

ANNUAL REPORT

LABOR COMMISSION

2015

2015

ANNUAL REPORT



STATE OF UTAH

LABOR COMMISSION



For the Fiscal Year Ended June 30, 2015



Table of Contents

Commissioner's Message.....	3
Major Labor Commission Accomplishments.....	4
2015 Workload Accomplishments.....	8
Our Mission.....	9
Our Values.....	9
Organizational Chart.....	9
Budget Summary.....	10
Divisions	
Utah Antidiscrimination & Labor Division (UALD).....	11
Industrial Accidents Division.....	12
Utah Occupational Safety and Health Division (UOSH).....	14
Boiler, Elevator & Coal Mine Safety Division.....	15
Adjudication Division.....	16
Legal Unit.....	17
Awards & Honors.....	18
Workplace Safety Grant Program Accomplishments.....	20
Workplace Safety Poster Contest.....	21
Advisory Boards and Councils.....	22
Comprehensive Report on Coal Mine Safety.....	23



October 2015



Honorable Gary R. Herbert
Governor, State of Utah

Honorable Members of the Utah State Senate

Honorable Members of the Utah House of Representatives

It is my pleasure to provide you with the Utah Labor Commission's FY 2015 annual report and to thank the Governor and the Utah Legislature for your support of our efforts to serve the people of Utah.

In July 2015, Utah ranked first in the nation for total job growth at 4.5 percent. The State of Utah has strongly rebounded from the economic recession. This needed and vital economic success also brings about challenges from a regulatory aspect in meeting increased demand for services with limited resources. To meet these needs, the Commission continues to focus on implementing the SUCCESS framework across our organization and using these tools to maximize efficiency without sacrificing quality. Our goal remains providing the best service to the people of the State of Utah.

Effective collaboration with stakeholders is key to implementing our regulatory responsibilities. The health and vitality of Utah's labor market relies on the balance provided by the Labor Commission. With your support, we are confident that we are ready to meet whatever challenges lie ahead.

As always, the Labor Commission remains committed to the highest principles of ethics and professional service to the people of the State of Utah.

Sincerely,

Sherrie Hayashi
Commissioner

(801) 530-6848

shayashi@utah.gov

Major Labor Commission Accomplishments

SUCCESS MEASURES

In January 2013, Governor Gary Herbert set out a vision for the performance of state agencies. Led by the Governor's Office of Management and Budget (GOMB), the State of Utah has developed the SUCCESS framework, which provides a structure and the tools for executive agencies to improve government operations and services by 25% using a combination of quality, cost and throughput.

The Labor Commission currently has implemented the SUCCESS framework in 6 areas within our agency: Adjudication, Employment Discrimination, Wage Claims, Boiler Inspections, Elevator Inspections, and Workers Compensation Policy Compliance. From these six systems, the Commission has shown a 54% improvement in performance over the past 18 months. This is accomplished by setting measurable goals and targets, applying tools and principles modeled upon the Theories of Constraints, creating a strategy, applying the strategy, engaging staff at all levels, synchronizing policy and projects and, finally, staying focused.

These are a few tangible examples of how the Labor Commission accomplished an overall 54% efficiency:

- ▶ **Industrial Accidents/Policy Unit:** By implementing the SUCCESS framework, the Policy Unit was able to increase the number of employers that gained worker compensation compliance by 19% and investigations of non-compliant employers increased by 33% per investigator. Efficiencies in the investigative process cut the average investigation period from approximately 72 days to 50 days.
- ▶ **Adjudication Division:** Changes in the hearing calendar resulted in a slight increase in the average number of hearings conducted (from 20 per month to 21.6). The real improvement came in the timeliness of decisions. Prior to the change, 38% of all final decisions were issued within 60 days. Now, that percentage has increased to 94%. Other process improvements such re-designed templates, standardizing medical records exhibits, conducting trainings, hiring new medical panel chairs, and creating model medical panel questions, etc. have helped the Division achieve a 50.7% improvement in overall efficiency in just under 2 years.



NEW SOUTHERN UTAH OFFICE

Effective Sept 2, 2014 the Southern Utah Adjudication office moved from Parowan to St. George, with assistance from a legislative appropriation. The new office space houses a court room, one judge and one clerk. In 2015, the Southern Utah office opened 403 new cases, conducted 22 formal hearings and issued 139 final decisions. A UOSH Consultant has also been relocated to this office to better serve the St. George area.

