

Office of the
Legislative Fiscal Analyst

FY 2002 Budget Recommendations

Joint Appropriations Subcommittee for
Commerce and Revenue

Labor Commission

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1.0 Labor Commission

Summary

Changes passed by the 1997 Legislature have restructured the State's Industrial Commission into a more efficient operation called the Labor Commission. The Department leadership has been streamlined from three Commissioners to one Commissioner.

Slightly over half of the FY 2002 budget recommendation consists of General Fund. The remaining half is from Restricted Funds, Federal Funds and Trust Funds.

Department Mission Statement

The mission of the Utah Labor Commission is to serve people of the State by assuring a safe, healthful, fair, non-discriminatory work environment; to assure fair housing practices; and to promote the general welfare of the State's employees and employers without needless interference.

Utah Tomorrow

The Utah Labor Commission, now and in its former role as the Industrial Commission has been involved with the Utah Tomorrow project since it started. Areas affected include Economic Development, Free Enterprise and Regulatory Systems, and Health and Safety. The Department contributes to the State's health and safety and the overall business climate. It works on joint projects with other State Departments including the Department of Health and the Department of Community and Economic Development.

The Department has established an elaborate system of goals, outcome measures and tracking items. Some of these are listed with the respective budgets.

Financial Summary

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	4,923,700		4,923,700
Federal Funds	2,264,500		2,264,500
GFR - Workplace Safety	804,600		804,600
Employers' Reinsurance Fund	208,000		208,000
Uninsured Employers' Fund	486,300		486,300
Total	\$8,687,100	\$0	\$8,687,100
Programs			
Administration	1,609,500		1,609,500
Industrial Accidents	968,000		968,000
Appeals Board	12,200		12,200
Adjudication	680,300		680,300
Division of Safety	1,186,400		1,186,400
Workplace Safety	892,800		892,800
Anti-Discrimination	1,181,100		1,181,100
Utah Occupational Safety and Health	2,010,200		2,010,200
Building Operations and Maintenance	146,600		146,600
Total	\$8,687,100	\$0	\$8,687,100
FTE/Other			
Total FTE	129		129
Vehicles	32		32

**Analyst Base
Recommendation**

The Analyst Base Budget Recommendation includes net reductions for retirement savings and Internal Service Funds. The Retirement saving totaled \$178,100 of which \$104,400 is from the General Fund. The Internal Service Fund Adjustments netted out to a reduction of \$8,800 of which \$3,700 is from the General Fund.

2.0 Budget Highlights: Labor Commission

2.1 Cars for Inspectors

The Department has requested one-time funding of \$25,000 to purchase two cars for inspectors (one boiler and one elevator) approved by the 2000 Legislature. While current expenses and travel expenses were appropriated, the up-front costs of the cars were not calculated into the requirement. Revenue generated by the inspectors goes to the General Fund. If funding is available, the Analyst recommends funding of \$25,000 General Fund from one-time funds.

2.2 Marketing Campaign for Workplace Safety

The Labor Commission currently operates a Work Place Safety Campaign. The Commission intends to provide more exposure to the employees and employers in the workplace. A request for \$190,000 ongoing funding will enable to Commission to develop an additional advertisement, pay for more air time, and to further develop a workplace safety web site. This funding will also increase safety grants to small businesses and non profit organizations to supplement their safety programs. The funding is available from the General Fund Restricted - Workplace Safety Account. Ongoing funding of \$190,000 is recommended. (A Supplemental Appropriation request of \$100,000 will be considered at a later time.)

General Fund Restricted – Workplace Safety \$190,000

2.3 Programmer/Analyst

The Claims Section of the Industrial Accidents Division is currently receiving approximately 240,000 paper documents a year from insurance carriers and employers across the nation reporting industrial accident claims for workers in Utah. The Labor Commission is proposing to create a computer application and have insurance carriers report claims electronically. This could reduce the amount of paper-based claims and the manual data entry they require by over 75 percent. This project is part of the Commission’s technology plan and has been reviewed by the State Chief Information Officer and the Information Technology Division. The funding requirement is for \$84,500, of which \$42,200 is requested from the General Fund and \$42,300 is from the Uninsured Employers Fund. General Funds may not be available. It is possible to use more Uninsured Employers Fund than requested by the Commission and General Fund could be shifted from other programs and replaced with restricted funds.

