

2011

Utah Labor Commission

A N N U A L R E P O R T

For the Fiscal Year Ended June 30, **2011**

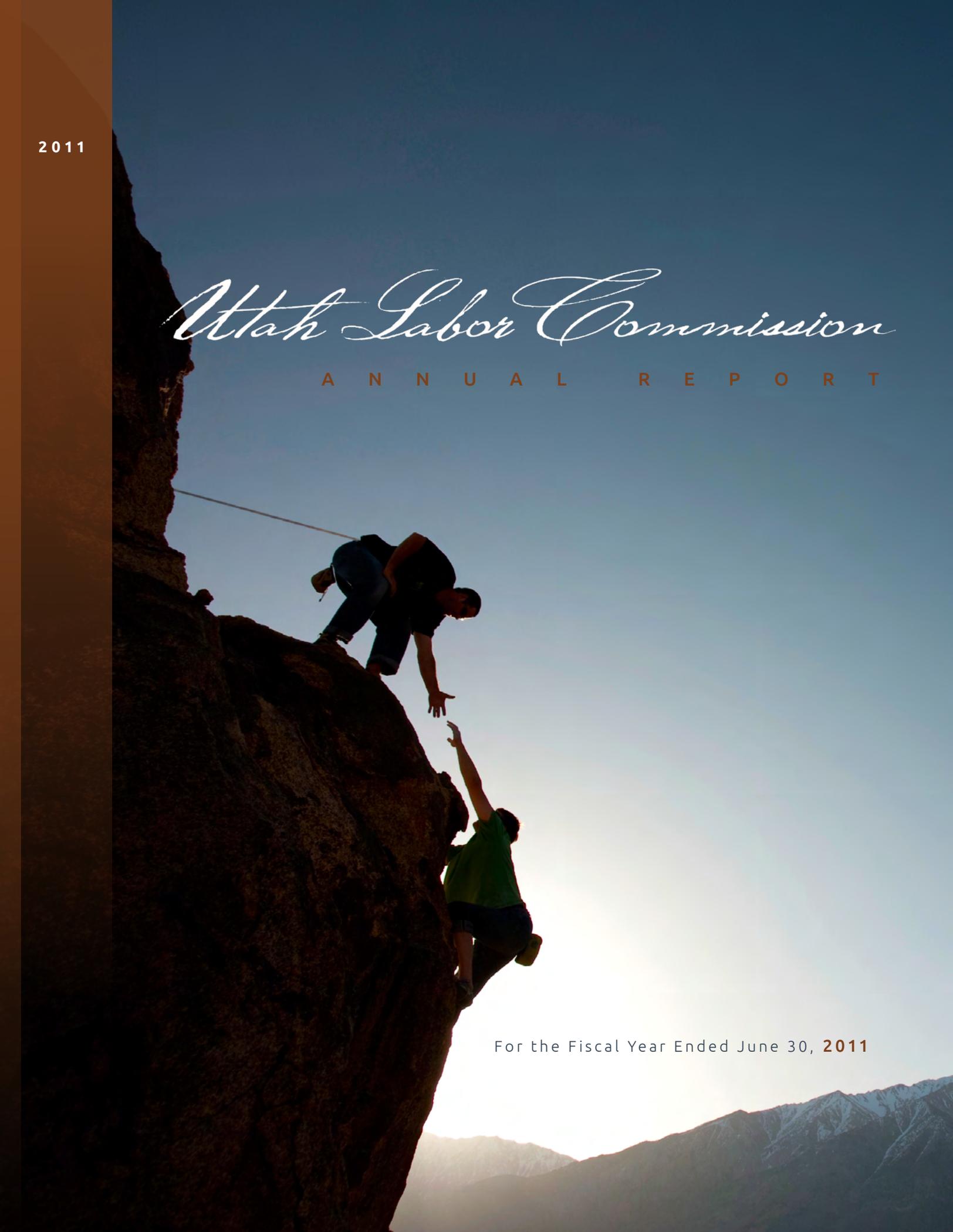




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A Brief History of the Utah Labor Commission

Utah is one of the youngest states in the Union. For that reason, when Utah's founders drafted its constitution in 1896, they were able to draw from experiences and problems other states had already faced. This led the founders to recognize that the well-being of Utah's citizens depended on a balance between capital and labor, and between employers and employees. To that end, Article XVI, Section 1 of the Utah Constitution mandates that "the rights of labor shall have just protection through laws calculated to promote the industrial welfare of the State."

Since 1896, the Utah Legislature has implemented Article XVI by enacting a series of statutes—administered by the Utah Labor Commission—to maintain a proper balance between the legitimate interests of employers and employees:

- ▶ **Utah Workers' Compensation Act (1917):** Only ten years after New York enacted the first modern workers' compensation law in the United States, Utah adopted its own Act to provide compensation and medical benefits to injured workers and to protect employers from tort lawsuits.
- ▶ **Occupational Disease Act (1941):** The Occupational Disease Act extended the workers' compensation system to cover diseases caused or aggravated by working conditions.
- ▶ **Boiler and Elevator Safety (1953/1967):** Recognizing that unsafe boilers and elevators threaten the safety of employees as well as the general public, the Legislature authorized the Labor Commission to establish standards for safe design, installation and operation of boilers and elevators and to conduct periodic inspections.
- ▶ **Employment Discrimination (1965):** The Legislature enacted the Utah Antidiscrimination Act to insure that Utahans who were able and willing to work would not be denied that opportunity due to race, color, national origin, gender, religion, age, or disability.
- ▶ **Occupational Safety and Health (1973):** The Legislature committed the State of Utah to provide a coordinated state system to preserve human resources by providing for the safety and health of workers.
- ▶ **Fair Housing (1989):** The Legislature moved to prohibit housing discrimination on the basis of race, color, national origin, gender, religion, age, disability, or source of income.
- ▶ **Coal Mine Safety (2008):** In the wake of the 2006 Crandall Canyon coal mine disaster, the Utah Legislature concluded that the State of Utah should play a role in bringing coal miners, mine operators, and coal mining communities together to cooperatively promote coal mine safety.

These constitutional provisions and statutes, enacted over a span of more than 100 years, share a common theme—gainful, productive work is essential to the well-being of Utah's employees, employers, and to the state itself. The Utah Labor Commission is proud to have played its part in implementing the Legislature's standards for workplace safety, health and fairness that allow Utah employees and employers to thrive.

Principal Statutes Administered by the Commission

	Statutory Reference (Utah Code)	Responsible Division
Employment of Minors	Title 34, Chapter 23	UALD—Antidiscrimination and Labor Division
Payment of Wages	Title 34, Chapter 28	UALD
Utah Minimum Wage Act	Title 34, Chapter 40	UALD
Employment Selection Procedures Act	Title 34, Chapter 45	UALD
Antidiscrimination Act	Title 34A, Chapter 5	UALD
Utah Fair Housing Act	Title 57, Chapter 21	UALD
Safety (boilers, pressure vessels, elevators and escalators)	Title 34A, Chapter 7	Boiler, Elevator & Coal Mine Safety
Utah Coal Mine Safety Act	Title 40, Chapter 2	Boiler, Elevator & Coal Mine Safety
Workers Compensation Act	Title 34A, Chapter 2	Industrial Accidents
Occupational Disease Act	Title 34A, Chapter 3	Industrial Accidents
Injured Worker Reemployment Act	Title 34A, Chapter 8	Industrial Accidents
Occupational Safety and Health Act	Title 34A, Chapter 6	UOSH—Occupational Safety and Health Division



November 2011

Honorable Gary R. Herbert
Governor, State of Utah

Honorable Members of the Utah State Senate

Honorable Members of the Utah House of Representatives

I welcome this opportunity to provide you with the Utah Labor Commission's FY 2011 annual report and to thank you for your support of our efforts to serve the people of Utah.

