



UTAH LABOR COMMISSION



2017

For the Fiscal Year Ended June 30, 2017



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November 2017

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 annual report for FY2017. I also wish to thank Governor Herbert and the Utah Legislature for supporting the Labor Commission's efforts to serve the citizens of Utah.

Utah continues to lead the nation in virtually every economic indicator. This thriving economy presents a unique challenge for the Labor Commission as it continues to meet an increased demand for services with limited resources. The Labor Commission touches almost every business in Utah, whether that contact involves the inspection of boilers or elevators, workers' compensation issues, workplace safety, the payment of wages, or claims of discrimination in the workplace. By implementing Governor Herbert's SUCCESS initiative, the Labor Commission has improved efficiencies in every division and made a number of improvements in the services it delivers.

Among many Labor Commission examples, the Boiler Inspection Unit has eliminated the number of boilers in the state that were overdue for inspection by focusing on efficiencies in the scheduling and inspection process. In addition, the Utah Occupational Safety and Health Division has dramatically shortened the amount of time between the opening conference of an inspection and the issuance of a citation by requiring investigators to issue a citation within 45 days after the opening conference, tracking those numbers, and making them part of each investigator's performance plan.

The Labor Commission plays a vital role in Utah's economy by ensuring safety and fairness in the workplace. Effective collaboration with its many stakeholders remains key to the Labor Commission's ability to fulfill this responsibility, as does the support of Governor Herbert and the Utah Legislature. With this continued support, the Labor Commission is confident it can continue to excel in meeting its obligations to the people of Utah.

Sincerely,

Jaceson R. Maughan
Commissioner
Utah Labor Commission





Success Framework Update

In January 2013, Governor Gary Herbert laid out a vision for the performance of state agencies. Led by the Governor's Office of Management and Budget, 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 seven areas within the agency: Adjudication, Employment Discrimination, Wage Claims, Boiler Inspections, Elevator Inspections, Workers' Compensation Policy Compliance, and Utah Occupational Safety and Health Compliance.

From these seven systems, the Labor Commission has shown a 60% improvement in performance since June 2013. This has been accomplished by setting measurable goals and targets and applying tools and principles modeled upon the Theory of Constraints, which includes creating a strategy, applying the strategy, engaging staff at all levels, synchronizing policy and projects, continual evaluation, and staying focused on performing the work.

These are a few examples of how the Labor Commission accomplished an overall 60% improvement in efficiency:

Industrial Accidents/Compliance Section: During the past two years of the SUCCESS initiative, the Compliance Section has recognized a 28% improvement in the efficiency of the program, resulting in an average of 419 employers acquiring workers' compensation insurance.

Adjudication Division: The Division continues to see improvement in the timeliness of its decisions. Prior to implementing the SUCCESS Framework, 38% of all final decisions were issued within 60 days. Now, 84% of final decisions are issued within 60 days. Other process improvements such as redesigning templates, standardizing medical records exhibits, conducting trainings, hiring new medical panel chairs, and creating model medical panel questions have helped the Division achieve significant improvement in overall efficiency in four years.

Boiler Inspection Section: By implementing the SUCCESS Framework, the Boiler Inspection Section, responsible for inspecting boilers and pressure vessels in Utah, eliminated the percentage of overdue inspections between June 2013 and the end of FY2017. Moreover, the Section accomplished this with a corresponding decrease of personnel. In June 2013, the Section employed five inspectors. The Section currently employs four inspectors.



Technology

The Labor Commission continues to give high priority to technology projects that result in more accurate information, easier accessibility, and improved response times for citizens and others who rely on the services of the Labor Commission. FY2017 projects include:

- ◆ A completely new Miner Certification system was launched, replacing an outdated and vulnerable system. The new portal was rewritten with state-of-the-art technology that is supported and maintained by the IT industry. In addition to the new framework, the user interface was completely redesigned and updated to look like a modern web application.

As miners from across Utah sign up for their annual certification, they can be assured they are using a system that is safe, secure, and functional with modern browser applications.

Besides improved security and ease of use, the Miner Certification System will meet the long-term needs of the Labor Commission and its customers.