2.4 Intent Language and Proposed Intent Language

The 2000 Legislature included the following intent language in the Appropriations Act: *It is the intent of the Legislature that fees collected from sponsoring and holding seminars be made nonlapsing, allowing the agency to continue to offer yearly training seminars using the funds collected from fees.*

This has been successful in retaining funds that might have lapsed and making them available for additional training and education opportunities. This authorizes the funds to be retained and used for their original intent. The Analyst recommends the same intent language for FY 2001.

**2.5 Report on
Supplemental Intent
Language**

The 2000 Legislature included the following intent language in the Supplemental Appropriations Act: *Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 90, Chapter 330, Laws of Utah 1999. Expenditure of these funds is limited to: Computer Equipment and Software - \$45,000.*

Nonlapsing balances of \$13,100 were used for the upgrading of technical equipment, computers and software. Similar intent language will be discussed with the Supplemental Appropriations.

3.1 Programs: Labor Commission-Administration

Recommendation The Analyst recommends funding of \$1,609,500. The funding difference between the current year and the recommendation is the result of internal service fund adjustments. Administration is labor intensive as indicated by the large proportion of funds designated for Personal Services.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,523,200	1,440,400	1,396,300	(44,100)
GFR - Workplace Safety	42,000		43,500	43,500
Employers' Reinsurance Fund	109,500			
Uninsured Employers' Fund	165,400	163,900	169,700	5,800
Beginning Nonlapsing	22,100	13,000		(13,000)
Closing Nonlapsing	(13,000)			
Lapsing Balance	(316,900)			
Total	\$1,532,300	\$1,617,300	\$1,609,500	(\$7,800)
Expenditures				
Personal Services	1,261,700	1,341,800	1,346,100	4,300
In-State Travel	2,700	2,700	2,700	
Out of State Travel	8,800	9,100	9,300	200
Current Expense	100,800	107,600	108,500	900
DP Current Expense	140,400	136,100	122,900	(13,200)
DP Capital Outlay	17,900	20,000	20,000	
Total	\$1,532,300	\$1,617,300	\$1,609,500	(\$7,800)
FTE/Other				
Total FTE	19	19	19	

Summary The Administration provides overall management and oversight to the Labor Commission. Centralized accounting, payroll, personnel, and budgeting are included in this program area. Information technology management is centralized under Administration.

Nonlapsing Funds The Commission has made a determined effort to improve the efficiency of operations. Program fund savings have been used to enhance and upgrade technology in Administration and throughout the Department.

Report on Supplemental Intent Language The 2000 Legislature included the following intent language in the Supplemental Appropriations Act: *Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 90, Chapter 330, Laws of Utah 1999. Expenditure of these funds is limited to: Computer Equipment and Software - \$45,000.*

Nonlapsing balances of \$13,100 were used for the upgrading of technical equipment, computers and software. The Commission has established a program of planned computer upgrades using nonlapsing balances approved by the Legislature. This systematic replacement of equipment will help keep the Commission efficient and effective.

**Request for a
Programmer/
Analyst**

The Claims Section of the Industrial Accidents Division is currently receiving approximately 240,000 paper documents a year from insurance carriers and employers across the nation reporting industrial accident claims for workers in Utah. The Labor Commission is proposing to create a computer application and have insurance carriers report claims electronically. This could reduce the amount of paper-based claims and the manual data entry they require by over 75 percent. It could also be beneficial by reducing the number of pages that require microfilming and storage. Obtaining data could be more efficient as research is cut to minutes through the use of a computer database instead of paper archive directories and microfilm machines.

This project is part of the Commission's technology plan and has been reviewed by the State Chief Information Officer and the Information Technology Division. The funding requirement is for \$84,500, of which \$42,200 is requested from the General Fund and \$42,300 is from the Uninsured Employers Fund. New General Fund may not be available. It is possible to use more Uninsured Employers Fund than requested by the Department. Funding can also be shifted from other Divisions and replaced with restricted funding.

**Performance
Measures**

No performance measures have been reported for administration.

