETE
Average number of days from date petition filed to scheduled date of first mediation	90	88	90	DELETE
Number of disposition orders entered	71,350	54,241	67,000	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 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 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 Division's request that its FY 2005-06 standard be approved at 87% was based on actual performance achieved in FY 2003-04, when the Division had more judges than it did last year. Instead, the Legislature approved the standard at 90%. Although the Division's performance fell slightly below its target in FY 2005-06, it is important to note that its FY 2005-06 performance level of 87% was an improvement over its FY 2004-05 result of 85%.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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 four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state. During this period, there was a spike in the number of continuances granted. This may have contributed to the lower scheduling rate.

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 compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by 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 six fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a reduction in the number of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2007-08 standard be approved at the FY 2005-06 achievement level of 87%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Number of Cases Closed

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 type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
4,899	4,880	(19)	(.39)%

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 FY 2005-06 approved standard of 4,899 cases closed was based on actual performance achieved in FY 2003-04, when the Division had more judges than it did last year. Although the Division's performance fell slightly below its target in FY 2005-06, it is important to note that its FY 2005-06 performance level of 4,880 cases closed was an improvement over its FY 2004-05 result of 4,424 cases closed.

External Factors (check all that apply):

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

Explanation:

The four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state. During this period, there was a spike in the number of continuances granted. This may have contributed to the lower closure rate.

There is a direct correlation between the number of cases opened and the number of cases closed each year. In FY 2005-06, there was a slight decrease of 1% in the number of new cases filed. The Division has no control over the demand for its service.

Although the level of new cases filed decreased in FY 2005-06, it is important to note that the Division's Administrative Law Judges conducted 3,392 hearings that year, an increase of 23% over the number of hearings conducted in FY 2004-05. The judges also spent 5,731 hours in hearings in FY 2005-06, a 3% increase over the time spent in hearings in FY 2004-05.

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 six fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a reduction in the number of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2007-08 standard be approved at the FY 2005-06 achievement level of 4,880 cases closed.

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 Professional Licensure (PL) 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%	69%	(8%)	(10%)

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 FY 2005-06 approved standard of 77% was based on actual performance achieved in FY 2003-04, when the Division had more judges than it did last year. The Division's FY 2005-06 performance level of 69% was slightly under the FY 2004-05 result of 75%.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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 four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state. During this period, there was a spike in the number of continuances granted. This may have contributed to the lower closure rate.

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 compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by 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.

Finally, in professional licensure cases, many of the licensees request a delay in scheduling their hearings (and thus closing their cases) until any criminal charges against them have been resolved in another forum.

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 six fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a reduction in the number of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2007-08 standard be approved at the FY 2005-06 achievement level of 69%.

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 Professional Licensure (PL) 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
95%	93%	(2%)	(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 FY 2005-06 approved standard of 95% was based on actual performance achieved in FY 2003-04, when the Division had more judges than it did last year. Although the Division's performance fell slightly below its target in FY 2005-06, it is important to note that its FY 2005-06 performance level of 93% was an improvement over its FY 2004-05 result of 89%.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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 four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state. During this period, there was a spike in the number of continuances granted. This may have contributed to the lower scheduling rate.

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 compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by 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.

Finally, in professional licensure cases, many of the licensees request a delay in scheduling their hearings (and thus closing their cases) until any criminal charges against them have been resolved in another forum.

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 six fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a reduction in the number of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2007-08 standard be approved at the FY 2005-06 achievement level of 93%.

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 Closed Within the Statutory Timeframe

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
60%	55%	(5%)	(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 checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

In FY 2004-05, the OJCC closed 45,425 petitions. Of the total closed, 30,517 or 67% were closed within 210 days of filing. In FY 2005-06, the OJCC closed 79,768 petitions. Of the total closed, 43,700 or 55% were closed within 210 days of filing. The higher closure rate in FY 2005-06 may be attributed to data maintenance, timely docketing of orders, and added database functionality. Although the higher volume of petitions closed caused the percentage to fall short of the standard, it is important to note that the number of petitions closed in a timely manner actually increased.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input checked="" 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:

The four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state, especially in the south Florida districts of Miami, Ft. Lauderdale and West Palm Beach. Although the statewide percentage is 55%, excluding these three offices from the calculation brings the percentage to 66%, which would have exceeded the approved performance standard.