- ◆ The development of the Industrial Accidents Division's Electronic Data Interchange (EDI Claims) system continues. The project includes improved coding that establishes a foundation for processing "Subsequent Reports of Injury" as part of the Workers' Compensation system administered by the Division. This multi-year project provides long-term stability with current security standards and improved performance.
- ◆ The Labor Commission renewed its emphasis on modernizing its public website and other supporting IT technologies. The Labor Commission worked with each of its divisions to plan the design and implementation of a contemporary website that provides the agency's online services to customers and citizens in Utah in a logical and easy-to-use presentation. This effort will continue into FY 2018.





New Leadership

Several significant additions and promotions within the leadership of the Labor Commission occurred during FY2017.



Christopher C. Hill was appointed as the new Deputy Commissioner and General Counsel of the Labor Commission.

Mr. Hill completed his undergraduate degree at Utah State University, after which he graduated from the S. J. Quinney College of Law at the University of Utah. Mr. Hill's career in private practice focused mainly on construction litigation, general commercial litigation, real estate and collections work.

Prior to his appointment as Deputy Commissioner, Mr. Hill was Director of the Utah Occupational Safety and Health Division (UOSH).



Cameron Ruppe was named the Director of UOSH.

Mr. Ruppe earned a bachelor's degree in emergency services administration from Utah Valley University.

His career includes serving as a safety consultant for a variety of companies in several industries. He was an adjunct safety instructor at Uintah Basin Applied Technology College, and a safety analyst and safety coordinator for oil exploration and production companies.

Before becoming Director of UOSH, Mr. Ruppe was the Compliance Field Operations Manager for UOSH.



Phu Le joined the Labor Commission as director of its Administrative Services Division, where he manages the Labor Commission's budget and day-to-day finances.

Mr. Le was previously Administrative and Fiscal Manager of the Information Services Division for Salt Lake County and held a similar position with Tulare County in California. He is an economics graduate of the University of Utah.

Mission

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

Values

The Labor Commission's values are instilled in its programs, its relationship with the public it serves, its colleagues, and the community in general.

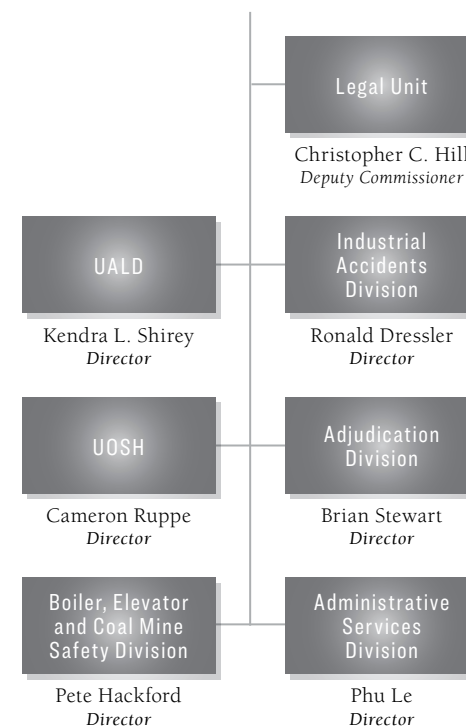
Each person has value and worth. Each individual the Labor Commission interacts with has a point of view that is important. For these reasons, individual lives and histories are respected and each person is treated equitably.

- ◆ The Labor Commission adheres to the statutes and regulations that govern its activities.
- ◆ The public interest is advanced by transparent and open processes.
- ◆ The Labor Commission owes the people of Utah the highest level of competency and service.
- ◆ Labor 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 Labor Commission.

