



# UTAH LABOR COMMISSION

For the Fiscal Year Ended June 30, 2018

## Annual Report 2018





## Table of Contents

Commissioner's Message.....	5
SUCCESS Framework Update.....	7
Technology.....	8
New Leadership.....	10
Mission.....	11
Values.....	11
Organizational Chart.....	11
2018 Workload Accomplishments.....	12
Budget Summary.....	13

## Divisions

Industrial Accidents Division.....	14
Utah Antidiscrimination and Labor Division (UALD).....	16
Boiler, Elevator and Coal Mine Safety Division.....	17
Utah Occupational Safety and Health Division (UOSH).....	18
Adjudication Division.....	20
Legal Unit.....	21
Recognition.....	22
Workplace Safety Grant Program Accomplishments.....	24
Workplace Safety Poster Contest.....	25
Advisory Boards and Councils.....	26
Comprehensive Report on Coal Mine Safety.....	28





November 2018

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 FY2018. I also wish to thank Governor Herbert and the Utah Legislature for supporting the Labor Commission's efforts to serve the citizens of Utah.

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

Among many Labor Commission examples, the Utah Occupational Safety and Health Division (UOSH) continues to make improvements in its goal of issuing citations within 45 days of the opening conference, doing so in 89% of its cases. As part of Governor Herbert's SUCCESS Plus initiative, UOSH has also implemented a Public Sector Local Emphasis Program to increase its presence in Utah's public sector workplaces. In addition, the Employment Section of the Utah Antidiscrimination and Labor Division (UALD) continues to implement the findings of the 2016 Legislative Audit and has steadily progressed on its goal of issuing decisions on all employment discrimination claims within 180 days of the date the complaint is received.

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

Sincerely,

Jaceson R. Maughan  
Commissioner | Utah Labor Commission





## SUCCESS Framework Update

In January 2013, Governor Gary Herbert 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 exceeded the mark set by Governor Herbert. Among other improvements, the Labor Commission eliminated the percentage of overdue boilers and pressure vessels in Utah; dramatically shortened the number of days between the day of the Utah Occupational Safety and Health (UOSH) Division's opening conference with an employer and the day UOSH issues a citation, with 89% of citations issued within 45 days; and continued improvement in the percentage of final decisions issued by the Adjudication Division within 60 days, with 91% of cases issued in a timely manner.

In the summer of 2017, Governor Herbert again challenged state agencies to improve the services provided to the people of Utah by adopting a SUCCESS Plus initiative. This project is intended to be a "legacy" project that makes a lasting impact on the services provided. As its SUCCESS Plus initiative, the Labor Commission adopted a Public Sector Local Emphasis Program (LEP) for workplace safety and health administered by UOSH. A workplace safety emphasis program, whether initiated on the national level by federal OSHA or on the state level by UOSH, is intended to focus efforts on a particular industry or workplace hazard. The public sector includes local governments, Utah state agencies, educational facilities, and public safety entities. These workplaces have traditionally been underserved by UOSH. For example, in federal fiscal year (FFY) 2017, only 16 of the 996 compliance inspections performed by UOSH were conducted in the public sector.

By implementing process improvement strategies in UOSH, including streamlining the investigation process, removing an unnecessary step in the UOSH citation issuance process, and mandating that citations be issued with 45 days, UOSH was able to take on the additional workload associated with implementing the Public Sector LEP with no increase in personnel or other costs. The results have been dramatic. The LEP has been enthusiastically embraced by public sector workplaces throughout Utah. As compared to the 16 inspections in FFY2017, UOSH completed 80 public sector compliance inspections in FFY2018. These public sector inspections removed 220 hazards from public sector worksites and directly affected the workplace safety of 9,245 public sector employees.

The Public Sector LEP has allowed UOSH, and by extension the Labor Commission, to increase its presence in public sector workplaces, remove hazards from these workplaces, and provide the same level of workplace safety education and inspection to public employees as it does to employees working in the private sector.



## Technology

### Delivery of Claims EDI (Electronic Data Initiative) SROI - Ver 3.3.5

On April 15, 2018, version 3.3.5 of Claims EDI was deployed into production. This version contained all of the SROI code base (Subsequent Report of Injury). This code delivery completes a joint venture between Labor Commission and Department of Technology Services that spans more than two years. The complexity and magnitude of the SROI code base cannot be overstated. The coding for SROI began several years ago. Unfortunately, the original developer left State employment with the project unfinished. A new IT Manager, new Project Manager, and a new Business Analyst were assigned to this project. Their focus was to finish this effort and deliver new functionality for EDI Claims SROI processing. Once the development phase was complete, all testing was coordinated internally by Industrial Accidents without the need for a 3rd party consultant. Now in production, Industrial Accidents is able to process SROI records over the coming year.