3.2 Programs: Labor Commission-Division of Industrial Accidents

Recommendation The Analyst recommends funding of \$968,000. Two Trust Funds are included in the recommendation. They are: 1) the Employers Reinsurance Trust Fund; and 2) the Uninsured Employers’ Trust Fund. Funding for these funds comes through workers’ compensation premiums.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	441,900	430,300	443,400	13,100
Federal Funds	12,500			
Employers' Reinsurance Fund	204,900	324,400	208,000	(116,400)
Uninsured Employers' Fund	309,200	326,700	316,600	(10,100)
Lapsing Balance	(23,100)	(90,000)		90,000
Total	<u>\$945,400</u>	<u>\$991,400</u>	<u>\$968,000</u>	<u>(\$23,400)</u>
Expenditures				
Personal Services	862,500	902,100	880,400	(21,700)
In-State Travel	1,900	1,900	1,900	
Out of State Travel	3,100	3,100	3,100	
Current Expense	62,300	68,700	67,000	(1,700)
DP Current Expense	15,600	15,600	15,600	
Total	<u>\$945,400</u>	<u>\$991,400</u>	<u>\$968,000</u>	<u>(\$23,400)</u>
FTE/Other				
Total FTE	21	21	21	

Summary The Division investigates allegations of noncompliance and, through a series of methods, attempts to bring firms into compliance with State workers’ compensation laws. Penalties for non-compliance are assessed. The Division monitors the reporting of injuries, return to work of injured employees, payment compliance by carriers, and informally resolves compliance disputes regarding workers’ compensation matters.

The Employers’ Reinsurance Fund paid permanent total benefits in excess of \$22,000,000 to 1,764 individuals in FY 1999 / FY 2000.

Employers’ Reinsurance Fund Several divisions, including this one use restricted funding. The Employers’ Reinsurance Fund is “for the purpose of making payments for industrial accidents or occupational diseases occurring on or before June 30, 1994.

FY 2000 revenue was \$26,828,590.41
 FY 2002 estimated revenue \$25,924,000.00

Uninsured Employers' Fund

The Uninsured Employers' Fund has "the purpose of assisting in the payment of workers' compensation benefits to any person entitled to the benefits, if:

- 1) that person's employer:
 - A) is individually, jointly, or severally liable to pay the benefits; and
 - B) (I) becomes or is insolvent; (II) appoints or has appointed a receiver; or (III) otherwise does not have sufficient funds, insurance, sureties, or other security to cover workers' compensation liabilities; and
- 2) the employment relationship between that person and the person's employer is localized within the State as provided by statute.

FY 2000 revenue was \$1,543,090.11
 FY 2002 estimated revenue is \$2,300,000.00

Performance Measures

The Division monitors compliance with the workers' compensation insurance requirement, the reporting of injuries, return to work, timely payment of benefits by insurance carriers, and resolves disputes informally that involve the payment of workers' compensation benefits.

	FY 1997	FY 1998	FY 1999	FY 2000
# of Employers Monitored for Compliance	59,073	61,391	62,137	***
Allegations of noncompliance investigated	5,200	6,704	5,425	5,630
Firms brought into compliance	1,300	2,160	2,514	2,710
Penalties for noncompliance awarded	504	582	612	277
Employers' First Report of Injury Process	80,019	76,101	75,533	81,041
# of cases resolved informally	224	204	195	149
# of cases mediated	38	110	140	161
# of disabled monitored for reemployment	3,707	4,143	4,221	1,696
# of disabled workers returned to work by coordinator	69	65	89	114

***** - This number is not available due to a new computer system.**

3.3 Programs: Labor Commission-Appeals Board

Recommendation The Analyst recommends funding of \$12,200 from the General Fund.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	8,800	12,000	12,200	200
Total	<u>\$8,800</u>	<u>\$12,000</u>	<u>\$12,200</u>	<u>\$200</u>
Expenditures				
Personal Services	8,300	11,500	9,600	(1,900)
Current Expense	500	500	2,600	2,100
Total	<u>\$8,800</u>	<u>\$12,000</u>	<u>\$12,200</u>	<u>\$200</u>
FTE/Other				

Summary The program began in FY 1998 with the establishment of the Utah Labor Commission and exists to provide an appeals process alternative to the Commissioner. The recommendation provides sufficient funds for the estimated caseload of appeals.

Performance Measures The performance relates to the number of cases filed and the corresponding number of cases decided.