Organization

Utah Labor Commission

Jacson R. Maughan *Commissioner*





2017 Workload Accomplishments



- ◆ The Adjudication Division issued 1,438 orders and 545 final decisions. It also conducted 176 evidentiary hearings and approved 598 settlement agreements.
- ◆ UOSH completed 2,072 interventions/inspections/visits (974 Compliance and 1,098 Consultation), improving safety in the workplace for more than 239,391 employees.
- ◆ The Industrial Accidents Division assessed workers' compensation insurance non-compliance penalties against 732 employers and collected \$1,338,028 in penalties.
- ◆ UALD's Employment Discrimination Unit investigated and mediated 563 cases and awarded \$1,047,245 to claimants, most of which came through settlement agreements. UALD's Fair Housing Unit opened 73 cases and investigated and mediated 63 cases to closure. UALD's Wage Claims Unit processed 1,992 claims and collected \$813,129 in unpaid wages on behalf of claimants.
- ◆ The Boiler, Elevator and Coal Mine Safety Division performed 25,170 safety inspections, administered 268 coal miner certification exams, and regularly visited every operating coal mine in the state.
- ◆ The Labor Commission's reception desk handled an average of more than 8,000 phone calls and walk-in visitors each month in FY2017 for an annual total of approximately 96,000 contacts.
- ◆ The Workplace Safety program awarded \$740,965 in workplace safety grants to 28 Utah businesses, community, and government organizations.

Labor Commission Budget Summary

Fiscal Year Ended June 30, 2017 with Comparative Totals for Year Ended June 30, 2016

Revenues:	FY 2017	FY 2016
General Funds	\$ 6,347,900	\$ 6,345,000
General Fund that was returned at the end of the year	(478,569)	(3,000)
Workplace Safety Fund	1,632,300	1,620,900
Unused Workplace Safety Fund appropriation that was returned	(2,159)	(489,000)
Industrial Accidents Restricted Account	3,720,800	2,923,200
Employers Reinsurance Fund	77,500	76,000
Federal Grants	2,785,204	2,845,000
Other	32,580	112,900
Total Revenues	\$14,115,556	\$13,431,000
Expenditures by Division:		
UOSH	\$ 3,921,112	\$ 3,836,600
UALD	2,217,543	2,032,600
Industrial Accidents Division	2,040,041	2,006,200
Boiler, Elevator and Coal Mine Safety Division	1,579,643	1,528,600
Adjudication Division	1,370,987	1,273,300
Workplace Safety Projects/Grants	720,845	625,200
Management, Administrative, Computer Support and Central Office Costs	2,265,387	2,126,500
Total Expenditures by Division	\$14,115,556	\$13,431,000
Expenditures by Type of Expense/Expense Category:		
Salaries & Benefits	\$10,278,731	\$10,018,600
Travel Costs	128,960	155,000
Data Processing	1,410,858	1,288,300
Other Operation Expenses	1,638,581	1,399,500
Pass-through Workplace Safety Grants	658,426	569,600
Total Expenditures by Type of Expense/Expense Category	\$14,115,556	\$13,431,000



Industrial Accidents Division



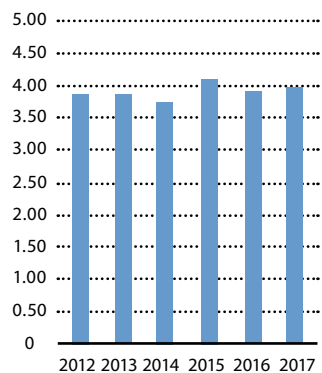
Overview

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 few exceptions, all employers must provide workers' compensation coverage for their employees.

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 Dressler, Director
(801) 530-6921
rdressler@utah.gov

2017 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 57,918 reported injuries
- ◆ Assisted 6,227 injured workers
- ◆ Held 706 dispute-resolution conferences

Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY2017, the Compliance Section assessed non-compliance penalties against 732 employers and collected \$1,338,028 in outstanding penalties for the Uninsured Employers Fund.

In FY2017, the waiver program received 7,684 applications and issued 6,853 waiver certificates.



Outreach

The Division conducted 11 educational sessions for stakeholders with an emphasis on new small businesses and assisting injured workers.

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 FY2017, the ERF paid \$13,958,264 in benefits to over 900 claimants.

Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. In FY2017, the UEF paid \$1,550,256 in benefits, which was more than offset by \$2,612,509 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 Labor 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 Antidiscrimination and Labor Division



Overview

The Division enforces employment discrimination and fair housing laws, as well as 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 rights and responsibilities under the laws enforced by the Division.

2017 Highlights

In FY2017, UALD's Wage Claim Unit processed 1,992 claims and collected \$813,129 in unpaid wages on behalf of claimants.

