



UTAH LABOR COMMISSION

2022 Annual Report



For the Fiscal Year Ended June 30, 2022



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October 2022

Honorable Spencer J. Cox
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 FY2022. I also wish to thank Governor Cox and the Utah Legislature for supporting the Labor Commission's efforts to serve the citizens of Utah.

In FY2022 the Labor Commission continued to embrace Governor Cox's One Utah Roadmap, as well as Rural Utah and Remote Work initiatives, by continuing to embrace remote work opportunities with an emphasis on hiring in rural Utah. Much like the previous two years, FY2022 saw nearly 90% of Labor Commission personnel work remotely between one and five days each week, with a majority of Labor Commission employees working remotely on a full-time basis.

Because of its remote work efforts, the Labor Commission has continued to successfully embrace surge teleworking on poor air quality days in compliance with SB 15 from the 2021 General Session. Most Labor Commission employees eligible for long-term remote work are also eligible for surge telework and the Labor Commission routinely exceeds the benchmark for employees engaged in remote work during surge days.

FY2022 also presented some unique challenges, mainly involving the Labor Commission's relationship with its federal partner, the Occupational Safety and Health Administration (OSHA). The Labor Commission weathered OSHA's threat in October 2021 to reconsider Utah's Occupational Safety and Health Plan after Utah asked that OSHA not require states to enforce OSHA's Healthcare Emergency Temporary Standard. Working closely with Governor Cox and his team, Utah's legislative leadership, the US Department of Labor, and the new OSHA administration, the Labor Commission was able to retain the program and forge a stronger relationship with federal OSHA. The Labor Commission also worked closely with the Utah Attorney General's Office in its role to assist overturning OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard before the US Supreme Court in January 2022.



The Labor Commission plays a vital role in Utah's economy by ensuring safety and fairness in the workplace. Embracing remote work and engaging in efforts to recruit talented employees in every part of the state has brought new efficiencies and improved the Labor Commission's ability to effectively serve the public. As always, effective collaboration with its many stakeholders remains key to the Labor Commission's ability to fulfill its responsibilities, as does the support of Governor Cox and the Utah Legislature. With this continued support, the Labor Commission is confident it will continue to excel in meeting its obligations to the people of Utah.

Sincerely,

Jacson R. Maughan

Commissioner | Utah Labor Commission



Technology

This is a short summary of specific accomplishments completed by DTS working with and for the Utah Labor Commission during FY2022.



PTS/FINET Migration | Sept 2021

Supported State Finance efforts to migrate to a new FINET payment platform. DTS Labor Commission staff rewrote all payment codes. In April 2021, the Labor Commission was among the first agencies to receive approval from State Finance to move forward to parallel testing and go-live with the changes. First end-to-end production run of the PTS system was run September 21, 2021 and went flawlessly.

Miner Certification Public Portal Redesign | Sept 2021

DTS rewrote the public user interface for the Miner Certification program. The new portal guides a miner through the test and retest processes, preventing common errors (such as false surrenders) which had become a headache for the division. This project re-examined and re-imagined existing business logic which had not been significantly updated since the Miner Certification program was first introduced.

Antidiscrimination FEPA Gateway | January 2022

The Labor Commission development team deployed a new interface, the Equal Employment Opportunity Commission (EEOC) Gateway, to automatically manage synchronization between the federal EEOC system and Utah's Antidiscrimination division. The new interface connects Utah's Antidiscrimination tracking system (UALD) with the Federal EEOC system (ARC) using a secure real time web API to keep the synchronization up to date. The prior system was an antiquated multi step EDI process that used flat files and was run monthly by the Labor Commission Antidiscrimination staff.

The new system provides a more robust, automated mechanism to link the two systems in a more cohesive way by allowing two-way communication instead of the one way communication used in the prior gateway. In addition to providing much more up to date and accurate information between the two systems, the interface eliminates the need for dual entry by the division's staff, saving a lot of time for the investigators. They no longer need to manually keep two systems in sync and instead are able to concentrate on using their primary case tracking system, UALD; while allowing the new interface to coordinate the real time synchronization as well as logging activity to the case history of each UALD case to keep investigators informed.

