



# UTAH LABOR COMMISSION





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September 2020



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 FY2020. I also wish to thank Governor Herbert and the Utah Legislature for supporting the Labor Commission's efforts to serve the citizens of Utah.

2020 presented a number of unique challenges. During the week of March 16, the Labor Commission, like many employers, transitioned more than 95% of its employees into full- or part-time telework positions. The Labor Commission has long offered most of its services on its website, however many customers chose to appear in person at the Labor Commission to conduct their business. Beginning on March 16, however, the Labor Commission pushed customers to the website and encouraged customers to call with questions before coming in.

Despite this, Labor Commission personnel continued to provide high levels of service to the people of Utah, adapting quickly to the evolving pandemic and embracing their role in Utah's workplaces. Boiler and elevator inspectors continued onsite inspections of boilers, pressure vessels, elevators and escalators. Utah Occupational Safety and Health investigators continued to visit job sites to enforce workplace safety regulations and provide consultation services. Workers' compensation professionals assisted injured workers and enforced workers' compensation requirements. Adjudicative hearings and mediations were moved to video or telephone format and hearings were held and decisions issued in a timely manner. Claims of unpaid wages and workplace discrimination were investigated and resolved efficiently.

Even during the pandemic, Utah continues to lead the nation in many economic metrics. This thriving economy presents unique challenges for the Labor Commission, particularly under these unusual circumstances. The Labor Commission impacts every business in Utah, often in multiple ways. By implementing Governor Herbert's SUCCESS initiative, the Labor Commission continued to improve efficiencies in each of its divisions. Greater efficiencies led to improvement in the quality of services the Labor Commission delivers. Once again, the Labor Commission did so without requesting additional funding or personnel.

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 will continue to excel in meeting its obligations to the people of Utah.

Sincerely,

**Jaceson R. Maughan**  
Commissioner | Utah Labor Commission



## Technology

### Migration of the Labor Commission database from Sybase to SQL Server - Nov 16, 2019

The database used by each of the Divisions in Labor Commission was migrated from Sybase to SQL Server which eliminated a licensing risk with the database vendor. The new database went into production on November 16, 2019. This project culminated an effort which spanned over one year. Extensive testing was completed on every application in the Commission involving key individuals from each Division. Close tracking of issues found and their resolution resulted in a seamless transition with little or no impact to the user community. Once each area completed their testing, we received formal approval from the Division directors to “Go Live”. Not only was a licensing risk eliminated, we moved from local password management to full compliance with Active Directory credentials.

### Moved the Labor Commission public website from local hosting to the State’s AWS Cloud - Nov 22, 2019

The Labor Commission public website was completely rewritten from the ground up and is now hosted in the State’s Amazon Web Services (AWS) Cloud. The framework was developed by a third party vendor at which point DTS became involved by overseeing the development of functionality and content. The look and feel of the website is completely new and utilizes state of the art technology. Our DTS team worked closely with each Division to insure their material was presented in a way that was beneficial to our public constituents. The new website went live on November 22, 2019. It has been very well received and today it is one of the key components to the dissemination of labor related information.

### Enhanced EDI Claims Processing

We are now running our EDI Claims processing four times a day which includes FROI records (First Report of Injury), SROI records (Subsequent Report of Injury), and pre-production (vendor test) records. The cycles are fully automated and process 365 days a year. Once a claims file is processed, the file is encrypted and compressed for long term storage.

### Final rewrite of Java based applications

We are nearing completion on the final rewrite of the last Java based applications which is now focused on the Division of Boiler, Elevator and Coal Mine Safety’s Miner-Certification-Administration. This will complete a multi-year effort to move our technology stack onto a more secure, stable and robust framework. Part of the deliverable will include a completely new User Interface. This also resolves an audit finding based on the legacy application’s use of an outdated technology.





## New Leadership

A significant addition to the leadership of the Labor Commission occurred during FY2020.