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

- Training
 Personnel

- Technology
 Other - Data Analysis

Recommendations:

To ensure the quality of the data in the case management system, the Judges of Compensation Claims will improve training provided to staff members responsible for the maintenance of the database and stress the importance of docketing orders and closing petitions in the system in a timely manner.

With the addition of one new judge of compensation claims and four staff, future data will be analyzed to determine the average number of petitions for benefits that the OJCC can expect to close on an annual basis.

In the future it may be necessary to request an adjustment to our standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2007-08 standard be maintained at 67%.

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"/> 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
52%	51%	(1%)	(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:

This small decrease in performance (1%) has continued since FY 2003-04 but is not significant enough to indicate factors which may be responsible for the decline. 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"/> 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 checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <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 2007-08 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 Timely Held Mediations (130 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 type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
86%	71%	(15%)	(17%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation:

The Office of the Judges of Compensation Claims has endeavored to create a transparent process that includes public access to all orders and much scheduling data via the Internet. This effort has required software enhancements to the OJCC case management system. Resources therefore have been devoted to district staff training on uploading and presenting orders and data rather than on effective mediation scheduling and input of valid database information.

External Factors (check all that apply):

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

Explanation:

The four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state, especially in the south Florida districts of Miami, Ft. Lauderdale and West Palm Beach. Although the statewide percentage is 71%, excluding these three offices from the calculation brings the percentage to 80%.

Needs of Litigants: Florida Statutes allow for parties to request continuances for mediations 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, some mediations may actually take place beyond the 130 day timeframe.

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

- Training
 Personnel

- Technology
 Other – Revise Standard

Recommendations:

To ensure the quality of the data in the case management system, resources are now being devoted to providing in-depth, personal training to mediators and deputy clerks regarding mediation scheduling and entry of accurate data regarding petitions.

In order to more accurately report this data, the case management system is being improved so that mediators will be able to specify which petitions are being addressed at a mediation conference.

The requested standard for FY 2007-08 is 75%.

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: Average Number of Days from Petition Filed to Disposition Order

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
210	335	125	60%

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 checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

Some Judges of Compensation Claims have not received adequate training in utilizing reports and statistics that are available from the case management system. Resources are now being devoted to the provision of group and individual training for the judges in measurement of personal performance, data collection and interpretation.

External Factors (check all that apply):

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

Explanation:

The four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state, especially in the south Florida districts of Miami, Ft. Lauderdale and West Palm Beach.

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 statutory timeframe.

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. Effective FY 2005-06, the new measure "Percent of Petitions Closed Within the Statutory Timeframe" better reflects the outcome of each petition for benefit. 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. Utilizing the new measure which reflects closed petitions will more accurately portray our work performance and product.

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%	25%	(25%)	(50%)

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 checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

Some Judges of Compensation Claims have not received adequate training in utilizing reports and statistics that are available from the case management system. Resources are now being devoted to the provision of group and individual training for the judges in measurement of personal performance, data collection and interpretation.

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:

The four hurricanes and two tropical storms that struck Florida during the first four months of FY 2005-06 disrupted business across the state, especially in the south Florida districts of Miami, Ft. Lauderdale and West Palm Beach.

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. Effective FY 2005-06, the new measure "Percent of Petitions Closed Within the Statutory Timeframe" better reflects the outcome of each petition for benefit. 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. Utilizing the new measure which reflects closed petitions will more accurately portray our work performance and product.

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 Petitions Received by Presiding Judge

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
125,000	90,948	(34,052)	(27%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The FY 2005-06 standard was set at 125,000 even though the number of petitions received in FY 2004-05 had decreased to 107,268. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. The Judges of Compensation Claims have no control over the number of petitions for benefits received. In FY 2003-04, over 127,000 petitions for benefits were filed. There was a 16% decrease in the number filed in FY 2004-05, and an additional 15% decrease in FY 2005-06.

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

- Training
- Personnel

- Technology
- Other -Delete Measure

Recommendations:

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. 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 Mediations 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 type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
32,000	25,522	(6,478)	(20%)

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 approved standard for FY 2005-06 was based on data from previous fiscal years, when the number of incoming petitions for benefits was much higher. In addition, the data for FY 2003-04 was overstated due to the inadvertent inclusion of mediations conducted by private mediators.

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

This decrease can be attributed to the 15% decrease in the number of petitions filed in FY 2005-06.

