

Annual Report

Utah Labor Commission

2013

For the Fiscal Year Ended June 30, 2013



Table of Contents

Commissioner's Message.....	3
Major Labor Commission Initiatives.....	4
2013 Workload Accomplishments.....	5
Mission.....	6
Our Values.....	6
Organizational Chart.....	6
Budget Summary.....	7
Divisions	
Antidiscrimination & Labor Division (UALD).....	8
Industrial Accidents Division.....	10
Utah OSHA Division.....	12
Boiler, Elevator & Coal Mine Safety Division.....	14
Adjudication Division.....	16
Legal Unit.....	18
WPS Safety Awards.....	19
Awards & Honors.....	20
Workplace Safety Grant Program Accomplishments.....	22
Workplace Safety Poster Contest.....	22
Members of Advisory Boards and Councils.....	23



November 2013

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 2013 annual report and to thank the Governor and the Utah Legislature for your support of our efforts to serve the people of Utah.

The Commission has implemented Governor Herbert's process improvement strategies and are believers in the process for ongoing improvement. The SUCCESS framework provides the methods and tools to reach the Governor's goal of 25% improvement in four years.

As Utah's economy continues to grow stronger, the Labor Commission will focus its efforts on efficiency in the delivery of services while maintaining accuracy and quality in serving the needs of Utah's employers and employees.

The Labor Commission is committed to the highest level of professional service for the people of the State of Utah.

Sincerely,

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

Major Labor Commission Initiatives



SUCCESS FRAMEWORK

Governor Herbert has asked state agencies to undertake a thorough review of processes in order to improve quality and efficiency. The goal is successful, continuous improvement to state government operations to maintain Utah's standing as the best managed state in the nation. The target is a 25% improvement in state government operations over the next four years as measured by a combination of quality, cost and throughput (*the rate at which a system can produce its service or product*).

All of the Divisions are implementing process improvement strategies.

TECHNOLOGY

The Commission continues to give high priority to computer projects that can result in more accurate information; improve response times; and allow citizens to file and check the status of cases/complaints on-line. Some of the projects have reached important milestones since the end of fiscal 2013. These include:

- ▶ Wage Claim forms can now be filed on-line and other forms are scheduled for the near future
- ▶ A new Utah OSHA case management system was completed, and additional enhancements are being implemented
- ▶ The Industrial Accidents Division's EDI project to accept injury information electronically reached a milestone, and the next phase of the project is in process
- ▶ Using social media to communicate with the citizens of the state

2013 Workload Accomplishments

(Additional information can be found in the reports from the Divisions)

- ▶ The Industrial Accidents Division is responsible to monitor compliance with Workers Compensation insurance laws. Their work resulted in over \$2,065,000 collected for the Uninsured Employers' Fund from companies they identified as not complying with the law.
- ▶ The Wage Claim Unit collected \$799,696 in unpaid wages to benefit claimants.
- ▶ The Employment Discrimination Unit dramatically reduced the number of active cases over 450 days. In FY2012, 3% of its cases were older than 450 days. As of July 1, 2013, this number was reduced to 1%.
- ▶ The Fair Housing Unit processed 56 claims, closing 71% within 100 days.
- ▶ Boiler, Elevator and Coal Mine Safety Division performed over 24,000 inspections of elevators, escalators, boilers and pressure vessels.
- ▶ Utah OSHA Division completed 2,067 (Compliance/Consultation) interventions improving safety in the workplace for over 318,000 workers.
- ▶ The Labor Commission awarded \$209,500 in grants to 16 organizations for workplace safety programs.
- ▶ The Adjudication Division issued 830 orders and 260 final decisions. It also conducted 294 formal hearings and approved 353 settlement agreements.
- ▶ Utah's Appellate Courts completed review of Labor Commission decisions in 6 separate appeals. The courts affirmed the Commission's decision in 4 of those cases, dismissed one, and reversed and modified another.



Jaceson Maughan *has been appointed as the new Deputy Commissioner and General Counsel for the Utah Labor Commission.*

Mr. Maughan is a graduate of the S.J. Quinney College of Law at the University of Utah, and is a member of the Utah State Bar. Prior to his appointment, Jaceson worked as legal counsel for the Department of Workforce Services and as an Assistant Attorney General with the Attorney General's Office, where he represented the State of Utah in the recovery of Medicaid funds, condemnation actions, and child support issues.

During his career Mr. Maughan also worked as an associate for the law firms Bostwick & Price, PC, and Olsen, Skoubye, and Nelson, LLC, where his practice focused primarily on construction litigation, workplace health and safety issues, and property matters. He began his career with the State of Utah as a youth counselor with the Division of Juvenile Justice Services prior to attending law school. *"I welcome the opportunity to serve the citizens of Utah and to strengthen the Commission's role in ensuring the health and well-being of our state's economy and its workforce."* Mr. Maughan said. *"My goal is to ensure the Commission maintains the public's trust and is fair, open, and transparent in its practices."*



