TWENTY-FOURTH REPORT

OF THE

Industrial Commission of Colorado

For the Period
July 1, 1954
TO
June 30, 1956

Administering:

- Workmen's Compensation Act
- Industrial Relations Act
- Labor Relations
- State Compensation Insurance Fund
- Factory Inspection Department
- Boiler Inspection Department
- Department of Wage Claims
- Minimum Wage
- Child Labor
- Division of Unemployment Compensation
- Private Employment Agencies
- Safety Department

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- **Private Employment Agencies**
- **Safety Department**

Publication Approved by James A. Noonan, State Controller

TO HIS EXCELLENCY,

THE GOVERNOR OF COLORADO,

State Capitol Building,

Denver, Colorado.

Sir:

In accordance with the provisions of the law creating the Industrial Commission of Colorado as modified by the Labor Peace Act, we have the honor to transmit herewith the report of the activities and proceedings of the Commission for the period July 1, 1954, to June 30, 1956.

TRUMAN C. HALL, Chairman.

H. E. DILL

F. W. ANDRESEN

Commissioners.

FEAY B. SMITH,
Secretary-Referee.

DAVID F. HOW,
Referee-Director.

RICHARD E. MOSS,
Referee.

LABOR RELATIONS

Forty years' trial of the cooling-off period in Colorado has demonstrated that it is a wise procedure. Responsible labor leaders nowadays do not order strikes for capricious or trivial reasons. Employers do not change the working force arbitrarily. The legal requirement of a thirty-day notice of intended change in hours, wages or working conditions has become custom. This law and custom allows an opportunity for the intervention of the third party affected by work stoppages—the public. It is part of the duties of the Industrial Commission to mediate in employment disputes so that the closing of an operation becomes the last resort rather than the first.

Seven hundred ten of these thirty-day notices have been received during the biennium covered by this report. By far the large majority of them are not disputes about principles. Mostly, they concern adjustments to keep pace with the changing condition in the country, and especially, the changes in the State in which such fabulous growth has been experienced.

Notices of Intent to Strike were filed in 426 of these cases. These notices affected 4,686 employers and 87,348 employees. However, only 61 work stoppages resulted. These involved 22,153 workers. Eighteen were of less than one week's duration. This is a very good industrial relations performance. Strikes and lockouts make news. Settlements seldom share the headlines, but it is the quiet day-to-day negotiations and mediation efforts that result in keeping the industrial wheels turning.

Fortunately, most industrial disputes are settled by the management and labor people responsible for the employee-employer relationship. In most of the remaining cases experienced mediators from the State or the Federal government offices help to resolve the issues. Collective bargaining makes the interruption of production the exception rather than the rule.

No two industrial disputes are exactly alike. It is seldom that the wants of either party can be fully satisfied. The product of successful negotiation is a signed contract that is designed to more nearly fit the needs of each party with the least sacrifice of the wants of the other. A mediator familiar with many different labor contracts makes a positive contribution to industrial peace. Like a fire prevention bureau, its usefulness must be measured negatively.

Certain unfair labor practices by either management or labor are prohibited. Many such practices are discontinued by directing the attention of the participants to the laws. When, however, there is a contention as to fact or application of the law, the case is docketed for formal hearing before a Referee. Eighteen cases were heard and orders issued. Twenty-five other complaints were withdrawn before a hearing took place.

Another provision of Colorado laws tending to industrial peace is the machinery for holding elections. When a difference of opinion arises as to the authority a union has to speak for employees, the Commission settles the question by asking the employees themselves by secret ballot. Allegiance of a group to one union, or to another, or to none, is determined in this way with a minimum of friction.

During the biennium we have had 42 elections which established collective bargaining units in 32 instances and rejected the union as bargaining agent in 10. Three petitions were dismissed and five others were withdrawn at the conferences conducted to arrange the elections. We conducted 32 referendums on the question of union shop, 27 of which were won by the union and five were lost.

A study of this biennium shows that although the number of labor disputes is increasing with increased industrial activity labor-management relationship has been better than in any similar postwar period.