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 – Correct Standard |

Recommendations:

The Office of the Judges of Compensation Claims has requested that the standard for this measure in FY 2007-08 be adjusted to include only those mediations conducted by state mediators. The requested standard for FY 2007-08 is 26,000 mediations held.

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 Final Merit 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
3,410	1,634	(1,776)	(52%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is identical to the FY 2002-03 approved standard. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 40% decrease in the number of petitions filed between FY 2002-03 and FY 2005-06.

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 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 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. 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 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
25,000	18,049	(6,951)	(28%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is based on the FY 2003-04 achievement level. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 15% decrease in the number of petitions filed in FY 2005-06.

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 Final Merit 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
2,850	1,761	(1,089)	(38%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is identical to the FY 2002-03 approved standard. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 40% decrease in the number of petitions filed between FY 2002-03 and FY 2005-06.

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 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 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. 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

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
42,000	35,218	(6,782)	(16%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is based on the FY 2003-04 achievement level. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 15% decrease in the number of petitions filed in FY 2005-06.

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
24,000	17,262	(6,738)	(28%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is based on the FY 2003-04 achievement level. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 15% decrease in the number of petitions filed in FY 2005-06.

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 Orders Other than Final Orders Entered (i.e., procedural Orders)

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
84,500	70,404	(14,096)	(17%)

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 – Demand Decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is identical to the FY 2002-03 approved standard. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 40% decrease in the number of petitions filed between FY 2002-03 and FY 2005-06.

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 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. 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	54,241	(17,109)	(24%)

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 – Demand decrease |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The standard approved for FY 2005-06 is identical to the FY 2002-03 approved standard. The Judges of Compensation Claims requested that this measure be deleted and therefore did not request a revised standard. This decrease can be attributed to the 40% decrease in the number of petitions filed between FY 2002-03 and FY 2005-06.

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. Effective FY 2006-07, the Judges of Compensation Claims has a new measure: Number of Petitions Closed, which more accurately portrays our work performance and product. This measure will also be the unit cost measure for the "Adjudicate and Hear Workers' Compensation Disputes" activity.

The requested standard for Number of Petitions Closed for FY 2007-08 is 45,000.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

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 cases closed within 120 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2005-06 standard of 78% was calculated by dividing the number of cases closed within 120 days after filing (3,623) by the total number of cases filed (4,649) during the period March 1, 2005 through February 28, 2006. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. If data were collected for the most recently completed fiscal year (FY 2005-06) instead, some cases filed during the last four months of that year that also closed within 120 days, but after June 30, would not be captured. For example, a case filed on June 29 that was closed on October 19 (within 120 days) would not be counted (even though it met the criterion) because it was closed after the fiscal year ended on June 30 and after submission of the Long-Range Program Plan in September, 2006.

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 cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 22 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

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 cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

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 cases scheduled for hearing within 90 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2005-06 standard of 87% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (4,056) by the total number of cases filed (4,649) during the period March 1, 2005 through February 28, 2006. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range.

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 cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 22 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a

statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

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 cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings

Program: Adjudication of Disputes

Service/Budget Entity: Adjudication of Disputes

Measure: Number of Cases Closed

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all cases closed during a given year (or any other time period specified).

For the FY 2005-06 standard, data was collected for the period March 1, 2005 through February 28, 2006. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range. The CMS program provided the count of 4,880 cases 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 Division's 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 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 (number of cases closed).

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 22 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

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 output (the number of cases closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable output measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

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 professional licensure (PL) cases closed within 120 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2005-06 standard of 69% was calculated by dividing the number of PL cases closed within 120 days after filing (263) by the total number of PL cases filed (383) during the period March 1, 2005 through February 28, 2006. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range.

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 PL cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 22 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a

statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

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 PL cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

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 professional licensure (PL) cases scheduled for hearing within 90 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2005-06 standard of 93% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (356) by the total number of cases filed (383) during the period March 1, 2005 through February 28, 2006. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range.

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 PL cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 22 years, and is the basis for the generation of numerous statistical

reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

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 PL cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

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 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.

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 2005-06 standard of 55% was calculated by dividing the number of petitions closed within the statutory timeframe (43,700) by the number of petitions closed that year (79,768). The requested standard for FY 2007-08 is 67%.

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: 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.

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 from the petition is recorded 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 79,768 petitions closed in FY 2005-06. Since some of the petitions closed in FY 2005-06 were older petitions that were inadvertently left in open status, the requested standard for FY 2007-08 is 45,000 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: 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.