Our Mission

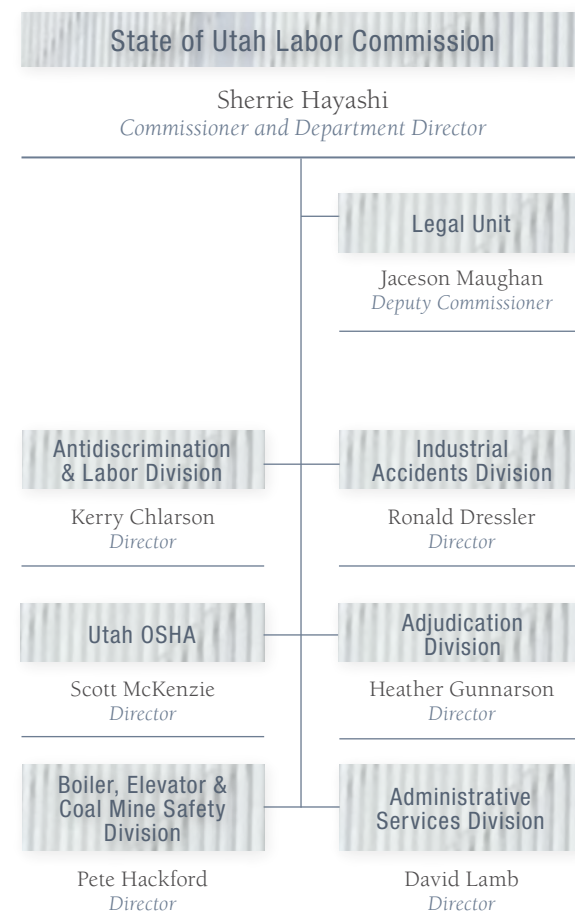
The mission of the Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

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 - FY2013

Fiscal Year Ended June 30, 2013 with Comparative Totals for Year Ended June 30, 2012

Revenues:	FY 2013	FY 2012
General Funds	\$5,527,600	\$5,426,300
General Fund that was returned at the end of the year	-4,300	-4,300
Workplace Safety Fund	1,573,200	1,563,600
Lapsed because it was greater than the amounts collected by the fund	-562,700	-488,300
Industrial Accidents Restricted Account	2,536,400	2,555,700
Employers Reinsurance Fund	73,600	73,600
Federal Grants	2,858,600	3,006,400
Miner Certification	11,800	19,500
Total Revenues	\$12,014,200	\$12,152,500

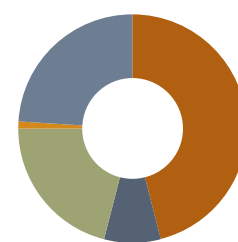
Expenditures:

By Division:

Utah OSHA	\$3,625,500	\$3,798,700
Antidiscrimination/Labor Division	1,887,600	1,695,200
Industrial Accidents Division	1,547,600	1,531,900
Boiler, Elevator and Coal Mine Safety Division	1,334,700	1,297,500
Adjudication Division	1,123,500	1,166,400
Workplace Safety Projects/Grants	616,300	710,800
Management, Administrative, Computer Support & Central Office Costs	1,879,000	1,952,000
Total Expenditures by Division	\$12,014,200	\$12,152,500

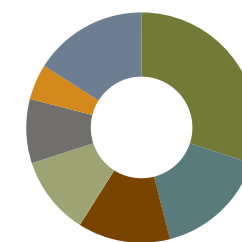
By Expense Category:

Salaries & Benefits	\$9,273,700	\$8,984,700
Travel Costs	82,400	85,200
Data Processing	990,300	1,201,800
Other Operating Expenses	1,125,300	1,189,200
Pass Through Workplace Safety Grants	542,500	691,600
Total Expenditures by Expense Category	\$12,014,200	\$12,152,500



Revenues (percent of total)
Fiscal Year Ended June 30, 2013

46%	General Funds
8%	Workplace Safety Fund
21%	Industrial Accidents Restricted Account
1%	Employers Reinsurance Fund
24%	Federal Grants



Expenditures (percent of total)
Fiscal Year Ended June 30, 2013

30%	Utah OSHA
16%	Antidiscrimination/Labor
13%	Industrial Accidents
11%	Boiler, Elevator & Coal Mine Safety
9%	Adjudication
5%	Workplace Safety Projects Grants
16%	Management, Administration, Computer Support & Central Office Cost (DTS & DHRM)

Mission

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

Kerry L. Chlarson,
Director

(801) 530-6921
kchlarson@utah.gov

Utah Antidiscrimination & Labor Division (UALD)

Overview

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

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

2013 Highlights

Employment Discrimination Unit:

- ▶ Responded to 7,476 public inquiries;
- ▶ Collected \$535,619 in damages;
- ▶ Conducted free antidiscrimination training for approximately 1,000 people, including hundreds of high school seniors entering the work force;
- ▶ Held a stakeholders' meeting on October 24, 2012 with 50 people attending.

Fair Housing Unit:

- ▶ Responded to 587 public inquiries;
- ▶ Conducted 31 settlement conferences;
- ▶ Closed 56 claims;
- ▶ Provided free training for nearly 500 tenants, landlords and other housing providers on housing discrimination laws;
- ▶ Held a stakeholders' meeting in January 22, 2013 with 50 people attending.

Wage Claim Unit:

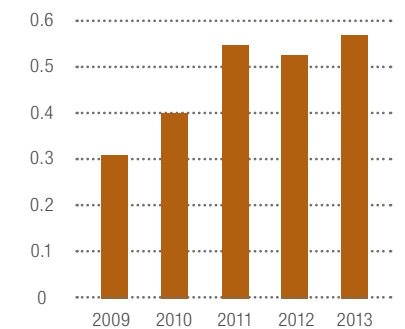
- ▶ Responded to over 31,600 public inquiries regarding wage and other employment law questions;
- ▶ Collected unpaid wages and fees totaling \$799,696;
- ▶ Reduced the average length of time a wage claim is open by 7%.
- ▶ Conducted 184 administrative hearings and 279 settlement conferences;
- ▶ Closed 1,449 cases; and
- ▶ Provided free training on wage laws to 53 small business owners.



