

Annual Report 2019



UTAH
LABOR COMMISSION

For the Fiscal Year Ended June 30, 2019



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September 2019

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 FY2019. 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 unique challenges for the Labor Commission as it meets an increasing demand for the services it provides. The Labor Commission touches every business in Utah, often in many ways. It does so through the inspection of boilers or elevators, workers' compensation issues, workplace safety, the payment of wages, or claims of discrimination in the workplace or housing. By implementing Governor Herbert's SUCCESS initiative, the Labor Commission has improved efficiencies in every division which has led to improvement in the quality of services it delivers. The Labor Commission continues to do so without requesting additional funding or personnel, relying instead on the process improvement strategies learned through the SUCCESS initiative.

By leveraging these strategies, the Labor Commission has greatly reduced the number of days between the initiation of a Utah Occupational Safety and Health Division (UOSH) inspection and the issuance of a citation, thereby providing a sense of finality for the employer while quickly removing the job hazards for employees. These improvements led to increased capacity which allowed UOSH to implement a Public Sector Local Emphasis Program as part of Governor Herbert's SUCCESS Plus initiative, thus dramatically improving its presence in public sector workplaces, thereby removing workplace hazards for public sector employees. In addition, the Labor Commission's Utah Antidiscrimination and Labor Division (UALD) has made tremendous progress in meeting its internal goal of issuing employment discrimination cases within 180 days. Likewise, the Commission's Boiler, Elevator and Coal Mine Safety Division was able to recover from significant job turnover, streamline its inspector training and certification program, and improve how inspections are scheduled in order to make significant progress in addressing the number of elevators overdue for inspection.

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 Utah Occupational Safety and Health (UOSH) Division's opening conference with an employer and the day UOSH issues a citation. More than 90% of citations are now issued within 45 days
- Continued improvement in the percentage of final decisions issued by the Adjudication Division within 60 days, with 87% 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 comparison, thus far in FFY2019 UOSH has performed 79 public sector compliance inspections. UOSH was able to do this without an increase in staffing or budget, relying instead on increased capacity found through process improvement.

Following the legislative audit of the Employment Section of the Labor Commission's Utah Antidiscrimination and Labor Division (UALD), the Commission set an internal goal of closing employment discrimination cases within 180 days. A vital component of this goal was reducing the backlog of cases waiting to be assigned to an investigator, thereby reducing the average age of a case at the time it is assigned to an investigator. At the beginning of state fiscal year 2018, the average age of cases at the time they were assigned to an investigator was 220 days from the time the complaint was filed with UALD. At the end of June 2019, the average age of cases at the time they were assigned to an investigator was 92 days, making the issuance of a decision within 180 days a realistic possibility. UALD utilized process improvement strategies to streamline the intake process, and to standardize investigations and the report writing process. As such, UALD was able to focus its efforts on the backlog of cases and not allow additional cases to accrue to the backlog.

The Labor Commission has leveraged the performance improvement strategies learned through the SUCCESS framework to better serve the people of Utah, enhancing the services it provides to both the public and private sectors. The Labor Commission is committed to a process of continual improvement in the quality, efficiency and timeliness of the services it provides.

Technology

WCCW Admin (Waivers Admin) Rewrite

On May 8, 2019, the rewritten administrative application for waivers was deployed into production. This completes a multi-year effort to update and modernize the waivers environment. The technology behind the application is industry standard and replaces an outdated platform operating on security protocols that have been updated. With this rewrite now complete, there remains only one internal facing application needing to be rewritten in order to take advantage of the new technology stack.

In addition to the upgraded technology stack, the user interface was completely modernized. The front end design has a much more intuitive look and feel that helps new users as well as seasoned users navigate the system. The user interface is clean, modern, and easy to use. The application is responsive in design and works well on traditional tower based PC's, laptops, iPads, and cell phone devices.

Sybase to SQL Server Database Migration

A project is underway to migrate the Labor Commission database from Sybase to Microsoft's SQL Server. This project is huge in scope and impacts virtually every area in the Labor Commission. The new SQL Server database is administered by the DTS Database Team and runs on dedicated servers. The project has required modification to all of the applications in the Labor Commission. The project is nearing completion as all code modifications are complete and we have moved into Phase 1 testing with the user community. This requires parallel runs with the new code and the legacy code to ensure the changes are compatible with the old database. Once Phase 1 testing is complete and approved, the code is then staged into production and Phase 2 testing begins. Phase 2 testing requires parallel runs with the new code against the old database and the new database. Once Phase 2 testing is complete and approved, the "Go Live" date is scheduled which includes the final conversion of the database from Sybase to SQL Server. The cutover is expected later this calendar year.