**Aurora Holley** was named Director of the Adjudication Division for the Utah Labor Commission in August 2020.

Prior to her appointment, Judge Holley served as an Administrative Law Judge in the Adjudication division for thirteen years. Previous to her employment with the Labor Commission, Judge Holley served as counsel for a local insurance company in addition to positions with the University of Utah and the Department of Human Services.

Judge Holley earned her Juris Doctorate at the S.J. Quinney College of Law in 2004. Judge Holley earned a Master's Degree in Economics from the University of Utah in 2010.



## Mission

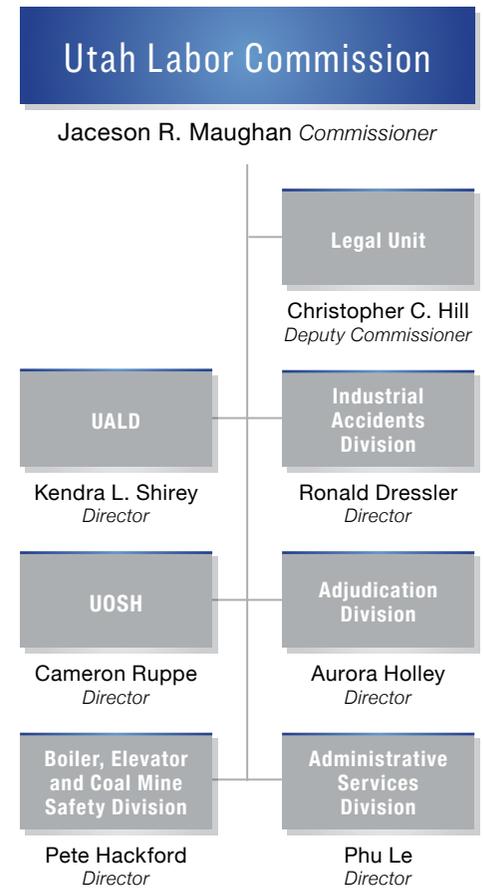
The mission of the Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

## 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 Labor Commission.

## Organization





## 2020 Workload Accomplishments



- The Adjudication Division issued 1,171 decisions. It also conducted 172 formal evidentiary hearings and approved 546 settlement agreements.
- The UOSH Division completed 1,915 interventions/inspections/visits, improving safety in the workplace for over 210,444 workers.
- The Industrial Accidents Division issued 632 non-compliance penalties and collected \$1,443,924 from non-compliant employers.
- The Utah Antidiscrimination and Labor Division's Employment Discrimination Unit investigated and mediated 694 cases and awarded \$1,219,452 to claimants. The Division's Fair Housing Unit opened 91 cases and investigated and mediated 80 claims to closure. The Division's Wage Claim Unit processed 2,234 claims and collected \$825,989 in unpaid wages on behalf of claimants.
- The Boiler, Elevator and Coal Mine Safety Division performed 24,805 safety inspections, administered 423 coal mining exams, and regularly visited every operating coal mine in the State.
- The Workplace Safety program awarded \$504,393 in 30 individual workplace safety grants to Utah businesses and community organizations.

## Labor Commission Budget Summary

Fiscal Year Ended June 30, 2019 with Comparative Totals for Year Ended June 30, 2020