The Commission's progress this last year is the result of the dedication of our employees, who continue to be some of the most knowledgeable and experienced in the state. I express my appreciation for their commitment and excellence to serving the people of the State of Utah.

Despite challenges posed by recession, the work environment in Utah remains positive. Looking forward, the Commission will continue to forge public and private partnerships and take other innovative steps to provide even better public service and to achieve the Commission's mission of assuring safety and fairness in Utah's workplaces.

Respectfully,

Sherrie Hayashi
Commissioner
801-530-6848
shayashi@utah.gov



Our Mission

The mission of the Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

Our Values

The Labor Commission's values are instilled in our programs, our relationships with the public we serve, our colleagues, and the community in general. The Commission embraces these values in the way we lead and support the Commission every day:

- ▶ Each person has value and worth—each individual we interact with has a point of view that is important. For these reasons, we respect individual lives and histories and treat each person equitably.
- ▶ We respect and follow the statutes and regulations that govern our activities.
- ▶ The public interest is advanced by transparent and open processes.
- ▶ We owe the people of Utah and our colleagues at the Commission the highest level of competency and service.
- ▶ Commission employees deserve a workplace that provides support, safety, and respect.
- ▶ Professional development is essential to a competent, dedicated staff and, ultimately, to the success of the Commission.

Organization



Utah Labor Commission Budget Summary 2011

Fiscal Year Ended June 30, 2011 with Comparative Totals for Year Ended June 30, 2010

Revenues:	FY 2011	FY 2010
General Funds	\$5,872,100	\$5,740,800
General Fund that was returned at the end of the year	-6,300	-4,800
Workplace Safety Fund	1,563,200	1,569,400
Unused Workplace Safety Fund appropriation that was returned	-447,200	-533,600
Industrial Accidents Restricted Account	2,084,500	0
Amount returned at the end of the year	-143,200	0
Uninsured Employers Fund	0	1,507,900
Unused Uninsured Employers Fund appropriation that was returned	0	0
Employers Reinsurance Fund	73,000	73,000
Unused Employers Reinsurance Fund appropriation that was returned	-6,000	-12,700
Federal Grants	2,373,900	2,883,000
Miner Certification	25,000	18,800
Total Revenues	\$11,389,000	\$11,241,800

Expenditures by Division:

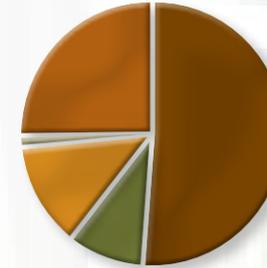
By Division:

Utah Occupational Safety & Health Division	\$3,530,900	\$3,195,400
Antidiscrimination/Labor Division	1,603,200	1,597,100
Industrial Accidents Division	1,346,100	1,243,300
Boiler, Elevator and Coal Mine Safety Division	1,262,500	1,307,400
Adjudication Division	1,167,500	1,150,500
Workplace Safety Projects/Grants	680,700	702,800
Management, Administrative, Computer Support and Central Office Costs	1,798,100	2,045,300
Total Expenditures by Division	\$11,389,000	\$11,241,800

By Type of Expense / Expense Category:

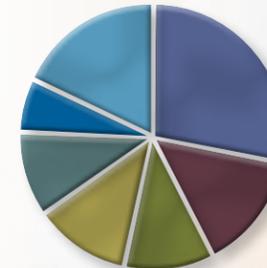
Salaries & Benefits	\$8,696,900	\$8,430,000
Travel Costs	55,800	69,900
Data Processing	991,600	1,013,700
Other Operating Expenses	1,041,800	1,025,400
Pass Through Workplace Safety Grants	602,900	702,800
Total Expenditures by Type of Expense / Expense Category	\$11,389,000	\$11,241,800

Revenues (percent of total)
Fiscal Year Ended June 30, 2011



- ◆ General Funds 51%
- ◆ Workplace Safety Fund 10%
- ◆ Uninsured Employers Fund 17%
- ◆ Employers Reinsurance Fund 1%
- ◆ Federal Grants 21%

Expenditures (percent of total)
Fiscal Year Ended June 30, 2011



- ◆ Utah Occupational Safety & Health Division 31%
- ◆ Antidiscrimination | Labor Division 14%
- ◆ Industrial Accidents Division 12%
- ◆ Boiler, Elevator & Coal Mine Safety Division 11%
- ◆ Adjudication Division 10%
- ◆ Workplace Safety Projects | Grants 6%
- ◆ Management, Administration, Computer Support & Central Office Cost 16%

2011 Accomplishments

During fiscal year 2011, the Commission focused on its core regulatory responsibilities and continued to develop efficiencies using technology. Increasing case demands continue to challenge the Commission's goals of efficient and timely processing of complaints.

Workload Accomplishments (Additional detail can be seen in the Division Section of this report.)

- ▶ UOSH Division completed 1,521 (Compliance/Consultation) interventions affecting a total of 235,000 employees.
- ▶ The Wage Claim Unit collected more than \$770,000 in unpaid wages for claimants, up nearly \$20,000 over the previous year.
- ▶ The Employment Discrimination Unit dramatically reduced the number of active cases over 450 days. In FY2010, 11% of its cases were older than 450 days. As of July 1, 2011, only 3% were older than 450 days.
- ▶ Similarly, the Fair Housing Unit reduced the average age of its cases by 18% in FY2011.
- ▶ Boiler, Elevator and Coal Mine Safety Division performed over 20,000 inspections.
- ▶ Industrial Accidents Division issued 1,473 penalties against companies found not to have workers compensation insurance. Over \$2.3 million in penalties were collected.
- ▶ The Labor Commission awarded \$602,000 in grants to 15 organizations for workplace safety programs.
- ▶ The Adjudication Division issued 335 final decisions and closed 463 cases on procedural decisions.
- ▶ Utah's Appellate Courts completed review of Labor Commission decisions in 12 separate appeals and affirmed the Commission in 92% of those cases.

Major Labor Commission Initiatives

Workers Compensation Coverage Waivers

The Workers' Compensation Act allows for the issuance of a "Workers' Compensation Coverage Waiver" to qualified partners of a partnership, officers of a corporation, or owner of a sole proprietorship that do not have employees. During the last legislative session S.B. 191 transferred the responsibility of processing and issuing these waivers from insurance carriers to the Labor Commission, effective July 1, 2011. A new computer system was developed, data transferred from the insurance carriers, and waivers can now be obtained on-line or by visiting our offices.



Internal Quality and Efficiency Study

In May 2011, the Division of Occupational Safety and Health started a process to improve quality and efficiency. Lean Six Sigma, a business management process, was selected as a guide for the process. The term "lean" is used "to eliminate waste" and Six Sigma signifies "to target root causes and to do the most important things better, faster, and cheaper."

The team, including UOSH employees and two representatives from industry under the guidance of a Lean Six Sigma Specialist, started work on improving the inspection process. A set of streamlined standard operating procedures are being created so that all compliance officers follow a uniform method of information gathering and case file production.

Among other things, we anticipate gains in productivity from reduction in the time compliance officers spend doing each inspection, writing up results and getting final reports approved and issued.

