

State of Florida
Division of Administrative Hearings

Rick Scott
Governor

Robert S. Cohen
Director and Chief Judge

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LONG RANGE PROGRAM PLAN

September 30, 2013

Jerry L. McDaniel, Director
Office of Policy and Budget
Executive Office of the Governor
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Tallahassee, Florida 32399-0001

JoAnne Leznoff, Staff Director
House Appropriations Committee
221 Capitol
Tallahassee, Florida 32399-1300

Mike Hansen, Staff Director
Senate Budget Committee
201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors,

Pursuant to Chapter 216, *Florida Statutes*, our Long Range Program Plan (LRPP) for the Division of Administrative Hearings is submitted in the format prescribed in the LRPP instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for Fiscal Year 2014-15 through Fiscal Year 2018-2019. The link to the LRPP, located on the Florida Fiscal Portal, may be found on the Division's web site at: <http://www.doah.state.fl.us/ALJ/Reports.asp>

Sincerely,

Robert S. Cohen
Director and Chief Judge

/cjw

DIVISION OF ADMINISTRATIVE HEARINGS



LONG RANGE PROGRAM PLAN

**FISCAL YEAR 2014-2015 THROUGH
FISCAL YEAR 2018-2019**

September 30, 2013

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.

GOAL OF THE DIVISION OF ADMINISTRATIVE HEARINGS

Improve the statewide adjudication and mediation processes.

OBJECTIVES OF THE DIVISION OF ADMINISTRATIVE HEARINGS

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.

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 maintain that rate increase throughout the planning period.

SERVICE OUTCOMES AND PERFORMANCE PROJECTIONS TABLES OF THE DIVISION OF ADMINISTRATIVE HEARINGS

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 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
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 maintain that rate increase throughout the planning period.

OUTCOME: Percent of petitions closed within the statutory timeframe.

Baseline FY 2003-04	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
40%	80%	80%	80%	80%	80%

DIVISION OF ADMINISTRATIVE HEARINGS

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, Florida Statutes.

In 2012, the Division continued its implementation of the electronic-filing applications. Effective July 1, 2011, under chapter 2011-208, section 7, Laws of Florida, electronic filing became mandatory for all parties, except those representing themselves in administrative law or workers' compensation cases. In 2012, for the OJCC, 479,832 documents were electronically filed by practitioners. For the Adjudication of Disputes, 31,744 documents were electronically filed. Electronic service of orders issued by the OJCC and by Administrative Law Judges has been implemented in all cases where the parties of record have provided email addresses to the Division. The savings to the users of electronic filing, in terms of paper, postage, and time, has already registered in the tens of thousands of dollars.

Under section 120.53(2)(a), Florida Statutes, all state agencies now have an option to electronically transmit their agency orders to the Division's website for indexing purposes. To date, nine agencies have taken advantage of this service and their past

orders are now available on the DOAH website for the public to view. These include the Department of Agriculture and Consumer Services, Department of Children and Families, Department of Economic Opportunity, Department of Environmental Protection, Department of Education, Department of Business and Professional Regulation, Department of Highway Safety and Motor Vehicles, Department of Health, and the Office of the Governor. It is anticipated that additional agencies will take advantage of this service in the coming year.

The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In Fiscal Year (FY) 2012-13, the Division closed 82% of its cases within 120 days after filing, and scheduled for hearing 90% of its cases within 90 days after filing. This program continues to supply high-quality adjudication of disputes pursuant to the Administrative Procedure Act, and cases move through the Division at a far faster rate than through the state court system. The FY 2014-15 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 2012-13, the OJCC closed 92% of petitions within the statutory timeframe of 210 days. Due to continued efforts in data maintenance, timely docketing of orders, and added database functionality, this program's performance has significantly improved over the last few years. The FY 2014-15 requested standards equal prior-year approved standards.

The Mediation activity also improved its performance in FY 2012-13. The resolution rate increased to 54%. Mediation timeliness remained constant; 97% of mediations were held within 130 days, and all of the mediators achieved the goal of holding mediations within an average of 130 days.

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 2014-15 Legislative Budget Request (LBR). There are no requested changes in the Division's approved programs, services or activities that would require substantive legislative action, including elimination of or combining its programs, services, or activities.

The Division is not aware of any audits, studies or task forces in progress that are related to either of its services.

DIVISION OF ADMINISTRATIVE HEARINGS

PERFORMANCE MEASURES AND STANDARDS - LRPP EXHIBIT II

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.