### WCCW (Waivers) Rewrite

On January 31, 2018, a completely new Waivers application (WCCW) went live in the Industrial Accidents Division of Labor Commission. This system was running on outdated technology and was subject to security vulnerabilities. One of the Labor Commission's highest priorities has been to address its older systems and eliminate any possible security vulnerabilities. The system was rewritten on current, industry standard technology. Additionally, the user interface (UI) was rewritten and updated to today's look and feel of a modern web application. The system is scale-able to accommodate traditional PC screens as well as mobile devices (iPhones, tablets, etc.), and complies with accessibility requirements as well. Businesses are able to file for a waiver from the convenience of their home or office as well as a secure kiosk located in the lobby of the Labor Commission. The entire system is safe and secure as well as functionally current with other modern browser based applications.

### Website Support

The Labor Commission has moved forward with a third party developer for the development of their website framework. This framework is being transferred over to the Department of Technology Services for implementation and finalization. DTS will help with content management and each area in the Labor Commission will be responsible for their portion of the website. The website will be hosted by DTS on state owned equipment. DTS has assigned a senior level web developer to oversee the ongoing support and maintenance of the website. We expect to complete the implementation based on the deliverable coming later this year from the 3rd party developer. The current legacy website has already been transitioned over to DTS for support and maintenance.







## New Leadership

Significant additions to the leadership of the Labor Commission occurred during FY2018.



**Kendra Shirey** was named the Director of the Utah Antidiscrimination and Labor Division (UALD) for the Utah Labor Commission.

Prior to her appointment, Ms. Shirey was a Litigation Partner at the law firm of Pia Anderson Moss Hoyt (PAMH) for seven years. Previous to her work with PAMH, she served as a Senior Associate in the Litigation Practice Group of Holme Roberts and Owen and Parry Anderson & Gardner.

Ms. Shirey earned her Juris Doctorate at the S.J. Quinney College of Law in 2002.



**Eric Olsen** joined the Labor Commission as the Public Information Officer, where he serves as the spokesperson for the Commission. Along with his duties representing and educating the public on the role of the Commission, he also acts as the administrator for the Workplace Safety Grant.

His career includes serving for 13 years with State Farm Insurance as their Public Affairs coordinator for the state of Utah and as a marketing and sales consultant. He also has 10 years of experience running a small businesses and over 25 years of experience working in broadcast media.

Mr. Olsen is a graduate of Utah State University.

## Mission

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

## Values

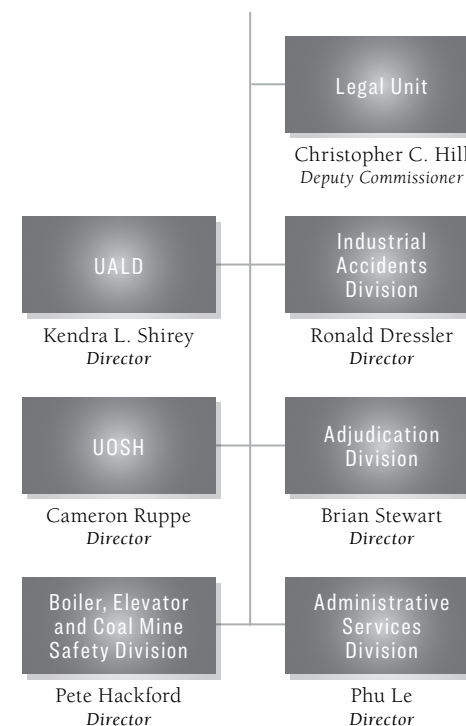
The Labor Commission's values are instilled in our programs, our relationships with the public we serve, our colleagues, and the community in general. The Commission embraces these values in the way we lead and support the Commission every day:

- ◆ 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

### Utah Labor Commission

**Jacson R. Maughan** *Commissioner*





## 2018 Workload Accomplishments



- ◆ The Adjudication Division issued 1,405 decisions. It also conducted 151 formal evidentiary hearings and approved 653 settlement agreements.
- ◆ The UOSH Division completed 1,141 interventions/inspections/visits, improving safety in the workplace for over 178,909 workers.
- ◆ The Industrial Accidents Division assessed workers compensation insurance noncompliance penalties against 330 employers and collected \$961,430 in penalties.
- ◆ The Utah Antidiscrimination and Labor Division's Employment Discrimination Unit investigated and mediated 539 cases and awarded \$1,224,669 to claimants. The Division's Fair Housing Unit investigated and mediated 70 claims to closure. The Division's Wage Claim Unit processed 2,209 claims and collected \$830,865 in unpaid wages on behalf of claimants.
- ◆ The Boiler, Elevator and Coal Mine Safety Division performed 25,280 safety inspections, administered 224 coal mining exams, and regularly visited every operating coal mine in the State.
- ◆ The Utah Labor Commission reception desk handled an average of 8,600 calls and walk-ins each month in FY2018 for an annual total of approximately 103,200 contacts.
- ◆ The Workplace Safety program awarded \$694,793 in workplace safety grants to 30 Utah businesses and community organizations.

## Labor Commission Budget Summary

Fiscal Year Ended June 30, 2017 with Comparative Totals for Year Ended June 30, 2018

Revenues:	FY 2017	FY 2018
General Funds	\$ 6,347,900	\$ 6,467,500
General Fund that was returned at the end of the year	(478,569)	(62,241)
Workplace Safety Fund	1,632,300	1,642,800
Unused Workplace Safety Fund appropriation that was returned	(2,159)	(443,268)
Industrial Accidents Restricted Account	3,720,800	3,379,567
Employers Reinsurance Fund	77,500	79,100
Federal Grants	2,785,204	2,910,668
Other	32,580	22,482
<b>Total Revenues</b>	<b>\$14,115,556</b>	<b>\$13,996,608</b>

Expenditures by Division:		
UOSH Division	\$ 3,921,112	\$ 3,992,487
Antidiscrimination/Labor Division	2,217,543	2,159,155
Industrial Accidents Division	2,040,041	2,031,931
Boiler, Elevator and Coal Mine Safety Division	1,579,643	1,635,747
Adjudication Division	1,370,987	1,430,985
Workplace Safety Projects/Grants	720,845	775,133
Management, Administrative, Computer Support and Central Office Costs	2,265,387	1,971,170
<b>Total Expenditures by Division</b>	<b>\$14,115,556</b>	<b>\$13,996,608</b>

Expenditures by Type of Expense/Expense Category:		
Salaries & Benefits	\$10,278,731	\$10,466,054
Travel Costs	128,960	114,237
Data Processing	1,410,858	1,398,110
Other Operation Expenses	1,638,581	1,323,414
Pass-through Workplace Safety Grants	658,426	694,793
<b>Total Expenditures by Type of Expense/Expense Category</b>	<b>\$14,115,556</b>	<b>\$13,996,608</b>



## Industrial Accidents Division



### Overview

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

### 2018 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 61,008 reported injuries
- ◆ Assisted 6,642 injured workers
- ◆ Held 194 dispute-resolution conferences

#### Compliance Section

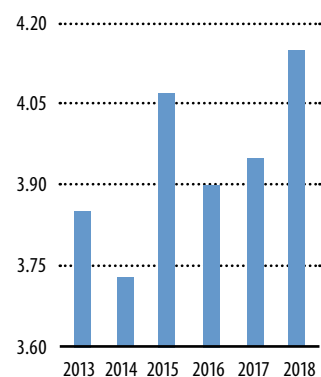
The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY2018, the Compliance Section assessed non-compliance penalties against 330 employers and collected \$961,430 in outstanding penalties for the Uninsured Employers Fund.

In FY 2018 the waiver program received 9,414 applications and issued 8,102 waiver certificates.