Revenues:	FY 2019	FY 2020
General Funds	\$ 6,613,600	\$ 6,870,100
General Funds Returned	198	2,003
Workplace Safety	1,654,100	1,666,600
Unused WPS	393,943	446,171
Industrial Accidents Restricted Acct	3,658,700	3,620,000
ERF	78,900	83,500
Federal Grants	2,977,308	2,964,900
Other	18,148	33,400
<b>Total Revenues</b>	<b>\$15,394,898</b>	<b>\$15,686,674</b>
<b>Expenditures by Division:</b>		
TAA Labor Commission Administration	\$ 1,957,002	\$ 2,050,561
TAB Industrial Accidents	1,743,406	1,602,878
TAC Appeals Board	9,105	16,611
TAF Adjudication	1,507,310	1,589,979
TAG Boiler Elevator & Coal Mine Safety Division	1,712,489	1,821,179
TAH Workplace Safety	711,628	354,729
TAJ Antidiscrimination & Labor	2,334,795	2,343,739
TAK Utah Occup & Safety Division	4,032,317	4,061,521
TAL Building Operations & Maintenance	174,597	174,597
<b>Total Expenditures by Division</b>	<b>\$ 14,182,651</b>	<b>\$14,015,794</b>
<b>Expenditures by Type of Expense/Expense Category:</b>		
Salaries and Benefits	\$ 10,737,334	\$11,076,415
Travel Costs	105,924	83,483
Data Processing	1,362,599	1,334,885
Other Operational Exp	1,363,165	1,252,404
WorkPlace Safety Grants	613,629	268,606
<b>Total Expenditures by Type of Expense/Expense Category</b>	<b>\$ 14,182,651</b>	<b>\$14,015,794</b>



# Industrial Accidents Division



## Overview

The Division is responsible for administering Utah's 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.

## 2020 Highlights

### Claims 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 Section:

- Recorded **61,050** reported injuries
- Assisted **1,676** injured workers

### Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY2020, the Compliance Section issued **632** non-compliance orders and **\$1,443,924** in non-compliance penalties were collected for the Uninsured Employers Fund.

In FY20 the waiver program received **11,630** applications and issued **7,208** waiver certificates.

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



## Outreach

This division conducted 8 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 FY20, the ERF paid **\$12,536,249** in benefits to over **750** claimants.

## Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. In FY20, the UEF paid **\$2,524,659** in benefits, which was more than offset by **\$3,045,630.60** 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 laws.

### Mission

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

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.

### 2020 Highlights

In FY20 the Wage Claim Unit processed **2,234** claims and collected **\$825,989** in unpaid wages on behalf of claimants.

The Employment Discrimination Unit investigated and issued a determination in **297** cases.

The Division's Mediation Unit also conducted **397** mediations in employment discrimination cases.

In total, the Division facilitated the award of a **\$1,219,452.00** to claimants.

Finally, the Employment Division closed **58.47%** of employment discrimination cases within 180 days of when the case was filed. This is a **17%** increase in the percentage of cases closed within 180 days over FY19.

The Fair Housing Unit processed **91** new claims, with **80** cases investigated and/or mediated to closure.

UALD conducted outreach activities at **361** educational events around the state, reaching **11,674** people.

**Kendra Shirey**, Director  
(801) 530-6921  
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, escalators, coal mine safety and coal miner certification.

The Division 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, the Division relies on these entities to advise and assist in the Division's responsibilities and to provide advice and guidance.

### 2020 Highlights

- Inspected **417** new elevators, 890 new boilers and 1,175 new pressure vessels
- Performed a total of **24,805** inspections and Issued **16,604** operating permits
- Administered **423** certification exams to coal miners
  - The Division's Office of Coal Mine Safety conducted multiple visits to every coal mine in the state in FY2020.

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.

### Mission

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

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



# Utah Occupational Safety and Health Division



## Overview

The Utah Legislature enacted the Utah Occupational Safety and Health Act in 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 **1,522,690** employees and over **106,639** employers in Utah.

## Mission

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

## 2020 Highlights

### Compliance

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

During FY2020, UOSH Compliance:

- Conducted **1,207** safety and health inspections/interventions
- Issued **1,781** citations (This means single violative conditions found in the 1,207 inspections/interventions above).
- Evaluated safety and health conditions at work sites employing over **153,346** employees.

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



### Consultation

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

During FY2020, UOSH Consultation:

- Conducted **708** safety and health visits/interventions
- Identified **2,759** hazards
- Assisted employers in improving workplace safety and health for over **57,098** employees
- Trained approximately **1,051** workers from **367** entities in general 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, wage disputes, UOSH citations, and workers' compensation insurance compliance penalties.