UTAH SUPREME COURT DECISION REGARDING PAYMENT OF WAGES

On January 30, 2015, the Utah Supreme Court issued a decision that directly impacts the scope of the Wage Claim Unit's enforcement of the Utah Payment of Wages Act. In the decision, *Heaps v. Nuriche, LLC* (2015 UT 26), the Supreme Court faced the issue of whether the Payment of Wages Act imposes personal liability on the managers of an LLC. In interpreting the definition of "employer" in the Payment of Wages Act, the Court looked to the statute's plain language. The Court reasoned that the language, "employing any person in this state," modifies the terms that precede it, thus resulting in a narrow definition of "employer." The Court indicated that agents and officers are, by definition, not employers unless they directly employ individuals. Applying this reasoning to the facts, the Court concluded that because the managers of the LLC did not personally employ the individuals who filed the complaint, the managers could not be held personally liable for any unpaid wages under the Payment of Wages Act. As a result of the decision, the wage claim unit dismissed individual agents and officers from all pending wage claim cases.



CRIMINAL PROSECUTION FOR NON-PAYMENT OF WAGES

During 2015, a major criminal prosecution was successfully completed against an employer who intentionally did not pay wages due to his employees. Approximately 70 former employees of Salt Lake Valley Protective Agency each filed wage claims with the Labor Commission. The Commission investigated each of these claims, and subsequently, the Attorney General's Office filed criminal charges against Michael Vigil, the former owner of the company. Mr. Vigil pled guilty in district court to criminal charges and agreed to pay back wages to his former employees. The total amount of unpaid wages to be paid by Mr. Vigil exceeds \$100,000. This was the culmination of an extensive, collaborative effort between the Labor Commission and the Attorney General's Office.

FAIR HOUSING

The Fair Housing Snap Shot Research Project is a partnership between Utah State University College of Social Work, and the Utah Labor Commission, Fair Housing Unit of the Utah Antidiscrimination Division (UALD). College of Social Work student researchers surveyed over 1,000 Utah residents, with participants in 22 counties statewide. The statewide project included surveys of general population and human service professionals, and assessed their knowledge of fair housing law, their attitude about specific aspects of fair housing trends, and included demographic information. Survey results show that 59% of Utahns have an understanding of Fair Housing. Nine percent of those interviewed believe a landlord has the right to refuse an applicant based on religion, and 3% believe a landlord has the right to charge a higher rent if the tenant does not speak English. Additionally, 55% of survey participants feel that housing discrimination occurs less in Utah compared to other states. This project is the first of its kind in Utah or any state in this region.

MEDICAL PANELS

The Adjudication Division continues to make improvements to its medical panel process by recruiting 8 new medical panel chairs, bringing the total to 16 talented and dedicated doctors with a wide array of expertise. The Division has also worked closely with stakeholders to create an extensive list of model questions for judges to use when referring cases to medical panels. The questions are designed to elicit fact-based answers from the medical panels, rather than their opinions and conclusions.

TECHNOLOGY

The Commission is continuing to give high priority to computer projects that result in more accurate information; improve response times; and allow citizens to file and check the status of cases/complaints. Some of the projects that have reached important milestones during fiscal 2015 include:

- ▶ The Industrial Accidents Division's Electronic Data Interchange (EDI Claims) project that allows the Industrial Accidents Division to accept workers compensation electronically. Underlying code was migrated onto a more "industry standard" platform. This stabilized the download process from insurance companies and significantly reduced the failure rate for claims processing. The programmers are now working on a second phase that will focus on input/output performance, large file processing and the ability to accurately "re-acknowledge" claims that had previously rejected. The overall objective is to modify and enhance the EDI Claims processing so it will accept and accurately process second report of injury claims.
- ▶ The Antidiscrimination and Labor Division's Case Management systems were modified to incorporate two additional protected classes (*sexual orientation and gender identity*) and other changes due to the passage of SB 296, Antidiscrimination and Religious Freedom Amendments by the Utah legislature.
- ▶ The Commission is in the planning phase of a multi-year project encompassing a complete rewrite of each of the division's legacy applications. Legacy applications are written in a computer language nearing the end of its life and it is difficult to find experienced programmers. The rewrite will include moving into a technology that is the "industry standard" with an ability to run applications from the internet. Security protocols will be updated in order to better protect the state's data.