Informal Conference Rules and Scheduling | April 2022

DTS developed and deployed a landing page to inform the public of the rules for scheduling a UOSH Informal Conference if a citation is received as well as a dynamic form to be completed to schedule the conference. laborcommission.utah.gov/divisions/uosh/compliance/informal-conferences/ The calendar is tied to Labor Commission employees to manage conferences and integrated into Gmail. Once the person submits the form, which they can only do if they are applicable to schedule an Informal Conference, the person's name and email is passed into the conference calendar schedule and directs the person to confirm the date of the conference. Also created a custom formatted email template that emails UOSH the person's form data when the form is submitted. This reduces the number of phone calls and simplifies the Informal Conference process for the public.

Updated Investigations Metrics Report for Antidiscrimination and Labor Division (UALD) | April 2022

The UALD Metrics report is used by UALD Investigators to track performance on case closures as well as overall case activity and timeliness when it comes to dealing with antidiscrimination charges reported in the State of Utah. The modifications made recently to the report combine the investigator performance with division specific metrics to allow the investigator to evaluate how well they are performing against a common standard for all investigators set by the division director. Thus allowing investigators to make adjustments or improvements if needed to stay within the overall success metrics of the division and ensure that antidiscrimination cases move forward timely and consistently within the statutes of the State of Utah.

ERF Payroll Preliminary Variance and Audit Reports | June 2022

DTS provided a simple method for the Labor Commission management team to review variances and correct issues. Payroll Preliminary will show variances for the past 3 months before payroll is actually run. Errors can be corrected and issues addressed before payroll actually runs. It can be run as many times as needed and will not impact/change any data. The Audit Report is more of an ad hoc all-inclusive report that lists all payments and differences. Since it has all the payments and differences, one may have to match up some differences by case number to determine why there is a difference.

Migration of all Labor Commission servers from the Salt Lake Data Center to the TSOB Data Center | June 2022

DTS completed migration of 17 servers and over 40 applications and websites from the SLDC to the TSOB DC with very little down-time and no negative impact to Labor Commission customers and staff. Ancillary systems that support telecommunications, networking and background services that support the agency were also moved during this time. The move involved all seven technology staff, developers, manager and project manager, multiple DTS enterprise teams, as well as Labor Commission team members. Significant coordination and testing occurred between DTS and the agency to make this move smooth, non-disruptive and successful.



New Leadership



Tyler Whitacre has been appointed as the Director of the Utah Antidiscrimination and Labor Division (UALD) for the Utah Labor Commission.

Prior to his appointment, Mr. Whitacre was the deputy director of UALD. Mr. Whitacre has been with the Commission since 2018. During that time, Mr. Whitacre has worked as an employment discrimination investigator, administrative law judge, deputy director, and interim director. In his most recent role, Mr. Whitacre supervised housing and employment discrimination investigations. Before joining the Labor Commission, Mr. Whitacre ran a small business for ten years.

Mr. Whitacre earned his Juris Doctorate from the University of California, Davis, School of Law in 2005.



Floyd Johnson has been appointed the Director of the Utah Occupational Safety and Health Division (UOSH) for the Utah Labor Commission.

Prior to his appointment, Mr. Johnson worked for 5 years as a Compliance and Safety and Health Officer for UOSH after joining the Labor Commission in 2017.

Before his stint at the Labor Commission, Mr. Johnson spent 17 years working in the construction industry as well as for the University of Utah in their Environmental Health and Safety department.

Mr. Johnson also served in the United States Marine Corps for several years and credits his time in the service and the core values of the Marine Corps, (honor, courage and commitment) with the development and application of additional character traits such as responsibility, service and leadership. Mr. Johnson was honorably discharged in 1998.

Mr. Johnson earned a bachelor's degree in Construction Management Technology from Weber State University and a Master's Certificate in Industrial Hygiene from the University of Utah's Rocky Mountain Center for Occupational and Environmental Health and Safety.

He and his wife currently live in Millcreek, Utah and have six children, three girls and three boys.