Cases	FY 1998	FY 1999	FY 2000
Cases Filed	29	17	17
Cases Decided	25	17	15

3.4 Programs: Labor Commission-Adjudication

Recommendation Funding of \$680,300 is recommended for adjudication. Funding is primarily from the General Fund.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	644,000	695,300	680,500	(14,800)
Federal Funds	9,000		(200)	(200)
Total	<u>\$653,000</u>	<u>\$695,300</u>	<u>\$680,300</u>	<u>(\$15,000)</u>
Expenditures				
Personal Services	600,400	641,800	636,000	(5,800)
In-State Travel	6,000	6,000	5,200	(800)
Out of State Travel	600	600	600	
Current Expense	37,300	38,200	29,800	(8,400)
DP Current Expense	8,700	8,700	8,700	
Total	<u>\$653,000</u>	<u>\$695,300</u>	<u>\$680,300</u>	<u>(\$15,000)</u>
FTE/Other				
Total FTE	10	10	10	

Summary Adjudication conducts all administrative hearings regarding employment relations. This includes issues related to workers' compensation, anti-discrimination, wage and hour, labor relations, occupational safety and health, and boiler and elevator safety.

Performance Measures The major activity of this budget is the resolution of complaints. The following table lists the activity related to complaints.

Adjudication Workload					
	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Workers' Comp App./Hearings	1,153	1,301	1,065	1,260	1151
OSHA/Disc./Wage/Safety Hearings	110	132	80	100	207
Fair Housing Hearings	0	4	4	0	0
Orders in death and trust cases	906	1,105	600	865	1504 *
Compensation/Lump Sum Orders	3,001	3,511	2,760	3,019	3185
Telephone Inquiries	15,749	19,931	No record	No record	No record
Months to hearings completed	3.2	4	3.5	4	5
Cases ready for order/>45 days old	15	30	5	29	32

* - The noticeable increase in death/trust case activity is the result of dedication of one FTE to this area and change to an on-line check issuance system of handling trust releases. This allows for greater monitoring of releases and faster releases in smaller amounts rather than the all-at-once larger releases made in the past.

** - The increase in the average number of months to hearings occurred as a result of one ALJ's extended calendar and subsequent resignation. If the increase does not come back to the ideal of four months, the ALJ's will be scheduled one additional case per week to get the calendar back to the minimal wait.

3.5 Programs: Labor Commission-Division of Safety

Recommendation The Analyst recommends funding of \$1,186,400. The funding comes from the General Fund and Federal Funds from a grant of the Mine Safety and Health Administration.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	919,100	1,101,100	1,077,800	(23,300)
Federal Funds	104,900	111,000	108,600	(2,400)
Total	\$1,024,000	\$1,212,100	\$1,186,400	(\$25,700)
Expenditures				
Personal Services	830,300	1,016,400	992,000	(24,400)
In-State Travel	9,900	9,900	9,900	
Out of State Travel	2,200	3,200	3,200	
Current Expense	117,200	118,200	116,900	(1,300)
DP Current Expense	4,400	4,400	4,400	
Other Charges/Pass Thru	60,000	60,000	60,000	
Total	\$1,024,000	\$1,212,100	\$1,186,400	(\$25,700)
FTE/Other				
Total FTE	18	18	18	
Vehicles		15	15	

Summary

The Division of Safety is charged with the responsibility for safety inspections of boilers, pressure vessels and elevators. The 2000 Legislature added two FTE to this program area: 1) one boiler / pressure vessel inspector; and 2) one elevator inspector. The personnel are on board, have attained the required national certification and are conducting safety inspections.

There are over 19,000 boilers, 5,300 elevators and an estimated 70,000 pressure vessels in Utah today. On average, over 500 new boilers and 200 new elevators are being installed in Utah each year. Since the pressure vessel program has only been in operation for less than two years, it is not possible to estimate how many pressure vessels are being installed each year.

All of the inspectors generate revenue from fees paid by the companies for the inspections.

Performance Measures

The following performance/activity measures have been reported by the Commission. Income from boiler and elevator inspections is increasing.