2015 Workload Accomplishments



- ▶ The Adjudication Division issued 1,480 orders and 545 final decisions. It also conducted 217 formal evidentiary hearings and approved 682 settlement agreements (13% increase over last year).
- ▶ UOSH Division completed 1,709 (820 Compliance and 889 Consultation) interventions/inspections/visits, improving safety in the workplace for over 325,209 workers.
- ▶ Industrial Accidents Division assessed workers compensation insurance non-compliance penalties against 559 employers and collected \$1,493,538 in penalties.
- ▶ The Utah Antidiscrimination and Labor Division's Fair Housing Unit investigated 77 claims, closing 86% within 100 days (an increase from 64% the prior year).
- ▶ Utah's Appellate Courts completed review of Labor Commission decisions in 10 separate appeals. The courts affirmed the Commission's decision in 9 of those cases.
- ▶ The Workplace Safety program awarded \$458,500 in workplace safety grants to 14 local Utah businesses and community organizations.
- ▶ The Boiler, Elevator and Coal Mine Safety Division performed over 25,000 safety inspections, administered 300 coal mining exams and visited every operating coal mine in the state multiple times.
- ▶ The Labor Commission handled an increase in average monthly number of calls and walk-ins per month from 8,016 in FY14 to 9,760 in FY15 – an increase of 22%.

Our Mission

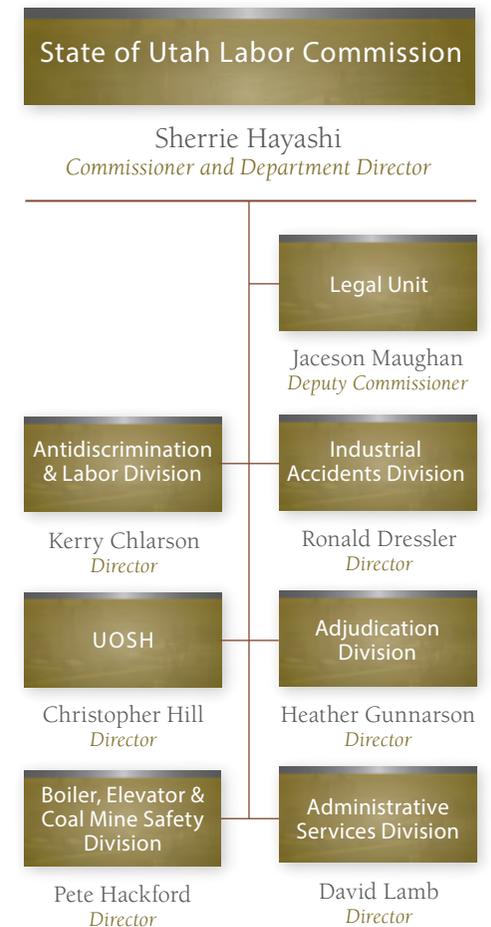
The mission of the Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

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 | FY2015

Fiscal Year Ended June 30, 2015 with Comparative Totals for Year Ended June 30, 2014

Revenues:	FY 2015	FY 2014
General Funds	\$6,245,300	\$5,790,500
General Fund that was returned at the end of the year	-1,900	-2,900
Workplace Safety Fund	1,602,900	1,587,100
Unused Workplace Safety Fund appropriation that was returned	-973,800	-764,500
Industrial Accidents Restricted Account	2,745,300	2,669,800
Employers Reinsurance Fund	73,600	73,600
Federal Grants	3,279,600	2,779,300
Miner Certification	14,200	14,200
Total Revenues	\$12,985,200	\$12,147,100

Expenditures by Division:

By Division:	FY 2015	FY 2014
UOSH Division	\$3,941,500	\$3,700,300
Antidiscrimination/Labor Division	2,072,200	1,896,500
Industrial Accidents Division	1,859,000	1,618,900
Boiler, Elevator and Coal Mine Safety Division	1,487,500	1,457,000
Adjudication Division	1,243,500	1,163,300
Workplace Safety Projects/Grants	242,700	354,600
Management, Administrative, Computer Support and Central Office Costs	2,138,800	1,956,500
Total Expenditures by Division	\$12,985,200	\$12,147,100

By Type of Expense / Expense Category:

Salaries & Benefits	\$9,852,900	\$9,613,900
Travel Costs	\$114,600	\$77,400
Data Processing	\$1,351,900	\$1,105,100
Other Operating Expenses	\$1,490,600	\$1,071,500
Pass Through Workplace Safety Grants	\$175,200	\$279,200
Total Expenditures by Type of Expense / Expense Category	\$12,985,200	\$12,147,100

Utah Antidiscrimination & Labor Division (UALD)



Overview

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

The Division is organized into four units: the Employment Discrimination Unit; the Fair Housing Unit; the Wage Claim Unit and the Mediation 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.

