

# Annual Report

State of Utah

# Labor Commission

# 2016



Fiscal Year 2016



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November 2016

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 FY2016 and to thank Governor Herbert and the Utah Legislature for supporting the Labor Commission's efforts to serve the citizens of Utah.

Utah's robust economy drives an increased demand for Labor Commission services and provides unique regulatory challenges. In order to meet these increased demands with limited resources, the Labor Commission embraced the Governor's challenge to improve efficiency by 25% through implementation of the SUCCESS framework in each of the agency's divisions. The Labor Commission has utilized the tools available in the SUCCESS framework to maximize efficiency and improve services while maintaining a high degree of quality. The Labor Commission's use of the SUCCESS framework has resulted in an agency-wide improvement of 64%, exceeding the Governor's benchmark of 25%.

The Labor Commission plays a vital role in Utah's labor market by ensuring safety and fairness in the workplace. Effective collaboration with 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.

Sincerely,

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





## SUCCESS Framework Update

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

The Utah 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 Utah Labor Commission has shown a 62% 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 tangible examples of how the Labor Commission accomplished an overall 62% efficiency:**

**Industrial Accidents/Policy Unit:** By continuing with the SUCCESS framework, the Compliance Unit recognized an additional increase of 9% over the previous fiscal year's increase of 19% in the number of employers gaining workers' compensation compliance. Efficiencies in the investigative process cut the average investigation period from approximately 72 days to 50 days.

**Adjudication Division:** The Division continues to see improvement in the timeliness of its decisions. Prior to the change, 38% of all final decisions were issued within 60 days. Now, that percentage has increased to 86%. Other process improvements such as re-designing templates, standardizing medical records exhibits, conducting trainings, hiring new medical panel chairs, and creating model medical panel questions, etc., have helped the Division achieve a 68% improvement in overall efficiency in just under 3 years.

**Boiler Inspection Section:** By implementing the SUCCESS framework, the Boiler Inspection Section, responsible for inspecting a number of boilers and pressure vessels in Utah, lowered the percentage of overdue inspections from a high of 8% in June 2013 to 1% currently. Moreover, the Section accomplished this with a corresponding loss of personnel. In June 2013, the Section employed five inspectors. The Section currently employs four inspectors.



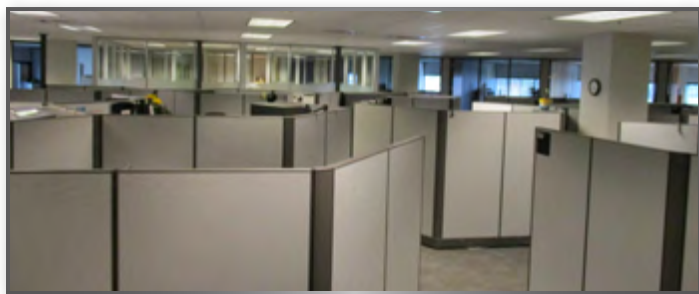
## Technology

The Utah Labor 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. Some of the projects that have reached important milestones during FY 2016 include:

- ▶ The Industrial Accidents Division's Electronic Data Interchange (EDI Claims) project to accept workers compensation claims electronically has undergone a complete overhaul on the way the Labor Commission accesses the database. This includes the read, write and update of claims records. This has resulted in improved performance and a more stable batch load process. The next phase, which is currently underway, is focused on the performance of input/output queries and the ability to process large vendor files. The long term goal is to modify and enhance the EDI Claims process so it will accept and process the second report of injury claims electronically.
- ▶ Database access has been reviewed to ensure only authorized individuals have access and that the level of access is correct for the assigned job function within a specific division. All application specific passwords have been reviewed and are in the process of being updated and hardened to current security standards. Logging of all access attempts to the database is being recorded and monitored on a continual basis. The Security Plan which outlines the overall strategy has been finalized. The Labor Commission Security Governance Council continues to meet quarterly to review security related items.
- ▶ Due to recently identified security vulnerabilities within a portion of the web framework, the migration of the web applications into more secure framework architecture is one of the Labor Commission's highest priorities. This has been a major effort for DTS staff and has resulted in several large projects for the DTS team.
- ▶ A new user interface was implemented for all Labor Commission public facing web applications. Part of the implementation included updating the web application for responsive design requirements. The PayOnline, WageClaim, IAForms and UILookup applications are now compliant and have passed the Google Developers Mobile-Friendly test.