Mission

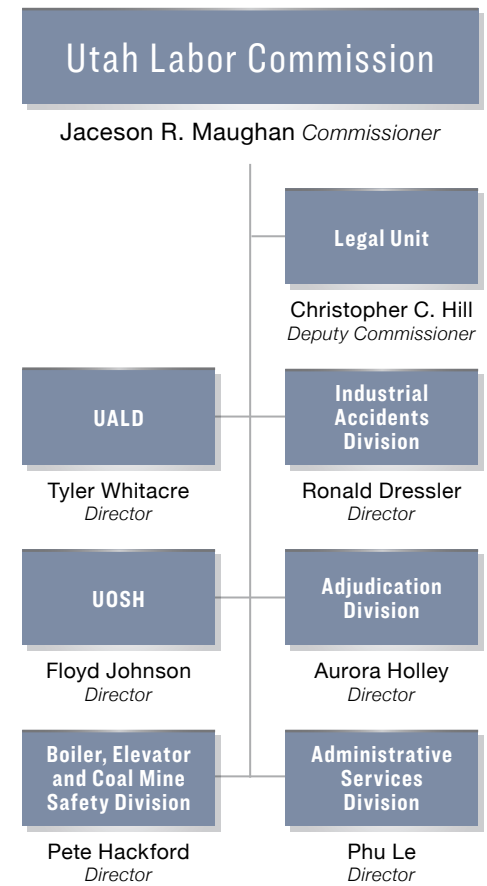
The mission of the Labor Commission is to achieve safety in Utah's workplaces and fairness in employment and housing.

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 Labor Commission embraces these values in the way we lead and support the Labor 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.
- Labor 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





Workload Accomplishments



The Adjudication Division issued **634** decisions. It also conducted **125** formal evidentiary hearings and approved **552** settlement agreements. The Division also transitioned to an entirely remote evidentiary hearing system which accommodates video hearings for all Utah constituents at no cost to the state.

The UOSH Division completed **1,675** interventions/inspections/visits, improving safety in the workplace for over **315,319** workers.

The Industrial Accidents Division issued **599** non-compliance penalties and collected **\$1,355,744** from non-compliant employers and assisted **2009** injured workers.

UALD's Employment Discrimination Unit investigated and mediated **543** cases and awarded **\$1,064,197** to claimants. The Division's Fair Housing Unit opened **69** cases and investigated and mediated **70** claims to closure. The Division's Wage Claim Unit processed **1,714** claims and collected **\$702,546** in unpaid wages on behalf of claimants.

The Boiler, Elevator and Coal Mine Safety Division performed **23,353** safety inspections, administered **278** coal mining exams, and regularly visited every operating coal mine in the State.

The Workplace Safety program awarded **\$697,893** in **31** individual workplace safety grants to Utah businesses and community organizations.

Labor Commission Budget Summary

Fiscal Year Ended June 30, 2021 with Comparative Totals for Year Ended June 30, 2022

Revenues:	FY 2021	FY 2022
General Funds	\$ 6,650,600	\$ 6,885,100
General Fund - Covid 19	2,488,253	
Fed Fund CARES	2,500,000	
General Funds Returned	1,500	2,500
Workplace Safety	1,670,300	1,678,600
Unused WPS	577,491	460,156
Industrial Accidents Restricted Acct	3,641,400	3,694,100
ERF	84,400	85,600
Federal Grants	3,082,000	3,145,300
Other	116,700	120,700
Total Revenues	\$20,812,644	\$16,072,056

Expenditures by Division:

TAA Labor Commission Administration	\$ 2,090,252	\$ 2,084,661
TAA Small Business Quarantine Grants	4,269,896	
TAB Industrial Accidents	1,583,432	1,585,184
TAC Appeals Board	15,032	16,994
TAF Adjudication	1,515,611	1,503,430
TAG Boiler Elevator and Coal Mine Safety Division	1,785,389	1,888,928
TAH Workplace Safety	645,609	415,796
TAJ Antidiscrimination and Labor	2,172,871	2,220,862
TAK Utah Occup and Safety Division	4,104,426	4,276,966
TAL Building Operations and Maintenance	149,823	184,019
Total Expenditures by Division	\$18,332,341	\$14,176,840

Expenditures by Type of Expense/Expense Category:

Salaries and Benefits	\$ 10,937,301	\$ 11,304,655
Travel Costs	27,645	49,503
Data Processing	1,225,875	1,286,743
Other Operational Exp	1,316,935	1,225,699
WorkPlace Safety Grants	554,688	310,240
Quarantine Grants	4,269,896	
Total Expenditures by Type of Expense/Expense Category	\$18,332,341	\$14,176,840



Industrial Accidents Division



Overview

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

Mission

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

2022 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 and Mediation Section:

- Recorded **63,377** reported injuries
- Assisted **2009** injured workers

Compliance Section

The Compliance Section enforces statutory requirements that employers maintain workers' compensation coverage for employees. During FY22, the Compliance Section assessed non-compliance penalties against **599** employers and collected **\$1,355,744** in outstanding penalties for the Uninsured Employers Fund.