Examples of service provided by the Division:

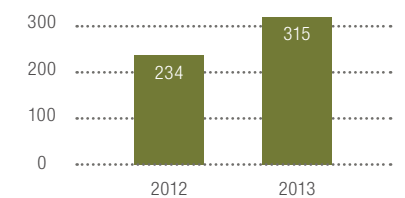
- ▶ Working with the Utah Attorney General's office, the Division's investigations resulted in the first criminal prosecution and sentencing of an individual for failing to pay wages to employees. The case involved over \$2 million in unpaid wages filed with the Utah Labor Commission by 95 employees. The president of the company was sentenced to 18 months in jail and a fine of over \$500,000.
- ▶ The Fair Housing Unit received a grant for \$62,370 from the U.S. Department of Housing and Urban Development to partner with the Disability Law Center in a training and testing project related to fair housing in Utah. The Law Center conducted a total of 124 fair housing tests along the Wasatch Front. They found 12 instances of disparate treatment.
- ▶ 124 tests were conducted examining if discriminatory housing practices based upon race, disability, familial status, or national origin were being utilized by housing providers. 105 of these 124 tests (85%) showed no sign of discriminatory practices being used by the housing provider. Ten cases have been filed with the Division based on the tests that did reveal discriminatory practices.
- ▶ The Disability Law Center also conducted twelve training sessions in rural communities on Fair Housing topics.
- ▶ In two religious discrimination cases handled by UALD this year, and as part of our resolution process, the employer agreed to provide training to its supervisors as to religious accommodation and how to effectively report and resolve complaints of sexual harassment. At the conclusion of these cases, both parties expressed their appreciation to UALD for not only resolving the issue but raising awareness of the issues in the workplace.

Employment Discrimination
Mediation Success Rate



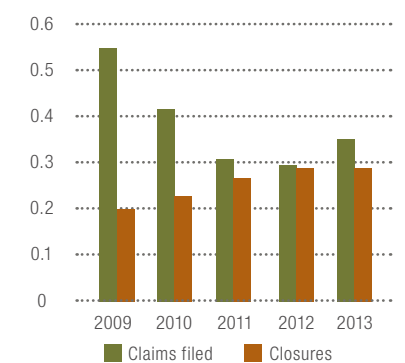
Represents the percentage of cases successfully resolved through mediation, avoiding investigation and a written decision by the Division. Mediation efforts allow the division to handle more claims and reduce the time to resolve the claim, resulting in substantial savings and efficiencies.

Wage Claim Settlements

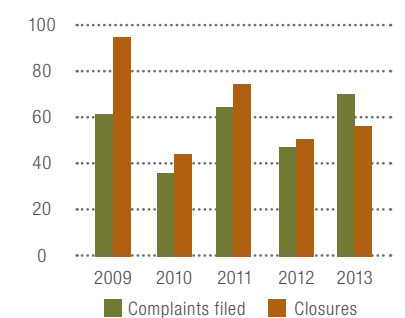


This chart shows a large increase in settlements (mediation and other settlements) during the past year. Settling cases saves time and costs to the claimants, employers and the Labor Commission.

Wage Claim Unit
Claims Filed & Closures



Fair Housing Complaints
Filed & Closures



More cases were filed in 2013 than any year since 2009

Mission

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

Ronald L. Dressler,
Director

(801) 530-6841
rdressler@utah.gov

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

2013 Highlights

Claims and Mediation Section

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

- ▶ recorded 51,325 reported injuries,
- ▶ assisted 11,345 injured workers and
- ▶ held 583 dispute-resolution conferences.

Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY 2013, the compliance section assessed non-compliance penalties against 621 employers and collected \$2,067,842 in outstanding penalties for the Uninsured Employers Fund. The Compliance Section has also assumed responsibility for issuing workers' compensation coverage waivers.

Outreach

This section and the Compliance Section conducted 14 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 2013, the ERF paid \$16,233,266 in disability benefits to 1,164 injured workers.

Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. During FY 2013, the UEF paid \$1,448,094 in benefits, which was more than offset by \$2,579,994 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.

New Workers' Compensation Waiver Program

The Workers' Compensation Act and the Insurance Code allow the issuance of a "Workers' Compensation Coverage Waiver" to qualified partners of a partnership, officers of a corporation, or owner of a sole proprietorship, that do not have employees. The waiver acts as a declaration of non-coverage and is typically used by independent contractors who hire out their services to employers. During the 2011 legislative session Senator Mayne's S.B. 191 transferred the responsibility of processing and issuing these waivers from private insurance carriers to the Labor Commission, effective July 1st, 2011. During FY 2013 the newly formed waiver program issued 5,422 waiver certificates.