## Office Enhancements Increase Efficiency



In an effort to enhance the productivity and efficiency of some of its essential functions, the Utah Labor Commission recently updated many of its cubicles and built three new offices and a mediation caucus room. The cubicle enhancement and office expansion project was divided into three phases. The first phase was completed in December 2015, which updated the cubicles within the Industrial Accidents and Adjudication Divisions. The second phase, completed in August 2016, included the rearrangement of cubicles and construction of office structures. The final phase will construct one additional office and one additional mediation caucus room at some point in the future. While budgetary constraints required three separate phases in the project, the staging also allowed employees to continue to perform their duties with little-to-no down time and no effect on constituents who rely on the services the Labor Commission provides.



The Labor Commission and its stakeholders benefit from this office space upgrade in several ways. First, the project allows the Divisions to better assist the public by adding space for an additional administrative law judge to more efficiently handle cases filed with the Labor Commission. Second, it provides designated space for workers' compensation mediation conferences to help parties reach an amicable resolution to their issues. In addition, the project creates new office space to allow a better and more efficient working environment for employees who provide important public functions.

As Utah continues to grow, it is imperative that state agencies become more productive and efficient with fewer resources and without sacrificing quality of services to stakeholders. The cubicle enhancement and office expansion project helps the Labor Commission do just that. The time frame for phase three of the project has not yet been set; however, Labor Commission employees will continue to utilize the tools available in order to better serve the public.

## Mission

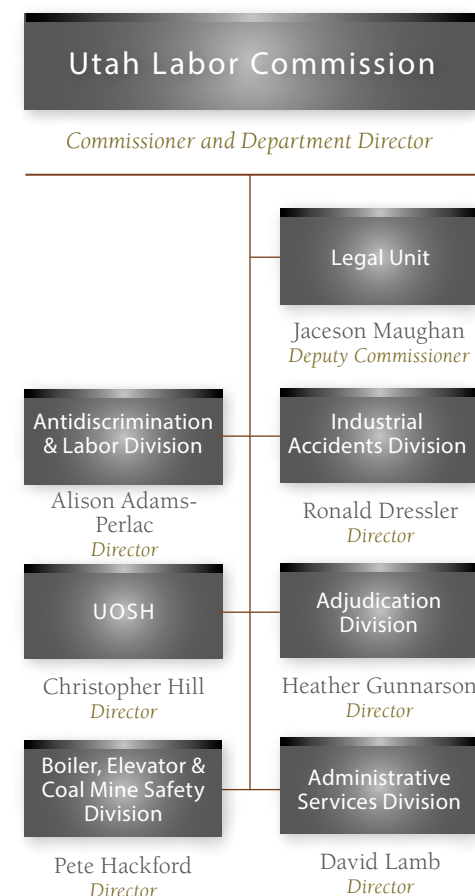
The mission of the Utah Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

## Values

The Utah Labor Commission's values are instilled in our programs, our relationships with the public we serve, our colleagues, and the community in general. The Labor 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 Labor 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





## 2016 Workload Accomplishments



- ▶ The Adjudication Division issued 1,402 orders and 521 final decisions. It also conducted 204 formal evidentiary hearings and approved 589 settlement agreements.
- ▶ The UOSH Division completed 2,092 interventions/inspections/visits (*940 Compliance and 1,152 Consultation*), improving safety in the workplace for over 175,744 workers.
- ▶ The Industrial Accidents Division assessed workers compensation insurance non-compliance penalties against 782 employers and collected \$2,293,123 in penalties.
- ▶ The Utah Antidiscrimination and Labor Division's Employment Discrimination Unit investigated and mediated 492 cases and awarded \$580,169 to claimants. The Division's Fair Housing Unit investigated 50 claims, closing 60% within 100 days. The Division's Wage Claim Unit processed 1,851 claims and collected \$774,998 in unpaid wages on behalf of claimants.
- ▶ The Boiler, Elevator and Coal Mine Safety Division performed over 29,693 safety inspections, administered 300 coal mining exams, and regularly visited every operating coal mine in the State.
- ▶ The Utah Labor Commission reception desk handled an average of 8,220 calls and walk-ins each month.
- ▶ The Workplace Safety program awarded \$708,840 in workplace safety grants to 23 local Utah businesses and community organizations.