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 2005-06 standard of 256 days. The requested standard for FY 2007-08 is the statutory requirement of 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 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.

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 2005-06 standard of 87% was calculated by dividing the number of per curiam affirmed and affirmed by opinion decisions (310) by the total number of decisions (356).

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 recently approved 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: Percent of Concluded Mediations Resulting in Resolution (all issues except attorneys fees)

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

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 FY 2005-06 standard of 51% was calculated by dividing the number of mediations resulting in resolution (12,034) by the number of mediations concluded (23,721).

This measure is a percentage of mediations that concluded with one of the following results: (1) lump sum settlement; (2) all pending issues resolved; or (3) all pending issues resolved except attorneys fees. This percentage is compiled on a fiscal year basis.

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 concluded mediations resulting in resolution).

This indicator is a valid measure of how effectively the state mediation program is resolving disputed workers' compensation claims. The percentage of concluded mediations that result in resolution is a valid measure of the effectiveness of the mediation process.

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 concluded mediations resulting in resolution) on two separate occasions. The

intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As mediation conferences are concluded, the mediator records the results into the CMS for future retrieval and places those results in the case file. Any information remains in the database and the file and can be replicated at any time. Data are collected in a consistent manner, compiled on an 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: 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.

Data Sources and Methodology:

The data sources are 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 2005-06 performance standard of 71% was calculated by dividing the number of petitions mediated within 130 days after filing (35,157) by the number of petitions mediated that year (49,322). The requested standard for FY 2007-08 is 75%.

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 mediations held within 130 days.)

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. Each mediation conference addresses one or more petitions for benefits. Chapter 440.25, F.S. requires that if the Judges of Compensation Claims cannot mediate a petition within 130 days then a private mediation must take place. However, in the case where the Judges of Compensation Claims mediators were able to mediate the petition in a timely fashion but the parties were not ready for mediation, the parties can request a continuance. This measure is a valid indicator of how many petitions were mediated beyond 130 days of their filed date.

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 output (the percent of mediations held within 130 days) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As mediation conferences are scheduled, rescheduled, held, etc. this information is kept on the mediators' computerized calendars. 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 annual basis, using the same data sources, applying the same methodology and can be duplicated 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: 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.

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). 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.

For final merit, settlement and stipulation orders, the average number of days from the date the petition was filed to the date of the disposition order was calculated. One disposition order usually pertains to multiple petitions that may have been filed over a long period of time. The FY 2005-06 standard of 335 days was calculated by averaging the number of days between the petition filed date and the date of the disposition order.

It is requested that this measure be deleted. Effective FY 2006-07, the measure: "Average Number of Days from Date Petition Filed to Date Petition Closed" more accurately reflects 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 2007-08 standard is the statutory requirement of 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 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, and manual reports, 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.

This presents a problem because the database does not allow the correlation of every petition to its order, therefore we must rely on a combination of data from the Case Management System and manual reporting. 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 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: 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.

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 2005-06, the standard of 25% was calculated by dividing the number of petitions closed by final merit order within the statutory timeframe (2,476) by the number of petitions addressed in final merit orders (9,953).

It is requested that this measure be deleted. Effective FY 2005-06, the new measure: "Percent of Petitions Closed Within the Statutory Timeframe" more accurately reflects 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 2007-08 standard is 67%.

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.

Effective FY 2005-06, the 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. Effective FY 2005-06, the 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.

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 Judges of Compensation Claims are required to approve every claimant's attorney's fee paid in a workers' compensation case. The amount of the attorney's fee and the monetary value of the benefits is captured in the computer system. This data is exported to an Excel spreadsheet and a formula applied to calculate whether the fee exceeds the statutory guideline. The FY 2005-06 standard of 71% was calculated by dividing the number of attorney's fees under the statutory guideline (33,457) by the total number of attorney's fees (46,799).

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.

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 2005-06, 90,948 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.

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 Mediations Held

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

Data Sources and Methodology:

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of mediation conferences held by state mediators throughout the state of Florida on a fiscal year basis. In FY 2005-06, 25,522 mediations were held. The requested standard for FY 2007-08 is 26,000 mediations held.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid output measure 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 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 mediations held.)

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. The number of mediations held by state mediators is necessary in evaluating the productivity of the mediation process, and is also used as the unit cost measure for this activity

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 output (the number of mediations 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 mediation conferences are scheduled, rescheduled, held, etc. this information is kept on the mediators' computerized calendars. 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 annual basis, using the same data sources, applying the same methodology and can be duplicated 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 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.