Reduction in Assessments on Workers' Compensation insurance premiums

The Labor Commission collects an assessment against workers' compensation premiums to assist in paying costs of administering Utah's workers' compensation system and to fund liabilities of the Employers' Reinsurance fund (ERF.)

In past years, the ERF has required the greatest share of these premium assessments, and it is hoped that within 6-8 years the reserves will be adequate to satisfy ERF's future liabilities. For that reason, the Workers' Compensation Advisory Council and the Labor Commission have been able to cut premium assessment rates in half since 2008 – a welcome reduction in business costs in Utah during the recent economic downturn.

Below is a summary of all the Workers' Compensation premiums. The ERF assessment is the majority of the total.

2008 - 7.75%	2010 - 4.3 %
2009 - 5.5%	2011 - 3.8%

Electronic Data Interchange (EDI)

The Industrial Accidents Division is required to code, enter, and microfilm all documents related to workplace injuries filed with the division by employers, workers compensation insurance carriers, and physicians. Last year there were 59,617 injuries in the state of Utah representing 198,809 documents that needed to be processed – equivalent to 3,800 per week. EDI will replace most paper forms with an electronic exchange of data in a standardized format. This project will take several years to complete.

Utah Antidiscrimination and Labor Division (UALD)



Mission

To achieve equal employment and fair housing opportunity for all, and assure that Utah employees are paid the wages they have earned.

Heather E. Gunnarson,
Director
(801) 530-6921
hgunnarson@utah.gov

Overview

The Division enforces equal employment and housing laws, as well as Utah's laws regarding payment of wages, employment of minors and minimum wage laws.

The Division is organized into three units: the Employment Discrimination Unit; the Fair Housing Unit; and the Wage Claim Unit. The Division also has an effective education program to teach employers, employees, housing providers, tenants, and the general public about the rights and responsibilities under the various laws enforced by the Division.

2011 Highlights

Employment Discrimination Unit:

- ▶ Closed 691 claims;
- ▶ Collected \$828,577 in damages;
- ▶ Reduced the percentage of cases older than 450 days from 11% to 3%;
- ▶ Responded to about 9,700 public inquiries; and
- ▶ Conducted free antidiscrimination training for more than 1,800 people, including hundreds of high school seniors entering the work force.

Fair Housing Unit:

- ▶ Closed 73 claims, a 51% increase over the previous year;
- ▶ Conducted 34 settlement conferences;
- ▶ Responded to over 325 public inquiries; and
- ▶ Provided free training for nearly 550 tenants, landlords and other housing providers on housing discrimination laws.

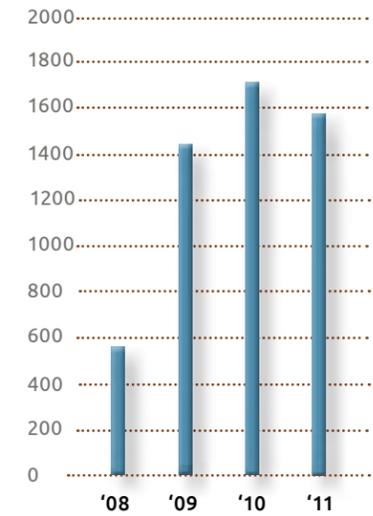
Wage Claim Unit:

- ▶ Closed 1,323 cases;
- ▶ Conducted 188 administrative hearings and 230 settlement conferences;
- ▶ Collected unpaid wages and fees totaling \$771,933;
- ▶ Responded to over 34,000 public inquiries regarding wage and other employment law questions (a 25% increase over the previous year); and
- ▶ Provided free training on wage laws to more than 1,000 small business owners and employees.

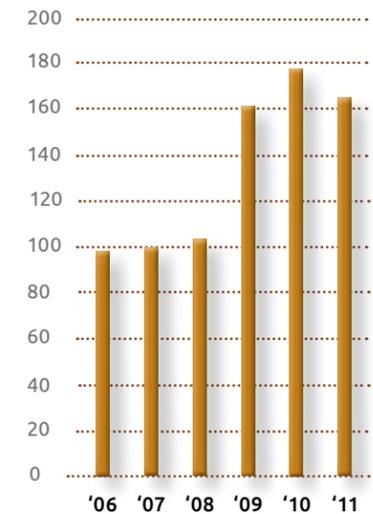
An example of service provided by the Division

This year, the Fair Housing Unit helped resolve a sensitive disability dispute between a tenant and her apartment complex. Suzie (not her real name) had breast cancer and as a result, recently had to undergo a radical double mastectomy. The apartment complex where she lived had pool rules which required swimmers to wear only "regular" swimsuits; no t-shirts or non-approved swimwear were allowed. As an accommodation for the mastectomies about which she was understandably sensitive, Suzie asked the manager of the complex to allow her to wear a neutral colored t-shirt over her medically prepared bra. The complex manager refused her request and stated that she could only use the pool if she were wearing a "regular" swimsuit. At an impasse with the manager, Suzie filed a fair housing claim with the Division. After conducting a full investigation, the Division found that the apartment had violated State and Federal fair housing laws by failing to grant her the requested accommodation. Suzie and the complex were then able to settle their dispute with a change to the rules, training for the complex manager and a small amount in damages to Suzie to compensate her for her embarrassment and stress.

Wage Claim Backlogs



Employment Discrimination Cases Filed Per Investigator



Industrial Accidents Division



Mission

To assist in resolving disputes involving workplace injuries fairly and efficiently and to monitor and enforce state-required workers' compensation coverage.

Ronald L. Dressler, Director
 (801) 530-6841
rdressler@utah.gov

Overview

The Division is responsible for administering the Workers' Compensation Act. Since 1917, Utah's workers' compensation system has provided medical care and disability payments for injured workers and immunity from personal injury lawsuits for employers. With a few exceptions, all employers must provide workers' compensation coverage for their employees.

2011 Highlights

Claims and Mediation Section

This section administers the day-to-day operation of the workers' compensation system and also assists injured workers, employers and insurance carriers in resolving workers' compensation disagreements. During the last year, the Claims and Mediation Section recorded 51,806 reported injuries, assisted 15,131 injured workers and held 542 dispute-resolution conferences.

Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY 2011, the compliance section assessed non-compliance penalties against 1,473 employers and collected \$2,346,155 in outstanding penalties and reimbursements for the Uninsured Employers Fund. The Compliance Section has also assumed responsibility for issuing workers' compensation coverage waivers.

Outreach

This section and the Compliance Section conducted 29 educational sessions, with an emphasis on reaching minority employer groups. The two Sections also participated in monthly small business forums.

Employers' Reinsurance Fund (ERF)

The ERF pays benefits to workers with a permanent and total disability as a result of work accidents that occurred prior to July 1994. During FY 2011, the ERF paid \$17,702,769 in disability benefits to 1,270 injured workers.

Uninsured Employers Fund (UEF)

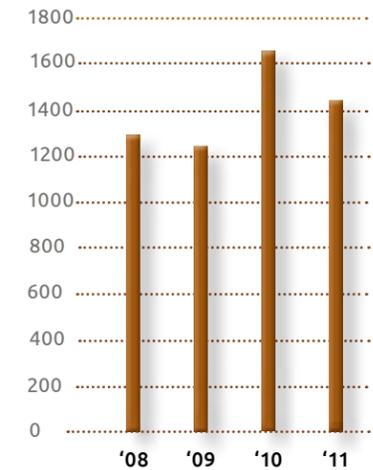
The UEF pays benefits to the injured employees of uninsured and insolvent employers. During FY 2011, the UEF paid \$1,937,248 in benefits, which was more than offset by \$2,346,155 in penalties and reimbursements collected from employers who had failed to maintain workers' compensation coverage.