## Utah Labor Commission Budget Summary

Fiscal Year Ended June 30, 2016 with Comparative Totals for Year Ended June 30, 2015

Revenues:	FY 2016	FY 2015
General Funds	\$6,345,000	\$6,245,300
General Fund that was returned at the end of the year	-3,000	-1,900
Workplace Safety Fund	1,620,900	1,602,900
Unused Workplace Safety Fund appropriation that was returned	-489,000	-973,800
Industrial Accidents Restricted Account	2,923,200	2,745,300
Employers Reinsurance Fund	76,000	73,600
Federal Grants	2,845,000	3,279,600
Dedicated Credits and Collections	112,900	14,200
<b>Total Revenues</b>	<b>\$13,431,000</b>	<b>\$12,985,200</b>

Expenditures by Division:		
UOSH Division	\$3,836,600	\$3,941,500
Antidiscrimination and Labor Division	2,032,600	2,072,200
Industrial Accidents Division	2,006,200	1,859,000
Boiler, Elevator and Coal Mine Safety Division	1,528,600	1,487,500
Adjudication Division	1,273,300	1,243,500
Workplace Safety Projects/Grants	625,200	242,700
Management, Administrative, Computer Support and Central Office Costs	2,128,500	2,138,800
<b>Total Expenditures by Division</b>	<b>\$13,431,000</b>	<b>\$12,985,200</b>

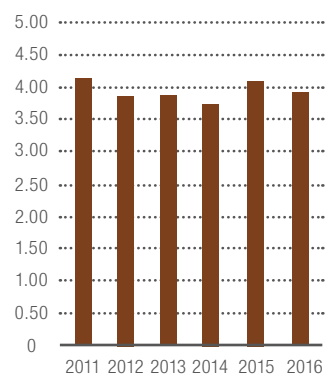
Expenditures by Type of Expense / Expense Category:		
Salaries & Benefits	\$10,018,600	\$9,852,900
Travel Costs	155,000	114,600
Data Processing	1,288,300	1,351,900
Other Operating Expenses	1,399,500	1,490,600
Pass Through Workplace Safety Grants	569,600	175,200
<b>Total Expenditures by Type of Expense / Expense Category</b>	<b>\$13,431,000</b>	<b>\$12,985,200</b>

## Industrial Accidents Division

### Mission

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

### Injuries per 100 Workers in Utah



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

### Overview

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

### 2016 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 56,299 reported injuries
- ▶ assisted 5,864 injured workers
- ▶ held 695 dispute-resolution conferences

#### Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY 2016, the compliance section assessed non-compliance penalties against 782 employers and collected \$2,293,123 in outstanding penalties for the Uninsured Employers Fund.

During FY 2016 the waiver program received 7,731 applications and issued 6,889 waiver certificates.

#### Outreach

This division conducted 13 educational sessions to 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 FY 2016, the ERF paid \$14,786,253 in benefits to over 1,000 claimants.

### Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. During FY 2016, the UEF paid \$1,699,471 in benefits, which was more than offset by \$3,116,058 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 & Labor Division

### Mission

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



### Overview

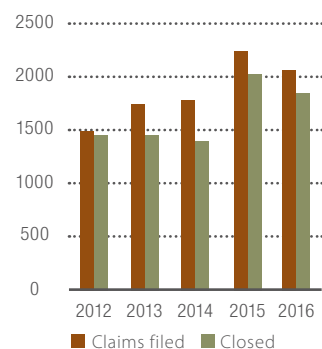
The Division enforces employment discrimination and fair housing laws, as well as laws regarding payment of wages, employment of minors and minimum wage laws.

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.