Electronic Data Initiative

During 2013, the Industrial Accidents Division converted almost 10,000,000 workers' compensation injury documents from 2,266 rolls of microfilm to digital images. This is a part of a program to convert these types of documents to an electronic database, and it consists of two parts:

- ▶ Historical documents – microfilm conversion, which is now complete
- ▶ Current and future documents – to be received in electronic format
(this project is being completed in several stages)

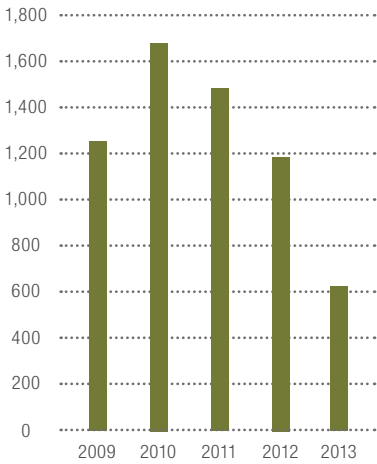
Labor Statistics

The Labor Statistics Unit collects data on work-related fatalities, injuries and illnesses in order to: 1) provide statistical analysis; 2) identify industries with high rates of occupational injury or disease; and 3) measure the impact of Utah OSHA efforts to reduce workplace injuries and illnesses.



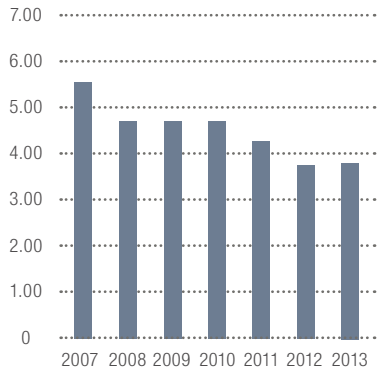
Some of the microfilm cassettes that were converted to electronic images during 2013.

Number of Penalties Issued



The Industrial Accidents Division monitored workers' compensation coverage for over 80,000 Utah employers in fiscal year 2013 and issued penalties for those found not compliant.

WC Injuries per 100 Workers in Utah



Mission

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

Scott McKenzie,
Director
(801) 530-6898
smckenzie@utah.gov

Utah OSHA Division

Overview

The Utah Legislature enacted the Occupational Safety and Health Act of 1973 to provide for the safety and health of Utah’s workers and to establish a state plan with occupational safety and health standards equivalent to federal OSHA standards. On July 16, 1985, federal OSHA recognized that Utah’s occupational safety and health program as being “as effective as” the federal program and relinquished authority over occupational safety and health in Utah to Utah OSHA. Through the three work units described below, Utah OSHA now exercises jurisdiction over 1,180,000 employees and over 83,000 employers in Utah.

2013 Highlights

Compliance

Utah OSHA Compliance conducts safety and health inspections in manufacturing, construction, private and public sector facilities throughout the State of Utah. Inspection activity can be triggered by accidents or complaints of an unsafe or unhealthy working condition, or through an emphasis plan that focuses on high-hazard industries such as oil and gas, grain facilities and primary metals. Machine guarding and lockout/tagout is also part of an emphasis plan where Utah OSHA Compliance conducts inspections at industries where machinery and the potential for machine related injuries exist. The development and implementation of Utah OSHA’s emphasis plans is an ongoing effort by Utah OSHA to be proactive in identifying workplace hazards and in preventing serious disabling injuries.

During FY 2013, Utah OSHA Compliance:

- ▶ Conducted 944 inspections/interventions;
- ▶ Issued 1,745 citations; and
- ▶ Evaluated safety and health conditions at work sites employing over 175,000 employees.



Consultation

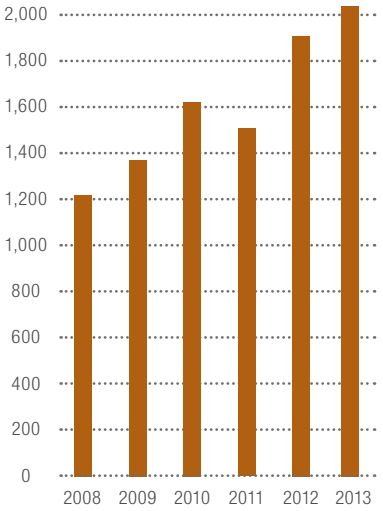
Utah OSHA Consultation Program provides on-site safety and health services, at no cost, to small/high-hazard businesses. The Utah OSHA Public Sector Consultation Program provides on-site safety and health services, also at no cost, to public sector agencies. These Consultation Programs can help employers to recognize hazards in the workplace and suggest options for correcting the hazards.

Consultation provided outreach and training in the following high-hazard emphasis industries: nursing homes, bridge and highway construction, oil and gas, and public sector.

During FY 2013, Utah OSHA Consultation:

- ▶ Conducted 1,123 safety and health interventions;
- ▶ Identified 1,825 hazards;
- ▶ Assisted employers in improving workplace safety and health for over 143,000 employees; and
- ▶ Trained approximately 240 workers from over 100 entities in industry and construction courses.

Utah OSHA Interventions



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

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 employs ten Boiler/Pressure Vessel and Elevator Inspectors, one Coal Miner Certification Official, one part time Coal Mine Safety Director, one part time Office Specialist, one Senior Business Analyst and a Division Director to inspect the State's boilers, pressure vessels, elevators and to administer the coal mine safety program. The inspection fees generated by the Division are deposited into the State's general fund where they pay for the state's appropriations for the Division's operating expenses. The Division maintains an office in Price, Utah, housing the State's program for Coal Miner Certification and the Office of Coal Mine Safety; these offices, assisted by their associated panel and council, work to maximize safety in Utah's coal mines.