Website Hosting in AWS (Amazon Cloud)

The Labor Commission has received the framework for their new website from a third party developer. DTS has taken this framework and deployed it into the cloud using Amazon Web Services (AWS). The website is running in a test environment while content from the divisions is being loaded into the cloud. The management of the cloud instance falls under DTS control while the website itself is completely hosted within the AWS cloud.

As each of the divisions provide specific material for their areas on the new website, DTS will play a major role in configuring and deploying their content. Once completely built and ready for production, DTS will facilitate the deployment and ensure each area is working correctly. DTS will also train individuals from each of the divisions on how best to manage their content. Ultimately, the divisions will be responsible for managing their own content and DTS will be relied upon for technical issues and problems. The "Go Live" date is expected later this calendar year.





Mission

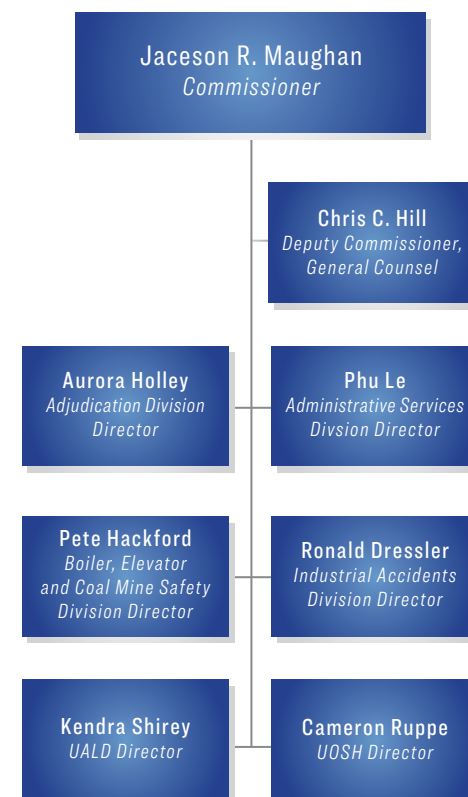
The mission of the Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

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 Commission.

Organization Utah Labor Commission



2019 Workload Accomplishments



- ◆ The Adjudication Division issued 1,512 decisions. It also conducted 190 formal evidentiary hearings and approved 613 settlement agreements.
- ◆ The UOSH Division completed 1,040 interventions/inspections/visits, improving safety in the workplace for over 200,693 workers.
- ◆ The Industrial Accidents Division issued 721 non-compliance penalties and collected \$1,665,337 from non-compliant employers.
- ◆ The Utah Antidiscrimination and Labor Division's Employment Discrimination Unit investigated and mediated 820 cases and awarded \$1,722,786 to claimants. The Division's Fair Housing Unit opened 77 cases and investigated and mediated 59 claims to closure. The Division's Wage Claim Unit processed 2,440 claims and collected \$729,254 in unpaid wages on behalf of claimants.
- ◆ The Boiler, Elevator and Coal Mine Safety Division performed 22,763 safety inspections, administered 403 coal mining exams, and regularly visited every operating coal mine in the State.
- ◆ The Workplace Safety program awarded \$480,224 in workplace safety grants to 32 Utah businesses and community organizations.

Labor Commission Budget Summary

Fiscal Year Ended June 30, 2018 with Comparative Totals for Year Ended June 30, 2019

Revenues	FY 2018	FY 2019
General Funds	\$ 6,467,500	\$ 6,613,600
General Funds Returned	62,241	198
Workplace Safety	1,642,800	1,654,100
Unused WPS	443,268	393,943
Industrial Accidents Restricted Acct	3,379,567	3,658,700
ERF	79,100	78,900
Federal Grants	2,910,668	2,977,308
Other	2,482	18,148
Total Revenues	\$ 13,996,608	\$ 15,394,898

Expenditures by Division:

Labor Commission Administration	\$ 1,802,722	\$ 1,957,002
Industrial Accidents	2,031,931	1,743,406
Appeals Board	8,465	9,105
Adjudication	1,430,985	1,507,310
Boiler Elevator & Coal Mine Safety Division	1,635,747	1,712,489
Workplace Safety	775,132	711,628
Antidiscrimination & Labor	2,159,155	2,334,795
Utah Occup & Safety Division	3,992,487	4,032,317
Building Operations & Maintenance	159,983	174,597
Total Expenditures by Division	\$ 13,996,608	\$ 14,182,651