### 2016 Highlights

In FY 2016 the Wage Claim Unit processed 1,851 claims and collected \$774,998 in unpaid wages on behalf of claimants. The Employment Discrimination Unit investigated and mediated 492 cases and awarded \$580,169 to claimants. The Fair Housing Unit processed 50 claims, closing 60% within 100 days. The Mediation Unit mediated cases for the three other units.

### Wage Claim Unit Claims Filed & Closed



**Alison Adams-Perlac, Director**  
(801) 530-6921  
aadamsp@utah.gov

## Boiler, Elevator & Coal Mine Safety Division

### Overview

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

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

In addition, the Division of Boiler, Elevator and Coal Mine Safety partners with the private sector for more than just safety inspections. Along with the two advisory boards for the boiler and elevator industry there is a miner certification panel and a mine safety technical advisory council. These panel members, along with the council and advisory board members, help guide the Division through these ever changing times of growth and prosperity within the state.

### 2016 Highlights

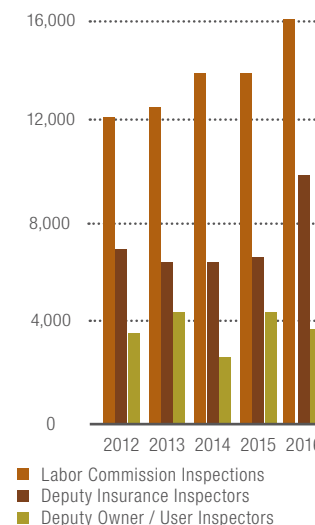
- Inspected 336 new elevators, 811 new boilers and 1,308 new pressure vessels
- Issued 17,347 operating permits
- Administered 300 certification exams to coal miners
- Received 6,102 online payments

The Division has implemented a combination boiler/elevator inspector program. The combination inspectors can inspect both boiler and elevator units. To date, the division has three certified combination inspectors.

### Mission

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

### Number of Inspections Performed



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

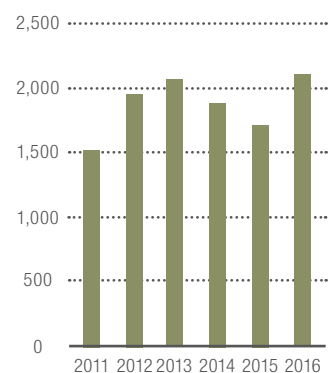
**Pete Hackford, Director**  
(801) 530-7605  
phackford@utah.gov

## Utah Occupational Safety and Health Administration Division (UOSH)

### Mission

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

### UOSH Interventions



### 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 1,348,247 employees and over 92,292 employers in Utah.

### 2016 Highlights

#### Compliance

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

During FY2016, UOSH Compliance:

- ▶ Conducted 940 safety and health inspections/interventions
- ▶ Issued 843 citations
- ▶ Evaluated safety and health conditions at work sites employing over 48,618 employees

#### Consultation

UOSH Consultation provides on-site safety and health services to both the private sector and public sector, at no cost, to small/high-hazard businesses and agencies. UOSH Consultation helps employers to recognize hazards in the workplace and suggests options for correcting the hazards. Consultation provides outreach and promotion in the following high-hazard emphasis industries: construction, general industry, nursing homes, bridge and highway construction, oil and gas, and public sector.

**Christopher Hill, Director**  
801-530-6898  
chill@utah.gov

During FY2016, UOSH Consultation:

- ▶ Conducted 1,152 safety and health visits/interventions
- ▶ Identified 3,022 hazards
- ▶ Assisted employers in improving workplace safety and health for over 127,126 employees
- ▶ Trained approximately 23,260 workers from over 600 entities in general industry and construction



### 2015 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report

The FY 2015 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report is a report that assesses the activities of the Compliance section of UOSH for the federal fiscal year 2015 (FY 2015), October 1, 2014 through September 30, 2015. The on-site audit was conducted the week of December 7, 2015, by seven federal OSHA Region VIII representatives. This audit and report are completed every two years.