The Employment Discrimination Unit investigated and mediated 563 cases to closure. The amount awarded to claimants was \$1,047,245.

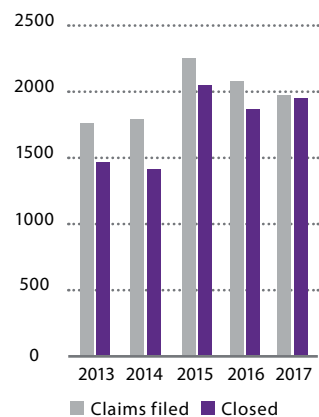
The Fair Housing Unit processed 73 cases, with 63 cases investigated and mediated to closure.

UALD conducted outreach activities at 258 educational events around the state, reaching about 5,200 people.

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 and Closed



Kendra L. Shirey, *Director*
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kshirey@utah.gov



Boiler, Elevator and Coal Mine Safety Division

Overview

The Division is responsible for enforcing state laws pertaining to boilers, pressure vessels, elevators, coal mine safety, and coal miner certification.

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. This office, assisted by its associated panel and advisory council, works to maximize safety in Utah's coal mines.

In addition, the Boiler, Elevator and Coal Mine Safety Division partners with the private sector for more than just safety inspections. There are two advisory boards for the boiler and elevator industry, a miner certification panel, and a mine safety technical advisory council. The Division relies on these entities to advise and assist in the Division's responsibilities and to provide advice and guidance in the Division's activities.

2017 Highlights

- ◆ Inspected 477 new elevators, 877 new boilers, and 1,391 new pressure vessels
- ◆ Performed a total of 25,170 inspections and issued 17,080 operating permits
- ◆ Administered 268 certification exams to coal miners

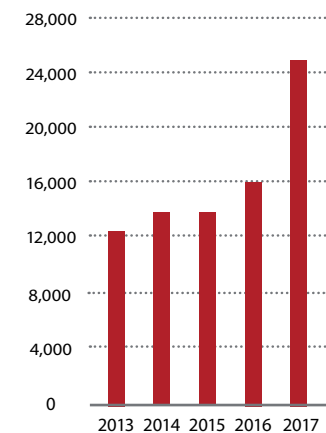
The Division will continue to focus on reducing the number of elevator units that are overdue for inspection while maintaining the other functions of the Division. The Division's Office of Coal Mine Safety conducted multiple visits to every coal mine in the state.



Mission

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

Number of Inspections Performed



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



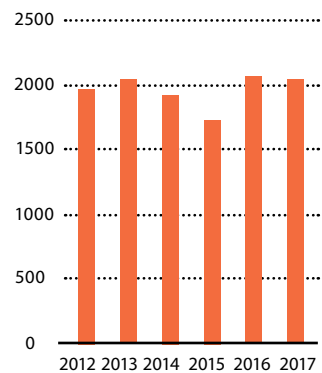
Utah Occupational Safety and Health Division



Mission

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

UOSH 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 1,396,668 employees and over 95,223 employers in Utah.

Cameron S. Ruppe, *Director*
(801) 530-6898
cruppe@utah.gov



2017 Highlights

Compliance

UOSH Compliance conducts safety and health inspections in general industry, construction, and public-sector facilities throughout the State of Utah.

During FY2017, UOSH Compliance:

- ◆ Conducted 1,098 safety and health inspections/interventions
- ◆ Issued 1,735 citations
- ◆ Evaluated safety and health conditions at work sites employing over 157,530 employees

Consultation

The UOSH Consultation Program provides on-site safety and health services, at no cost, to small/high-hazard businesses and public-sector agencies. UOSH Consultation helps employers to recognize hazards in the workplace and suggests options for correcting the hazards.