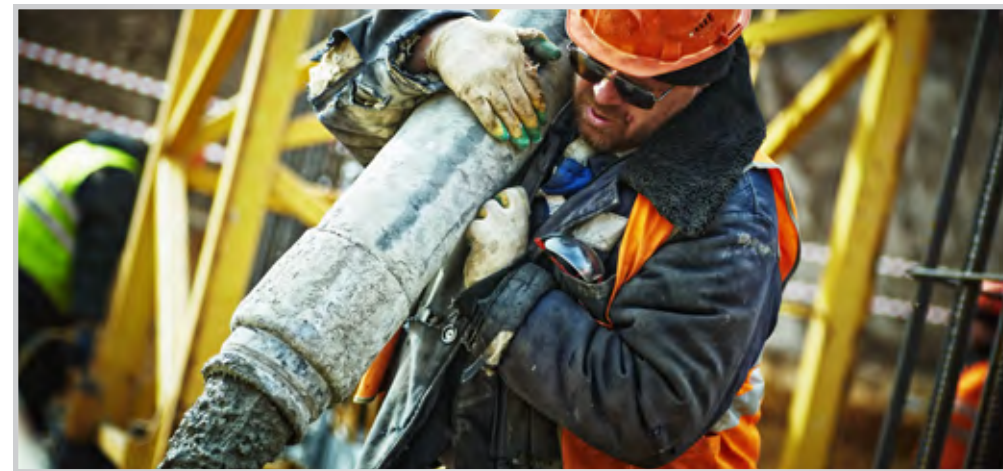
### Mission

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

### WC Injuries per 100 Workers in Utah



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



### Outreach

The Division conducted 13 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 FY2018, the ERF paid \$13,654,064 in benefits to over 928 claimants.

### Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. In FY2018, the UEF paid \$1,612,664 in benefits, which was more than offset by \$1,726,744 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.

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.

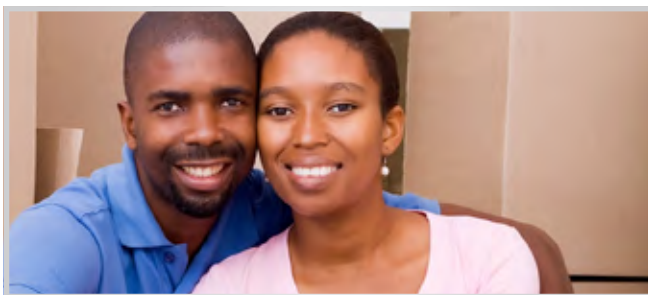
### 2018 Highlights

In FY2018, UALD's Wage Claim Unit processed 2,209 claims and collected \$830,865 in unpaid wages on behalf of claimants.

The Employment Discrimination Unit investigated and mediated 539 cases to closure. The amount awarded to claimants was \$1,224,669.

The Fair Housing Unit processed 95 cases, with 70 cases investigated and mediated to closure.

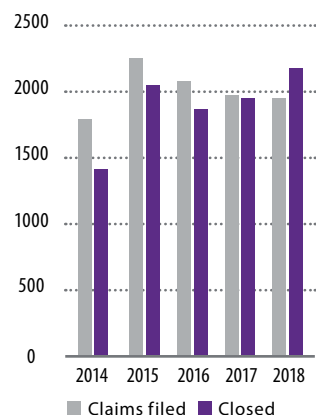
UALD conducted outreach activities at 215 educational events around the state, reaching about 4,500 people.



### Mission

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

### Wage Claim Unit Claims Filed and Closed



Kendra 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, 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.

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

### 2018 Highlights

- ◆ Inspected 438 new elevators, 822 new boilers and 1,401 new pressure vessels.
- ◆ Performed a total of 25,280 inspections and Issued 16,574 operating permits.
- ◆ Administered 224 certification exams to coal miners.

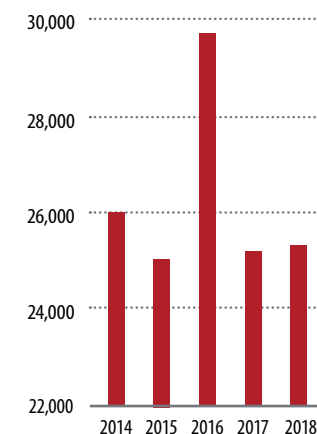
The Division will continue to focus on reducing the number of elevator units that are overdue for inspection while maintaining the other functions of the Division. The Division's Office of Coal Mine Safety conducted multiple visits to every coal mine in the state in FY2018.



### Mission

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

### Number of Inspections Performed



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



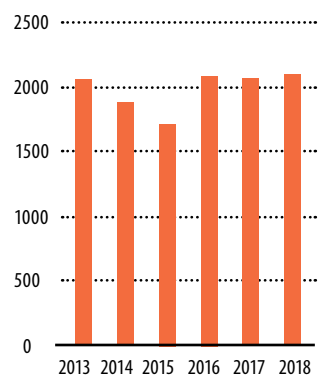
## Utah Occupational Safety and Health Division



### Mission

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

### UOSH Interventions



### Overview

The Utah Legislature enacted the 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 1,433,240 employees and over 97,600 employers in Utah.

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



### 2018 Highlights

#### Compliance

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

During FY2018, UOSH Compliance:

- ◆ Conducted 1141 safety and health inspections/interventions.
- ◆ Issued 1936 citations.
- ◆ Evaluated safety and health conditions at work sites employing over 178,909 employees.