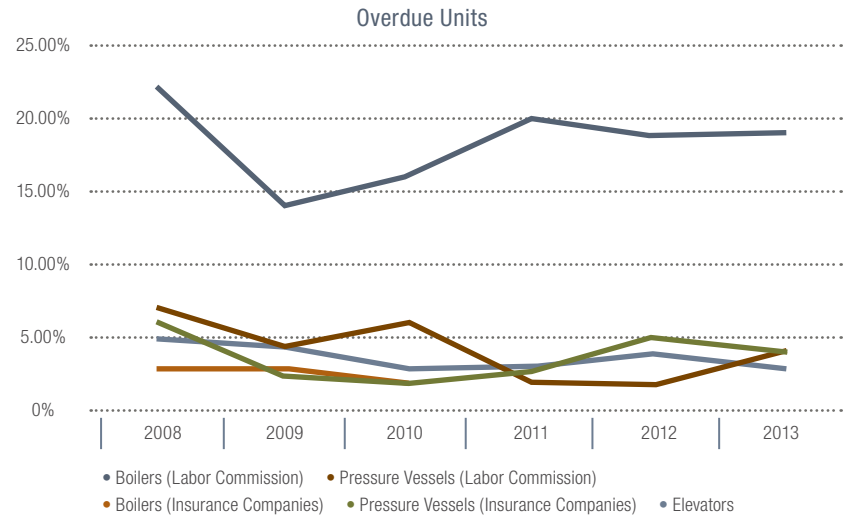
2013 Highlights

- ▶ Inspected 483 new elevators, 1,025 new boilers and 1,390 new pressure vessels;
- ▶ Performed 22,723 total inspections;
- ▶ Issued 16,072 operating permits;
- ▶ Administered 337 certification exams to coal miners;
- ▶ Received over 1,758 online payments since the implementation of the online pay system. This was a 16% increase over the prior year, and
- ▶ Finished an online program for Miner Certification, requiring applicants to apply and pay for their application online; and allowing office staff to review all applications electronically, which virtually eliminates the need for paper files.

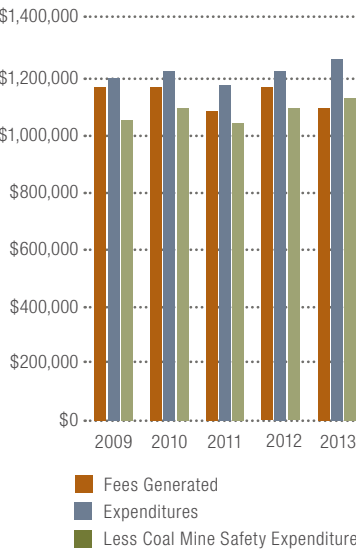


An example of service provided by the Division

The Division has implemented a paperless system via its inspector web application and coal miner certification online application. The initial process was to implement a virtual office system for each of the Division's inspectors located within their cars. When that was complete the Division went to an all web inspection process that requires all elevator, boiler and pressure vessel inspections be submitted online. Next the Division began electronic archiving of inspection reports. The Division then set out to provide an online payment system that allowed its customers to pay for and receive their inspection/ operating permits via the internet. With this step complete the Division set its next goal, creating an online, web based coal miner application system. This system allows coal miners to apply, pay for and receive a test date via the internet without having to travel to the Miner Certification office in Price, Utah. This step was completed during FY 2012. All these steps have virtually made the Division of Boiler, Elevator and Coal Mine Safety a paperless operation. The rewards of going paperless are not only the sheer reduction of consumable materials but the increase in the efficiency of the Division.

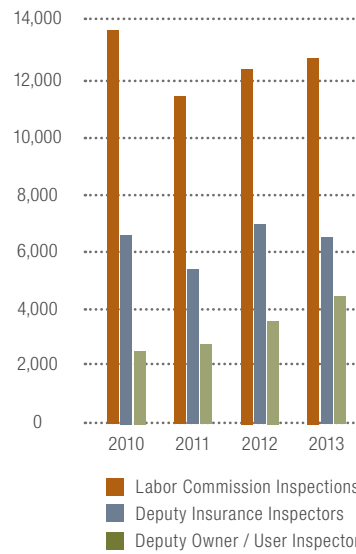


Fees Generated for the General Fund Compared to Division Expenses



note: The mining section requires \$133,000 annually that is not fee based.

Number of Inspections Performed



Labor Commission Inspectors 13
Deputy Insurance Inspectors 39
Owner/User Inspectors 28

Mission

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

Heather E. Gunnarson,
*Director & Presiding
Administrative Law Judge*

(801) 536-7928
hgunnarson@utah.gov

Adjudication Division

Overview

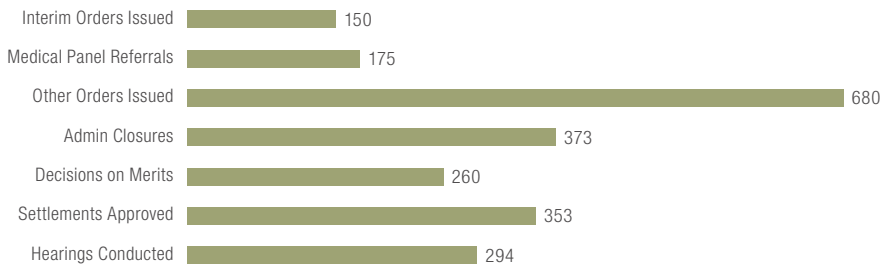
The Adjudication Division is responsible for adjudicating disputed workers' compensation claims. It does so in a fair and impartial manner to ensure the efficient delivery of medical and salary benefits to injured workers at a reasonable cost to employers and insurance carriers.