[illegible]

LRPP Exhibit II - Performance Measures and Standards

Department: DMS/Division of Administrative Hearings	Department No.: 72970000
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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 2013-14 (Words)	Approved Prior Year Standard FY 2012-13 (Numbers)	Prior Year Actual FY 2012-13 (Numbers)	Approved Standards for FY 2013-14 (Numbers)	Requested FY 2014-15 Standard (Numbers)
Percent of petitions closed within the statutory timeframe	80%	92%	80%	80%
Number of petitions closed	65,000	59,432	65,000	65,000
Average number of days from date petition filed to date petition closed	210	125	210	210
Percent of timely held mediations (130 days)	86%	97%	86%	86%
Number of mediations held	20,000	16,214	20,000	20,000
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	54%	52%	52%

DIVISION OF ADMINISTRATIVE HEARINGS

ASSESSMENT OF PERFORMANCE FOR APPROVED PERFORMANCE MEASURES - LRPP EXHIBIT III

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:

- | | |
|---|--|
| ☐ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☒ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
6,000	4,226	1,774	(30%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☒ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

The estimate of the number of cases closed is based upon the number of cases filed with the Division of Administrative Hearings (DOAH). The number of cases filed decreased by 33% from 6,160 in FY 11-12 to 4,138 in FY 12-13.

External Factors (check all that apply):

- | | |
|--|---|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other (Identify) - Decrease in demand |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

For the past several fiscal years, the number of cases filed with DOAH averaged about 6,000 annually. Approximately 30-35% of these were child support enforcement cases referred by the Department of Revenue. However, beginning in December 2011, the number of child support cases decreased due to internal factors at the Department of Revenue which resulted in that agency sending fewer child support cases to DOAH and more of these cases to the Circuit Court.

Therefore, overall the number of cases filed with DOAH fell from 6,160 in FY 11-12 to 4,138 in FY 12-13. The number of child support enforcement cases declined 84% from 2,194 in FY 11-12 to only 349 in FY 12-13. The decrease in child support enforcement cases was the main factor in the overall decrease in the number of cases filed with DOAH.

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

- ☐ Training
☐ Personnel

- ☐ Technology
☒ Other (Identify): -
Maintain current standard

Recommendations:

The number of child support enforcement cases referred by the Department of Revenue began to increase in June 2013. Based on the number of cases filed in past years, the Division expects to again receive approximately 1,200 of these cases in the coming year. This supports the Division's request that this measure's FY 2014-15 standard be maintained at 6,000 cases closed.

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:

- ☒ Performance Assessment of Outcome Measure ☐ Revision of Measure
☐ Performance Assessment of Output Measure ☐ Deletion of Measure
☐ 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):

- ☐ Personnel Factors ☐ Staff Capacity
☐ Competing Priorities ☐ Level of Training
☐ Previous Estimate Incorrect ☐ Other (Identify)

Explanation:

External Factors (check all that apply):

- ☐ Resources Unavailable ☐ Technological Problems
☐ Legal/Legislative Change ☐ Natural Disaster
☐ Target Population Change ☒ Other (Identify) – Due process rights
☐ This Program/Service Cannot Fix The Problem
☐ 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 twelve fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a decreased staffing level of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2014-15 standard be maintained at 77%.

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:

- | | |
|--|--|
| ☒ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☐ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
95%	92%	(3%)	(3%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☐ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

External Factors (check all that apply):

- | | |
|--|---|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other (Identify) – Due process rights |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

The ability to schedule hearings 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, and (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).

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, there are situations in which this does not occur. Most often, the parties request the hearing be set for a later date due to the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of the case, to complete “discovery” and otherwise prepare for the hearing. Also, in professional licensure cases, many of the licensees request a delay in scheduling their hearings until any criminal charges against them have been resolved in another forum. In FY 12-13, of the 317 professional licensure (PL) cases which were filed, only 24 were not scheduled for hearing within 90 days. Two of these cases were set for no

more than 92 days from filing. The remaining 22 cases did not meet the 90-day requirement due to a request from the parties.

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 twelve fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a decreased staffing level of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2014-15 standard be maintained at 95%.

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 Closed

Action:

- | | |
|---|--|
| ☐ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☒ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	59,432	(5,568)	(9%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☒ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

The approved standard for FY 2012-13 was based on data from previous fiscal years, when the number of incoming petitions for benefits was higher.

External Factors (check all that apply):

- | | |
|--|--|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other – Decrease in Demand |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

In FY 2011-12, there were 61,354 petitions filed. In FY 2012-13, the number of petitions filed decreased by (5%) to 58,041. There has been an overall decrease of (62%) in the number of petitions filed since FY 2002-03.