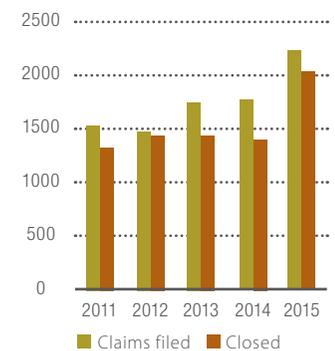
2015 Highlights

The Wage Claim Unit processed 2,031 claims and collected \$807,170 in unpaid wages for claimants. The Employment Discrimination Unit investigated and mediated 511 cases and collected \$755,089 in compensation. The Fair Housing Unit processed 77 claims, closing 86% within 100 days (an increase from 64% the prior year). The Division conducted a Fair Housing Study with the Utah State University. 147 presentations were made in 12 counties. The Mediation Unit was created and mediation occurs as soon as a formal charge of discrimination is received.

Mission

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

Wage Claim Unit Claims Filed & Closed



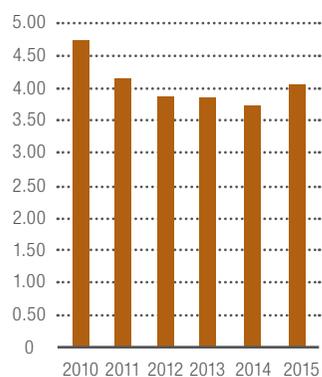
Kerry L. Chlarsen, Director
(801) 530-6921
kchlarsen@utah.gov

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

Injuries per 100 Workers in Utah



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.

2015 Highlights

Claims and Mediation Section

This section administers the day-to-day operation of the workers' compensation system by assisting injured workers, employers and insurance carriers in resolving workers' compensation disagreements. During the last year, the Claims and Mediation Section:

- ▶ recorded 57,918 reported injuries,
- ▶ assisted 6,355 injured workers and
- ▶ held 750 dispute-resolution conferences.

Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY 2015, the compliance section assessed non-compliance penalties against 559 employers and collected \$1,493,538 in outstanding penalties for the Uninsured Employers Fund.

During FY 2015 the Waiver Program received 6,723 applications and issued 5,959 waiver certificates.

Outreach

The Division conducted 18 educational sessions to stakeholders, with an emphasis on new small businesses.



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 2015, the ERF paid \$15,349,368 in benefits to over 1,100 claimants.

Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. During FY 2015, the UEF paid \$1,550,256 in benefits, which was more than offset by \$2,739,495 collected on employer and carrier non-compliance penalties, employer reimbursements on paid claims, and self-insurance fees.

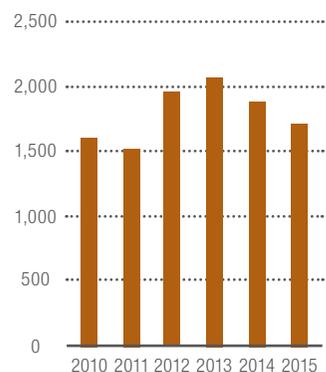
The ERF and UEF are funded in whole or in part by assessments paid by workers' compensation insurance carriers and self-insured employers. These assessments, which are subject to statutory limits, are set each Fall by the Commission in consultation with the Workers' Compensation Advisory Council. The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

Utah Occupational Safety and Health Administration Division (UOSH)

Mission

Helping to ensure a safe and healthy workplace for every worker in the State of Utah

Utah OSHA Interventions



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 Utah's occupational safety and health program as being "as effective as" the federal program and relinquished authority over occupational safety and health in Utah to UOSH. UOSH has jurisdiction over approximately 1,299,004 employees and over 89,415 employers in Utah.

2015 Highlights

Compliance

UOSH Compliance conducts safety and health inspections in manufacturing and construction industries in both private and public sector facilities throughout the State of Utah.

During FY2015, UOSH Compliance:

- ▶ Conducted 820 safety and health inspections/interventions;
- ▶ Issued 798 citations; and
- ▶ Evaluated safety and health conditions at work sites employing over 135,774 employees.

Consultation

UOSH Consultation provides on-site safety and health services, at no cost, to small/high-hazard businesses and public sector agencies.

During FY2015, UOSH Consultation:

- ▶ Conducted 889 safety and health visits/interventions;
- ▶ Identified 2,231 hazards;
- ▶ Assisted employers in improving workplace safety and health for over 189,435 employees; and
- ▶ Trained approximately 34,969 workers from over 535 entities in industry and construction.

Chris Hill, Director
801-530-6898
CHill@utah.gov

Boiler, Elevator & Coal Mine Safety Division

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 maintains offices 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.

In addition to the above overview, the Division of Boiler, Elevator and Coal Mine Safety relies on the private sector for much more than just safety inspections and revenue. Along with the two advisory boards for the boiler and elevator industry there is a miner certification panel which has a membership of eleven and a mine safety technical advisory council which has fifteen members as required by Utah Code. These panel members along with the council and advisory board members help guide the Division through these ever changing times of growth and prosperity within the state.