The on-site audit focused on a review of enforcement case files, a review of the whistleblower program and a review of the complaint process. The federal auditors reviewed 68 inspection files consisting of 55 safety-related cases and 13 health-related cases, 30 whistleblower cases and 30 complaints. The on-site audit also included interviews of Compliance Safety and Health Officers (CSHOs), management and an evaluation of the overall and specific financial aspects of the program.

The FY 2015 FAME listed two findings and eight observations. A finding is a result which necessitates a change or an improvement in a particular aspect of the program. An observation is a potential concern but does not necessitate any action to be taken. By way of comparison the FY 2013 FAME resulted in 11 findings and 11 observations.

The UOSH Compliance section takes great pride in the results of the FY 2015 FAME. The Executive Summary states, "It is apparent that the UOSH program has taken every opportunity to improve since the previous FAME visit..." and "In the brief time the current management team has been in place with UOSH, significant improvements have been made."

The goal of UOSH is to help to ensure a safe and healthy workplace for every worker in the State of Utah. The results of the FY 2015 FAME indicate that the UOSH Compliance section is committed to this goal and is focused on continuing to improve internally so that it can achieve its mission. The entire FY 2015 FAME as well as UOSH's State Plan Formal Response to FY 2015 FAME can be found online at <https://www.osha.gov/dcspp/osp/efame/utah.html>.

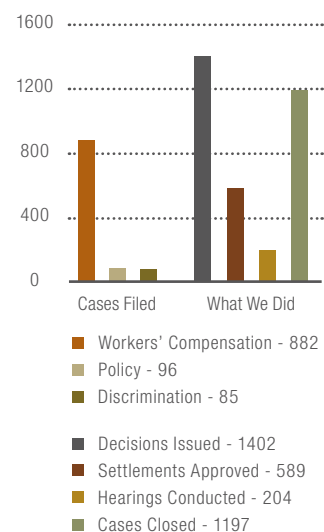


## Adjudication Division

### Mission

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

### Adjudication Division 2016



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



### Overview

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

### 2016 Highlights

The Adjudication Division continues to make great strides in improving accountability, transparency and professionalism. For cases filed in FY2016, the Division issued 86% of all final decisions and 78% of all decisions within 60 days.

The Division also:

- Improved the quality and timeliness of decisions, together with the number of cases closed by 68% over last 3 years
- Implemented mandatory quarterly training for Medical Panel Chairs
- In conjunction with the Utah State Bar, sponsored the Third Annual ALJ, Government & Admin Law Conference, a half-day continuing legal education seminar for all administrative law judges in the State

## Legal Unit

### Overview

The Legal Unit is responsible for reviewing decisions issued by administrative law judges; representing the Utah 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 the 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 FY2016, there were 95 motions for review filed with the Labor Commission. The Commissioner and/or Appeals Board issued decisions on 89 of the 95 motions within 90 days of the date the motion was filed.

### Appellate Litigation

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

### Legislative Issues

The Legal Unit works with 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

**Jacelon R. Maughan**, Deputy  
Commissioner/General Counsel  
(801) 530-6036  
jacelonmaughan@utah.gov

## Recognition



### 2015 National Mine Rescue Utah State Trophy for Highest Placing Team

The National Mine Rescue, First Aid, Bench and Pre Shift Contest was held in Lexington, Kentucky in September 2015. There are approximately 350 mine rescue teams across the country certified and equipped to perform mine rescue operations in the United States. These teams train and compete in mine rescue contests organized across the United States culminating in national championships for coal, metal, and non metal mines. These teams perform some of the most difficult and dangerous emergency response work in the country, sometimes traveling in dark underground mines filled with debris, and poisonous and explosive gases in order to rescue and locate missing miners.

This year the highest placing team from Utah was Bowie Resources, Southern Utah Fuel Company's Black Team. Kent Houghton, the Director of the Office of Coal Mine Safety, presented this year's trophy to Brett Allred the team trainer.