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 2005-06, 1,634 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.

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 2005-06, 18,049 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.

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 2005-06, 1,761 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.

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

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

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 2005-06, 35,218 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.

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.

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 2005-06, 17,262 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.

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 2005-06, 70,404 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.

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.

Data Sources and Methodology:

The data source is 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 2005-06, the average was 88 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.

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 2005-06, 54,241 disposition 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, lump sum settlement and stipulation orders entered. This measure is not an indicator of effectiveness or timeliness. While this data is a useful management tool to track the disposition of workers' compensation disputes, the number of final merit, lump sum settlement and stipulation orders entered does not measure judges' performance. It is therefore requested that this measure be deleted.

The measure: "Number of Petitions Closed," effective FY 2006-07 more accurately reflects the outcome of each petition. The requested FY 2007-08 standard for this measure is 45,000 petitions closed. 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.

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.

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2006-07 (Words)		Associated Activities Title
1	Percent of cases closed within 120 days after filing		Conduct Administrative Hearings and Proceedings
2	Percent of cases scheduled for hearing within 90 days after filing		Conduct Administrative Hearings and Proceedings
3	Number of cases closed		Conduct Administrative Hearings and Proceedings
4	Percent of professional licensure cases closed within 120 days after filing		Conduct Administrative Hearings and Proceedings
5	Percent of professional licensure cases scheduled for hearing within 90 days after filing		Conduct Administrative Hearings and Proceedings

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2006-07 (Words)		Associated Activities Title
1	Percent of petitions closed within the statutory Timeframe		Adjudicate and Hear Workers' Compensation Disputes
2	Number of petitions closed		Adjudicate and Hear Workers' Compensation Disputes
3	Average number of days from date petition filed to date petition closed		Adjudicate and Hear Workers' Compensation Disputes
4	Percent of appealed, decided orders affirmed		Adjudicate and Hear Workers' Compensation Disputes
5	Percent of concluded mediations resulting in resolution (all issues except attorney fees)		Facilitate Mediation of Workers' Compensation Disputes

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2006-07 (Words)		Associated Activities Title
6	Percent of timely held mediations (130 days)		Facilitate Mediation of Workers' Compensation Disputes
7	Average number of days from petition filed to disposition order		Adjudicate and Hear Workers' Compensation Disputes
8	Percent of petitions resulting in final orders (i.e., final merit) within statutory timeframe (240 days)		Adjudicate and Hear Workers' Compensation Disputes
9	Of total claimant attorney's fees awarded, percent awarded under the statutory contingency fee schedule		Adjudicate and Hear Workers' Compensation Disputes
10	Number of petitions received by presiding judge		Adjudicate and Hear Workers' Compensation Disputes

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2006-07 (Words)		Associated Activities Title
11	Number of mediations held		Facilitate Mediation of Workers' Compensation Disputes
12	Number of final merit hearings held		Adjudicate and Hear Workers' Compensation Disputes
13	Number of other hearings held		Adjudicate and Hear Workers' Compensation Disputes
14	Number of final merit orders entered		Adjudicate and Hear Workers' Compensation Disputes
15	Number of lump sum settlement orders		Adjudicate and Hear Workers' Compensation Disputes

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2006-07 (Words)		Associated Activities Title
16	Number of stipulation orders entered		Adjudicate and Hear Workers' Compensation Disputes
17	Number of orders other than final orders entered (i.e., procedural orders)		Adjudicate and Hear Workers' Compensation Disputes
18	Average number of days from date petition filed to scheduled date of first mediation		Facilitate Mediation of Workers' Compensation Disputes
19	Number of disposition orders entered		Adjudicate and Hear Workers' Compensation Disputes

IUCSSP03 LAS/PBS SYSTEM
BUDGET PERIOD: 1997-2008
STATE OF FLORIDA

SP 09/07/2006 14:31
EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY
AUDIT REPORT ADMIN HEARINGS

ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 7297	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	25,679,219	
TOTAL BUDGET FOR AGENCY (SECTION III):	25,679,226	
	-----	-----
DIFFERENCE:	7-	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

Glossary of Terms and Acronyms

ALJ – Administrative Law Judge

CMS - Case Management System

DOAH - Division of Administrative Hearings

FTE – Full Time Equivalent Position

OJCC - Office of the Judges of Compensation Claims

PL – Professional Licensure Case