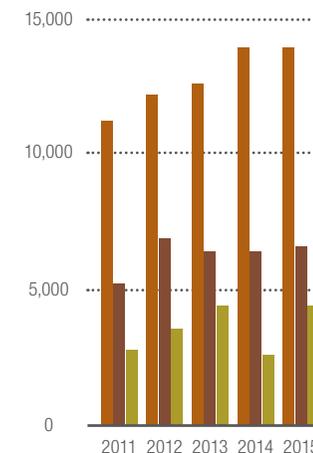
2015 Highlights

- ▶ Inspected 342 new elevators, 1,118 new boilers and 1,455 new pressure vessels
- ▶ Issued 15,206 operating permits
- ▶ Administered 300 certification exams to coal miners
- ▶ Received 1,245 online payments.

Mission

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

Number of Inspections Performed



*Note: The Division deputizes more than 65 boiler/pressure vessel inspectors annually. These inspectors are employed by insurance companies and companies utilizing large numbers of pressure vessels.

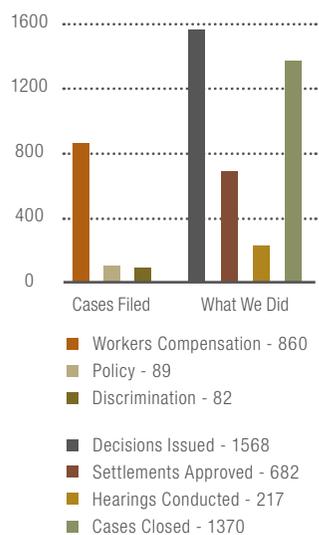
Pete Hackford, Director
(801) 530-7605
phackford@utah.gov

Adjudication Division

Mission

To conduct all formal Utah Labor Commission hearings in a fair, efficient, courteous and predictable manner.

Adjudication Division 2015



Heather E. Gunnarson, Director
& Presiding Administrative Law Judge
(801) 536-7928
hgunnarson@utah.gov

Overview

The Adjudication Division is responsible for adjudicating disputed workers' compensation claims. It does so in a fair and impartial manner to ensure the quick, efficient and predictable delivery of medical and salary benefits to injured workers at a reasonable cost to employers and insurance carriers. The Division also hears appeals of: employment and housing discrimination investigations; Utah Occupational Safety and Health (UOSH) citations; and workers' compensation insurance compliance penalties.

2015 Highlights

The Adjudication Division continues to make great strides in improving accountability, transparency and professionalism. For cases filed in FY2015, the Division issued 96% of all final decisions and 88% of all decisions within 60 days.

The Division also:

- ▶ Improved our baseline (*quality and timeliness of decisions, together with the number of cases closed*) by 50.7% over last 2 years.
- ▶ With the help of the Medical Director and Medical Panel Committee, developed model questions for medical panels to help the Division recruit and train medical panels.
- ▶ In conjunction with the Utah State Bar, sponsored the Second Annual ALJ, Government & Admin Law Conference, a full day continuing legal education seminar for all administrative law judges in the State.

Legal Unit

Overview

The Legal Unit is responsible for reviewing decisions issued by administrative law judges; representing the Commission in appellate proceedings before Utah's Court of Appeals and Supreme Court; representing the Commission in the legislative process; rule-making; and providing public information about the Commission.

2015 Highlights

Motions for Review

The Legal Unit assists the Commissioner and Appeals Board in reviewing decisions of administrative law judges in workers' compensation, antidiscrimination, and workplace safety cases.

Pursuant to Utah Code Ann. §34A-2-801, the Commissioner and the Appeals Board are required to issue decisions on motions for review within 90 days of the date the motion was filed with the Commission. During calendar year 2014, there were 105 motions for review filed with the Commission. The Commissioner and Appeals Board issued decisions on each of the 105 motions within 90 days of the date the motion was filed.

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, legislative counsel, and individual legislators to evaluate legislative proposals.

Rule-Making

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

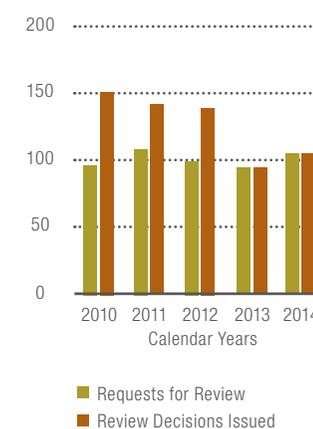
Public Information

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

Mission

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

Decisions Reviewed by Commissioner or Appeals Board



Jacson R. Maughan, Deputy
Commissioner/General Counsel
(801) 530-6036
jacsonmaughan@utah.gov

Awards & Honors



Ron Dressler

Ron Dressler, Industrial Accidents Division Director, has been appointed to the Board of Directors for the **International Association of Industrial Accident Boards and Commissions**. IAIABC consists of representatives of US and Canadian government agencies responsible for the administration of workers' compensation systems, as well as insurance carriers, medical providers, and other workers' compensation professionals.

