

**DIVISION OF ADMINISTRATIVE HEARINGS**



**LONG-RANGE PROGRAM PLAN**

**FISCAL YEAR 2008-2009 THROUGH  
FISCAL YEAR 2012-2013**

**September 26, 2007**

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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.

<b>Baseline FY 1998-99</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>
61%	76%	76%	76%	76%	76%

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

**OUTCOME:** Percent of petitions closed within the statutory timeframe.

<b>Baseline FY 2003-04</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>
40%	67%	70%	73%	75%	75%

## TRENDS AND CONDITIONS STATEMENT

The Division of Administrative Hearings (DOAH) is unique because it is a small, 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 of Florida. 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 2006-07, the Division closed 82% of its cases within 120 days after filing. The Division also scheduled for hearing 91% 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 2008-09 requested standards equal prior-year approved standards.

The primary outcome measure for the Workers' Compensation Appeals service also relates to the timeliness of the adjudication process. In FY 2006-07, the Judges of Compensation Claims (OJCC) began focusing on data maintenance, uniformity among the district offices and timely entering of orders and data. Training was held in January, 2007 for all staff who are responsible for entering orders, attorney fees, child support arrearage collections, hearing and mediation outcomes into the Case Management System. In addition, staff were assigned to assist offices who needed help in order scanning and input, and closing out petitions which were inadvertently left in "open" status. In FY 2006-07, the OJCC closed 29% of petitions within the statutory timeframe of 210 days. 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 2007-08 and FY 2008-09. Therefore, the FY 2008-09 requested standards equal prior-year approved standards.

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.

The Division is not aware of any significant policy changes that could affect its FY 2008-09 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 2006-07 by the Office of the Auditor General or the Office of Program Policy Analysis and Government Accountability. Carr Riggs & Ingram LLC (CRI) did review the Division's records to determine whether the Division complied with Statewide Financial Statement requirements for the year ended June 30, 2005. CRI's report stated that all tasks were completed, and that the required information was submitted to the Statewide Financial Reporting Section in a timely manner, with minor exceptions. New internal control procedures were implemented by the Division to address these issues.

## 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 2007-08 (Words)	Approved Prior Year Standard <b>FY 2006-07</b> (Numbers)	Prior Year Actual <b>FY 2006-07</b> (Numbers)	Approved Standards for <b>FY 2007-08</b> (Numbers)	Requested <b>FY 2008-09</b> Standard (Numbers)
Percent of cases closed within 120 days after filing	76%	82%	76%	76%
Percent of cases scheduled for hearing within 90 days after filing	90%	91%	90%	90%
Number of cases closed	4,424	5,305	4,424	4,424
Percent of professional licensure cases closed within 120 days after filing	77%	76%	77%	77%
Percent of professional licensure cases scheduled for hearing within 90 days after filing	95%	96%	95%	95%

## 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 2007-08 (Words)	Approved Prior Year Standard <b>FY 2006-07</b> (Numbers)	Prior Year Actual <b>FY 2006-07</b> (Numbers)	Approved Standards for <b>FY 2007-08</b> (Numbers)	Requested <b>FY 2008-09</b> Standard (Numbers)
Percent of petitions closed within the statutory timeframe	67%	29%	67%	67%
Number of petitions closed	45,000	192,060	45,000	45,000
Average number of days from date petition filed to date petition closed	210	875	210	210
Percent of timely held mediations (130 days)	86%	80%	86%	86%
Number of mediations held	28,000	22,255	28,000	28,000
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	49%	52%	52%



### 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%	76%	(1%)	(1%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

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

**Explanation:**

This small difference of (1%) is not significant enough to indicate factors which may be responsible for the Division not meeting its performance standard. It is important to note that the Division's FY 2006-07 performance level of 76% was a significant improvement over its FY 2005-06 achievement level of 69%.

**External Factors** (check all that apply):

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

**Explanation:**

The 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 seven 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 2008-09 standard be maintained at 76%.

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
67%	29%	(38%)	(57%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

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

**Explanation:**

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to the Division of Administrative Hearing's (DOAH's) case management system (CMS.) For technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status. Some of these petitions dated back to the 1950s. At that time, the Office of the Judges of Compensation Claims (OJCC) staff were focusing on the ever-increasing workload; in many district offices there was little effort to properly change the status of aging petitions to "closed." Prior to FY 2006-07, in order to more accurately reflect the OJCC's performance, very old petitions were excluded from the database queries so that evaluations of timeliness were not skewed by thousands of old petitions.