In FY22 the waiver program received **14,535** applications and issued **10,226** waiver certificates.

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



Outreach

This division conducted 3 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 FY22, the ERF paid **\$11,554,468.71** in benefits to over **669** claimants.

Uninsured Employers Fund (UEF)

The UEF pays benefits to the injured employees of uninsured and insolvent employers. In FY22, the UEF paid **\$2,506,654** in benefits, which was more than offset by **\$3,767,590** 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.

2022 Highlights

In FY22 the Wage Claim Unit processed **1,714** claims and collected **\$702,546** in unpaid wages on behalf of claimants.

The Employment Discrimination Unit investigated and mediated **543** cases and awarded **\$1,064,197** to claimants.

The Fair Housing Unit processed **69** claims, with **70** cases investigated and mediated to closure.

The Employment Discrimination Unit closed **91.26%** of employment discrimination cases it investigated within 180 days of when the case was filed.

Mission

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

Tyler Whitacre, Director
(801) 530-6921
twhitacre@utah.gov

Boiler, Elevator and Coal Mine Safety Division



Overview

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

The Division maintains an office in Price, Utah, housing the State's program for Coal Miner Certification and the Office of Coal Mine Safety. This office, assisted by its associated panel and advisory council, works to maximize safety in Utah's coal mines. The Division relies on these entities to advise and assist in the Division's responsibilities and to provide advice and guidance.

2022 Highlights

- Inspected **363** new elevators, **880** new boilers and **1,244** new pressure vessels
- Performed a total of **23,353** inspections and issued **16,152** operating permits
- Administered **278** certification exams to coal miners

The Division's Office of Coal Mine Safety conducted multiple visits to every coal mine in the state in FY2022.

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

Mission

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

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



Utah Occupational Safety and Health Division



Overview

The Utah Legislature enacted the Utah Occupational Safety and Health Act in 1973 to provide for the safety and health of Utah's workers and to establish a state plan with occupational safety and health standards equivalent to Federal OSHA standards. On July 16, 1985, Federal OSHA recognized Utah's occupational safety and health program as being "as effective as" the federal program and relinquished authority over occupational safety and health in Utah to UOSH. UOSH has jurisdiction over approximately **1,582,712** employees and over **120,272** employers in Utah.

Mission

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

2022 Highlights

Compliance

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

During FY22, UOSH Compliance:

- Conducted **946** safety and health inspections/interventions
- Issued **1,699** citations (This means single violative conditions found in the **946** inspections/interventions above).
- Evaluated safety and health conditions at work sites employing over **179,469** employees

Floyd C. Johnson, Director
(801) 530-6898
fjohnson@utah.gov



Consultation

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

During FY22, UOSH Consultation:

- Conducted **729** safety and health inspections/interventions
- Issued **2,386** citations (This means single violative conditions found in the 946 inspections/interventions above).
- Assisted employers in improving workplace safety and health for over **135,850** employees
- Trained approximately **9,824** workers from **356** 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.

Mediation Section

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

- Performed **82** mediations
- **78** mediations (**95%**) resolved or contributed to final settlements.

2022 Highlights

The Adjudication Division continues to make great strides in improving accountability, transparency and professionalism. For cases filed in FY2022, the Division issued **80%** of all final decisions within 60 days.

The Division also:

Supplemented its practice by conducting wage claim hearings for UALD.

Continues to complete cases in a timely manner, closing a total of **1090** cases in FY2022.

Continued mandatory quarterly training for Medical Panel Chairs.

Provided attorneys with free Continuing Legal Education credit.

Transitioned to an entirely remote evidentiary hearing system which accommodates video hearings for all Utah constituents at no cost to the state.