During FY2017, UOSH Consultation:

- ◆ Conducted 974 safety and health visits/interventions
- ◆ Identified 3,815 hazards
- ◆ Assisted employers in improving workplace safety and health for over 239,391 employees
- ◆ Trained approximately 2,879 workers from over 503 entities in industry and construction



Adjudication Division



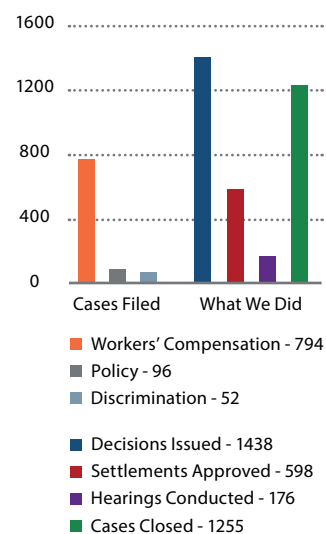
Overview

The Adjudication Division is responsible for adjudicating disputed workers' compensation claims. It does so in a fair and impartial manner to ensure 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, UOSH citations, and employers' workers' compensation insurance compliance penalties.

Mission

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

Adjudication Division 2017



Brian Stewart, Director
and Presiding Administrative
Law Judge
(801) 536-7928
brstewart@utah.gov

2017 Highlights

The Adjudication Division continues to make great strides in improving accountability, transparency, and professionalism. For cases filed in FY2017, the Division issued 84% of all final decisions within 60 days.

The Division also:

- ◆ Increased the number of cases closed. In FY2017, the Division closed 1,255 cases. In FY2016, the Division closed 1,197 cases.
- ◆ In conjunction with the Utah State Bar, sponsored the fourth-annual ALJ, Government and Administrative Law Conference, a full-day continuing legal education seminar for all administrative law judges in the state.
- ◆ Hosted the annual conference of the National Association of Administrative Law Judiciary, a gathering of 85 administrative law judges from around the United States for several days of continuing legal education seminars.

Legal Unit

Overview

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

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 Appeals Board are required to issue decisions on motions for review within 90 days of the date the motion is filed with the Labor Commission.

During FY2017, there were 97 motions for review filed with the Labor Commission. The Commissioner and/or Appeals Board issued decisions in all 97 of the 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 the Utah Supreme Court. The Legal Unit represents the Labor Commission in proceedings before these courts.

Legislative Issues

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

Rule-Making

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

Public Information

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

Mission

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

Christopher C. Hill, Deputy
Commissioner/General Counsel
(801) 530-6113
chill@utah.gov

Recognition

Labor Commission's Gary Gibson Receives 2017 Governor's Award for Excellence

The chief elevator inspector for the Boiler, Elevator and Coal Mine Safety Division at the Labor Commission was honored as the Labor Commission's recipient of the 2017 Governor's Award for Excellence.

Gov. Gary Herbert presented the award to Gary Gibson during a ceremony in May.

In nominating Mr. Gibson in the "leadership" category, the Labor Commission noted Mr. Gibson's accomplishments in carrying out directives to increase efficiency, perform higher quality inspections, and reduce the number of the 8,600 "active" elevators in the state that were overdue for inspections. Mr. Gibson's efforts cut by more than half the number of elevators that were overdue for inspections.

He is described by colleagues as an "unassuming" man who quietly went about carrying out his division's charge to apply appropriate engineering and inspection standards to ensure the public is not exposed to or harmed by defective or poorly maintained elevators, escalators, boilers, and pressures vessels.

Mr. Gibson retired from the State of Utah in August 2017. He worked for the state for 30 years, the latter 15 years with the Boiler, Elevator and Coal Mine Safety Division.



Commission Employee of the Quarter Awards

- ◆ Sara Danielson, *Administrative Services Division / 3rd Quarter, 2016*
- ◆ Mike Frost, *Boiler, Elevator and Coal Mine Safety Division / 4th Quarter, 2016*
- ◆ David Jensen, *Antidiscrimination and Labor Division / 1st Quarter, 2017*
- ◆ Connie Zaccheo, *Antidiscrimination and Labor Division / 2nd Quarter, 2017*



VPP Awards Program

The Voluntary Protection Program (VPP) is a Compliance Program that recognizes companies that have implemented effective safety and health management systems and maintain injury and illness rates below national averages for their respective industries. Awarding VPP status constitutes UOSH's official recognition of company management and employees who have achieved exemplary occupational safety and health success. In FY2017, one company achieved VPP status:

Smithfield Foods



SHARP Awards Program

The Safety and Health Achievement Recognition Program (SHARP) recognizes small employers that incorporate safety and health in every phase of their business and have an exemplary safety and health management system. In FY2017, one company completed the requirements to be considered a SHARP company:

Envirotech



Utah Arches Award

The Utah Arches Award for workplace safety and health excellence is presented to companies which exhibit excellence in workplace safety and health. In FY2017, three companies received this award:

Huetter Mill & Cabinet
Wadman Corporation
International Rollforms



Workplace Safety Grant Program Accomplishments

The Workplace Safety Grant Program is designed to support the development of safety initiatives in the workplace and reduce accidents.