The ERF and UEF are funded in whole or in part by assessments paid by workers' compensation insurance carriers and self-insured employers. These assessments, which are subject to statutory limits, are set each Fall by the Commission in consultation with the Workers' Compensation Advisory Council. The assessment rate is based on independent actuarial evaluations of the revenue necessary to fund the ERF and UEF's future liabilities.

An example of service provided by the Division

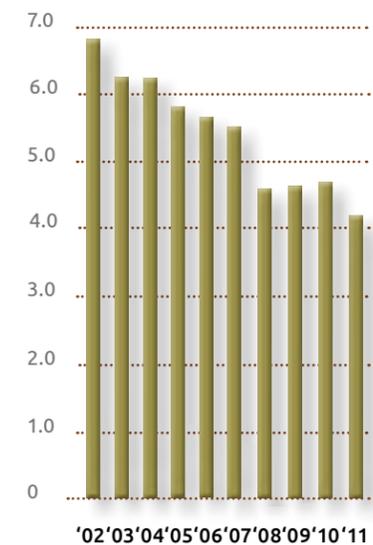
Early in the summer of 2011, Thad (not his real name) contacted the Claims Section of the Division for assistance. Thad is past normal retirement age, but is still working. Several months earlier he had sustained a severe crush injury to his hand while at work. After having surgery and going through recovery, the insurance company concluded that Thad's injury resulted in a permanent partial disability. He wasn't fully comfortable with the details of that disability rating, and our staff was able to provide Thad with information about the process for him to obtain a second opinion. After going through a formal mediation process conducted by Labor Commission employees in our office between Thad and the workers' compensation insurance company, the insurance company decided to significantly increase the amount it was willing to pay to Thad related to his disabling injury.

Number of Penalties Issued



The Industrial Accidents Division monitored workers' compensation coverage for over 79,000 Utah employers in fiscal year 2011 and issued penalties for those found not compliant.

WC Injuries per 100 Workers in Utah



Utah Occupational Safety and Health (UOSH) Division



Mission

Achieving compliance and providing assistance with safety and health for Utah workplaces.

Overview

The Utah Legislature enacted the Occupational Safety and Health Act of 1973 to provide for the safety and health of Utah's workers and to establish a state plan with occupational safety and health standards equivalent to federal OSHA standards. On July 16, 1985, federal OSHA recognized that Utah's occupational safety and health program as being "as effective as" the federal program. On that basis federal OSHA relinquished authority over occupational safety and health in Utah to UOSH. Through the three work units described below, UOSH now exercises jurisdiction over 1,146,110 employees and 82,603 employers in Utah.

2011 Highlights

Compliance

The UOSH Compliance Unit conducts safety and health inspections at work sites throughout the state. Inspections are triggered by workplace accidents, complaints of unsafe or unhealthy working conditions, or as part of an inspection plan directed at high-hazard industries.

During FY 2011, UOSH Compliance:

- conducted 712 interventions;
- issued 778 citations; and
- evaluated safety & health conditions at work sites employing 151,823 employees.

Partnerships

UOSH Compliance has been active in creating partnerships with large construction companies. Among these are R&O Construction (*Joaquin Village Student Housing; a \$34.5 Million project with 25 sub-contractors and 500 employees*); Layton Construction (*Montage Resort; a 271 Million project with 31 subcontractors and 1,200 employees*); Okland Construction (*Huntsman Cancer Center; a \$84 Million project with 45 subcontractors and 200 employees*); and Harmons-City Creek (*\$28 Million project with 25 sub-contractors and 200 employees*). Through the "ARCHES" outreach

and partnership program UOSH has reached 146 contractors. These contractors employ 1,900 people and they are responsible for \$417 million in projects in the state of Utah.

Consultation

UOSH Consultation provides voluntary, non-punitive technical assistance, training and education to Utah's small employers.

During FY 2011, UOSH consultants:

- conducted 809 safety and health interventions;
- identified 1,661 hazards;
- assisted employers in improving workplace safety and health for 83,027 employees; and
- trained approximately 195 workers from 105 companies in "10-Hour Construction Courses."

Labor Statistics

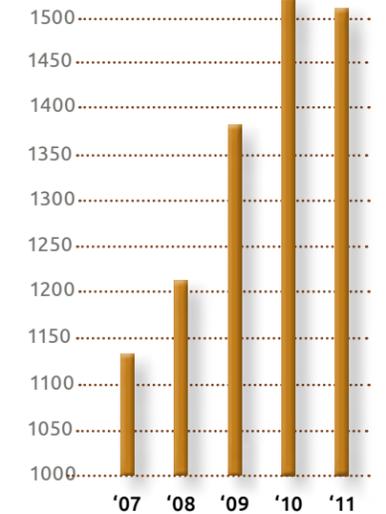
The Labor Statistics Unit collects data on work-related fatalities, injuries and illnesses in order to: **1)** provide statistical analysis; **2)** identify industries with high rates of occupational injury or disease; and **3)** measure the impact of UOSH efforts to reduce workplace injuries and illnesses. During FY 2011 the Labor Statistics Unit conducted 3,100 surveys; and achieved a 97% response rate.

An example of service provided by the Division

Terri (not her real name) is a county employee in Utah. She was concerned about asbestos contamination when county employees were replacing brakes on county-owned vehicles. A UOSH consultant was contacted to do a free, confidential review that helped resolve the problem. The asbestos problem was contained, and in addition, suggestions were made for improving safety at fueling stations, at emergency exits and for lighting in the shop.

Terri wrote a letter stating that "UOSH Consultant really helped our county to become a safer workplace. The consultant has a great deal of knowledge of the health and safety of workers and she was always willing to answer any questions and provide training whenever necessary. This is a very worthwhile program for any business. The County Commissioners were pleased with the results. Everything the Consultant found that we needed to improve upon made sense. I believe the county has already reaped the benefits from this program in injury prevention. We are now better prepared for any emergency situations. Thank you for your help."

UOSH Interventions compliance and consultation



Boiler, Elevator and Coal Mine Safety Division



Mission

To maximize boiler, elevator and coal mine safety, and provide for effective coal mine accident response.

Overview

The Division is charged with the task of enforcing state laws as they pertain to boilers, pressure vessels, elevators, coal mine safety and coal miner certification.

The Division employs twelve Boiler/Pressure Vessel and Elevator Inspectors to inspect the state's boilers, elevators and pressure vessels. All inspection fees generated by the Division are deposited into the State's general fund offsetting state appropriations for the Division's operations.

The Division also maintains an office in Price, Utah, housing the state's program for Coal Miner Certification and the Office of Coal Mine Safety; these offices, assisted by their associated panel and council, work to maximize safety in Utah's coal mines.

2011 Highlights

- ▶ Inspected 521 new elevators, 934 new boilers and 1133 new pressure vessels;
- ▶ Performed approximately 20,000 total inspections;
- ▶ Issued approximately 14,000 operating permits;
- ▶ Administered 600 certification exams to coal miners;
- ▶ Received over 1100 online payments since the implementation of online pay system, and
- ▶ Completed development of an online program for Miner Certification requiring applicants to apply and pay for their application online and allowing office staff to review all applications electronically, virtually eliminating the need for paper files.