The OJCC has recently instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status. Therefore, to evaluate the OJCC's timeliness and how well it is maintaining its database, the OJCC is now including all petitions in its data queries. The data for FY 2006-07 is therefore skewed when compared to prior-year data; however, this is necessary to honestly evaluate the OJCC's progress in the areas of timeliness, accuracy and database maintenance.

In FY 2006-2007, the OJCCs received 82,610 petitions for benefits, and closed 192,060. Most of the oldest petitions were closed in Gainesville, Miami, Ft. Lauderdale and West Palm Beach.

In these districts, less than 20% of the petitions were closed within 210 days. However, in Melbourne, Sarasota, Tallahassee, and Panama City, over 70% of the petitions were closed within 210 days.

The Division has made progress in improving its performance. During the first month of FY 2007-08, the Gainesville office closed 80% of its petitions within 210 days. Sarasota, Tallahassee and Melbourne closed over 90% of their petitions within 210 days, and the statewide percentage was 50%.

**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:**

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.

In the future it may be necessary to request an adjustment to the standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2008-09 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:** Average Number of Days from Date Petition Filed to Date Petition Closed

**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
210	875	665	317%

**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 checked="" type="checkbox"/> Other (Change in methodology) |

**Explanation:**

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to the Division of Administrative Hearing's (DOAH's) case management system (CMS.) For technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status. Some of these petitions dated back to the 1950s. At that time, the Office of the Judges of Compensation Claims (OJCC) staff were focusing on the ever-increasing workload; in many district offices there was little effort to properly change the status of aging petitions to "closed." Prior to FY 2006-07, in order to more accurately reflect the OJCC's performance, very old petitions were excluded from the database queries so that evaluations of timeliness were not skewed by thousands of old petitions.

The OJCC has recently instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status. Therefore, to evaluate the OJCC's timeliness and how well it is maintaining its database, the OJCC is now including all petitions in its data queries. The data for FY 2006-07 is therefore skewed when compared to prior-year data; however, this is necessary to honestly evaluate the OJCC's progress in the areas of timeliness, accuracy and database maintenance.

In FY 2006-2007, the OJCCs received 82,610 petitions for benefits, and closed 192,060. Seven of the oldest petitions closed were still assigned to a judge who retired from the OJCC in February, 2003; these seven petitions averaged 2,789 days old. Since most of the oldest

petitions were closed in Gainesville, Miami, Ft. Lauderdale and West Palm Beach, the average petition closed in these districts was over 1,000 days old.

In the districts with better records of maintaining data, the average number of days to closure was less than 300, and in Melbourne and Sarasota, less than 200 days.

The Division has made progress in improving its performance. During the first month of FY 2007-08, older petitions were still being closed in Miami, West Palm Beach, Ft. Lauderdale and Ft. Myers. However, most of the Judges closed petitions which were an average of less than 300 days old, and the statewide average had improved to 539 days.

**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:**

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.

In the future it may be necessary to request an adjustment to the standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2008-09 standard be maintained at 210 days.

**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%	80%	(6%)	(7%)

**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:**

It is important to note that the Office of the Judges of Compensation Claims' (OJCC) FY 2006-07 performance level of 80% was an improvement over its FY 2005-06 achievement level of 71%. The OJCC 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 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:**

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

**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 on 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.

Because of training enhancements and continuing database improvements, the Division is requesting that the FY 2008-09 standard be maintained at 86%.



### 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
28,000	22,255	(5,745)	(21%)

**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 2006-07 was based on data from previous fiscal years, when the number of incoming petitions for benefits was much higher.

**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 – Decrease in Demand |
| <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 9% decrease in the number of petitions filed in FY 2006-07.

**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 – Evaluate Standard |

**Recommendations:**

The Office of the Judges of Compensation Claims requests that the FY 2008-09 standard be maintained at 28,000. The OJCC will continue to monitor the number of incoming petitions in 2007-08 and may submit a budget amendment to change this standard to an achievable level.

**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%	49%	(3%)	(6%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

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

**Explanation:**

This small decrease in performance (3%) 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 Office of the Judges of Compensation Claims (OJCC) 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.