The program is funded through assessments on workers' compensation premiums paid by Utah employers. Funds are appropriated by the Legislature to award grants for projects or initiatives designed to assist Utah employers and their employees through programs such as OSHA training, specialized safety initiatives, the development of resources for existing safety programs, and safety training between organizations.

In calendar year 2017, \$740,965 in Workplace Safety grants were awarded to 28 Utah businesses and organizations.

Here are some notable safety activities during the year made possible by Workplace Safety grants:

- ◆ The Utah Department of Public Safety planned and held its annual community safety fair to promote home and workplace safety.
- ◆ Valley View Granite stepped up workplace safety efforts at its warehouse in Tremonton, where previously there was only minimal attention given to worker safety programs.
- ◆ The Utah Manufacturers Association and Utah Mining Association held their joint annual safety conference, which included presentations on regulations related to occupational and mine safety and health.
- ◆ Cache Valley Transit District implemented technology to track safety statistics and reinforce safety goals.
- ◆ The Utah Safety Council helped increase the knowledge and skills of safety professionals in multiple companies through its "Safety Training Scholarship Program" so they can have a greater impact on reducing workplace safety incidents.

Darrell Kirby
Public Information Officer
Workplace Safety Grant Coordinator
(801) 530-6918
dkirby@utah.gov

Workplace Safety Poster Contest

The Labor Commission sponsors an annual Workplace Safety Poster Contest for Utah students to create artwork that promotes safety awareness for the state's future workforce. The contest is made possible by the Labor Commission's outreach program and money appropriated by the Legislature for the Workplace Safety Fund.

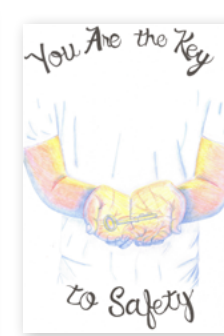
The poster contest is open to all middle and junior high school students, including those at charter and private institutions. Cash awards are given to student winners and additional awards are presented to their teachers for classroom use and to their schools for participating in the contest. There were 667 poster entries submitted in 2017.

The top 12 entries selected are included in the Labor Commission's annual safety calendar. In FY2017, 11,000 calendars were distributed to schools, businesses, and community organizations for the purpose of increasing workplace safety awareness.



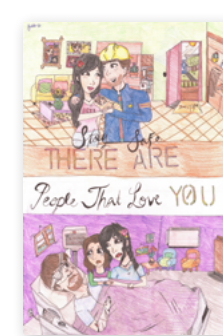
Grand Prize Winner

Leah Muhlestein
Centerville Jr High School
Centerville



Runner Up

Daniela Arroyo
Centerville Jr High School
Centerville



Runner Up

Judith Gandarilla
Rocky Mountain Middle School | Heber



Runner Up

Addie Shaw
Clayton Middle School
Salt Lake City



Advisory Boards and Councils

Appeals Board

- Patricia Abbott Lammi, J.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
- Ryan Nelson, Employers Council
- Richard J. Thorn, Associated General Contractors Utah Chapter
- M. Jeff Rowley, Salt Lake County Risk Management

Employee Representatives

- Reo Castleton, Unified Fire Authority
- K. Dawn Atkin, Law Firm of Atkin & Associates
- Brian Kelm, Law Office of Brian D. Kelm
- Brandon Dew, District Representative, Operating 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
- Eric Vanderhooft, M.D.
- Ron Nielsen, Utah Business Insurance Company