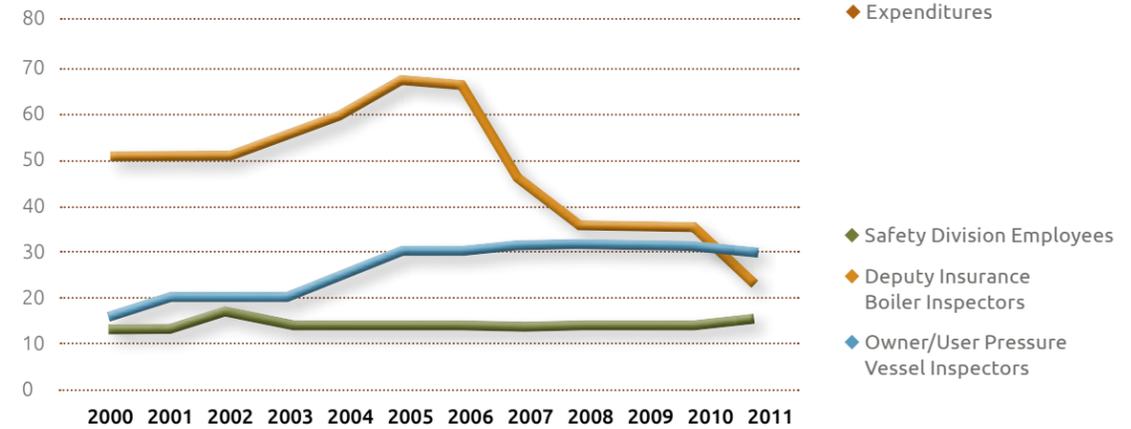
Pete Hackford, Director
 (801) 530-7605
phackford@utah.gov

An example of service provided by the Division

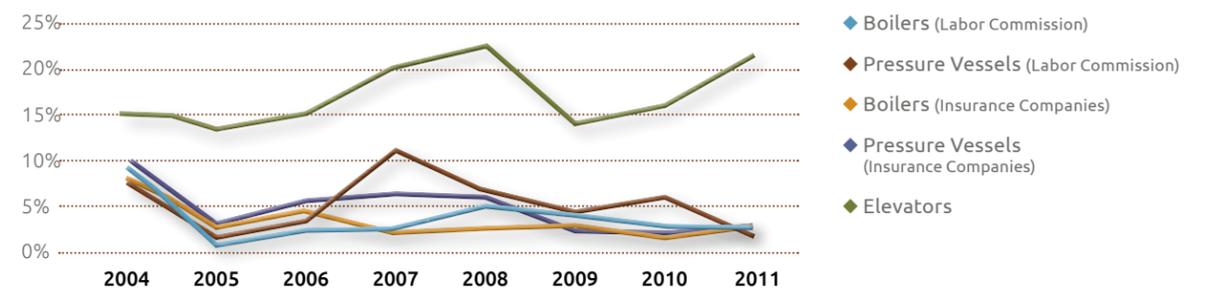
The City Creek project is one of the largest construction projects ever undertaken in Utah. Scheduled for completion in the spring of 2012, it includes retail businesses, offices, and residential condos covering twenty acres in the heart of Salt Lake City. The project relies on more than 150 elevators and escalators, including a massive truck lift that can lower trucks and semi trailers below ground level so that supplies and inventory can be distributed throughout the City Creek project via underground tunnels and passages.

All these elevators and escalators must be inspected prior to use--without inspections the project cannot open. The Division is working closely with City Creek's project managers to avoid delays. The Division has assigned an inspector full time to the City Creek project. The remaining 4 inspectors are busy providing elevator inspections at other locations in Utah.

Personnel Comparison - Division vs Insurance & Owner/User Inspectors



Overdue Units



Fees Generated for the General Fund Compared to Division Expenses



Adjudication Division



Mission

To conduct all formal hearings for the Utah Labor Commission concerning aspects of employment related law in a fair, efficient, and effective manner.

Richard M. La Jeunesse,
Presiding Law Judge
 (801) 530-6800
rlajeunesse@utah.gov

Overview

The Adjudication Division conducts Commission formal administrative hearings in workers' compensation, appeals of employment discrimination investigations, Utah Occupational Safety and Health (UOSH) citation appeals and workers' compensation insurance compliance penalty appeals. The Division employs 6.5 FTE administrative law judges and 5 FTE clerks. The Division also operates an office in Parowan to serve central and southern Utah.

2011 Highlights

- ▶ A statutory change was recently implemented that allows the Division to receive and send documents and pleadings electronically to litigants in cases using a PDF format. There is an anticipated reduction in costs associated with this change that include reduced copies of documents, envelope printing costs and postage expenses. In addition, there is a greatly reduced turn-around time for the exchange of documents between the Division and the litigants. The Division has received positive feedback from litigants to the implemented change, noting that the service to litigants has been enhanced by the statute change.
- ▶ The number of antidiscrimination investigation appeals filed with the Division continues to rise. Antidiscrimination appeal hearings require a greater amount of time on the judges' calendars (an average two days for antidiscrimination cases verses 2-4 hours average for workers' compensation hearings). Even with these growing numbers, the Division has set all hearings within a timely manner.
- ▶ The Division has been able to provide one administrative law judge (ALJ) the opportunity to attend judicial college. The judicial college provides training within the ALJ's specialty as well as mandatory CLE which is difficult to schedule outside of the judicial college.

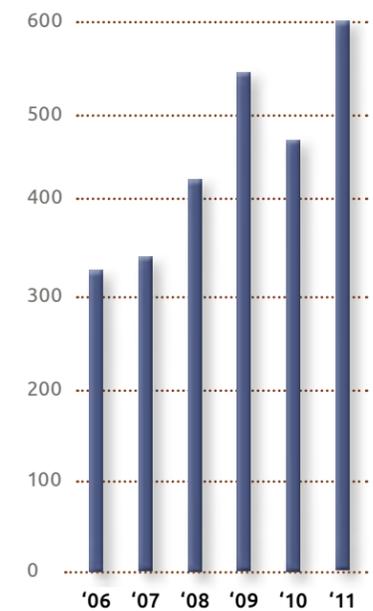
In addition to conducting the Commission's formal adjudication process, the Division also has a statutory obligation to review settlement agreements in all workers' compensation claims. The Division is also required to review requests by injured workers for lump sum payments of disability compensation.

Given the complexity and the potential expense, the ALJ must thoroughly understand complex medical evidence presented. The ALJ can enlist the expert medical expertise of a Commission medical panel to evaluate the competing medical opinions. In the past year, Commission ALJs used 255 medical panels to assist with medically complex cases. The cases with medical panel involvement have a lower overall appeal rate, so they give the parties quicker resolution of the increasing number of medically complex cases.

An example of service provided by the Division

In the last year, the Adjudication Division's Administrative Law Judges (ALJs) have been called upon more often to resolve medically complex workers compensation cases. In one case, Andy (not his real name) hurt his lower back in a job accident lifting heavy boxes. Later, while working at another company, he sustained another injury to his lower back while moving a piece of equipment. Both companies had workers' compensation insurance. Andy required surgery to relieve the pain. Medical experts were called in, but they came to opposing medical opinions as to which accident has caused the need for the surgery. The ALJ made the decision, with assistance from a Commission medical panel, about which accident was the primary cause for the need for surgery and, ultimately, which insurance carrier had to bear the cost.