### Mediation Section

This section assists injured workers, employers and insurance carriers in resolving workers' compensation disagreements.

#### During the last year the Mediation Section:

Performed **114** mediations  
**83** mediations (**73%**) resolved

## 2020 Highlights

The Adjudication Division continues to make great strides in improving accountability, transparency and professionalism. For cases filed in FY2020, the Division issued **92%** of all final decisions within **60** days.

#### The Division also:

Continues to complete cases in a timely manner, closing a total of **954** cases in FY2020.

Continued mandatory quarterly training for Medical Panel Chairs  
Increased its practice to include wage claims.

## Mission

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

**Aurora Holley**, Director  
& Presiding Administrative  
Law Judge  
(801) 530-6865  
auraraholley@utah.gov

# 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, rulemaking, 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 **FY2020**, there were **129** motions for review filed with the Labor Commission. The Commissioner and/or Appeals Board issued decisions on **126** of the **129** motions within **90** days of the date the motion was filed for a **97.6%** compliance rate.

### 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 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 Utah Labor Commission.

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



## Governor's Award for Excellence

EDI Claims Implementation Team, comprised of members of the Industrial Accidents Division's Quality and Support Team and DTS's EDI Development Team Receive Governor's Award for Excellence.

The EDI Claims Implementation Team completed the SROI (*Subsequent Report of Injury*) mandatory filing by the workers' compensation insurance carriers to the Labor Commission in July 2019. This effort was the final leg of a multi-year project that included migration of FROI (*First Report of Injury*) and SROI processes. EDI stands for Electronic Data Interchange and this project exemplified the goal of moving from paper-based claim forms to electronic submission of claims data. Before project completion, the Industrial Accidents Division processed about 132,000 statutorily required paper forms each year. The EDI process replaces approximately 75% of the Division's required forms.

The reporting acceptance rate (quality measure) resulting from the Implementation Teams efforts through collaboration with the insurance carriers and internal technology enhancements has increased by 20.46% from 2013 to 2019 while the number of reports received increased by 462%. (*Report number increase reflects additional reports becoming available in EDI format and an increase in insurance carriers becoming compliant with the reporting requirements, not an increase in injury rates.*)

Aided by the new data that became available through EDI, the Claims staff can now focus on assisting injured workers in informal dispute resolution, potentially reducing the time and costs associated with adjudication, investigation compliance, and participating in outreach opportunities in place of manually processing paper claim forms. Additionally, there are benefits realized by our EDI Claims trading partners, the Utah Workers' Compensation insurance carriers, and self-insured employers. This includes improved performance, time savings, cost savings, increased accuracy, and enhanced flexibility in the reporting process.

**The EDI Claims Implementation Team members are:** Erin Hanson, Verolinda Granados, Gina Spjut, Cody Daniel, Judd Houser, Greg Parkinson, James Stevenson, and Todd Duvall

The Labor Commission would like to recognize the EDI Claims Implementation Team in its excellent work to better serve the public and improve the workers' compensation system.



# Public Sector Local Emphasis Program (LEP) Update

In **2017**, UOSH ascertained that while nearly **15%** of the employees in the state of Utah were employed in the public sector, only **1.54%** of the UOSH inspections at that time covered those employees.

Local Emphasis Programs (LEPs) for both the construction and manufacturing industries had been implemented in 2014 to increase UOSH exposure to those industries and better protect employees from common hazards. Because of the success in those LEPs, and in order to better serve public sector employees, UOSH implemented an LEP to address hazards specific to public sector workplaces.

In **FY2019**, UOSH did **1,040** total compliance inspections, and nearly **7%** (72) occurred in the public sector as a result of this LEP. UOSH expects this number to continue to climb to better reflect the number of employees in Utah's public sector workplaces.