	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Boilers					
Total Boilers in Utah	13,813	15,893	16,513	17,516	18,646
Total boilers requiring inspection	6,907	6,632	7,206	12,188	12,513
Insurance inspections	2,932	2,923	3,198	2,983	2,371
Commission inspections	2,685	2,291	1,428	3,629	3,242
Total Units Inspected	5,617	5,214	4,626	6,612	5,613
Fees Generated	\$289,850	\$238,209	\$286,979	\$474,578	\$441,186
Elevators					
Total elevators in Utah	3,911	4,309	4,620	4,914	5,106
Total units requiring inspection	2,383	3,352	2,510	2,604	2,753
Total Units Inspected	1,381	1,403	1,623	1,947	1,802
Fees Generated	\$172,918	\$154,134	\$213,020	\$232,909	\$279,940
Mine Certifications					
Number of miners tested	742	702	730	621	556
Fees generated	\$27,520	\$26,130	\$27,440	\$23,335	\$21,705

3.6 Programs: Labor Commission-Workplace Safety

Recommendation The Analyst recommends funding of \$892,800. The recommendation is 84.56 percent General Fund Restricted. Most of the revenue is received from the workers' compensation insurance premiums.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
Federal Funds	127,800	128,100	131,700	3,600
GFR - Workplace Safety	714,500	761,400	761,100	(300)
Lapsing Balance	(63,400)	(18,200)		18,200
Total	\$778,900	\$871,300	\$892,800	\$21,500
Expenditures				
Personal Services	186,300	209,600	219,500	9,900
In-State Travel	800	800	800	
Current Expense	328,400	331,400	348,000	16,600
DP Current Expense	1,500	1,500	1,500	
Other Charges/Pass Thru	261,900	328,000	323,000	(5,000)
Total	\$778,900	\$871,300	\$892,800	\$21,500
FTE/Other				
Total FTE	4	4	4	
Vehicles		2	2	

Summary The Workplace Safety Fund was established in 1996 to provide free safety consultation services and promote workplaces safety. Grants are available to local employers to upgrade their safety programs. The fund has initiated a media campaign through television and radio ads.

Marketing Campaign for Work Place Safety The Labor Commission currently operates a Work Place Safety Campaign. Funding of \$300,000 is the base budget for the current marketing activities. Along with this, another \$200,000 is spent on grants to small businesses to promote safety. (A list of last year's recipients is available from the Analyst.) The current campaign seems to be successful. The number of industrial accidents is down from previous years and the advertising programs are well received in the community.

Ongoing funding of \$190,000 is recommended. (A Supplemental Appropriation request will be considered at a later time.) The funding is available from the General Fund Restricted - Workplace Safety Account.

General Fund Restricted – Workplace Safety \$190,000

**Performance
Measures**

Workplace accident information is compiled. It is impossible to determine the direct correlation to the statistics and the program impact. Criteria are being developed to evaluate the program's success. The activity of the Workplace Safety section contributes to the performance listed under the Utah Occupational Safety and Health Division. See page 16.

3.8 Programs: Labor Commission-Utah Anti-Discrimination and Labor Division

Recommendation The Analyst recommends funding of \$1,181,100. General Fund and Federal Funds are the two sources of funding for this program. There are estimates for two federal grants based on FY 2000: 1) Equal Employment Opportunity Commission contract; and 2) HUD Fair Housing contract.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	589,400	674,500	664,600	(9,900)
Federal Funds	454,600	528,100	516,500	(11,600)
Total	<u>\$1,044,000</u>	<u>\$1,202,600</u>	<u>\$1,181,100</u>	<u>(\$21,500)</u>
Expenditures				
Personal Services	964,400	1,093,800	1,075,200	(18,600)
In-State Travel	3,100	3,100	3,100	
Out of State Travel	15,200	15,200	15,200	
Current Expense	47,800	77,000	74,100	(2,900)
DP Current Expense	13,500	13,500	13,500	
Total	<u>\$1,044,000</u>	<u>\$1,202,600</u>	<u>\$1,181,100</u>	<u>(\$21,500)</u>
FTE/Other				
Total FTE	23	23	23	

Summary

The Utah Anti-Discrimination and Labor Division (UALD) resolves complaints which allege discrimination in employment on the basis of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, religion, national origin, age, and disability. It addresses complaints which allege discrimination in housing on the basis of race, color, religion, sex, national origin, disability, familial status, and source of income.

It is also responsible for laws which require the payment of earned wages, establish a minimum wage, license private employment agencies, and protect youth in employment. Additionally, the Division conducts training for the public at large in order to encourage voluntary compliance with the laws it enforces.