#### 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 FY2018, UOSH Consultation:

- ◆ Conducted 957 safety and health visits/interventions.
- ◆ Identified 3,972 hazards.
- ◆ Assisted employers in improving workplace safety and health for over 162,941 employees.
- ◆ Trained approximately 1510 workers from 528 entities in general industry and construction.





## Adjudication Division



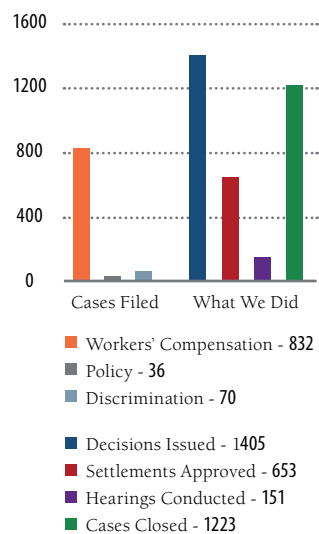
### Overview

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, UOSH citations, and workers' compensation insurance compliance penalties.

### Mission

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

### Adjudication Division 2018



Brian Stewart, Director  
and Presiding Administrative  
Law Judge  
(801) 536-7928  
brstewart@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 FY2018, there were 94 motions for review filed with the Labor Commission. The Commissioner and/or Appeals Board issued decisions on 88 of the 94 motions within 90 days of the date the motion was filed for a 93.62% 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.

### Rulemaking

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) 530-6036  
chill@utah.gov



## Recognition

### Labor Commission's Paul Cannon Receives 2018 Governor's Award for Excellence

Paul Cannon's dedication to safety, and his willingness to share his knowledge with others, has led to the improved health and safety of countless employees in the State of Utah.



Paul Cannon is a leader, a role model and a mentor, and is considered by his peers and management to be the "go to" person for difficult cases that require complex thinking and a high level of technical expertise. When asked for assistance, Paul never hesitates to offer his support to other compliance officers that have technical questions, and provides help researching the issue to obtain correct information to support their cases. In addition to the admiration of his colleagues, Paul's compassion for people, and his dedication to occupational safety and health, has made him a widely valued member of the safety community, earning the trust and acclaim of both employers and employees throughout the State of Utah.

In 2017 Paul worked on a number of very complex investigations; including four fatality investigations. One of these investigations was particularly complex due a chain of events that led to chemical exposure of employees. Paul was able to carefully piece together all of the events to conclude exactly what took place, and create solutions that could be implemented in order to prevent similar occurrences from happening in the future.

Paul Cannon is a great example of a true safety professional, and the Utah Labor Commission would like to recognize him for his continuous efforts to ensure that employees in the State of Utah are provided a safe and healthy workplace.

### Commission Employee of the Quarter Awards

- ◆ Charlie Grizell, *Utah Occupational Safety and Health Division / 3rd Quarter 2017*
- ◆ Deidre Marlowe, *Adjudication Division / 4th Quarter 2017*
- ◆ Paul Cannon, *Utah Occupational Safety and Health Division / 1st Quarter 2018*
- ◆ Kyrie Butler, *Adjudication Division / 2nd Quarter 2018*



### VPP Awards Program

The Voluntary Protection Program (VPP) is a Compliance Program that recognizes companies that have implemented effective safety and health management systems and maintain injury and illness rates below national averages for their respective industries. Awarding VPP status constitutes UOSH's official recognition of company management and employees who have achieved exemplary occupational safety and health success. In FY2018 one company achieved VPP status:

EnergySolutions



### 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 FY2018, one company completed the requirements to be considered a SHARP company:

Lehi Fire Station #83



### Utah Arches Award

The Utah Arches Award for workplace safety and health excellence is presented to companies which exhibit excellence in workplace safety and health. In FY2018 three companies received this award:

Harris Rebar Salt Lake

Ascent Construction

Ogden City Fire Department





## 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 2018, \$694,793 was provided in workplace safety grants to 30 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 "2018 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 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 Red Butte Garden to offer wilderness first-aid course, training, and certification for conservation, program, and horticulture staff.

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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 "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 1,200 entries.

The top 12 entries selected are included in the Labor Commission's annual safety calendar. In FY2018, 9,000 calendar were distributed to schools, businesses, and community organizations for the purpose of increasing workplace safety awareness.