Mission

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

Aurora Holley, Director
and Presiding Administrative
Law Judge
(801) 530-6865
auroraholley@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 FY2022, there were **99** motions for review filed with the Labor Commission. The Commissioner and/or Appeals Board issued decisions on **60** of the **99** motions within 90 days of the date the motion was filed for a **60%** compliance rate. The reason for the lower compliance rate compared to previous years is that the chair of the Appeals Board resigned suddenly to take an appointed position in the Governor's office. This left the Appeals Board unable to issue any decisions until a new chair was appointed three months later. Additionally, this three month delay caused a backlog in motions for review which took the entire fiscal year to recover from.

Appellate Litigation

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

Legislative Issues

The Legal Unit works with Labor Commission staff, stakeholders, legislative counsel, and individual legislators to evaluate legislative proposals.

Rule-Making

The Legal Unit assists the Labor Commission in developing, drafting and enacting administrative rules.

Public Information

The Legal Unit participates in seminars and other forums to provide information about the Labor Commission and responds to public inquiries about Labor Commission activities.

Mission

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

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



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.

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

In **FY2021**, UOSH did **1,302** Compliance Inspections and Consultation Visits. Of those, **62** were part of the Public Sector LEP, Inspections **(25)** and Visits **(37)**. Nearly **4.8%** of all inspections and visits involved the Public Sector LEP.

In **FY2022**, UOSH did **1,211** Compliance Inspections and Consultation Visits. Of those, **75** were part of the Public Sector LEP, Inspections **(32)** and Visits **(43)**. Nearly **6.2%** of all inspections and visits involved the Public Sector LEP.

StateFY18	(205 Total Interventions)	StateFY20	(130 Total Interventions)
Compliance:	Inspections - 55	Compliance:	Inspections - 53
	Compliance Assistance - 2		Compliance Assistance - 10
Consultation:	Visits - 60	Consultation:	Visits - 24
	Compliance Assistance - 88		Compliance Assistance - 43
StateFY19	(219 Total Interventions)	StateFY21	(109 Total Interventions)
Compliance:	Inspections - 72	Compliance:	Inspections - 25
	Compliance Assistance - 10		Compliance Assistance - 1
Consultation:	Visits - 86	Consultation:	Visits - 37
	Compliance Assistance - 51		Compliance Assistance - 46
		StateFY22	(137 Total Interventions)
		Compliance:	Inspections - 32
			Compliance Assistance - 3
		Consultation:	Visits - 43
			Compliance Assistance - 59

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 2022, **\$697,893** was provided in **31** different workplace safety grants to organizations throughout the state of Utah.

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

- Approved funds to the Utah Safety Council for the creation and production of a workplace safety podcast available to employers and employees.
- Approved funding for a safety training program administered by the Operating Engineers Apprenticeship and Journeyman Training for Utah
- Approved funding for Alliance Community Services and Comunidades Unidas, two local non-profits in Salt Lake and 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.

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 1,000 entries.

The top 12 entries selected are included in the Labor Commission’s annual safety calendar that is distributed to schools, businesses and community organizations throughout the state in an effort to increase workplace safety. In addition, the Grand Prize winner and top 3 runners up and their teachers were recognized by the Governor for their work.



2nd Runner Up
Emma Pitts
Shoreline Jr. High
in Kaysville

1st Runner Up
Gwyneth Partridge
Rocky Mountain
Middle School
in Heber City

3rd Runner Up
Jenny Cortes
Central Davis Jr. High
in Layton

Grand Prize
Winner
Stevie Underwood
Hillcrest Jr. High
in Murray

Advisory Boards and Councils

Appeals Board

- Kimberly Chytraus, J.D., Chair
- Monica Whalen, J.D.
- Eric Strindberg, J.D.