New Antidiscrimination Cases Filed



Legal Unit



Mission

In cooperation with the Utah Attorney General, to provide representation and counsel to the Utah Labor Commission.

Overview of Legal Unit Responsibilities

- ▶ Review of decisions issued by administrative law judges;
- ▶ Appellate proceedings before Utah’s Court of Appeals and Supreme Court;
- ▶ Legislation;
- ▶ Rule-making; and
- ▶ Public information

Major activities

Motions for review

The Legal Unit assists the Commissioner and Appeals Board in reviewing decisions of administrative law judges in workers’ compensation, anti-discrimination, and workplace safety cases.

Beginning in 2001, requests for review of judges’ decisions increased by 200%. This led to a backlog—by March 2008 there were 238 cases waiting for review. Since then, the Commission has reassigned staff, obtained authorization to add staff, and implemented case-screening procedures. As a result, the backlog has been reduced by 60%. The Commission expects to completely eliminate the backlog by the end of 2011.

Appellate litigation

Decisions of the Commissioner and Appeals Board are subject to review by the Utah Court of Appeals and Utah Supreme Court. The Legal Unit represents the Labor Commission in proceedings before these courts.

Legislative issues

The Legal Unit works with Commission staff, stakeholders, the legislative counsel, and individual legislators to evaluate legislative proposals.

Alan Hennebold,
Deputy Commissioner/General Counsel
(801) 530-6937
ahennebold@utah.gov

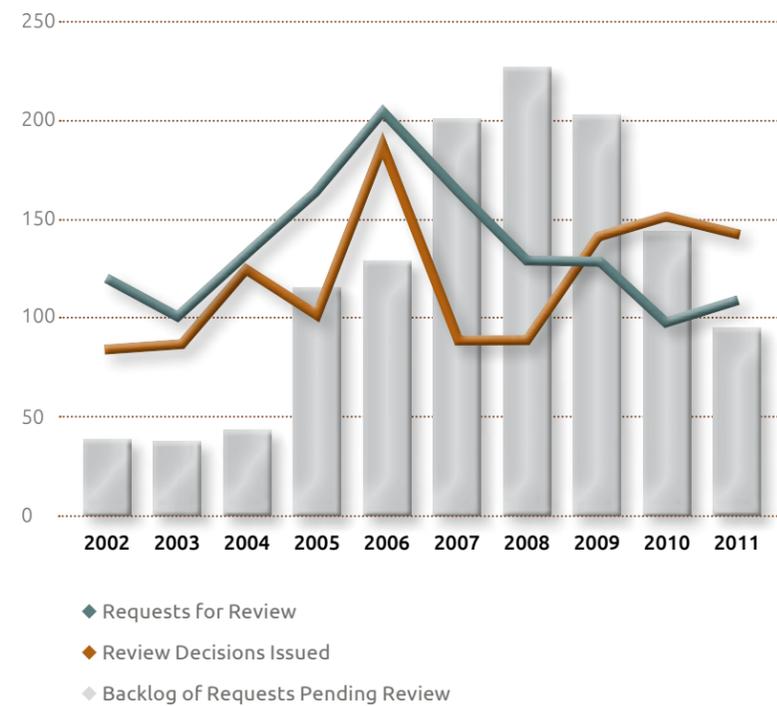
Rule-making

The Legal Unit assists the Commission in developing, drafting and enacting administrative rules.

Public information

The Legal Unit participates in seminars and other forums to provide information about the Commission. The Legal Unit responds to public inquiries about Commission activities.

Decisions Reviewed by Commissioner or Appeals Board



Workplace Safety Grant Program

This program is funded by assessments on workers' compensation premiums paid by Utah employers. Money is appropriated from this fund by the Legislature to award grants for projects or initiatives that demonstrate a commitment to workplace and support programs such as OSHA training, implementation of specialized safety initiatives, developing resources for existing safety programs, and safety training between organizations.

The focus of the workplace safety program during fiscal year 2011 was to develop effective collaborations among small and medium size business entities, and through careful selection of workplace safety project awards, to ensure the creation of much needed training programs and successful partnerships amongst grantees.

For the fiscal year ending June 30, 2011, the Utah Labor Commission received an increased number of requests for workplace safety grants (\$899,851) compared to previous year's total. Twenty-four proposals were approved for funding by our committee in the amount of \$623,755 to support the development of some notable projects as follows:

- ▶ Several grants were approved to support safety initiatives to our local Associations such as the Utah Restaurant Association (URA), the Utah Manufacturers Association (UMA), the Associated General Contractors (AGC), and the Associated Builders and Contractors of Utah (ABC), to name a few.
- ▶ Supported a grant by the Painter and Tapers Union, local 77 to provide vocational English as a second language programs that included OSHA 10 and 30 hour classes, and CPR/First Aid courses for their members.
- ▶ Provided grants to the Utah Safety Council to support scholarships for safety courses for small and medium size employers, and to augment title selections on safety related topics for their Audio Visual Library program.
- ▶ Supported safety awareness for minority owned businesses, through continued collaboration and support of Spanish Language Safety Workshops, provided by Alliance Community Services. Targeted safety training courses were created in collaboration with the Workers Compensation Fund of Utah, the Utah Safety Council and other Hispanic-Latino Community based organizations.

The workplace safety program is designed to support the development of workplace safety initiatives aimed at reducing accidents in the workplace, and to create strong collaborative relationships among workplace safety grant recipients to maximize the utilization of programs and resources being developed with workplace safety funds.

Elena Bensor, Manager
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Workplace Safety Poster Contest

Each year, as part of the Labor Commission's community relations program and by utilizing money from the Workplace Safety Fund, the Commission sponsors a "Take Safety Seriously" poster contest specifically aimed at promoting safety awareness for Utah's future workforce.

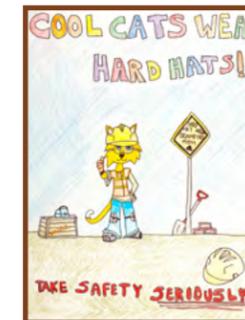
The poster contest, in its 14th year now, is currently open to all middle and junior high schools across Utah, including Charter Schools and private schools. Cash awards are given to the winners and matching awards to the school's art program for participating. This year, the level of interest and participation was unprecedented with over 1,700 entries submitted by 59 different middle and junior high schools throughout Utah. The top 12 entries are included in the Labor Commission's annual safety calendar. We print about 15,000 copies and they are distributed without cost to schools, businesses, and community based organizations for purposes of increasing workplace safety awareness throughout the state of Utah.

Safety Poster Contest Winners



Grand Prize Winner
 (awarded \$500)

Tyler Sierra Fowers
 Morgan Middle School



1st Runner up
 (awarded \$300)

Madison Jenkins
 Joel P Jensen Middle School



2st Runner up
 (awarded \$300)

Augustin Aceves
 Northwest Middle School



3rd Runner up
 (awarded \$300)

Zachary Ostendorf
 Northwest Middle School

Safety Contest Additional Winners

Austin Stevens West Jordan Middle	Elizabeth Winfrey Northwest Middle	Marlie Mecham Ephraim Middle	Serena Moran Hillside Middle
Dana Tran Northwest Middle	Joshua Johnson Lakeridge Junior	Mckenn Matsu Centennial Middle	Sho Yamazaki Hillside Middle

Members of Advisory Boards and Councils

Appeals Board

- Colleen Colton, Ph.D., Chair
- Patricia Drawe, J.D.
- Joseph Hatch, J.D.