The Division also hears appeals of:

- employment and housing discrimination investigations;
- workers' compensation insurance compliance penalties; and
- Utah OSHA citations.

The Division employs 6.5 administrative law judges and 4 clerks. In addition to its Salt Lake City office, the Division operates an office in Parowan to serve central and southern Utah; employees with wage claims in southern Utah may file for a hearing in the Parowan office.

What we did in 2013

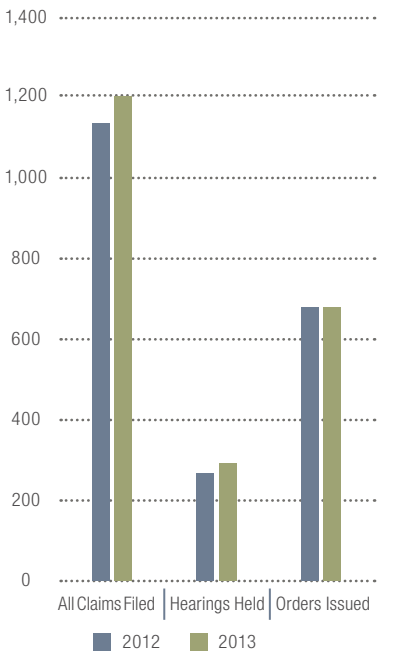


2013 Highlights

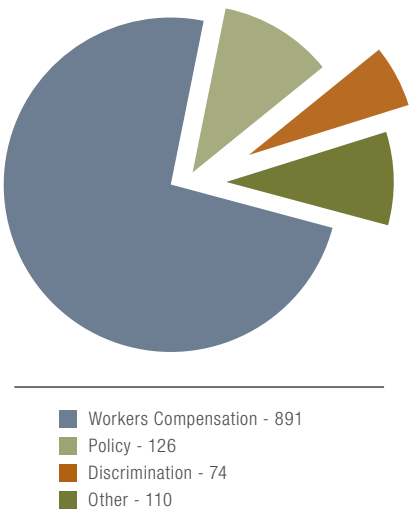
Due to both a change in management and a legislative audit, the Adjudication Division has undergone several major changes this year, with the goal of improving accountability, transparency and professionalism. In 2013, the Division:

- ▶ Cut the time frames for issuing decisions in half: from 120 days to 60 days
- ▶ Created two stakeholder "think tank" groups to help the Division proactively solve problems relating to everything from medical panels to procedural rules to improved customer service
- ▶ Developed and adopted a Code of Judicial Conduct for its administrative law judges
- ▶ Asked hearing participants to complete performance surveys of administrative law judges after every hearing
- ▶ Developed new managerial reports to track the age of cases at critical stages in our process
- ▶ Set new production goals
- ▶ Established a new policy that every medical panel must be comprised of at least two healthcare professionals
- ▶ Increased the amount of training for both the administrative law judges and practitioners on substantive legal issues
- ▶ Restructured the way cases are assigned so as to take advantage of judges' expertise and experience

Adjudication Statistics



Claims Filed 2013



Mission

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

Jacson R. Maughan,
Deputy Commissioner/
General Counsel

(801) 530-6937
jacsonmaughan@utah.gov

Legal Unit



Overview

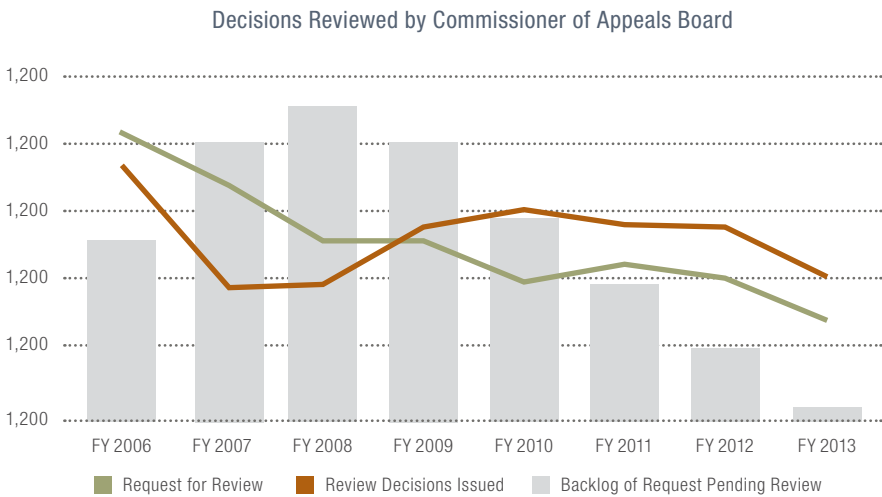
Review of decisions issued by administrative law judges; Appellate proceedings before Utah's Court of Appeals and Supreme Court; Legislation; Rule-making; and Public information.

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.

Beginning in 2001, requests for review of judges' decisions increased by 200%. This led to a backlog—by March 2008 there were 238 cases waiting for review. Since then, the Commission has reassigned staff, obtained authorization to add staff, and implemented case-screening procedures.