### Labor Commission Employee of the Quarter Awards

- **Gina Spjut** | Employee of the 3rd Quarter, 2015 Industrial Accidents Division.
- **Veronica Gomez-Quintero** | Employee of the 4th Quarter, 2015 Industrial Accidents Division
- **Jennifer Gren** | Employee of the 1st Quarter 2016, Adjudication Division
- **Verolinda Granados** | Employee of the 2nd Quarter, 2016 Industrial Accidents Division

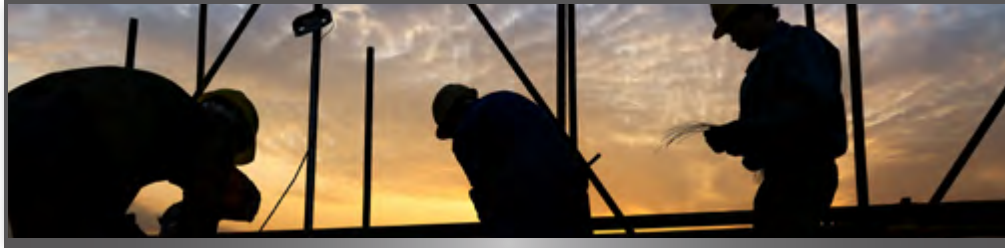
## Division Director Speaks to Canadian ALJ's



**Heather Gunnarson**, Director of the Adjudication Division, was invited to speak at an international conference of administrative law judges (ALJ) in Ottawa, Canada. Through her service as a member of the Board of the National Association of Administrative Law Judges (NAALJ), Judge Gunnarson was asked to speak to the Council of Canadian Administrative Tribunals (CCAT) featuring a wide variety of international speakers. Judge Gunnarson participated in a panel discussion and offered her insights into tribunal excellence in an American setting. Other panel members included a former justice of the Canadian Supreme Court and a Deputy Chairman of the Conseil d'Etat of France.







### 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. Admission to VPP status constitutes UOSH's official recognition of company management and employees who have achieved exemplary occupational safety and health success. In FY 2016 one company achieved VPP status:

#### Forcepoint



### SHARP Awards Program

The Safety and Health Achievement Recognition Program (SHARP) recognizes small employers that incorporate safety and health into every phase of their business and have an exemplary safety and health management system. In FY 2016 three companies completed the requirements to be considered SHARP companies:

**Komatsu Equipment Company** – St. George  
**Komatsu Equipment Company** – Salt Lake City  
**North Davis County Sewer District**



### Utah Arches Award

The Arches Award for workplace safety and health excellence is awarded to companies which exhibit excellence in workplace safety and health. In FY2016 three companies received this award:

**R&O Construction**  
**Holder Construction Company**  
**Kenworth Sales Company, Inc.**



## 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. Monies are appropriated from this fund by the Legislature to award grants for projects or initiatives designed to assist Utah employers and their employees through programs such as OSHA training, implementation of specialized safety initiatives, developing resources for existing safety programs, and safety training between organizations.

For the calendar year 2016, \$708,840 was provided in workplace safety grants to 23 local businesses and organizations.

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

- Allocated grant funds to the Utah Department of Public Safety for the purpose of creating a safety project to educate and promote workplace and home safety through the "2016 Bee Prepared, Bee Safe, Bee Aware Public Safety Fair" which covered seat belt laws, bicycle safety, fire safety, gun safety and locks, impaired driving, earthquake safety, and safety in the workplace.
- 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 over 1,000 high school students in preventing burns, slips, falls, cuts and lifting injuries in the workplace.
- Approved funding for Centro Hispano and Comunidades Unidas, two local non-profits in Salt Lake & Utah County, to provide outreach and education through workshops and health fairs in order to increase awareness of workplace safety practices among the Hispanic-Latino and other Limited-English-Proficient (LEP) communities.
- Supported the joint Annual Utah Mining Association and the Utah Manufacturing Association's Safety Conference, which included presentations on safety regulations related to Occupational Safety and Health, and Mine Safety and Health.

## 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 "Take Safety Seriously" 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. This year, the school poster contest received over 1,000 entries.

The top 12 entries selected are included in the Labor Commission's annual safety calendar. In FY 2016, 11,000 calendar were distributed to schools, businesses, and community organizations for the purpose of increasing workplace safety awareness.