Antidiscrimination & Labor Advisory Council

Employee Representatives

- Robert Wilde, *Law Firm of Wilde & Associates*
- Tony Montano, *Salt Lake District Attorney's Office*
- Kevin Cote, *Utah Plasterers & Cement Masons*

Employer Representatives

- Monica Whalen, *Employer's Council*
- John Chindlund, *Law Firm of Prince, Yates & Geldzahler*
- Rick Thaler, *Law Firm of Ray, Quinney & Nebeker*

General Public Representatives

- Ralph Chamness, *Salt Lake County District Attorney's Office*
- Antonella Packard, *Latin American Chamber of Commerce*
- Bev Uipi, *Salt Lake County Community Relations Specialist*

Fair Housing/Landlord Representatives

- Keith Nielson, *Pentalon*
- Paul Smith, *Utah Apartment Association*

Tenant Representatives

- Sonya Martinez, *Salt Lake Community Action Program*
- Barbara Toomer, *Disability Rights Action Committee*

Non-Voting Member

- Sherrie Hayashi, *Utah Labor Commissioner*

Workers' Compensation Advisory Council

Employer Representatives

- Thomas Bingham, *Utah Manufacturers Association*
- Dave Davis, *Utah Food Industry Association*
- David R. Bird, *Law Firm of Parsons, Behle & Latimer*
- Richard J. Thorn, *Utah Chapter of Associated General Contractors*
- M. Jeff Rowley, *Salt Lake County Risk Management*

Employee Representatives

- Reo Castleton, *Salt Lake County Fire Department*
- K. Dawn Atkin, *Law Firm of Atkin & Associates*
- Brian Kelm, *Law Office of Brian D. Kelm*
- Ralph Astorga, *United Steelworkers of America, Local 392*
- William Brandt Goble, *Painters and Tapers Union Local 77*

Ex Officio

- Ray Pickup, *Workers Compensation Fund of Utah*
- Neal Gooch, *Utah State Insurance Commissioner*
- Dr. Edward B. Holmes, *Summit View Medical*
- Kathleen G. Bissell, *Liberty Mutual Insurance Group*

Legislative Liaisons

- Senator Karen Mayne
- Representative Michael T. Morley

Mine Safety Technical Advisory Council

Coal Miner Union

- Mike Dalpaiz, *United Mine Workers of America*

Coal Mining Experience

- Steven Childs, *Skyline Mine*
- Don Shelley, *United Mine Workers of America*

Coal Mine Operators

- John Byars, *Arch Coal*
- Jimmy Brock, *Consol Energy, Inc.*

Industry Trade Association

- Todd Bingham, *Utah Mining Association*

Law Enforcement

- Greg Funk, *Emery County Sheriff's Department*

Emergency Services

- Terri Watkins, *Castle View Hospital*

Seismology

- Dr. Kristine L Pankow, *University of Utah*

Mine Engineering

- Kim McCarter, *University of Utah*

Mine Safety and Training

- Ralph Sanich, *Interwest Mining Company*
- Randy Tatton, *Mining Health & Safety Solutions*
- Miles Nelson, *College of Eastern Utah*

Non-Voting Members

- Sherrie Hayashi, *Commissioner, Utah Labor Commission*
- Bruce Riches, *Utah State Department of Public Safety*
- John Baza, *Utah State Department of Natural Resources*
- J. D. McKenzie, *U.S. Department of the Interior, Bureau of Land Management*
- Allyn C. Davis, *U.S. Mine Safety and Health Administration*

Utah Miner Certification Panel

Members

- Arthur D. Bruno, *Bruno Engineering*
- Terry L. Jordan, *Deer Creek Mine (retired)*
- George W. Kenzy, *Skyline Mine*
- Wendell Christensen, *West Ridge Mine*
- Rudy Madrigal, *Deer Creek Mine*
- James Kulow Jr., *Emery Mine*
- Phillip J. Pappas, *Wildcat Loadout*
- Clark Atwood, *Horizon Mine*
- Kirt Tatton, *Dugout Mine*
- Douglas C. Luke, *Deer Creek Mine*

Boiler and Pressure Vessel Advisory Board

Members

- Michael Guinn, *Inland Oil*
- Brent R. Halladay, *State Fire Marshal Office*
- Ron Wyman, *R & L Boiler*
- Dennis Johnson, *Zurich Insurance*
- Ron Shapiro, *PacifiCorp*
- Eddie Stephens, *Tesoro*
- Wyatt Peterson, *University of Utah*
- Paul Riley, *LDS Church*

Elevator and Escalator Advisory Board

Members

- Scott Robison, *Otis Elevator Company*
- Brent R. Halladay, *State Fire Marshal Office*
- Todd Kodele, *Carson Elevator Company*
- Steve Hermansen, *Davis County Schools*
- Barry Smith, *Hart Fisher Smith & Associates*
- Tony Hall, *Schindler Elevator Corporation*
- Randy Jewett, *ThyssenKrupp Elevator Company*

Awards, Honors, and Affiliations

Labor Commission Employee of the Quarter Award

- ▶ JoAnn Lowther | Employee of the 2nd Quarter, 2011 – *Industrial Accidents Division*
- ▶ Bill Adams | Employee of the 1st Quarter 2011 – *Utah Occupational Safety and Health Division*
- ▶ Jose Blanco | Employee of the 4th Quarter, 2010 – *Utah Antidiscrimination and Labor Division*
- ▶ Erin Latta | Employee of the 3rd Quarter, 2010 – *Industrial Accidents Division*

Administration Division

- ▶ David Lamb | *Member of American Institute of CPAs (AICPA) and the Utah Association of CPAs (UACPA)*

Antidiscrimination and Labor Division

- ▶ Heather Gunnarson | *Member International Association of Official Human Rights Agencies*
- ▶ Brent Asay | *Vice President Elect, Interstate Labor Standards Association*

Boiler, Elevator, & Coal Mine Safety Division

- ▶ Pete Hackford | *Honorary Member of the National Board of Boiler & Pressure Vessel Inspectors (NBBI)*
- ▶ Mike Pedersen | *Member of National Association of Elevator Safety Authorities (NAESA)*
- ▶ Rick “Shorty” Sturm | *Member of the National Board of Boiler & Pressure Vessel Inspectors (NBBI) - appointed to Examination Committee for Inspectors*

Industrial Accidents Division

- ▶ Ronald Dressler | *Member of National Council of Compensation Insurance (NCCI), International Association of Industrial Accident Boards & Commissions (IAIABC), and the Western Association Workers' Compensation Boards (WAWCB)*
- ▶ Tonya Gallegos | *Member of the International Risk Management Institute, holds Utah Insurance License, certified Construction Risk and Insurance Specialist*

UOSH Division

- ▶ Louis M Silva | *State-representing member of the Federal Emergency Response Steering Committee for the Occupational Safety and Health State Plan National Association (OSHSPA), Board Member of the Utah Fire Prevention Board.*

VPP Awards Program



The Voluntary Protection Program (VPP) is a Compliance Program that recognizes comprehensive workplace safety and health management systems through cooperative relationships among management, labor, and OSHA. Admission to VPP status constitutes UOSH's official recognition of company management and employees who have achieved exemplary occupational safety and health success.

SHARP Awards Program



OSHA's Safety and Health Achievement Recognition Program (SHARP) recognizes small employers who operate exemplary safety and health management systems.