This backlog has virtually been eliminated. At June 30, 2013 there were 23 motions for review pending before the Commissioner or the Appeals Board. 21 of the current motions for review fall within the 90 day timeframe contemplated by Utah Code Ann. §34A-2-801 and should be issued during that timeframe. The remaining two cases comprise the current backlog and have been delayed due to issues at the appellate level.



WPS Safety Awards

UTAH MANUFACTURERS' ASSOCIATION

Awards of Excellence

- ▶ Autoliv, Inc.
- ▶ Boart Longyear - *Diamond Bit Plant*
- ▶ Canyon Fuel - *Dugout Canyon Mine*
- ▶ Futura Industries
- ▶ IM Flash Technologies
- ▶ Mechanical Service & Systems Inc.
- ▶ MOM Brands
- ▶ Petersen, Inc.
- ▶ Rio Tinto/Kennecott Utah Copper
- ▶ Zero Manufacturing

Awards of Merit

- ▶ Advanced Composites
- ▶ American Equipment, Inc.
- ▶ Coldsweep Solutions
- ▶ Dunford Bakers
- ▶ EnergySolutions
- ▶ Garkane Energy Cooperative, Inc.
- ▶ GENCO/Hershey
- ▶ Hunt Electric, Inc.
- ▶ Longview Fibre Paper & Packaging Inc.
- ▶ Moroni Feed Company
- ▶ Oldcastle Precast
- ▶ Owens Corning
- ▶ Wilson Electronics

UTAH MINING ASSOCIATION

- ▶ Canyon Fuel Company
 - *Dugout Canyon Mine*
- ▶ Denison Mines
 - *Deneros Mine*
 - *Tony M Mine*
 - *White Mesa Mill*
- ▶ Energy West Mining Company
 - *Cottonwood Coal Blending & Prep*
- ▶ Rio Tinto / Kennecott Utah Copper
 - *Kennecott Utah Copper*
 - *Barney Canyon*
 - *Bingham Canyon Mine*
 - *Concentrator/Tailing Facility*
 - *Smelter*

- ▶ Simplot Phosphates
- ▶ American Equipment
- ▶ Ames Construction
- ▶ Brahma Group
- ▶ Fluor
- ▶ Golder Associates
- ▶ Norwest Corporation
- ▶ Terra Engineering
- ▶ Wheeler Machinery

UTAH SAFETY COUNCIL SAFETY AWARDS

Achievement in Safety by an Organization:

Wasatch Electric, *A Division of Dynalectric Co.*

Individual Achievement in Safety:

Chet Keen, *Champion Industrial*

Award of Honor:

Tesoro Refining & Marketing Company L.L.C.

Professional Driver of the Year:

Steve Clayton, *Geneva Rock Products*

School Bus Driver of the Year:

Linda Chrisman, *Provo City School District*

UTAH RESTAURANT ASSOCIATION

- Platinum** Fine Dine - Log Haven
Casual Dine - Costa Vida
QSR - Del Taco
- Gold** Fine Dine - Maddox Ranch House
Restaurant, *Brigham City*
Casual Dine - I-HOP
QSR - McDonalds
- Silver** Fine Dine - Painted Pony, *St. George*
Casual Dine - Chartwells *U of U, Park City*
QSR - Arctic Circle
- Bronze** Fine Dine - Bambara
Casual Dine - Copper Onion
QSR - Ice Berg

UTAH FARM BUREAU SAFETY AWARDS

- ▶ Allred Orchards
- ▶ Gibson's Green Acres

Awards & Honors

Labor Commission Employee of the Quarter Awards

- **Brad Thurman** | Employee of the 1st Quarter 2013 | *Industrial Accidents Division*
- **Dave Bloomfield** | Employee of the 2nd Quarter, 2013 | *Utah Occupational Safety and Health Division*
- **Todd Newman** | Employee of the 3rd Quarter, 2012 | *Utah Antidiscrimination and Labor Division*
- **Karla Rush** | Employee of the 4th Quarter, 2012 | *Adjudication Division*

Governor's Award for Excellence



On May 9, 2013, the Wage Claim Unit received the Governor's Award For Excellence for Innovation and Efficiency during a ceremony at the State Capitol. The Governor and the Lt. Governor presented the award to members of the Unit.

The Wage Claim Unit completed the "Operational Excellence" project, learning sound principles of process improvement and translating that knowledge to specific actions directly aimed at streamlining and making more efficient the Wage Claim Unit processes, and by eliminating wasteful and redundant activities.

As a result of completing this project, the Wage Claim Unit made substantial gains in reducing the age of cases and the number of cases closed, setting a record for the number of wage claim files closed in a year, closing 1,444 cases in 2012.

- It reduced the average length of time a wage claim is open by 35 percent, from 426 days to 277 days.
- The time to process a claim at intake went from 56 days to 1 day.
- The time between the hearing and the issuance of an order went from 240 days to less than 30 days.
- The waiting time for a hearing went from 8 months to 2 1/2 months. Hearings are now scheduled within approximately 2 weeks from the time they are placed in line for a hearing, but we schedule hearings 2 months in advance so we can correct any problem with return mail without having to reschedule the hearing.
- The time between the issuance of a final order and the entry of a final judgment went from an average of 3 months to 1 week after the appeal time has run out.
- The average time for cases investigations went from 333 days to 202 days.

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 Utah OSHA's official recognition of company management and employees who have achieved exemplary occupational safety and health success.