Each biennium is bound to show an increase of labor disputes in a growing State, with record high output, expanding organization, new work processes and materials, increased fringe benefit demands, and changing prices. A third party, the public, has a vital interest in the best and earliest settlement of these controversies. That party can be represented only by a government agency. In Colorado, the Industrial Commission has that important function. It must always be recognized, however, that industrial peace can not be had without the awareness of responsibility in labor relations by both management and labor. Without their high level of good faith and common sense and their realization of the rights and duties of each other, no government agency could prevent constant industrial warfare in a free society.

THE SAFETY DEVICE AND METHODS DIVISION

Colorado's rapid and continuously expanding industrial empire in the past two years has faced this department with an ever increasing demand for cooperation and often guidance in the field of industrial safety. And the future demands loom as even heavier.

Many of the plants opening operations in this area are under eastern leadership and the highly industrialized East has realized years ago the need for safe operations to conserve manpower and financial resources. A fatality or a permanent disability accident can be exceedingly expensive to the company involved.

In Colorado this division has been gradually accepted as the central clearing house for safety information and material and now the expanding industrial activity has accelerated the need for greater activity in this field by the State. This division is

called upon constantly for advice and counsel by manufacturers, trade, organizations, insurance companies, unions, and even smaller business concerns, all vitally interested in reducing the industrial accident toll.

It is interesting to note that with this increased industrial operation in the State not only the industrial leaders themselves are concerned by accident costs but now union leaders have seen the benefit of making certain their members work in plants where safety in operation is emphasized. And this works on down to the worker himself who is soon taught to realize the necessity of observing all safety rules and regulations and the need of using safety equipment provided for their protection.

In the past year this department has been concentrating on furnishing more specific advice and cooperation. To this end it has set up a concrete program on safety at work to take into the plants themselves concentrating on supervisory personnel who in turn are responsible for the safe working practices and mechanical safeguards of the worker.

This program is known as the 10-Hour Safety Course for Foremen and already has been given to several manufacturing plants in the State and to classes of safety engineers representing the biggest operations in the area. This program will be pushed to every corner of the State if the needed personnel and financing is made available.

For some time a television program on safety has been under consideration and it has now been implemented to where in the next two years it can be made of great value in the fight to cut the industrial accident toll. The department annually awards a safety certificate to every company in Colorado which has bettered the national frequency and severity safety records. These awards are based on a questionnaire sent all business concerns in the State. In 1954 only 88 such certificates were earned out of the several thousand plants operating and the 1955 awards ran even lower, totalling only 72, proving much more educational work should and must be done.

Other evidence of increased interest in the economy of definitized, effective safety programs was given with the attendance of more than 200 safety men, union and business leaders at the 17th annual Safety Conference sponsored by the division on June 27, 1956, at the National Guard Armory. This was a record turnout and the program was highlighted by pertinent addresses by leading authorities in safety work.

Another important and popular function of the safety device and methods division is the maintenance of a large library of accident prevention films, illustrated slides and all available safety publications. These are loaned to manufacturing concerns for their own showing to supervision personnel or workmen, or sometimes presented by the safety division. In 1955, 322 bookings

of various films were recorded and up to September 1, 1956, 357 were cleared through the division for use by industrial concerns. The department's library at present catalogs 120 safety films, with more on order and many new releases needed and to be provided when able to do so.

A strong impetus to the safety program could be given by revision of present industrial safety laws now in the statutes by strengthening enforcement provisions.

Accident prevention doesn't cost—IT PAYS!!

BOILER INSPECTION DIVISION

The Colorado Boiler Inspection Law, administered by this division, was amended effective March 3, 1954. This report covers the first two full years of operations under the amended law.

The amendment provided that where boilers are covered by insurance, the insurance company must make the inspections, using inspectors qualified and commissioned as special inspectors by the Industrial Commission. It eliminated inspection fees for such boilers, but authorized a flat $2.00 charge for the issuance of boiler inspection certificates by this division. Boilers, not insured, are subject to inspection by State Boiler Inspectors, at generally increased fees.

At the close of the biennial period, approximately 44 per cent of the boilers in the State were insured, leaving 56 per cent subject to inspection by State Inspectors. Two hundred boilers were retired from service during this period. There are 4,577 active steam boilers in Colorado bearing Colorado State Serial Numbers.

