

**MINERS HEALTH AND SAFETY**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ed P. Mayne**

**This act modifies the Labor Code to enact the Miner Working Conditions Act to provide for meal periods and breaks.**

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**34-44-101**, Utah Code Annotated 1953

**34-44-102**, Utah Code Annotated 1953

**34-44-201**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **34-44-101** is enacted to read:

**CHAPTER 44. MINING WORKING CONDITIONS ACT****Part 1. General Provisions****34-44-101. Title.**

This chapter shall be known as the "Mining Working Conditions Act."

Section 2. Section **34-44-102** is enacted to read:

**34-44-102. Definitions.**

As used in this section:

(1) "Commission" means the Labor Commission.

(2) "Division" means the Division of Occupational Safety and Health.

(3) "Emergency situation" is as defined by rule by the commission.

(4) "Employer of a miner" means a person that employs a miner.

(5) "Mine" means a natural deposit of either metalliferous or nonmetalliferous valuable mineral.

(6) "Miner" means an employee that engages in any activity that constitutes:



(a) mining; or

(b) ore or metal reduction.

(7) (a) "Mining" means the process of producing, extracting, leaching, evaporating, or otherwise removing a mineral from a mine.

(b) "Mining" includes:

(i) open pit mining;

(ii) surface mining; or

(iii) underground mining.

(8) (a) "Ore or metal reduction" means the process of reducing a metal component to the metal and separating the metal from the slag.

(b) "Ore or metal reduction" includes operations at a mill, smelter, or refinery related to a mine.

Section 3. Section **34-44-201** is enacted to read:

**Part 2. Hours of Work.**

**34-44-201. Meal periods and breaks to be required.**

(1) The commission shall by rule made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, require that for each work day of a miner that consists of 11 or more hours the employer of the miner shall provide the miner:

(a) a noncompensated meal period; and

(b) one or more compensated break periods of no less than ten minutes.

(2) The rules described in Subsection (1) shall provide:

(a) the length of time for a noncompensated meal period required by Subsection (1);

(b) the number and length of time for each compensated break period required by Subsection (1);

(c) reasonable methods that an employer of a miner may use to stagger the meal periods and breaks to allow the efficient and continuous operation of the employer's operations;

(d) when the requirements described in Subsection (1) may be waived during an emergency situation; and

(e) the relief that may be provided a miner under Subsection (4).

(3) This section does not apply if:

(a) a collective bargaining agreement with the employer of a miner provides different

59 requirements for meal periods or breaks; or

60 (b) a federal law imposes different requirements on the employer of a miner for  
61 providing miners meal periods or breaks.

62 (4) (a) In accordance with Title 63, Chapter 46b, Administrative Procedures Act, a  
63 miner may file request for agency action with the division if the miner alleges that there is a  
64 pattern of repeated failures to give a meal period or break required by rule made in accordance  
65 with Subsection (1).

66 (b) If the division finds that there is a pattern of repeated violations of this section, the  
67 division may order the employer of the miner:

68 (i) to cease violations of the section; and

69 (ii) provide an aggrieved miner appropriate relief.

70 (c) A decision of the division under this Subsection (4) may be appealed in accordance  
71 with Title 63, Chapter 46b, Administrative Procedures Act.

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**Legislative Review Note**  
**as of 2-18-03 7:56 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Miners Health and Safety***20-Feb-03***Bill Number SB0212***4:57 PM*

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**State Impact**

The effects of this bill can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**