Expenditures by Type of Expense/Expense Category:

Salaries and Benefits	\$ 10,466,054	\$ 10,737,334
Travel Costs	114,237	105,924
Data Processing	1,398,110	1,362,599
Other Operational Exp	1,323,413	1,363,165
WorkPlace Safety Grants	694,793	613,629
Total Expenditures by Type of Expense/Expense Category	\$ 13,996,608	\$ 14,182,651

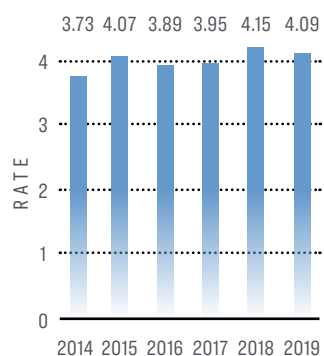
Industrial Accidents Division



Mission

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

WC Injuries per 100 Workers in Utah



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

Overview

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

2019 Highlights

Claims Section

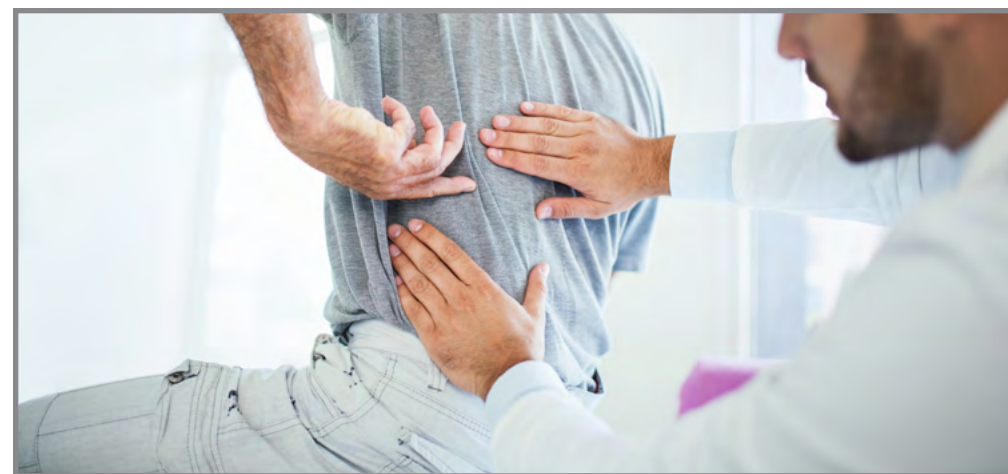
This section administers the day-to-day operation of the workers' compensation system and also assists injured workers, employers and insurance carriers in resolving workers' compensation disagreements. During the last year, the Claims Section:

- ◆ Recorded 64,000 reported injuries
- ◆ Assisted 4,718 injured workers

Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY2019, the Compliance Section issued 721 non-compliance penalties and collected \$1,665,337 from non-compliant employers.

In FY2019 the waiver program received 10,325 applications and issued 9,069 waiver certificates.



Outreach

This division conducted 12 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 FY2019, the ERF paid \$14,183,670 in benefits to 936 claimants.

Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. In FY2019, the UEF paid \$2,760,492 in benefits, which was more than offset by \$2,976,000 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.

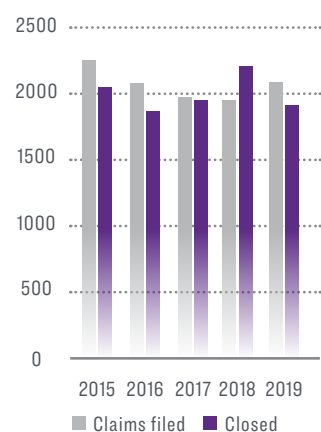
Utah Antidiscrimination and Labor Division



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



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.

2019 Highlights

In FY2019 the Wage Claim Unit processed 2,440 claims and collected \$729,254 in unpaid wages on behalf of claimants.

The Employment Discrimination Unit investigated and mediated 820 cases and awarded \$1,722,786.00 to claimants.

The Fair Housing Unit processed 77 claims, with 59 cases investigated and mediated to closure.

UALD conducted outreach activities at 176 educational events around the state, reaching 13,873 people.