Grand Prize Winner

**Baylee Davis**

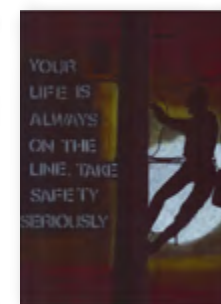
Canyon View Middle School



1st Runner Up

**Emily Erikson**

Centerville Jr High School



2nd Runner Up

**Gracelyn Bethers**

Rocky Mountain Middle School



3rd Runner Up

**Jada Maw**

Centerville Jr. High School



## Advisory Boards and Councils

### Appeals Board

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

### Workers' Compensation Advisory Council

#### Employer Representatives

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

#### Employee Representatives

- Reo Castleton, *Salt Lake County Fire Department*
- K. Dawn Atkin, *Law Firm of Atkin & Associates*
- Brian Kelm, *Law Office of Brian D. Kelm*
- 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*
- Dr. Edward B. Holmes, *Summit View Medical*
- Michele Balady, *Travelers Insurance*

#### Legislative Liaisons

- Senator Karen Mayne
- Representative James Dunnigan

### Mine Safety Technical Advisory Council

#### Voting Members

- Mike Dalpaiz, *United Mine Workers of America*
- Steven Childs, *Skyline Mine*
- Clark Atwood, *Coal Hollow Mine*
- 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*
- Gary Leaming, *Sufco Mine, Canyon Fuel Company*
- Randy Mabutt, *USU Eastern, Mining Department*

#### Non-Voting Members

- 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*
- Rep. Mark Wheatley, *Utah State Representative*
- Sen. David Hinkins, *Utah State Senator*

### Utah Miner Certification Panel

#### Members

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

### Boiler and Pressure Vessel Advisory Board

#### Members

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

### Elevator and Escalator Advisory Board

#### Members

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

## Comprehensive Report of the Status of Coal Mine Safety in Utah Calendar Year 2015

### Introduction

For convenience, this report has been incorporated with the Utah Labor Commission's annual State Fiscal Year 2016 report. This report covers coal mining activities in the state of Utah during calendar year 2015.

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;<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.

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

## I. SUMMARY OF COAL MINE ACCIDENTS/EMERGENCIES

Date	Mine	Accident or Emergency
4/29/2015	Bowie Resources SUFCO Mine	A roof fall occurred in the 5 West (MMU 005-0) continuous miner section at X-Cut #11, #3 entry. The fall occurred near a flush face. The fall did not impede travel of persons or block an escape way. The fall measured approximately 18' Wide X 10' long X 4' to 5' High. The entire area was bolted with 5' bolts, mesh and mats.
8/7/2015	Bowie Resources Skyline Mine	A roof fall occurred in the West Lease Bleeder #2 entry at #16 X-Cut. The roof was bolted with 7 foot Resin Bolts and trusses. No person was injured as a result of the fall. The high voltage electrical cable was pulled down by the fall and had to be re-routed prior to any rehabilitation being done.

## II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act. Major activities in 2015 include:

- ▶ MMSTAC held quarterly meetings in March, June, September, and December.
- ▶ The OCMS Director visited all the operating coal mines in the state at least once per quarter to discuss safety related issues.
- ▶ The OCMS Director routinely visited the training facilities that provide mine safety training throughout the state.
- ▶ OCMS also maintains a safety hot line that allows miners and mine operators to report any unsafe mining conditions. During 2015 there were no hot line calls to the OCMS.
- ▶ The OCMS Director has also been active in the community and has been involved with various mining organizations. He attended the Utah Mine Association Annual Safety conference in August, participated in the annual Utah Mine Rescue competition in Price, Utah, in June, and attended all Local Emergency Planning Committee meetings in Carbon, Emery, and Sevier counties.
- ▶ The OCMS Director also attended the Mine Safety and Health Administration/Bureau of Land Management meetings in March, June, September and December.



## III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS

There were no reports of unsafe conditions during 2015.

## IV. RECOMMENDATIONS

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

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

## CONCLUSION

During calendar year 2015, 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 works to improve safety with limited resources and to fulfill the statutory intent of the Coal Mine Safety Act.



# 2016

## ANNUAL REPORT



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