Founded in 1914, the IAIABC promotes the advancement of workers' compensation systems throughout the world through education, research, and resource management. The IAIABC also assists state workers' compensation regulators in advancing effective and efficient systems and provides standards in injury and policy reporting as well as regulation and issue review.



IAIABC Board Members

Labor Commission Employee of the Quarter Award

- **Anita Watson** | Employee of the 2nd Quarter, 2014 Industrial Accidents Division
- **Christy Beem** | Employee of the 1st Quarter 2014 Utah Antidiscrimination and Labor Division
- **Nicole Nguyen** | Employee of the 4th Quarter, 2013 Industrial Accidents Division
- **Stephanie Carillo** | Employee of the 3rd Quarter, 2013 Utah Antidiscrimination and Labor Division

Vendor of the Year Award

Dennis Crenshaw and Lisa Robinson of our UOSH Division received an award for vendor of the year for their booth at the Utah ICC (*International Code Council*) conference held this year in St. George.



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.

Nucor Building Systems-Utah, LLC earned VPP for FY2015



SHARP Awards Program

The Safety and Health Achievement Recognition Program (SHARP) recognizes small employers that incorporate safety and health into every phase of their business and have an exemplary safety and health management system.

Western Metals Recycling--Plymouth earned SHARP for FY2015



Utah Arches Awards

The ARCHES Award for workplace safety and health excellence is awarded to companies which exhibit excellence in workplace safety and health. In FY2015, 2 companies received this award:

Kihomac and Rimrock Construction.

Workplace Safety Grant Program Accomplishments

The workplace safety program is designed to support the development of safety initiatives in the workplace and it's aimed at reducing accidents, by facilitating strong collaborative relationships among workplace safety grant recipients, and maximizes the public utilization of programs and resources being developed with workplace safety funds.

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 designed to assist Utah employers and their employees through programs such as OSHA training, implementation of specialized safety initiatives, developing resources for existing safety programs, and safety training between organizations.

- ▶ For the calendar year 2015 we received \$796,007 funding requests and provided \$458,500 in workplace safety awards to 14 local businesses and organizations.

Below are some of our most notable projects funded during this fiscal year:

- ▶ Provided funding to the Northwest Laborers-Employers Trust Fund, to increase safety awareness and reduce highway work zone deaths and injuries for construction roadway workers, by offering safety training, flagger and traffic control training.
- ▶ Funded the Utah Farm Bureau Safety program to promote accident and injury prevention in agricultural and general industry operations, and to establish a strong relationship with farmers.
- ▶ Approved funding for Centro Hispano and Comunidades Unidas, two local non-profits in Salt Lake & Utah County, to provide outreach and education through workshops and health fairs in order to increase awareness of workplace safety practices among the Hispanic-Latino and other Limited-English communities.
- ▶ Supported the joint annual Utah Mining Association and the Utah Manufacturing Association's Safety Conference, which included presentations on safety regulations related to Occupational Safety and Health (OSHA), and the Mine Safety & Health Administration (MSHA).

Elena Bensor, Public Information & Community Relations Officer
(801) 530-6918
elenabensor@utah.gov

Workplace Safety Poster Contest

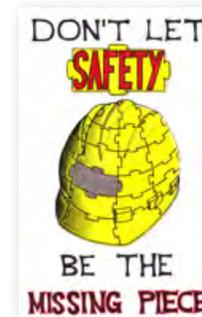
Each year, as part of the Labor Commission's community relations program and by utilizing money appropriated by the legislature from the Workplace Safety Fund, the Commission sponsors a "Take Safety Seriously" poster contest among Utah's schools specifically aimed at promoting safety awareness for Utah's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

The poster contest 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 School Poster contest received about 1,000 entries from schools across the State.

From the many participating posters, the top 12 entries selected are included in the Labor Commission's annual safety calendar. In 2015, we printed about 12,000 copies of the calendar, which were distributed free of cost to schools, businesses, and community based organizations, for purposes of increasing workplace safety awareness.