Boiler, Elevator and Coal Mine Safety Division

Overview

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

The Division maintains an office in Price, Utah, housing the State's program for Coal Miner Certification and the Office of Coal Mine Safety. This office, assisted by its associated panel and advisory council, works to maximize safety in Utah's coal mines.

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.

2019 Highlights

- ◆ Inspected 372 new elevators, 873 new boilers and 1,212 new pressure vessels
- ◆ Performed a total of 22,763 inspections and Issued 16,334 operating permits
- ◆ Administered 403 certification exams to coal miners
 - The Division's Office of Coal Mine Safety conducted multiple visits to every coal mine in the state in FY2019.

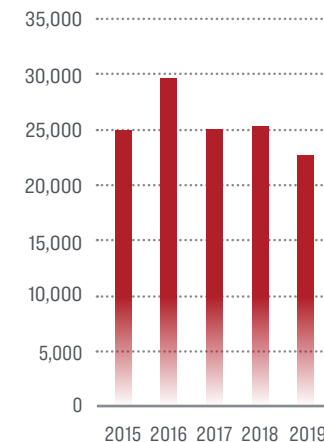
The Division will continue to focus on reducing the number of elevator units that are overdue for inspection while maintaining the other functions of the Division.



Mission

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

Number of Inspections Performed



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

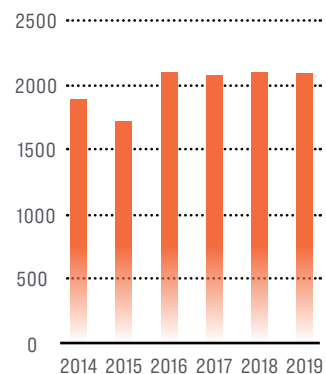
Utah Occupational Safety and Health Administration Division (UOSH)



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 1,481,733 employees and over 102,290 employers in Utah.

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



2019 Highlights

Compliance

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

During FY2019, UOSH Compliance

- ◆ Conducted 1,192 safety and health inspections/interventions
- ◆ Identified 1,795 violations
- ◆ Evaluated safety and health conditions at work sites employing 200,693 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 FY2019, UOSH Consultation:

- ◆ Conducted 908 safety and health visits/interventions
- ◆ Identified 3,855 hazards
- ◆ Assisted employers in improving workplace safety and health for 135,457 employees
- ◆ Trained approximately 1,406 workers from 438 entities in general industry and construction.

1 new SHARP program (*Lehi City Fire Department Station #83*)

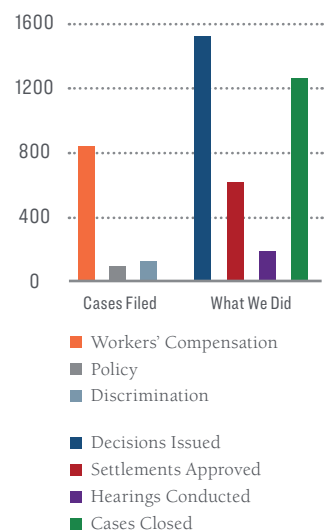
Adjudication Division



Mission

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

Adjudication Division 2019



Aurora Holley, Director
and Presiding Administrative
Law Judge
(801) 536-7928
auroraholley@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 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.

Mediation Section

This section assists injured workers, employers and insurance carriers in resolving workers' compensation disagreements. During the last year, the Mediation Section:

- ◆ Performed 124 Mediations
- ◆ 95 mediations (77%) resolved

2019 Highlights

The Adjudication Division continues to make great strides in improving accountability, transparency and professionalism. For cases filed in FY2019, the Division issued 87% of all final decisions within 60 days.

The Division also:

- ◆ Continues to complete cases in a timely manner, closing a total of 1,264 cases in FY2019.
- ◆ Continued mandatory quarterly training for Medical Panel Chairs.

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 FY2019, there were 98 motions for review filed with the Labor Commission. The Commissioner and/or Appeals Board issued decisions on 90 of the 98 motions within 90 days of the date the motion was filed for a 91.84% 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) 530-6113
chill@utah.gov

Recognition

Labor Commission's Kate McNeil, Leslie Miller, Eric Steadman and Cameron Ruppe Receive Governor's Award for Excellence



On February 20, Labor Commission employee Eric Steadman found one of his fellow employees unconscious and unresponsive on the floor in one of the Commission hallways. Eric acted immediately, calling 911 and finding Kate McNeil, a Commission employee certified in CPR. Kate immediately began assessing the distressed employee's condition with the assistance of another Commission employee, Leslie Miller. Front desk personnel notified Utah Occupational Safety and Health Director, Cameron Ruppe, of the incident. Cameron, a former EMT, rushed to assist in the aid efforts. Kate and Cameron determined that the employee was breathing on his own, but could not find a pulse. Cameron began to immediately administer CPR with Kate's assistance. Eric remained on the phone with 911, relaying messages to Cameron and Kate and guiding paramedics to the Commission's offices. Cameron used the Commission's AED machine to restart the unresponsive employee's heart and continued chest compressions until emergency services arrived.