Legislative Liaisons

- Senator Karen Mayne
- Representative James Dunnigan

Mine Safety Technical Advisory Council

Voting Members

- Mike Dalpaiz, United Mine Workers of America
- Clark Atwood, Alton Coal
- Pratt Rogers, University of Utah
- Steven Childs, Skyline Mine
- John Byars, Arch Coal
- David W. Hibbs, Utah American Energy
- Mark Compton, Utah Mining Association
- Greg Funk, Emery County Sheriff's Department
- Dr. Kristine L. Pankow, University of Utah

- Kim McCarter, University of Utah
- Gary Leaming, Sufco Mine, Canyon Fuel Company
- Randy Mabutt, USU Eastern, Mining Department

Non-Voting Members

- Jaceson Maughan, 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
- Kirt Tatton, Dugout Mine
- Douglas Luke, Compliance Staffing Agency
- Clark Atwood, Alton Coal
- Fred C. Veater, SUFCO Mine
- Alan B. Robins, SUFCO Mine
- Justin Barrington, West Ridge Mine
- Larry Olsen, Skyline Mine

Boiler and Pressure Vessel Advisory Board

Members

- Val Oman, EP Energy
- Michael Shaw, Hartford Steam Boiler
- Greg Mason, Holly Frontier Refining
- Dean Wood, Intermountain Power Plant
- Mark D Callister, LDS Church
- Lynn Bishop, Lynn Inc.

Elevator and Escalator Advisory Board

Members

- Tom Whalin, Otis Elevator Company
- Todd Kodele, Carson Elevator Company
- Daniel Day, Brigham Young University
- 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 2016

Introduction

For convenience, this report has been incorporated with the Labor Commission's annual state Fiscal Year 2017 report. This report covers coal mining activities in the State of Utah during calendar year 2016.

Section 40-2-303 of the Utah Coal Mine Safety Act directs the 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 previous 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.

¹Though 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 of 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 or minders or which disrupts regular mining activity for more than one hour
10. A 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
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
1/25/2016	Skyline Mine	During the weekly examination, the examiner found a roof fall that was above the bolt anchor zone. This area was not an escape way, travel way, or roadway and it did not impede travel or affect ventilation.
4/18/2016	Skyline Mine	During an escape way drill, a crew found a four-foot high section of the roof had fallen in the secondary escape way.
10/28/2016	Lila Mine	At approximately 4 p.m., an accidental roof fall was discovered in the 3rd East Mains at XC-15 between the #4 and #5 entries (1st South Belt Line). The section was approximately 6-8 feet high, 20 feet long, and 19 feet wide.

II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act. Major activities in 2016 include:

- ◆ The Mine Safety Technical Advisory Council (MSTAC) held quarterly meetings in March, June, September, and December 2016.
- ◆ The OCMS director visited all operating coal mines in the state at least once per quarter to discuss safety-related issues.
- ◆ The OCMS director routinely visited training facilities that provide mine safety training throughout the state.



- ◆ OCMS also maintains a safety hotline that allows miners and mine operators to report any unsafe mining conditions. In 2016, there were no hotline calls to the OCMS.
- ◆ The OCMS director has also been active in the community and with various mining organizations. He attended the Utah Mining Association Annual Safety Conference in April 2016, UMA's convention in August 2016, participated in the annual Utah Mine Rescue competition in Price, Utah in June 2016 and attended Local Emergency Planning Committee meetings in Carbon, Emery, and Sevier counties.
- ◆ The OCMS director attended Mine Safety and Health Administration /Bureau of Land Management meetings in March, June, September, and December.
- ◆ THE OCMS director attended the Miners Memorial Dedication in Castle Dale in June 2016 and the Miners Memorial Satellite Dedication in Helper in August.
- ◆ The OCMS director attended a Utah State University Coal Symposium in Price in October.

III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS

There were no reports of unsafe conditions during 2016.

IV. RECOMMENDATIONS

The purpose of the OCMS 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 recommendation in furtherance of this goal.

Full-time OCMS director: The Labor Commission and the Mine Safety Technical Advisory Council recommend funding 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 2016, the OCMS continued its role as an ombudsperson for coal mine safety throughout Utah. In working with various federal and state entities, research and education organizations, emergency responders, the mining industry, and coal miners, OCMS strives to improve safety with limited resources and to fulfill the statutory intent of the Coal Mine Safety Act.





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