In **FY2020**, UOSH did **947** total Compliance Inspections, and nearly **5.5%** (53) occurred in the public sector as a result of this LEP.

<b>StateFY 17</b>	<b>(85 Total Interventions)</b>	<b>StateFY 19</b>	<b>(219 Total Interventions)</b>
<b>Compliance:</b>	Inspections - 15 Compliance Assistance - 2	<b>Compliance:</b>	Inspections - 72 Compliance Assistance - 10
<b>Consultation:</b>	Visits - 32 Compliance Assistance - 36	<b>Consultation:</b>	Visits - 86 Compliance Assistance - 51
<b>StateFY 18</b>	<b>(205 Total Interventions)</b>	<b>StateFY 20</b>	<b>(130 Total Interventions)</b>
<b>Compliance:</b>	Inspections - 55 Compliance Assistance - 2	<b>Compliance:</b>	Inspections - 53 Compliance Assistance - 10
<b>Consultation:</b>	Visits - 60 Compliance Assistance - 88	<b>Consultation:</b>	Visits - 24 Compliance Assistance - 43





# Workplace Safety Grant Program Accomplishments

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

This 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.

For the calendar year 2020, \$504,393 was provided in 30 individual and unique workplace safety grants to local businesses and organizations.

### Below are some of the programs most notable projects during this fiscal year:

Allocated grant funds to the Utah Building and Construction Trades Council to fund safety training and certifications to nearly 5,000 members and workers on a variety of topics including First Aid, Fall Protection, Heavy Equipment, Aerial Lift and Crane safety certifications.

Funded workplace safety training programs for the restaurant/food service industry through the Utah Restaurant Association that provides operators with access to high quality trainings that cover a wide variety of safety subjects. In addition, the program also provided grant funds for the Pro Start culinary program which trains, tests, and certifies hundreds high school students in preventing burns, slips, falls, cuts and lifting injuries in the workplace.

Approved funding for Alliance Community Services 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-Proficient (LEP) communities.

Approved grant funds to Utah Women in the Trades to fund safety training specifically applicable to female construction workers to create a safer workplace for women in construction.

**Eric Olsen,**  
Public Information Officer  
(801) 530-6918  
eolsen@utah.gov

# Workplace Safety Poster Contest

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

The poster contest is currently open to all middle and junior high schools across the State of 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. The theme for the FY2020 poster contest was "Safety is a Choice". This year, even with schools closing due to COVID-19, the school poster contest received nearly 1,000 entries.

The top 12 entries selected are included in the Labor Commission's annual safety calendar. In FY 2020, 5,000 calendars were distributed to schools, businesses, and community organizations for the purpose of increasing workplace safety awareness.



## Grand Prize Winner

Jaimes Robinson  
Shoreline Jr High School



## 1st Runner Up

Jaeda Sanna  
Diamond Fork Jr High School



## 2nd Runner Up

Miguel Mendiola  
Centerville Jr High School



## 3rd Runner Up

Lexie Jones  
Centerville Jr High School



## Advisory Boards and Councils

### Appeals Board

- Kathy Bounous, *J.D., Chair*
- Monica Whalen, *J.D.*
- Erik Strindberg, *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, *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*
- Brandon Dew, *District Representative, Operating Engineers Local Union #3*
- William Brandt Goble, *Painters and Tapers Union Local 77*

#### Nonvoting Members

- **Senator** Karen Mayne
- **Representative** James Dunnigan
- Ray Pickup, *Workers Compensation Fund of Utah*
- Todd Kiser, *Utah State Insurance Commissioner*
- Eric Vanderhooft, *M.D.*
- Ron Nielsen, *Utah Business Insurance Company*