Utah Manufacturing Association Safety Awards

CAMPBELL SCIENTIFIC, INC.

At Campbell Scientific in Logan, Utah, workplace safety is an evolving culture rather than an event. Workplace safety and wellness at Campbell Scientific is approached on several fronts. First they have created and operate an active workplace safety committee with representation at all levels. There is a major focus on wellness, including incentives for employees to become and stay fit. Exercise programs are available both on site and at local gyms to promote and encourage wellness among employees. Campbell Scientific was accident free last year.

COTTONWOOD MILL

Working around sharp tools and power tools can be hazardous. Avoiding accidents in these facilities takes extra commitment for safety from upper management to the individual employee. Because Cottonwood Mill has a keen understanding of the dangers inherent in their business, they have fostered teamwork from all in the plant to ensure cleanliness, organizing equipment, training on equipment and constant awareness of safety in the workplace. Because of their efforts in safety, Cottonwood Mill has an outstanding safety record, healthy employees and greater productivity throughout the company.

UOSH Arches Awards

The 2010 Arches award was awarded at the annual Utah Safety Council annual meeting, to two employers that demonstrate excellence in employee safety and health.



The **Horsley Company** is a leading designer, manufacturer and installer of baggage handling conveyor systems for the airport and airline industry. The company has been awarded several large installation contracts all over the country, including a recent project in the Salt Lake City airport. The Horsley Company was given a SHARP award in FY2010. The company has demonstrated its commitment to worker safety and health by implementing and maintaining an effective safety and health management system which is overseen by a dedicated safety committee.



Sulzer Pumps Inc. is one of the world's leading pump manufacturers for oil & gas, paper pulp, wastewater, food, metals and fertilizer industries. Their products are internationally recognized for their technical excellence. The company's Days Away from Work (DART) rates and Total Recordable Cases (TRC) were zero for the last 3 years, something that demonstrates their commitment to protecting their employees. Sulzer Pumps has accomplished major benchmarks with respect to improving their safety and health program.

Agricultural Painting in Labor Commission Reception Area



Joy Nunn

The Labor Commission has a tradition of using pictures in its offices of employees at work to honor and recognize the contributions of Utah's working men and women. The Labor Commission was interested in obtaining a painting depicting agricultural labor for our reception area.

Joy Nunn was selected to do the art work. She is the Vice President of The Utah Watercolor Society, and Director and Member of Art at the Main, a Utah artists' cooperative located in the common area of the new Main Library building in downtown Salt Lake City. Joy also worked 31 years as a paralegal for a Salt Lake City law firm.

Joy called several farming families in an agricultural area of Utah and then spent time on several farms getting ideas before deciding to do a painting of workers responsible for picking watermelons in that area. She observed and photographed watermelon harvesting. Joy expected to see large agricultural machines doing the work, but discovered that workers were responsible to pile the melons in the field. Every melon of every variety is actually picked by hand. She followed the workers row after row and photographed the hand picking and loading process. Workers form lines across mosquito-infested fields, making sure that any dangerous wildlife have cleared out of the area, after they have eaten their fill for the day. She watched the workers toss the melons into the air, one after another, and pile them up at the end of each row. A truck full of empty boxes is filled one melon at a time, box after box in the intense heat of the day. Truckload after truckload is filled and sent to market.

Joy then visited with the owners who have grown melons like this for generation after generation on some of the best real estate in the country for melon growing. Soil, sun and ample water provide all the right conditions.

After returning to her home with the pictures, she came up with the idea of doing a type of painted collage where she featured many things she had seen: the fields, the workers, farm buildings, the boxes filled to the brim with melons and the process for loading everything up for market.

Joy entered this painting in the 2010 Utah State Fair and won an award for her outstanding art work.

Utah Labor Commission Phone Directory and Services Information

For general information

(801) 530-6800
 (801) 530-6801
 1-800-530-5090 (in-state toll free)
 1-800-222-1238 (in-state toll free)
laborcom@utah.gov

Physical Address

160 East 300 South, 3rd Floor
 Salt Lake City, UT 84114-6600

Utah State Government Directory: <http://web.state.ut.us/phone.htm>

For specific services:

	Mailing	Phone	Fax	Contact Person	Email
SALT LAKE CITY					
Labor Commission (Main Office)	PO Box 146600 Salt Lake City, UT 84114-6600	(801) 530-6800	(801) 530-6390	Sherrie Hayashi, Commissioner	laborcom@utah.gov
Boiler & Elevator Safety Division	PO Box 146620 Salt Lake City, UT 84114-6610	(801) 530-6850	(801) 530-6871	Pete Hackford	BEandMSafety@utah.gov
Employment Discrimination	PO Box 146630 Salt Lake City, UT 84114-6630	(801) 530-6801	(801) 530-7609	Eric Larsen or Verolinda Grenados	discrimination@utah.gov
Housing Discrimination	PO Box 146630 Salt Lake City, UT 84114-6630	(801) 530-6801	(801) 530-7609	Eric Larsen or Verolinda Grenados	fh@utah.gov
Workers Compensation Issues (Industrial Accidents Division)	PO Box 1466110 Salt Lake City, UT 84114-6610	(801) 530-6800	(801) 530-6804	Ron Dressler	iaccd@utah.gov
Workers' Compensation Self Insured Employers	PO Box 1466110 Salt Lake City, UT 84114-6610	(801) 530-6800	(801) 530-6804	Ron Dressler	selfinsurance@utah.gov
Workers' Compensation Coverage Waivers	PO Box 1466110 Salt Lake City, UT 84114-6610	(801) 530-6800	(801) 530-6804	Brad Thurman	wccw@utah.gov
Utah Occupational Safety & Health: Compliance	PO Box 146650 Salt Lake City, UT 84114-6650	(801) 530-6901	(801) 530-7606	Eldon Tryon	etryon@utah.gov
Utah Occupational Safety & Health: Consultation	PO Box 146650 Salt Lake City, UT 84114-6650	(801) 530-6855	(801) 530-6992	Kate McNeill	kmcneill@utah.gov
Utah Occupational Safety & Health: Statistics	PO Box 146650 Salt Lake City, UT 84114-6650	(801) 530-6823	(801) 530-7906	William Adams	wadams@utah.gov
Wage Claims	PO Box 146630 Salt Lake City, UT 84114-6630	(801) 530-6801	(801) 530-7609	Dennis Flynn or Josef Sharp	wcu@utah.gov
Appeals (Adjudication Division)	PO Box 146615 Salt Lake City, UT 84114-6615	(801) 530-6800	(801) 530-6333	Karla Rush	casefiling@utah.gov
Community Relations	PO Box 146600 Salt Lake City, UT 84114-6600	(801) 530-6800	(801) 530-6390	Elena Bensor	laborcom@utah.gov
PAROWAN					
Appeals (Adjudication Division) - Southern Utah	68 S 100 E PO Box 1840 Parowan, UT 84761	(435) 477-1056	(435) 477-1059	Cheryl Luke	casefiling@utah.gov
PRICE					
Coal Miner Certification	940 South Carbon Avenue Price, UT 84501	(435) 636-1467	(435) 636-1466	Debbie King	ocms@utah.gov
Office of Coal Mine Safety	940 South Carbon Avenue Price, UT 84501	(435) 636-1467	(435) 636-1466	David Houghton	ocms@utah.gov

Office hours are Monday through Friday 8:00 a.m. to 5:00 p.m.

Utah Labor Commission



Utah Labor Commission

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