### Grand Prize Winner

Leah Muhlestein  
Centerville Jr High School



### 1st Runner Up

Claire Deforge  
Clayton Middle School



### 2nd Runner Up

Eliza Swenson  
Timberline Middle School



### 3rd Runner Up

Afton Miller  
Clayton Middle School



## Advisory Boards and Councils

### Appeals Board

- Patricia Abbott Lammi, *J.D., Chair*
- Patricia Drawe, *J.D.*
- Joseph Hatch, *J.D.*

### Workers' Compensation Advisory Council

#### Employer Representatives

- Todd R. Bingham, *Utah Manufacturers Association*
- Dave Davis, *Utah Food Industry Association*
- Ryan Nelson, *Employers Council*
- Richard J. Thorn, *Associated General Contractors Utah Chapter*
- M. Jeff Rowley, *Salt Lake County Risk Management*

#### Employee Representatives

- Reo Castleton, *Unified Fire Authority*
- K. Dawn Atkin, *Law Firm of Atkin & Associates*
- Brian Kelm, *Law Office of Brian D. Kelm*
- Brandon Dew, *District Representative, Operating Engineers Local Union #3*
- William Brandt Goble, *Painters and Tapers Union Local 77*

#### Ex Officio

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

#### Legislative Liaisons

- Senator Karen Mayne
- Representative James Dunnigan

### Mine Safety Technical Advisory Council

#### Voting Members

- Mike Dalpaiz, *United Mine Workers of America*
- Steven Childs, *Skyline Mine*
- Clark Atwood, *Alton Coal*
- John Byars, *Arch Coal*
- David W. Hibbs, *Utah American Energy*
- Mark Compton, *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*

- Gary Leaming, *Sufco Mine, Canyon Fuel Company*
- Randy Mabutt, *USU Eastern, Mining Department*

#### Non-Voting Members

- Jaceson Maughan, *Commissioner, Utah Labor Commission*
- Bruce Riches, *Utah State Department of Public Safety*
- John Baza, *Utah State Department of Natural Resources*
- J. D. McKenzie, *U.S. Department of the Interior, Bureau of Land Management*

### Utah Miner Certification Panel

#### Members

- Terry L. Jordan, *Deer Creek Mine (retired)*
- Wendell Christensen, *West Ridge Mine*
- 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*
- Larry Olsen, *Skyline Mine*

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

### Elevator and Escalator Advisory Board

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- Todd Kodele, *Carson Elevator Company*
- Daniel Day, *Brigham Young University*
- Barry Smith, *Hart Fisher Smith & Associates*
- Tony Hall, *Schindler Elevator Corporation*
- Mike Forbush, *ThyssenKrupp Elevator Company*







# Comprehensive Report of the Status of Coal Mine Safety in Utah / Calendar Year 2017

## Introduction

For convenience, this report has been incorporated with the Labor Commission's annual state Fiscal Year 2018 report. This report covers coal mining activities in the State of Utah during calendar year 2017.

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 of an explosive
8. An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use; or, an unplanned roof or rib fall in active workings that impairs ventilation or impedes passage
9. A coal or rock outburst that causes withdrawal or minders or which disrupts regular mining activity for more than one hour
10. A unstable condition at an impoundment, refuse pile, or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or failure of an impoundment, refuse pile, or culm bank
11. Damage to hoisting equipment in a shaft or slope which endangers an individual or which interferes with use of the equipment for more than thirty minutes
12. An event at a mine which causes death or bodily injury to an individual not at the mine at the time the event occurs



## I. SUMMARY OF COAL MINE ACCIDENTS/EMERGENCIES

Date	Mine	Accident or Emergency
3/17/2018	SUFCO Mine	A roof fall occurred in the 3R-WL #2 Entry, #7 Cross Cut. Seven foot resin bolts were installed when developed. The fall dimensions were approximately 20 Foot X 20 Foot and 10 Foot high. No persons affected by the fall. Electrical and communications cables were re-routed. Escape way was re-routed. Re-habilitation work proceeding according to MSHA approved plan using 12 Foot cable bolts
6/6/2018	SUFCO Mine	A roof fall occurred in the 3R-WL Long Wall bleeder in #3 Entry, #7 Cross Cut. It is uncertain when the fall occurred as it was 105 Feet behind the face and no person witnessed the fall. The fall measured approximately 21 Feet Wide 60 Feet Long and 14 Feet High. The area was supported with double-row of wood cribs. MPL'S for weekly exams of the bleeders have been set and approved by MSHA at X-Cut #6 and X-Cut 11.



## II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act. Major activities in 2017 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.

## CONCLUSION

During calendar year 2017, 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.







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