In the statistical report, attention is directed to the total fees collected during the 1954-55 period. The figure of $13,701.50 is higher than the total for either of the two preceding years. A marked increase is shown in the total for the 1955-56 period, over the 1954-55 period. This increase is due to the additional boilers inspected in the Pueblo and Grand Junction areas.

Decisions

Of interest to other States are the following decisions:

By the Commission, July 13, 1954. "When in a series or battery of boiler hook-ups one or more boilers in the series or battery may be operated independently of the other boilers in the series or battery, then each boiler capable of being so operated shall be deemed to be a single unit within the meaning of the Act. When * * * they are incapable of being operated independently of each other, then these boilers shall be considered to be a single unit within the meaning of the Act."

By the Attorney General: The Dowtherm type of boiler using a chemical to produce vapor is not a STEAM pressure boiler and not subject to State inspection under the Boiler Inspection Law.

Boiler Inspection Division

RECEIPTS

July, 1954	$ 1,953.00	July, 1955	$ 1,030.00
August, 1954	1,232.50	August, 1955	2,027.05
September, 1954	1,429.50	September, 1955	1,589.50
October, 1954	634.00	October, 1955	1,920.50
November, 1954	715.00	November, 1955	1,837.50
December, 1954	1,128.50	December, 1955	1,078.50
January, 1955	823.00	January, 1956	1,432.00
February, 1955	1,206.50	February, 1956	1,007.00
March, 1955	1,012.00	March, 1956	1,348.00
April, 1955	1,090.00	April, 1956	673.50
May, 1955	943.00	May, 1956	1,421.56
June, 1955	1,534.50	June, 1956	1,282.50
	$13,701.50		$16,647.61

Total Receipts for Biennium		$30,349.11
99 Boilers @ $20.00	$ 1,980.00	
1235 Boilers @ 10.00	12,350.00	
405 Boilers @ 5.00	2,025.00	
2960 Boilers @ 2.50	7,400.00	
3297 Boilers @ 2.00	6,594.00	
	$30,349.00	
Interest on Registered Warrants	.11	
		$30,349.11

Inspections made during biennium—fees not yet collected:		
9 inspections @ $20.00	$ 180.00	
71 inspections @ 10.00	710.00	
30 inspections @ 5.00	150.00	
131 inspections @ 2.50	327.50	
170 inspections @ 2.00	340.00	
*Mostly current.		*$1,707.50

Inspections made without charge at State institutions, hatcheries, etc.	267
Certificates issued during biennial period	8,263
Recommendations to owners or users re care and maintenance of boilers or requirements made to correct defects	12,264
Invoices prepared and mailed during biennium	8,237
Tracer letters on accounts delinquent	5,200
Inspections completed	8,237
Postings on boiler data during biennium	18,000*
Inspection reports filed	8,400*
*Estimated.	

DIVISION OF FACTORY INSPECTION

This division is charged by law to inspect annually all factories, mills, workshops, bakeries, laundries, stores, hotels, schoolhouses, theaters, moving picture houses and places of public assemblage and any kind of an establishment wherein laborers are employed or machinery used.

Following is a tabulation of the inspection made by this division for the biennium, showing the number of employees and students extended the protection provided by law:

FACTORY INSPECTION DIVISION

Inspections Made—July 1, 1954, to June 30, 1955

Business Classification	Number of Inspections	Number of Male Employes	Number of Female Employes	Total Number Pupils
Auto:				
Sales, Service, Garages	737	4,861	340	
Contractors	12	136	22	
Food:				
Bakeries	56	358	183	
Beverages	32	896	38	
Canning, Preserving, Processing	54	500	211	
Creameries, Dairy Products	62	526	137	
Meat Packing, Slaughter House	27	472	113	
Foundries and Iron Works	3	45	0	
Hotels	219	332	602	
Ice and Cold Storage	8	42	7	
Laundries, Cleaning and Pressing	208	379	1,074	
Lumber:				
Lumber and Building Material	208	1,484	104	
Logging and Sawmills	65	423	4	
Machine Shops	76	486	90	
Manufacturing:				
Machine Manufacturing	2	21	3	
Miscellaneous Manufacturing	122	6,077	1,634	
Steel and Metal Products	143	2,233	418	
Mills and Elevators	155	667	45	
Oil Industry	20	161	4	
Printing and Publishing	108	762	577	
Public Buildings	101	1,762	983	
Public Utilities:				
Communications	107	586	1,701	
Electric Light, Gas and Power	95	1,143	187	
Railroad Shops	53	1,087	68	
Trucking—Warehouses	88	714	98	
Water Works	8	135	10	
Schools	1,217	4,760	7,902	237,273
State and County Shops	70	909	9	
Stores:				
Retail	1,366	4,188	3,469	
Wholesale	54	366	87	
Theatres and Amusements	123	395	345	
Totals	5,599	36,906	20,465	237,273

FACTORY INSPECTION DIVISION

Inspections Made—July 1, 1955, to June 30, 1956

Business Classification	Number of Inspections	Number of Male Employes	Number of Female Employes	Total Number Pupils
Auto:				
Sales, Service, Garages	865	5,283	433	
Contractors	109	993	88	
Food:				
Bakeries	73	249	179	
Beverages	27	164	24	
Canning, Preserving, Processing	60	564	447	
Creameries, Dairy Products	66	943	205	
Meat Packing, Slaughter House	31	403	40	
Miscellaneous Products	11	65	57	
Sugar Refining	1	250	.....	
Foundaries and Iron Works	18	543	110	
Hotels	211	939	1,037	
Ice and Cold Storage	9	38	6	
Laundries, Cleaning and Pressing	261	511	1,130	
Lumber:				
Lumber and Building Material	209	1,237	108	
Logging and Sawmills	58	807	18	
Machine Shops	108	522	51	
Manufacturing:				
Machine Manufacturing	9	293	349	
Miscellaneous Manufacturing	115	1,517	580	
Steel and Metal Products	102	2,130	495	
Mills and Elevators	364	1,422	277	
Printing and Publishing	110	855	652	
Public Buildings	136	1,498	895	
Public Utilities:				
Communications	99	905	1,846	
Electric Light, Gas and Power	105	1,148	137	
Railroad Shops	28	509	27	
Trucking—Warehouses	99	890	104	
Water Works	12	68	.....	
Schools	1,101	3,315	5,885	152,795
State and County Shops	95	1,291	16	
Stores:				
Retail	1,512	5,223	4,015	
Wholesale	33	185	36	
Theatres and Amusements	115	475	324	
Totals	6,152	35,235	19,571	152,795

EMPLOYMENT AGENCY DIVISION

PRIVATE EMPLOYMENT AGENCIES

The regulation of private employment agencies in Colorado had its origin in laws enacted in 1891 and 1909. These laws provided that all private employment agencies shall be licensed and must observe certain requirements as to the manner in which they operate and the conditions under which they may claim a fee.

The 1909 law provides for the licensing of employment agencies by the State. The 1891 law provides for the licensing of agencies by municipalities. Both statutes set forth prohibited practices and penalties for violations, but cities are given the regulatory and rule-making authority.

Among the prohibited practices in the 1891 law, is the placement of day laborers, artisans, mechanics, or household or domestic servants at fees, in the case of males, which exceed 5%, and in the case of females, which exceed 3% on one month's wages and board.

Every effort is made by the State to protect the laboring man and other workers against unfair practices. While the State has no jurisdiction to obtain refunds, where complaints have been submitted for informal adjustment, many refunds have been obtained. Approximately 500 complaints have been cleared by this division during the biennial period.

There is an urgent need for revision of the law if workers are to receive the assistance to which they are entitled. The number of agencies has increased more than 400 per cent since 1942, as indicated in the statistics made a part of this report. With approximately 60,000 placements made during a biennial period by such agencies, there are bound to be additional complaints.

It is evident that there must be a need for private employment agencies which average about 62,000 registrations during a two-year period.