Grand Prize Winner
Maddalena Ana Willis
Rocky Mountain
Middle School



1st Runner Up
Emily Erekson
Centerville Jr High



2nd Runner Up
Hannah Worf
Hillside Middle School



3rd Runner Up
Kailee Discher
Rocky Mountain
Middle School

Advisory Boards and Councils

Appeals Board

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

Workers' Compensation Advisory Council

Employer Representatives

- Todd R. 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*
- Richard Brewster, *Kennecott Utah Copper, Engineers Local Union #3*
- William Brandt Goble, *Painters and Tapers Union Local 77*

Ex Officio

- Ray Pickup, *Workers Compensation Fund of Utah*
- Todd Kiser, *Utah State Insurance Commissioner*
- Dr. Edward B. Holmes, *Summit View Medical*
- Michele Balady, *Travelers Insurance*

Legislative Liaisons

- Senator Karen Mayne
- Representative James Dunnigan

Mine Safety Technical Advisory Council

Voting Members

- Mike Dalpaiz, *United Mine Workers of America*
- Steven Childs, *Skyline Mine*
- Don Shelley, *United Mine Workers of America*
- John Byars, *Arch Coal*
- David W. Hibbs, *Utah American Energy*
- Mark Compton, *Utah Mining Association*
- Greg Funk, *Emery County Sheriff's Department*
- Terri Watkins, *Castle View Hospital*
- Dr. Kristine L. Pankow, *University of Utah*
- Kim McCarter, *University of Utah*
- Thomas Hethmon, *University of Utah*
- Gary Leaming, *Sufco Mine, Canyon Fuel Company*
- Randy Mabutt, *USU Eastern, Mining Department*

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*

Utah Miner Certification Panel

Members

- Terry L. Jordan, *Deer Creek Mine (retired)*
- Wendell Christensen, *West Ridge Mine*
- Rudy Madrigal, *Deer Creek Mine*
- Fred C. Veater, *SUFco Mine*
- Brian W. Lea, *Deer Creek Mine*
- Clark Atwood, *Horizon Mine*
- Kirt Tatton, *Dugout Mine*
- Douglas C. Luke, *Deer Creek Mine*
- Justin Barrington, *West Ridge Mine*

Boiler and Pressure Vessel Advisory Board

Members

- Val Oman, *EP Energy*
- Coy D. Porter, *State Fire Marshal Office*
- Ron Wyman, *R & L Boiler*
- Michael Shaw, *Hartford Steam Boiler*
- Greg Mason, *Holly Frontier Refining*
- Dean Wood, *Intermountain Power Plant*
- Wyatt Peterson, *University of Utah*
- Mark D Callister, *LDS Church*
- Senator Scott Jenkins, *Legislative Liaison*

Elevator and Escalator Advisory Board

Members

- Coy D. Porter, *State Fire Marshal Office*
- Tom Whalin, *Otis Elevator Company*
- Todd Kodele, *Carson Elevator Company*
- Steve Hermansen, *Davis County Schools*
- Barry Smith, *Hart Fisher Smith & Associates*
- Tony Hall, *Schindler Elevator Corporation*
- Mike Forbush, *ThyssenKrupp Elevator Company*

Comprehensive Report of the Status of Coal Mine Safety in Utah Calendar Year 2014

Introduction

For convenience, this report has been incorporated with the Labor Commission's annual State Fiscal Year 2015 report; however, this section of the report covers coal mining activities in the state of Utah during calendar year 2014.

Section 40-2-303 of the Utah Coal Mine Safety Act directs the Utah Labor Commission, with its Office of Coal Mine Safety (OCMS) and Mine Safety Technical Advisory Council (MSTAC), to submit to the Governor and Legislature an annual comprehensive report regarding coal mine safety in Utah for the preceding calendar year. The statute requires that the report include: **1)** a compilation of major coal mine accidents or other coal mine emergencies within the state during the calendar year;¹ **2)** a statement of actions by the commission, office, or council to implement this chapter; **3)** without a breach in confidentiality, a summary of reports of alleged unsafe conditions received by the office, with a statement of the office's responses; **4)** recommendations for additional action to promote coal mine safety; and **5)** any other items the commission, office, and council consider appropriate. Each of these items are discussed in this report.