Performance Measures

The following table lists a variety of performance and activity measures for the Division.

	FY 1996 Actual	FY 1997 Actual	FY 1998 Actual	FY 1999 Actual	FY 2000 Actual
Labor Division					
Cases pending	96	122	176	122	123
Cases filed	1,033	1,110	1,317	1,260	1,381
Total case load	1,129	1,232	1,493	1,382	1,504
Cases resolved	1,007	1,056	137	1,259	1304
Ending caseload	122	176	122	123	200
Anti-Discrimination Division					
Cases pending	786	794	821	777	741
Cases filed	856	765	626	619	689
Total case load	1,642	1,559	1,447	1,396	1,430
Cases resolved	848	738	670	655	686
Ending case load	794	821	777	741	744
Fair Housing					
Complaints received	86	107	93	89	86
Complaints resolved	89	124	73	70	90
Cases pending	53	40	60	79	75

During Fiscal Year 2000, the Division statistics included:

Dollar amount of wages claimed as unpaid:	\$1,825,790.00
Dollar amount of wages collected:	\$ 822,783.00
Dollar amount of penalties collected:	\$ 47,940.46
Wage hearings held:	124
Orders issued:	379
Dollar value of housing complaint awards:	\$ 333,633.00
Housing Determinations and Orders issued:	32
Housing Settlements:	40
Enforcement Agreements:	15
Litigation Settlements:	3
Dollar value of awards made to employment complaints:	\$1,363,154.00
Employment Determination and Orders issued:	326
Employment Settlements:	179

3.7 Programs: Labor Commission-Utah Occupational Safety and Health Division

Recommendation The Analyst recommends funding of \$2,010,200. The funding is approximately 70 percent Federal Funds and 30 percent General Fund. There is a slight decrease from FY 2000 in the federal grant. Three grants are expected: 1) OSHA Compliance grant; 2) OSHA Consultation grant; and a 3) Department of Labor Bureau of Labor and Statistics grant.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	458,200	531,600	502,300	(29,300)
Federal Funds	1,458,100	1,523,700	1,507,900	(15,800)
Total	<u>\$1,916,300</u>	<u>\$2,055,300</u>	<u>\$2,010,200</u>	<u>(\$45,100)</u>
Expenditures				
Personal Services	1,616,800	1,810,700	1,768,600	(42,100)
In-State Travel	15,200	14,800	14,800	
Out of State Travel	24,300	24,300	24,300	
Current Expense	206,900	185,000	182,000	(3,000)
DP Current Expense	53,100	20,500	20,500	
Total	<u>\$1,916,300</u>	<u>\$2,055,300</u>	<u>\$2,010,200</u>	<u>(\$45,100)</u>
FTE/Other				
Total FTE	35	35	35	
Vehicles		15	15	

Summary The Utah Occupational Safety and Health (UOSH) Act is almost identical to the federal OSHA. The main differences are that UOSH has jurisdiction over state and local government employers.

Work places are inspected for compliance with workplace safety and health standards. Businesses in violation of standards are required to make corrections in a timely manner. Inspections include sampling suspected hazardous materials for laboratory testing.

Employers may request an inspection to identify any deficiencies and be assured their workplace is safe. The program trains workers and employers to understand safety standards. The drug-free workplace program is included in this budget. Inspectors also check to assure that businesses carry workers' compensation insurance.

Federal funding provides for consulting, compliance inspections and development of labor safety statistics.

Performance Measures

The following performance history has been submitted by the Division.

	FY 1995 Actual	FY 1996 Actual	FY 1997 Actual	FY 1998 Actual	FY 1999 Actual	FY 2000 Actual
Consultation Services						
Construction surveys	81	108	239	103	90	124
General surveys	194	150	417	136	169	162
Program assistance	151	96	372	107	55	52
Education and Training	151	330	218	593	519	471
Compliance						
Accident inspections	95	79	90	97	104	147
Complaint inspections	132	85	103	106	174	243
Follow-up inspections	101	86	111	80	54	23
Health inspections	273	369	370	314	282	183
Safety inspections	780	744	752	935	981	931
Total dollar amount of penalties	\$1,138,470	\$1,134,223	\$1,267,800	\$1,133,595	\$1,465,463	\$1,837,256

3.8 Programs: Labor Commission-Building Rent

Recommendation The Analyst recommends funding of \$146,600. This continues the operation and maintenance budget at the same rate as FY 2000. Funding is from the General Fund.