The 1891 law is not only inadequate for enforcement purposes, but it is unfair to expect agencies to operate under the fee limitations imposed in this law, and some adjustment should be made to carry out the intent of the law under current operating conditions.

The Denver District Attorney in 1956 warned local agencies against charging excessive fees for job-finding services or face criminal prosecution. He directed attention of the agencies to the limitations of 3% and 5% in the 1891 law. As a result, a suit is pending in the Denver District Court filed by local agencies to declare the law unconstitutional on the basis that it is discriminatory and confiscatory.

If this provision in the law is held unconstitutional, as it has been in some states where the fee was as low as in our law, there will be no protection for the worker who is on a low-salary basis and who needs this protection.

This division is operated in conjunction with the Boiler Inspection Division. No appropriation has been made for enforcement or regulation. The division has no inspectors to check premises as provided by law or to examine the records of fees charged by agencies, or to ascertain if the system of record-keeping is acceptable. The law, to be workable, should carry an appropriation for administration and enforcement, and regulatory and rule-making authority should be vested in the Industrial Commission.

Not only has the number of private employment agencies increased, but their field of activities has also expanded to include new methods of operation. Registries of practical nurses and trained nurses have been established. These agencies charge a low fee on a percentage basis but this fee may be imposed for lengthy periods.

Baby-sitter agencies, unknown in 1942, maintain a lively business. Since regulatory power is not granted by law, the Commission has used its licensing authority to prescribe certain standards for such agencies. These standards must be subscribed to before license is granted. Baby-sitter agencies are established in Denver, Colorado Springs, Aurora and Boulder. All such agencies agree to use baby sitters over the age of 21 years; the sitter must have a physician's certificate that she is in generally good health and regular chest x-rays are required.

The Sandman Sitters agency recently broadened their requirements, with the Code as a stimulus, to include a complete physical examination as well as a chest x-ray. Physicians who had previously found these persons to be in good health found as follows: Four cases of severe anemia, two cases of cancer (one pelvic and one lung), three cases of high blood pressure, three cases of marked vaginal infections and numerous other smaller local infections of ear, nose, etc. This agency reports a gratifying interest of examining physicians, some of whom had never considered the broad scope of child care workers in relation to public health.

Some baby-sitter agencies professionalize their sitters by making available a library of reference material for their use, and issue bulletins to sitters on new toys and equipment used in the care and entertainment of children.

In addition, there are agencies which specialize in professional or executive placements; some offer a variety of personnel services to employers such as aptitude testing or screening for the job placement. Denver has agencies which fill temporary office help positions by maintaining an index of applicants screened and selected as available for temporary work. The employer pays the fee to the agency. Some agencies furnish help under contract with the employer, maintaining the worker on the agency payroll.

The State law requires a bond to be filed by agencies in the amount of $1,000. Prohibited practices are (1) Advertising for persons or demanding a fee for positions where agency has not a specific request from a responsible source. (2) Publishing or giving false information or making false promises to anyone registering for work. (3) Sending female to place used for immoral purposes. (4) Conducting agency in connection with any gambling place. (5) Making any false entries in register required to be kept. It requires the return of all fees paid within 30 days of demand if applicant fails to secure employment within five days after registration. Agent is required to keep available for inspection, registers containing specified information; must file monthly reports and post abstracts of the law.

The Commission may refuse to issue a license if the character or business methods of the applicant makes him unfit to conduct a private employment agency, or if the premises are unsuitable.

License fees range from $10.00 to $50.00 and are based on the population of the municipality where the agency is located.

RECEIPTS

Licenses Issued July 1, 1954, to July 1, 1955		Licenses Issued July 1, 1955, to July 1, 1956	
62 @ $50.00	$3,100.00	71 @ $50.00	$3,550.00
11 @ 25.00	275.00	15 @ 25.00	375.00
7 @ 10.00	70.00	4 @ 10.00	40.00
80 Licenses	$3,445.00	90 Licenses	$3,965.00
Total for Biennial Period, 170 Licenses			$7,410.00
Comparative fees, last biennium			6,010.00
Increase in collections over previous biennial period			$1,400.00

The expansion in the private employment agency business can best be illustrated by the following comparative figures:

			Total for Biennium
1942-1943	17 Licenses Issued	$ 825.00	$1,800.00
1943-1944	20 Licenses Issued	975.00	
1950-1951	47 Licenses Issued	2,275.00	4,485.00
1951-1952	47 Licenses Issued	2,210.00	
1952-1953	66 Licenses Issued	2,850.00	6,010.00
1953-1954	75 Licenses Issued	3,160.00	
1954-1955	80 Licenses Issued	3,445.00	7,410.00
1955-1956	90 Licenses Issued	3,965.00	

THEATRICAL EMPLOYMENT AGENCIES

The following Theatrical Employment Agency Licenses were issued by the Theatrical Employment Agency Division and license fees in the amounts shown were deposited with the State Revenue Department for credit to the General Fund and the Commission, as provided by law:

July 1, 1954, to July 1, 1955—	7 Theatrical Agency Licenses @ $100 each	$ 700.00
July 1, 1955, to July 1, 1956—10	Theatrical Agency Licenses @ $100 each	1,000.00
— 2	Theatrical Agent's Licenses @ $50 each	100.00
Total fees collected for the biennial period		$1,800.00

Theatrical Agency Licenses expire at the close of the calendar year. Agencies which are established during the year are required to pay the full fee and to renew the license on January 1st of the following year.

MINIMUM WAGE, HOUR AND CHILD LABOR DIVISION

This Division administers the Minimum Wage Law for Women and Minors, the Woman's Eight Hour Law, and the Child Labor Law. Due to industrial development in the State and the rapid increase in population, the work load of this Division is increasing. According to the U. S. Census of population for Colorado, there were 137,470 women over 14 years of age and 12,130 boys 14 to 18 years old in the labor force in 1950, almost double those reported in 1940. Approximately one-third of the number of women and minors employed in the State are covered by existing wage orders.

The Division's principal work is to investigate establishments employing women and children to determine compliance with the wage orders and the laws, to clarify the regulations for employers, and to assist them with setting up records and work schedules. On account of limited personnel, investigations have been confined to those areas and those industries where there appears to be the greatest need, based on complaints and a study of conditions.

The Division also makes cost of living and wage studies, issues emergency relaxation permits in accordance with the provisions of the Woman's Eight Hour Law, contacts school officials relative to their duties as employment certificate issuing officers, prepares material for use by the Industrial Commission in revising minimum wage orders, and assists in administering the Equal Pay Law, which was enacted April 7, 1955.

Late in 1955 the Commission began the work of rescinding the old wage orders and issuing new ones, using the direct method of procedure as prescribed by law. Public hearings were held in February, 1956, and the new orders were issued on April 4, 1956, to become effective on May 4, 1956. The industries covered by the regulations are the same as those heretofore covered; namely, retail trade, public housekeeping, beauty service, and laundry. The minimum wage rates established are substantially higher than the rates established in 1951.

During the biennium ending June 30, 1956, a total of 6,345 investigations were made in 213 towns and cities. Of this number 5,873 were routine investigations, 239 were made on complaint, and 223 were re-inspections. There was a total of 11,332 calls made, including 4,987 which were made at establishments where it was found there were no women or minors employed. Statistical information on work accomplished by the investigations follows:

Industry	Total Calls	Investigations	Employees Women	Employees Minors
Retail Trades	6,221	2,845	14,584	1,742
Public Housekeeping	3,549	2,390	13,503	545
Beauty Service	465	215	677	1
Laundry	300	214	2,300	35
Manufacturing and Wholesale	314	267	3,984	2
Miscellaneous (Child Labor)	483	414	.....	758
Totals	11,332	6,345	35,048	3,083

Of 355 complaints registered with the office, 233 were investigated at the place of business, 61 were settled or disposed of by informal hearings or by means of correspondence, 44 were dropped, 4 involved settlement through bankruptcy or foreclosure procedures, and 3 resulted in civil suits. The number of complaints classified as to industry and type is shown below:

Industry	
Hotel-Motel	25
Restaurant	182
Retail Store	50
Beauty Shop	7
Laundry	10
Amusement	18
Manufacturing	9
Resort	9
Hospital	6
Convalescent Home	27
Clubs	7
Miscellaneous	5
Total	355