¹ Though not inclusive, the list of accidents or emergencies includes:

1. A death of an individual at a mine;
2. An injury to an individual at a mine which has a reasonable potential to cause death;
3. An entrapment of an individual for more than thirty minutes or which has a reasonable potential to cause death;
4. An unplanned inundation of a mine by a liquid or gas;
5. An unplanned ignition or explosion of gas or dust;
6. In underground mines, an unplanned fire not extinguished within 10 minutes of discovery; in surface mines and surface areas of underground mines, an unplanned fire not extinguished within 30 minutes of discovery;
7. An unplanned ignition or explosion of a blasting agent or an explosive;
8. An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use; or, an unplanned roof or rib fall in active workings that impairs ventilation or impedes passage;
9. A coal or rock outburst that causes withdrawal of miners or which disrupts regular mining activity for more than one hour;
10. An unstable condition at an impoundment, refuse pile, or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or, failure of an impoundment, refuse pile, or culm bank;
11. Damage to hoisting equipment in a shaft or slope which endangers an individual or which interferes with use of the equipment for more than thirty minutes; and
12. An event at a mine which causes death or bodily injury to an individual not at the mine at the time the event occurs.

I. SUMMARY OF COAL MINE ACCIDENTS/EMERGENCIES

Date	Mine	Accident or Emergency
1/15/2014	Alton Coal Development Coal Hollow Mine	On 1/15/2014 an inundation of mud occurred in Pit 27 on East Highwall. This caused material to be deposited on Komatsu 200 Excavator to railings of operator deck, around right side of excavator and in front of operator's compartment. Cat 922 Loader on South side of slide had mud deposited on left side of wheels. There were no injuries as a result of the slide. Pursuant to citation issued #8482945 this report is being filed.
2/19/2014	Bowie Resources Skyline Mine	Coal and rock roof approximately 33 feet long by 10 feet wide and up to 7 feet high fell on and around the long wall stage loader.
4/28/2014	Alton Coal Development Coal Hollow Mine	There was a slough that occurred in Pit 24 about 250 feet east of the active pit. A Komatsu 490 track hoe was sloping the area when the slough occurred and partially buried the track hoe. Under the direction of the Mine Safety and Health Administration a plan was implemented and the track hoe was removed with little exposure to any miner.
8/14/2014	Bowie Resources Skyline Mine	The Longwall down shift crew was moving power. While moving the power center out of Cross Cut 14 several rock props were inadvertently knocked out. Before the crew could reset the props, the roof took weight and fell. The area that fell was approximately 20 feet wide, 20 feet long and a maximum of 4 feet high. The area during advancement had been bolted with 7 foot rebar, resin grouted bolts.
9/16/2014	Utah American Energy West Ridge Mine	On Tuesday, September 16, 2014 at approximately 1:39 a.m. a miner was fatally injured when the Wagner ST-2D mobile diesel can setter he was operating articulated crushing him. The accident occurred at the entrance to the 23rd East Longwall section. There were no witnesses to the accident.

II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act. Major activities in 2014 include:

- ▶ MSTAC held quarterly meetings in March, June, September, and December.
- ▶ The OCMS Director visited all the operating coal mines in the state at least once per quarter to discuss safety related issues.
- ▶ The OCMS Director routinely visited the training facilities that provide mine safety training throughout the state.
- ▶ OCMS also maintains a safety hot line that allows miners and mine operators to report any unsafe mining conditions. During 2014 there were no hot line calls to the OCMS.
- ▶ The OCMS Director has also been active in the community and has been involved with various mining organizations. He attended the Utah Mine Association Annual Safety conference in August, participated in the annual Utah Mine Rescue competition in Price Utah in June and attended all Local Emergency Planning Committee meetings in Carbon, Emery, and Sanpete counties.

III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS

There were no reports of unsafe conditions during 2014.

IV. RECOMMENDATIONS

The purpose of the Office of Coal Mine Safety is to maximize safety in Utah's Coal Mines. As part of the yearly report to the Governor and legislature, OCMS and MSTAC provide the following recommendations in furtherance of this goal:

- 1. Full-time OCMS Director:** The Labor Commission and the Mine Safety Technical Advisory Council recommend funding be provided for a full-time OCMS Director. This will improve the ability of the OCMS to promote safety in the coal mining industry and further meet the requirements of the Coal Mine Safety Act.

CONCLUSION

During calendar year 2014, the OCMS continued its role as an ombudsperson for coal mine safety throughout the State of Utah. In working with various federal, state, research, emergency responders, education, the mining industry, and coal miners, OCMS continues to work to improve safety with limited resources and fulfill the statutory intent of the Coal Mine Safety Act. MSTAC recommended to the 2015 Utah Legislature (HB 149) to provide funding for the University of Utah Center for Mining Safety and Health Excellence Training Program and designating it as the Utah Research Center for Mine Safety and Productivity: The Center will undertake and develop a safety roundtable for government agencies and miner representatives, in coordination with the MSTAC and conduct a symposium on 'mine bumps' in coal mines and improve mine safety, in coordination with the MSHA and BLM.

2015

ANNUAL REPORT

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