Emergency services were on the scene eight minutes after Eric first made his call to 911, where they were able to stabilize the employee and transport him to the University of Utah hospital; where he stayed in ICU for several days. The employee's treating physician noted that the treatment that he received immediately after his collapse, including CPR being administered so quickly, greatly improved his chances for survival. Remarkably the employee was able to return to work just two weeks after the incident.

The Labor Commission would like to recognize Eric, Leslie, Kate, and Cameron for their quick, competent, and selfless actions, and the integral role they played in the survival of their colleague.

Commission Employee of the Quarter Awards

- ◆ Bobbie Smith, *Industrial Accidents Division / 3rd Quarter 2018*
- ◆ Rodney Sweet, *Elevators and Coal Mine Safety Division / 4th Quarter 2018*
- ◆ Stephanie Carrillo, *UALD / 1st Quarter 2019*
- ◆ Danny Kunde, *Industrial Accidents Division / 2nd Quarter 2019*

Public Sector Local Emphasis Program (LEP) Update

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

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

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

State FY17	(85 Total Interventions)
Compliance:	Inspections – 15 Compliance Assistance – 2
Compliance:	Visits – 32 Compliance Assistance – 36
State FY18	(205 Total Interventions)
Compliance:	Inspections – 55 Compliance Assistance – 2
Compliance:	Visits – 60 Compliance Assistance – 88
State FY19	(219 Total Interventions)
Compliance:	Inspections – 72 Compliance Assistance – 10
Compliance:	Visits – 86 Compliance Assistance – 51



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 2019, \$480,224 was provided in workplace safety grants to 32 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 "2019 Family Safety Fair" which covered seat belt laws, bicycle safety, fire safety, gun safety and locks, impaired driving, earthquake safety, and safety in the workplace.

The WPS grant assisted in funding Comunidades Unidas' Despierta! project that assists Latino workers residing in west Salt Lake County with overcoming barriers to accessing workplace safety information and resources. Despierta! activities have focused specifically on the occupational fields of construction, day labor, and women who work in service industries by providing workplace safety workshops and trainings statewide.

Funded an organization-wide safety project for the Boys and Girls Club of Greater Salt Lake that will help ensure Clubs are safe for staff and members. The project includes:

1. The creation of a board-led Safety Committee with local safety experts, including members of law enforcement and healthcare and insurance industries to serve in an advisory role for Clubs and oversee implementation of the project.
2. Increasing staff training by ensuring all program staff be required to attend organization-wide trainings that cover the following topics: policies and procedures, active shooters, field trips and outdoor activities, emergency situations, first aid, and safe driving.
3. Designing an organizational safety policy and site-by-site procedural safety plans and enhanced background screening measures for staff and volunteers.

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 "Safety Starts With You" 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 FY2019, over 5,000 calendars were distributed to schools, businesses, and community organizations for the purpose of increasing workplace safety awareness.



Grand Prize Winner

Renzo Cifuentes | Centennial Jr. High



1st Runner Up

Derek Hodge
Berean Baptist Academy



2nd Runner Up

Charlotte Gaisford
Clayton Middle School



3rd Runner Up

Zealand Bouwhuis
Rocky Mountain Middle School

Advisory Boards and Councils

Appeals Board

- Kathy Bounous, *J.D., Chair*
- Monica Whalen, *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, *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*
- 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, *Coal Hollow Mine*
- John Byars, *Arch Coal*
- Matt Elaw, *Utah American Energy*
- Brian Somers, *Utah Mining Association*
- Greg Funk, *Emery County Sheriff's Department*
- Pratt Rogers, *University of Utah*
- Dr. Kristine L. Pankow, *University of Utah*
- Kim McCarter, *University of Utah*
- Jake Seiter, *SUFCO Mine, Canyon Fuel Company*
- Randy Mabutt, *USU Eastern, Mining Department*
- Grant Barraclough, *Castlevue Hospital*