Type of Complaint	
Overtime	147
Minimum Wage	132
Hours	9
Child Labor	44
Miscellaneous	23
Total	355

When violations are disclosed, voluntary adjustment to comply with the law usually occurs. If the office is not notified of the judgment within a reasonable time, re-investigation is made as soon as possible. Where violations of the minimum wage or overtime provisions are found, back wages due employees are collected. The following table lists the amount collected in back wages due employees for four biennial periods:

July 1, 1948-July 1, 1950	$ 5,046.05
July 1, 1950-July 1, 1952	11,555.59
July 1, 1952-July 1, 1954	9,220.56
July 1, 1954-July 1, 1956	10,252.15
Total (8 years)	$36,074.35

The **Woman's Eight Hour Law** prohibits employment of women for more than eight hours during any calendar day of 24 hours in manufacturing, mechanical, mercantile establishments, hotels, restaurants, and laundries. In cases of emergencies or in case of processing seasonal agricultural products, overtime may be permitted provided time and one-half the employee's regular hourly rate is paid for the time in excess of 8 hours in a calendar day and provided the employer has first secured a relaxation permit from the Industrial Commission.

The following table shows the number of relaxation permits that have been issued during each of the last four biennial periods:

	1948-50	1950-52	1952-54	1954-56
Manufacturing	155	238	199	216
Mechanical	30	30	5	15
Mercantile	369	344	327	458
Hotels	41	36	34	58
Restaurants	495	235	236	341
Laundries	75	70	79	86
Totals	1,165	953	880	1,174

Difficulty in enforcement of the Woman's Eight Hour Law is encountered due to the fact that it is difficult and sometimes impossible for employers to secure a relaxation permit before an emergency occurs. It is recommended that the law be revised to clarify this provision. Other suggestions for improving this law include: Exemption for executives, extended coverage, emergency defined, maximum weekly hours.

The **Child Labor Law** provides that employment certificates shall be placed on file in business places before children under the age of 16 years may be employed. This Division supervises the issuance of the certificates by school superintendents throughout the State.

According to the number of duplicate certificates received from issuing officers during the biennium, there were 863 fewer minors employed during this biennium than during the last biennium.

Of the 414 investigations made on child labor during the biennium, 285 were routine, 31 were made on complaint, and 98 were re-inspections. Although 41% of the establishments were violating the employment certificate regulation, reports indicated better compliance with most of the regulations than heretofore.

The following table lists the number of employment certificates issued for minors in four age groups (based on duplicates received). Minors over 16 years of age are not covered by the State law, however, due to a cooperative agreement with the U. S. Department of Labor, certificates are made available for minors who desire employment in establishments that are covered by the Child Labor Provisions of the Fair Labor Standards Act.

	Under 14 yrs.*	14 and 15 yrs.	16 and 17 yrs.	18 and 19 yrs.	Total
State, excepting Denver	387	2,387	1,561	1,215	5,550
Denver, only	289	2,060	1,046	496	3,891
Totals	676	4,447	2,607	1,711	9,441

*Agricultural, theatrical and summer exemptions.

WAGE CLAIM DIVISION

The administration of the State laws governing the Department of Wage Claims is constantly expanding and a substantial increase in violations has been noted and recorded with this office. The Wage Claim Division is an agency for collecting unpaid wages due employees and in cases of disputed facts acts as a mediator between the parties involved. The Wage Claim Division has been successful in the past biennium in collection of $61,824.59 in back wages without the expense of litigation to either party.

The procedure is informal and may be conducted by telephone contact, correspondence or informal conference and by personal investigation. During the period of July 1, 1933, and July 1 of 1956 this department has been instrumental in collecting a grand total of $754,231.83 averaging approximately $32,792.70 per year. Many claims are still in the process of investigation and collection.