Workers’ Compensation Advisory Council

Employer Representatives

- Todd R. Bingham, Utah Manufacturers Association
- Dave Davis, Utah Food Industry Association
- Ryan Nelson, Employer’s 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

Non-Voting Members

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

Mine Safety Technical Advisory Council

Voting Members

- Mike Dalpaiz, United Mine Workers of America
- Danny Viers, Sufco Mine
- Clark Atwood, Coal Hollow Mine
- John Byars, Arch Coal
- Matt Efaw, Emery County Coal Resources
- Brian Somers, Utah Mining Association
- Ryan Mann, Emery County Coal Resources
- Pratt Rogers, University of Utah
- Dr. Kristine L. Pankow, University of Utah
- Kim McCarter, University of Utah
- Eric Anderson, Southeastern Utah Health Dept.
- Tyson Huntington, Emery County Sheriff’s Office

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
- Stan Perks, Bureau of Land Management

Utah Miner Certification Panel

Members

- Brett Allred, SUFCO Mine
- Wendell H. Christensen, Lila Canyon Mine/Bruno Engineering
- Chase Behling, SUFCO Mine
- Ryan Mann, Emery County Coal Resources
- David Howley, Skyline Mine
- Mitchell Hadden, Skyline Mine
- Doug Luke, Gentry Mountain Mine



Comprehensive Report of the Status of Coal Mine Safety in Utah / Calendar Year 2021

I. INTRODUCTION

For convenience, this report has been incorporated with the Labor Commission’s annual State Fiscal Year 2022 report; however, this section of the report covers coal mining activities in the state of Utah during calendar year 2021.

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



II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The OCMS has continued to implement the Coal Mine Safety Act. Major activities in 2021 include:

- The Mine Safety Technical Advisory Council (MSTAC) held quarterly meetings in March, June, September, and December 2021.
- 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 2021 there were no hot line calls to the OCMS.
- The OCMS Director has also been active in the community and with various mining organizations

III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS

There were no reports of unsafe conditions during 2021.

IV. RECOMMENDATIONS

There were no reports of unsafe conditions during 2021.

V. CONCLUSION

During calendar year 2021, 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.



REPORTABLE ACCIDENTS JULY 2021 THROUGH JUNE 2022

Date	Mine	Accident or Emergency
9/17/2021	Skyline Mine	A roof fall occurred in the 9th Right Longwall beltline. The fall measured approximately 25x19 ft., 7-11 ft. high.
12/23/2021	Skyline Mine	A roof fall occurred in the 9th Right Tailgate, Egress off the tailgate and ventilation was disrupted.
12/23/2021	Skyline Mine	A significant floor heave and pillar outburst occurred in the 10th Right Longwall intake. Three miners were exposed to this hazard and suffered injuries. The most severe of which was a fractured leg.
3/31/2022	Skyline Mine	A roof fall occurred in the 9th Right Tailgate. Ventilation was disrupted and a reduced air ventilation plan was submitted and approved allowing the mine to continue mining.
4/11/2022	Skyline Mine	An inundation of water on the number 10 and 11 seals in the SM1 sealed area. This water made the ventilation shaft unusable and resulted in a reduced CFM for the mine.
5/25/2022	Lila Canyon Mine	A smell of "smoke" was encountered in the area of the 7th South seal. This condition was brought to the attention of management who conducted gas sampling behind the sealed area. Gas samples behind the seal showed elevated levels of CO in excess of 3800 ppm and the mine was evacuated under caution. MSHA was already onsite and was notified of the condition. A 103(k) was issued verbally and all mining activities were stopped. The seals were of an approved 150 psi rating and mining activities resumed several days later.



Date	Mine	Accident or Emergency
5/31/2022	Skyline Mine	A roof fall occurred immediately near shields 1,2 and 3. The fall measured approximately 20x20 ft. and 10 ft. high. This roof fall prevented the longwall from continuing mining and resulted in part of the machine being disassembled to rehab the roof.
6/11/2022	Gentry Mountain	A roof fall occurred in the 1st Left pillar section.
6/13/2022	Bronco, Emery Mine	A roof fall occurred in the 2nd West Mains, entry #6. The fall measured approximately 25x20 ft. x 10ft. high. This entry served as the return entry and disrupted ventilation for the 3rd North pillar section.
6/23/2022	Bronco, Emery Mine	A roof fall occurred in the Mains West, entry #2. This fall measured approximately 18x10 ft. x 6ft high. This entry was the primary escapeway and is regularly traveled.



Salt Lake City Office

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

Price Office

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

(801) 530-6800

Toll free instate: (800) 530-5090 | laborcommission.utah.gov