Non-Voting Members

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

Utah Miner Certification Panel

Members

- Brett Allred, *SUFCO Mine*
- Wendell Christensen, *Lila Canyon Mine/Bruno Engineering*
- Fred C. Veater, *SUFCO Mine*
- Brandon McArdle, *Castle Valley Mine*
- Clark Atwood, *Coal Hollow Mine*
- Kirt Tatton, *Dugout Mine*
- Douglas C. Luke, *Jennmar Services*
- Justin Barrington, *Lila Canyon Mine*
- Larry Olsen, *American Fire*
- Rick Poulson, *Skyline Mine*



Comprehensive Report of the Status of Coal Mine Safety in Utah / Calendar Year 2018

Introduction

For convenience, this report has been incorporated with the Labor Commission's annual State Fiscal Year 2019 report; however, this section of the report covers coal mining activities in the state of Utah during calendar year 2018.

Section 40-2-303 of the Utah Coal Mine Safety Act directs the Utah Labor Commission, with its Office of Coal Mine Safety (OCMS) and Mine Safety Technical Advisory Council (MSTAC), to submit to the Governor and Legislature an annual comprehensive report regarding coal mine safety in Utah for the preceding calendar year. The statute requires that the report include: 1) a compilation of major coal mine accidents or other coal mine emergencies within the state during the calendar year;¹ 2) a statement of actions by the commission, office, or council to implement this chapter; 3) without a breach in confidentiality, a summary of reports of alleged unsafe conditions received by the office, with a statement of the office's responses; 4) recommendations for additional action to promote coal mine safety; and 5) any other items the commission, office, and council consider appropriate. Each of these items are discussed in this report.

¹Though not inclusive, the list of accidents or emergencies includes:

1. A death of an individual at a mine;
2. An injury to an individual at a mine which has a reasonable potential to cause death;
3. An entrapment of an individual for more than thirty minutes or which has a reasonable potential to cause death;
4. An unplanned inundation of a mine by a liquid or gas;
5. An unplanned ignition or explosion of gas or dust;
6. In underground mines, an unplanned fire not extinguished within 10 minutes of discovery; in surface mines and surface areas of underground mines, an unplanned fire not extinguished within 30 minutes of discovery;
7. An unplanned ignition or explosion of a blasting agent 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/INCIDENTS/EMERGENCIES

Date	Mine	Accident or Emergency
1/5/2018	Skyline Mine	A roof fall occurred on the longwall stage loader. This fall was 12' x 18' at the widest point and separated at the 7.5' level and came to rest on the stage loader. It did not impede passage or block escape routes. MSHA was notified and a plan submitted to reinforce the roof.
3/19/2018	SUFCO Mine ¹	Power tripped to one of the longwall power centers in the 2 right 6 west section of the mine and smoke and heat were detected at the power center. All miners were removed and fire-fighting efforts were initiated. Ventilation was re-routed and the fire was extinguished within 45 minutes.
10/02/2018	Bronco Utah, Emery Mine	A roof fall in the GOB area of the 2nd east retreat (<i>partial pillar</i>) section occurred that damaged or knocked out 37 ventilation controls (<i>stoppings, regulators and overcast</i>). This caused the air to reverse direction and resulted in a short circuit and rock dust to be suspended in the mine air course for several minutes. No personnel were involved or affected.
11/19/2018	Bronco Utah, Emery Mine	A roof fall occurred in the Main West #2 Entry, in the inter section of Crosscut #18. This fall was 20' x 20' with 1 to 5 feet of top falling. No one was injured or trapped and no ventilation was interrupted or blocked. Timbers and/or roof jacks were set to prevent access until new permanent support is installed.
12/11/2018	Bronco Utah, Emery Mine	A roof fall occurred in the main west #1 (<i>return</i>) entry, near crosscut #18. The fall was 16' x 60' and 6' high. No one was injured or trapped and no ventilation was interrupted or blocked although access was blocked. A 103(K) order was issued and when approval was given, timbers were installed on both sides of the fall.

II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act.

Major activities in 2018 include:

- ◆ The Mine Safety Technical Advisory Council (MSTAC) held quarterly meetings in March, June, September, and December 2018.
- ◆ 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 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 2018 there was one hot line 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 2018, 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 were no reports of unsafe conditions during 2018.

IV. RECOMMENDATIONS

There are no recommendations for the coming year.

CONCLUSION

During calendar year 2018, 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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