The OJCC requests that the FY 2008-09 standard be maintained at 52%. 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 the standard for this measure.

## 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 2006-07 standard of 82% was calculated by dividing the number of cases closed within 120 days after filing (4,669) by the total number of cases filed (5,678) during the period March 1, 2006 through February 28, 2007. 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 2006-07) 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, 2007.

### **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 23 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 2006-07 standard of 91% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (5,184) by the total number of cases filed (5,678) during the period March 1, 2006 through February 28, 2007. 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 23 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 2006-07 standard, data was collected for the period March 1, 2006 through February 28, 2007. 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 5,305 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 23 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 2006-07 standard of 76% was calculated by dividing the number of PL cases closed within 120 days after filing (311) by the total number of PL cases filed (408) during the period March 1, 2006 through February 28, 2007. 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 23 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 2006-07 standard of 96% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (392) by the total number of cases filed (408) during the period March 1, 2006 through February 28, 2007. 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 23 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. 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.

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to CMS. Some of these petitions were filed in the 1950s, but for technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status.

Prior to FY 2006-07, the Office of the Judges of Compensation Claims (OJCC) excluded very old petitions from its database query in order to give a more accurate reflection of performance. Effective FY 2006-07, the OJCC changed its methodology for this measure to include all petitions that are in CMS. The OJCC also instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status.

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, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the closing date into CMS.

The FY 2006-07 standard of 29% was calculated by dividing the number of petitions closed within the statutory timeframe (55,814) by the number of petitions closed that year (192,060). Because of the change in measurement methodology, it is requested that the FY 2008-09 standard remain at 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 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 petitions for benefits closed during a given year (or any other time period specified).

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to CMS. Some of these petitions were filed in the 1950s, but for technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status.

Prior to FY 2006-07, the Office of the Judges of Compensation Claims (OJCC) excluded very old petitions from its database query in order to give a more accurate reflection of performance. Effective FY 2006-07, the OJCC changed its methodology for this measure to include all petitions that are in CMS. The OJCC also instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status.

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 CMS.

The CMS database provided the count of 192,060 petitions closed in FY 2006-07. This count is significantly larger than prior-year closures because of the major effort to close old petitions. Therefore, it is requested that the standard for FY 2008-09 remain at 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. An automated computer program is utilized to calculate the average number of days from the petition filed date to the petition closed date.

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to CMS. Some of these petitions were filed in the 1950s, but for technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status.

Prior to FY 2006-07, the Office of the Judges of Compensation Claims (OJCC) excluded very old petitions from its database query in order to give a more accurate reflection of performance. Effective FY 2006-07, the OJCC changed its methodology for this measure to include all petitions that are in CMS. The OJCC also instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status.

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 CMS.

The CMS program calculated the FY 2006-07 standard of 875 days. Because of the change in measurement methodology, the requested standard for FY 2008-09 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 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 Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. The percentage is calculated by dividing the number of petitions mediated within the statutory timeframe in a specified year by the total number of petitions mediated during that year.

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to CMS. Some of these petitions were filed in the 1950s, but for technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status.

Prior to FY 2006-07, the Office of the Judges of Compensation Claims (OJCC) excluded very old petitions from its database query in order to give a more accurate reflection of performance. Effective FY 2006-07, the OJCC changed its methodology for this measure to include all petitions that are in CMS.

Also, the OJCC found a flaw in the database query for determining the number of petitions mediated. This has now been corrected, so that the data does not include petitions which were noted as resolved prior to the scheduled mediation conference.

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 2006-07 performance standard of 80% was calculated by dividing the number of petitions mediated within 130 days after filing (30,275) by the number of petitions mediated that year (38,078). It is requested that the standard for FY 2008-09 remain at 86%.

### **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: 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 2006-07, 22,255 mediations were held. It is requested that the standard for FY 2008-09 be maintained at 28,000. The Office of the Judges of Compensation Claims (OJCC) will continue to monitor the number of incoming petitions in FY 2007-08 and may submit a budget amendment to change this standard to an achievable level.

### 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:** 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 2006-07 standard of 49% was calculated by dividing the number of mediations resulting in resolution (10,154) by the number of mediations concluded (20,762).