SHARP Awards Program

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

Western Metals Recycling, Inc. (Provo location) was awarded the 2013 certificate



From Left to Right: Commissioner Sherrie Hayashi, Landon Farmer (Engineering and Maintenance Manager), Steve Jackson (Manufacturing Manager), Job Rodriguez (Safety Manager), Jared Dower (Financial Manager)

Utah Arches Awards

The Arches award was awarded to Frito Lay's West Valley Plant at the Utah Safety Council annual meeting for demonstrating excellence in employee safety and health.

Frito Lay's West Valley Plant supplies snack foods to customer from Canada to Phoenix, and from Denver to Reno. They make about 45 million pounds of chips per year. The plant was constructed in West Valley of because of its high altitude. When potato chip bags are inflated in a manufacturing area near sea level and then sent to higher elevations, the air in the bags expand causing some of the bags to explode.

Many years ago, Frito Lay recognized the benefits of having a strong safety and health culture nation-wide. It focuses on the behaviors that lead to injuries rather than the numbers themselves. For example, repetitive motion injuries have been significantly reduced because employee's tasks are rotated; workplace locations and activities are also evaluated and changed based on cutting edge ergonomic evaluations.

Frito Lay has developed an outstanding safety and health culture. They have participated in mentoring many other companies interested in improving their safety and health culture and have always been willing to share safety and health lessons they have learned.



Gina Spjut, intake officer in the Industrial Accidents Division, was highlighted on the local radio's Doug Wright show for his "Public Employee Salute" segment. Gina was awarded a certificate from the Governor and received recognition from Utah Public Employees Association.

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.

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

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.

The focus of the workplace safety program during fiscal year 2013 was to increase our safety efforts through effective collaborations among small and medium size business entities, and through careful selection of safety-related projects, ensure the creation of training programs designed to reach underserved populations and by creating successful partnerships provide assistance to small and medium size businesses.

Every year, the Utah Labor Commission Workplace Safety program has seen an increase in requests for funding. For the fiscal year ending June 30, 2013, the Workplace Safety Grant program received requests totaling (\$1,069,381). This year, thirty proposals were approved for funding totaling \$581,426 in support of the development of essential safety-related projects.

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

- Provided funding for the creation of a five-language program and DVD about workplace safety practices aimed at educating some of the largest refugee communities in Utah in languages such as Arabic, Burmese, Karen, Nepali and Somali.
- 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).
- Provided grants to the Utah Safety Council to support scholarships for safety courses for small and medium size employers, and to augment title selections on safety related topics for their Audio Visual Lending Library program.

Workplace Safety Poster Contest

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

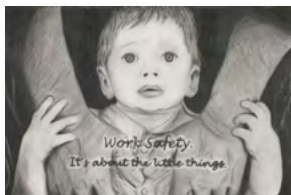
The poster contest, in its 16th year now, is currently open to all middle and junior high schools across Utah, including Charter Schools and private schools. Cash awards are given to the winners and matching awards to the school's art program for participating. This year, the level of interest and participation was unprecedented with over 1,700 entries submitted by 70 different middle and junior high schools throughout Utah. The top 12 entries are then included in the Labor Commission's annual safety calendar. We print about 15,000 copies and those are distributed without cost to schools, businesses, and community based organizations, for purposes of increasing workplace safety awareness throughout the state of Utah.

Grand Prize Winner



Maddy Cottle
Timberline Middle School

1st Runner Up



Brookelle Peterson
Timberline Middle School

2nd Runner Up



Jaden Ficklin
North Ogden Jr High School

3rd Runner Up



Aletia James
Central Davis Jr High School

Members of 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*
- Brandon Dew, *Engineers Local Union #3*
- William Brandt Goble, *Painters & 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*
- Kathleen G. Bissell, *Liberty Mutual Insurance Group*

Legislative Liaisons

- Senator Karen Mayne
- Representative James Dunnigan

Mine Safety Technical Advisory Council

Non-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*
- Ralph Sanich, *Interwest Mining Company*
- Randy Tatton, *Mining Health & Safety Solutions*
- Thomas Hethmon, *University of Utah*

Non-Voting Members

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

Utah Miner Certification Panel

Members

- Arthur D. Bruno, *Bruno Engineering*
- Terry L. Jordan, *Deer Creek Mine (retired)*
- George W. Kenzy, *Skyline Mine*
- Wendell Christensen, *West Ridge Mine*
- Rudy Madrigal, *Deer Creek Mine*
- Fred C. Veater, *Sufo Mine*
- Brian W. Lea, *Deer Creek Mine*
- Clark Atwood, *Horizon Mine*
- Kirt Tatton, *Dugout Mine*
- Douglas C. Luke, *Deer Creek 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*
- Dean Wood, *Intermountain Power Plant*
- Mark Nelson, *Tesoro Refining*
- Wyatt Peterson, *University of Utah*
- Paul Riley, *LDS Church*
- Senator Scott Jenkins, *Legislative Liaison*

Elevator and Escalator Advisory Board

Members

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



Utah Labor Commission

160 East 300 South, 3rd Floor | PO Box 146600
Salt Lake City, Utah 84114-6600
(801) 530-6800 | Toll free in state: (800) 530-5090
www.laborcommission.utah.gov

For direct telephone numbers, fax numbers, email addresses
and contact persons at our various divisions, see the "About Us"
tab on our internet page at www.laborcommission.utah.gov