Financial Summary

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	146,600	146,600	146,600	
Total	<u>146,600</u>	<u>146,600</u>	<u>146,600</u>	<u>\$0</u>
Expenditures				
Current Expense	146,600	146,600	146,600	
Total	<u>146,600</u>	<u>146,600</u>	<u>146,600</u>	<u>\$0</u>
FTE/Other				

Summary The Labor Commission is primarily located at the Heber M. Wells Building off of Third South and First East in Salt Lake City. The building is owned by the State and operated by the Division of Facilities and Construction Management (DFCM).

Performance Measures No performance measures reported for this area.

4.0 Tables: Labor Commission

	1998	1999	2000	2001	2002
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	3,853,500	4,457,300	4,731,200	5,031,800	4,923,700
Federal Funds	2,275,000	1,857,200	2,166,900	2,290,900	2,264,500
GFR - Workplace Safety	1,015,800	795,000	756,500	761,400	804,600
Employers' Reinsurance Fund	567,300	555,400	314,400	324,400	208,000
Uninsured Employers' Fund	219,900	321,000	474,600	490,600	486,300
Transfers	148,600				
Beginning Nonlapsing	82,800	13,100	22,100	13,000	
Closing Nonlapsing	(13,100)	(22,100)	(13,000)		
Lapsing Balance	(476,400)	(166,000)	(403,400)	(108,200)	
Total	\$7,673,400	\$7,810,900	\$8,049,300	\$8,803,900	\$8,687,100
Programs					
Administration	1,464,600	1,472,300	1,532,300	1,617,300	1,609,500
Industrial Accidents	963,200	937,700	945,400	991,400	968,000
Appeals Board	38,700	12,600	8,800	12,000	12,200
Adjudication	514,500	620,200	653,000	695,300	680,300
Division of Safety	705,800	957,600	1,024,000	1,212,100	1,186,400
Workplace Safety	753,000	759,600	778,900	871,300	892,800
Anti-Discrimination	1,037,600	1,073,300	1,044,000	1,202,600	1,181,100
Utah Occupational Safety and Health	2,050,000	1,831,000	1,916,300	2,055,300	2,010,200
Building Operations and Maintenance	146,000	146,600	146,600	146,600	146,600
Total	\$7,673,400	\$7,810,900	\$8,049,300	\$8,803,900	\$8,687,100
Expenditures					
Personal Services	5,745,600	6,219,500	6,330,700	7,027,700	6,929,300
In-State Travel	69,600	41,100	39,600	39,200	38,400
Out of State Travel	28,500	44,500	54,200	55,500	55,700
Current Expense	1,137,800	1,035,600	1,047,800	1,073,200	1,073,600
DP Current Expense	257,500	166,200	237,200	200,300	187,100
DP Capital Outlay	19,300		17,900	20,000	20,000
Capital Outlay	25,500				
Other Charges/Pass Thru	389,600	304,000	321,900	388,000	383,000
Total	\$7,673,400	\$7,810,900	\$8,049,300	\$8,803,900	\$8,687,100
FTE/Other					
Total FTE	118	121	129	129	129
Vehicles				32	32

5.0 Federal Funds: Labor Commission

Program		FY 2000 Actual	FY 2001 Estimated	FY 2002 Analyst
Industrial Accidents	Federal	\$12,500	\$0	\$0
Department of Labor	Required State Match			
Occupational Safety and Health	Total	12,500	0	0
Adjudication	Federal	9,000	0	0
Department of Labor	Required State Match			
Occupational Safety and Health	Total	9,000	0	0
Safety	Federal	104,900	111,000	108,600
Department of Labor	Required State Match			
Mine Safety and Health Administration	Total	104,900	111,000	108,600
Workplace Safety	Federal	127,800	128,100	131,200
Occupation Safety and Health	Required State Match	21,100	26,200	26,100
	Total	148,900	154,300	157,300
Antidiscrimination	Federal	454,600	528,100	516,500
EEOC and HUD	Required State Match			
	Total	454,600	528,100	516,500
Occupational Safety and Health	Federal	1,458,100	1,523,700	1,507,900
Occupational Safety and Health	Required State Match*	1,458,100	1,523,700	1,507,900
Administration	Total	2,916,200	3,047,400	3,015,800
TOTAL	Federal	2,166,900	2,290,900	2,264,200
	Required State Match	1,479,200	1,549,900	1,534,000
	Total	\$3,646,100	\$3,840,800	\$3,798,200

* - The required one-to-one match is made possible through funding to other divisions.