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 V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2007-08 (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 2007-08 (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 timely held mediations (130 days)		Facilitate Mediation of Workers' Compensation Disputes
5	Number of mediations held		Facilitate Mediation of Workers' Compensation Disputes

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

Measure Number	Approved Performance Measures for FY 2007-08 (Words)		Associated Activities Title
6	Percent of concluded mediations resulting in resolution (all issues except attorneys fees)		Facilitate Mediation of Workers' Compensation Disputes

<b>ADMINISTRATIVE HEARINGS</b>	<b>FISCAL YEAR 2006-07</b>			
<b>SECTION I: BUDGET</b>	<b>OPERATING</b>			<b>FIXED CAPITAL OUTLAY</b>
<b>TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT</b>			26,338,272	0
<b>ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)</b>			649,067	0
<b>FINAL BUDGET FOR AGENCY</b>			26,987,339	0
<b>SECTION II: ACTIVITIES * MEASURES</b>	<b>Number of Units</b>	<b>(1) Unit Cost</b>	<b>(2) Expenditures (Allocated)</b>	<b>(3) FCO</b>
<i>Executive Direction, Administrative Support and Information Technology (2)</i>				0
<b>Conduct Administrative Hearings And Proceedings * <i>Number of cases closed</i></b>	5,305	1,484.84	7,877,057	
<b>Adjudicate And Hear Workers' Compensation Disputes * <i>Number of petitions closed</i></b>	192,060	77.92	14,964,524	
<b>Facilitate Mediation Of Workers' Compensation Disputes * <i>Number of mediations held</i></b>	22,255	156.77	3,488,977	
<b>TOTAL</b>			26,330,558	
<b>SECTION III: RECONCILIATION TO BUDGET</b>				
<b>PASS THROUGHS</b>				
TRANSFER - STATE AGENCIES				
AID TO LOCAL GOVERNMENTS				
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS				
OTHER				
<b>REVERSIONS</b>			656,789	
<b>TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)</b>			26,987,347	
<b>EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY</b>				

- (1) Some activity unit costs may be overstated due to the allocation of double budgeted items.
- (2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.
- (3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.
- (4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.

IUCSSP03 LAS/PBS SYSTEM  
BUDGET PERIOD: 1998-2009  
STATE OF FLORIDA

SP 09/25/2007 16:33  
EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY  
AUDIT REPORT ADMIN HEARINGS

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ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:  
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TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 7297	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	26,987,339	
TOTAL BUDGET FOR AGENCY (SECTION III):	26,987,347	
	-----	-----
DIFFERENCE:	8-	
(MAY NOT EQUAL DUE TO ROUNDING)	=====	=====

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THE FOLLOWING STATEWIDE ACTIVITIES (ACT0010 THROUGH ACT0490) HAVE AN OUTPUT STANDARD (RECORD TYPE 5)  
AND SHOULD NOT:

\*\*\* NO ACTIVITIES FOUND \*\*\*  
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THE FCO ACTIVITY (ACT0210) CONTAINS EXPENDITURES IN AN OPERATING CATEGORY AND SHOULD NOT:  
(NOTE: THIS ACTIVITY IS ROLLED INTO EXECUTIVE DIRECTION, ADMINISTRATIVE SUPPORT AND INFORMATION  
TECHNOLOGY)

\*\*\* NO OPERATING CATEGORIES FOUND \*\*\*  
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THE FOLLOWING ACTIVITIES DO NOT HAVE AN OUTPUT STANDARD (RECORD TYPE 5) AND ARE REPORTED AS 'OTHER' IN  
SECTION III: (NOTE: 'OTHER' ACTIVITIES ARE NOT 'TRANSFER-STATE AGENCY' ACTIVITIES OR 'AID TO LOCAL  
GOVERNMENTS' ACTIVITIES. ALL ACTIVITIES WITH AN OUTPUT STANDARD (RECORD TYPE 5) SHOULD BE REPORTED  
IN SECTION II.)

\*\*\* NO ACTIVITIES FOUND \*\*\*

## *Glossary of Terms and Acronyms*

**ALJ** – Administrative Law Judge

**CMS** - Case Management System

**DOAH** - Division of Administrative Hearings

**FTE** -Full Time Equivalent Position

**FY** - Fiscal Year

**OJCC** - Office of the Judges of Compensation Claims

**PL** – Professional Licensure Case