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

- ☐ Training
☐ Personnel

- ☐ Technology
☒ Other – Evaluate Standard

Recommendations:

The Office of the Judges of Compensation Claims requests that the FY 2014-15 standard be maintained at 65,000. Due to changes made to the workers' compensation statute in October 2003, the number of incoming petitions has fallen dramatically from 150,801 in FY 2002-03 to 58,041 in FY 2012-13.

The OJCC will continue to monitor the number of incoming petitions in 2013-14 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: Number of Mediations Held

Action:

- | | |
|---|--|
| ☐ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☒ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
20,000	16,214	(3,786)	(19%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☒ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

The approved standard for FY 2012-13 was based on data from previous fiscal years, when the number of incoming petitions for benefits was higher.

External Factors (check all that apply):

- | | |
|--|--|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other – Decrease in Demand |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

In FY 2012-13, there was a (5%) decrease in the number of incoming petitions, and a (4%) decrease in the number of mediations held. In FY 2011-12, there were 61,354 petitions filed. This fell to 58,041 in FY 2012-13. There has been an overall decrease of (62%) in the number of petitions filed since FY 2002-03.

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

- ☐ Training
☐ Personnel

- ☐ Technology
☒ Other – Evaluate Standard

Recommendations:

The Office of the Judges of Compensation Claims requests that the FY 2014-15 standard be maintained at 20,000. Due to changes made to the workers' compensation statute in October 2003, the number of incoming petitions has fallen dramatically from 150,801 in FY 2002-03 to 58,041 in FY 2012-13.

The OJCC will continue to monitor the number of incoming petitions in 2013-14 and may submit a budget amendment to change this standard to an achievable level.

DIVISION OF ADMINISTRATIVE HEARINGS

PERFORMANCE MEASURE VALIDITY AND RELIABILITY - LRPP EXHIBIT IV

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 2012-13 standard of 82% was calculated by dividing the number of cases closed within 120 days after filing (3,407) by the total number of cases filed (4,138) during the period March 1, 2012 through February 28, 2013. 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 2012-13) 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, 2013.

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 29 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 2012-13 standard of 90% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (3,744) by the total number of cases filed (4,138) during the period March 1, 2012 through February 28, 2013. 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 29 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 2012-13 standard, data was collected for the period March 1, 2012 through February 28, 2013. 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 4,226 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 29 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 2012-13 standard of 69% was calculated by dividing the number of PL cases closed within 120 days after filing (218) by the total number of PL cases filed (317) during the period March 1, 2012 through February 28, 2013. 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 29 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 2012-13 standard of 92% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (293) by the total number of PL cases filed (317) during the period March 1, 2012 through February 28, 2013. 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 29 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.

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 2012-13 standard of 92% was calculated by dividing the number of petitions closed within the statutory timeframe (54,537) by the number of petitions closed that year (59,432).

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).

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 59,432 petitions closed in FY 2012-13

Validity:

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 procedure 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.

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 2012-13 standard of 125 days, which is a significant improvement over the FY 2011-12 standard of 143 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.

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 2012-13 performance standard of 97% was calculated by dividing the number of petitions mediated within 130 days after filing (20,962) by the number of petitions mediated that year (21,655).

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 the outcome (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 2012-13, 16,214 mediations were 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: 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 source is the Division's electronic database, entitled the "Case Management System" (CMS). The FY 2012-13 standard of 54% was calculated by dividing the number of mediations resulting in resolution (7,939) by the number of mediations concluded (14,673).

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.

DIVISION OF ADMINISTRATIVE HEARINGS

ASSOCIATED ACTIVITIES CONTRIBUTING TO PERFORMANCE MEASURES - LRPP EXHIBIT V

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

Measure Number	Approved Performance Measures for FY 2013-14 (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 2013-14 (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 2013-14 (Words)		Associated Activities Title
6	Percent of concluded mediations resulting in resolution (all issues except attorneys fees)		Facilitate Mediation of Workers' Compensation Disputes

(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.

ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8:

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

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

*** NO ACTIVITIES FOUND ***

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 ***

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 ***

TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 7297	EXPENDITURES	FCO
FINAL BUDGET FOR AGENCY (SECTION I):	24,350,441	
TOTAL BUDGET FOR AGENCY (SECTION III):	24,350,438	
DIFFERENCE:	3	
(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

FY - Fiscal Year

OJCC - Office of the Judges of Compensation Claims

PL – Professional Licensure Case