6.0 Fees: Labor Commission

Labor Commission Fee Title	Current FY 2001-01	Proposed FY 2001-02	Difference	Projected Revenue
Certificate to Self-Insure for W.C.	900	900	0	
Certificate to Self-Insure for W. C. renewal	500	500	0	
Boiler & Pressure Vessel Inspections:				0
Original Exam for Certificate of Competency	100	100	0	
Renewal of Certificate of Competency	20	20	0	
Owner-User Inspection Agency Certification	250	250	0	
Jacketed Kettles & Hot Water Supply				0
Boilers less than 250,000 BTU-existing	30	30	0	
Boilers less than 250,000 BTU-new	45	45	0	
Boilers > 250,000 BTU but <4,000,000 BTU-existing	60	60	0	
Boilers > 250,000 BTU but <4,000,000 BTU-new	90	90	0	
Boilers >4,000,001 BTU but <20,000,000 BTU-existing	150	150	0	
Boilers >4,000,001 BTU but <20,000,000 BTU-new	225	225	0	
<20,000,000 BTU-existing	300	300	0	
<20,000,000 BTU-new	450	450	0	
Replacement Boiler Certificate	15	15	0	
Consultation, witness, special inspection (per hour)	60	60	0	
Pressure Vessel Inspection	30	30	0	
Pressure Vessel Inspection by Owner-user:				
25 or less on single statement (per vessel)	5	5	0	
26 through 100 on single statement (per statement)	100	100	0	
101 through 500 on single statement (per statement)	200	200	0	
over 500 on single statement (per statement)	400	400	0	
Elevator Inspections:				
Existing Elevators:	85	85	0	
Hydraulic	85	85	0	
Electric	85	85	0	
Handicapped	85	85	0	
Other Elevators	85	85	0	
Replacement Elevator Certificate	15	15	0	
New Elevators:				
Hydraulic	300	300	0	
Electric	700	700	0	
Handicapped	200	200	0	
Note: The fee change does not reflect a revenue decrease because the lower fee is currently being charged. This corrects a mistake from last year.				

Labor Commission	Current	Proposed	Difference	Projected
Fee Title	FY 2001-01	FY 2001-02		Revenue
Other Elevators	200	200	0	
Consultation & Review (per hour)	60	60	0	
Coal Mine Certification:				
Mine Foreman	50	50	0	
Temporary Mine Foreman	35	35	0	
Fire Boss	50	50	0	
Surface Foreman	50	50	0	
Temporary Surface Foreman	35	35	0	
Hard Rock Mine Foreman	50	50	0	
Temporary Hard Rock Mine Foreman	35	35	0	
Electrician underground low & medium voltage	50	50	0	
Electrician surface low & medium voltage	50	50	0	
Electrician surface & underground high voltage	50	50	0	
Annual Electrical Recertification	35	35	0	
Hoistman	50	50	0	
Certification Retest (per sections)	20	20	0	
Hard Rock Mine Certification:				
Hard Rock Mine Foreman	50	50	0	
Temporary Hard Rock Mine Foreman	35	35	0	
Hard Rock Surface Foreman	50	50	0	
Temporary Hard Rock Surface Foreman	35	35	0	
Electrician underground low & medium voltage	50	50	0	
Electrician surface low & medium voltage	50	50	0	
Electrician surface & underground high voltage	50	50	0	
Annual Electrical Recertification	35	35	0	
Hoistman	50	50	0	
Certification Retest (per sections)	20	20	0	
Hydrocarbon Mine Certifications:				
Gilsonite Mine Foreman	50	50	0	
Gilsonite Mine Examiner	50	50	0	
Temporary Gilsonite Mine Foreman	35	35	0	
Gilsonite Shot Firer	50	50	0	
Hoistman	50	50	0	
Certification Retest (per section)	20	20	0	