### Mine Safety Technical Advisory Council

#### Voting Members

- Mike Dalpaiz, *United Mine Workers of America*
- Steven Childs, *Skyline Mine*
- Clark Atwood, *Coal Hollow Mine*
- John Byars, *SUFCO Mine, Canyon Fuel Co.*
- Matt Efaw, *Utah American Energy*
- Brian Somers, *Utah Mining Association*
- Greg Funk, *Emery County Sheriff's Department*
- Pratt Rogers, *University of Utah*
- Dr. Kristine L. Pankow, *University of Utah*
- Kim McCarter, *University of Utah*
- Danny Viers, *SUFCO Mine, Canyon Fuel Company*
- Randy Mabbutt, *USU Eastern, Mining Department*
- Lindsey Matelko, *Castleview Hospital*

#### Non-Voting Members

- Jaceson Maughan, *Commissioner, Utah Labor Commission*
- Steve Salas, *Utah State Department of Public Safety*
- John Baza, *Utah State Department of Natural Resources*

### Utah Miner Certification Panel

#### Members

- Brett Allred, *SUFCO Mine*
- Wendell H. Christensen, *Lila Canyon Mine/Bruno Engineering*
- Fred C. Veater, *SUFCO Mine*
- Brandon McArdle, *Castle Valley Mine*
- Clark Atwood, *Coal Hollow Mine*
- Douglas C. Luke, *Castle Valley Mine*
- Justin T. Barrington, *Lila Canyon Mine*
- Chase Behling, *SUFCO Mine*





# Comprehensive Report of the Status of Coal Mine Safety in Utah / Calendar Year 2019

## Introduction

For convenience, this report has been incorporated with the Labor Commissions annual State Fiscal Year 2020 report; however, this section of the report covers coal mining activities in the state of Utah during calendar year 2019.

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;<sup>1</sup> **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.

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<sup>1</sup>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 of 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 or 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 noOt at the mine at the time the event occurs



### I. SUMMARY OF COAL MINE ACCIDENTS/EMERGENCIES

Date	Mine	Accident or Emergency
06/28/2019	Skyline Mine	Roof fall above the anchor zone in the intersection of Mine 5 Lower O’Conner B Seam Cross Cut-204 in the #2 Entry. Fall occurred during a production shift.
07/29/2019	Bronco Utah, Emery Mine	A fall occurred in 1st Right – Cross Cut 10 between entries #5 and #6. It was approximately 18 Feet Wide by 60 Feet Long with 2 Feet to 7 Feet of top falling. No one was injured or entrapped. No ventilation was interrupted. The fall was Dangered – Off and timbers were installed to prevent access. The Roof Bolts anchored below a 1 Foot thick rock band that appears to have failed due to water saturation.
10/04/2019	Skyline Mine	A three way intersection in the primary escape way of the 4 Right Long Wall section caved above the roof bot anchor zone.

### II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act. Major activities in 2019 include:

- The Mine Safety Technical Advisory Council (MSTAC) held quarterly meetings in March, June, September, and December 2017.
- 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 2017, 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 2017, participated in the annual Utah Mine Rescue competition in Price, Utah in June, attended UMA’s convention in August and attended all Local Emergency Planning Committee meetings in Carbon, Emery, and Sevier counties.

### III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS

There are no recommendations for the coming year.

### IV. RECOMMENDATIONS

There are no recommendations for the coming year.

### CONCLUSION

During calendar year 2019, the OCMS continued its role as an ombudsperson for coal mine safety throughout the State of 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.



### Salt Lake City Office

Heber Wells Office Building, 160 East 300 South, 3rd Floor | PO Box 146600  
Salt Lake City, Utah 84114-6600

### St. George Office

Blackridge Terrace Office Building 1, Suite 304  
1173 South 250 West, St. George, Utah 84770

### Price Office

Utah State University Eastern, Western Instructional Building  
451 East 400 North, Rooms 135 and 137, Price, Utah 84501

(801) 530-6800

Toll free instate: (800) 530-5090 | [laborcommission.utah.gov](http://laborcommission.utah.gov)

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