The following tables give a concise resume secured by this Division:

Collections during each biennial period:

July 1, 1933, to October 31, 1934	$ 16,175.17
December 1, 1934, to December 1, 1936	59,167.44
December 1, 1936, to December 1, 1938	49,518.82
December 1, 1938, to November 1, 1939	35,045.59
December 1, 1940, to December 1, 1942	33,328.35
December 1, 1942, to November 1, 1944	27,780.05
December 1, 1944, to June 31, 1946	39,863.96
July 1, 1946, to July 1, 1948	190,841.72
July 1, 1948, to July 1, 1950	72,731.96
July 1, 1950, to July 1, 1952	106,109.19
July 1, 1952, to July 1, 1954	61,844.99
July 1, 1954, to July 1, 1956	61,824.59
Total	$754,231.83

Collections, by month, during the period of July 1, 1954, to July 1, 1956:

Month	Total Claims Filed and Recorded	Total Claims Collected	Amount of Money Collected
July, 1954	31	32	$2,095.55
August, 1954	57	32	1,990.67
September, 1954	59	39	3,422.75
October, 1954	47	37	2,665.69
November, 1954	34	21	1,452.16
December, 1954	27	26	1,397.58
January, 1955	31	26	2,213.88
February, 1955	38	15	2,166.02
March, 1955	40	37	1,864.91
April, 1955	30	24	1,837.65
May, 1955	43	26	2,823.98
June, 1955	34	24	1,990.07
July, 1955	52	24	1,782.31
August, 1955	45	27	1,399.30
September, 1955	58	25	3,573.69
October, 1955	49	32	3,175.33
November, 1955	32	28	3,274.88
December, 1955	38	21	3,345.32
January, 1956	23	25	1,684.52
February, 1956	39	26	3,236.74
March, 1956	29	35	2,727.22
April, 1956	37	25	2,038.20
May, 1956	27	26	6,713.53
June, 1956	67	38	2,952.64
Total			$61,824.59

WORKMEN'S COMPENSATION CLAIM DIVISION

During the two-year period covered by this report this Division received 112,178 reports of accidental injury and supervised payment of 13,144 cases, in which compensation benefits as distinguished from medical benefits, were paid under an admission of liability and without a hearing.

During this period the Commissioners entered 1,084 warrants and orders, of which 527 were orders for lump sum settlements and 30 were orders denying applications for lump sum settlements.

The Referees of the Commission held compensation hearings in Denver three days each week and conducted hearings on other days where the docket requirements or the convenience of the parties required. Hearings were conducted in the principal industrial centers every sixty days and in other parts of the State as frequently as docket requirements and travel appropriations would permit.

During the period a total of 2,920 cases came to hearing, of which 1,621 were heard in Denver and 1,299 at points outside of Denver. Hearings were docketed at towns outside of Denver on 224 separate dockets.

The Referees also heard all unfair labor practice cases under the Labor Peace Act, cases arising under the Wage Equality Act, and conducted numerous elections under the Labor Peace Act.

SUMMARY OF ORDERS AND AWARDS
From August 1, 1915, to June 30, 1956

Compensation:	Aug. 1, 1915, to June 30, 1954		July 1, 1954, to June 30, 1956		TOTAL Aug. 1, 1915, to June 30, 1956	
	Commission	Referees	Commission	Referees	Commission	Referees
Fatal—Granted	1,065	3,621	2	30	1,067	3,651
—Denied	269	774	2	31	271	805
Non-Fatal—Granted	3,300	28,370	1	522	3,301	28,892
—Denied	944	8,442	3	584	947	9,026
Re-hearings:						
Fatal—Granted	138	105	1	..	139	105
—Denied	334	53	3	..	337	53
Non-Fatal—Granted	2,121	2,485	156	7	2,277	2,492
—Denied	2,121	696	45	4	2,166	700
Lump Sums:						
Fatal—Granted	1,053	..	38	..	1,091	..
—Denied	839	..	14	..	853	..
Non-Fatal—Granted	4,736	..	489	..	5,225	..
—Denied	1,554	..	16	..	1,570	..
Facial Disfigurement:						
Granted	117	1,125	..	70	117	1,195
Denied	14	147	..	11	14	158
All other orders and awards	5,390	12,995	314	1,481	5,704	14,476
	23,995	58,813	1,084	2,740	25,079	61,553

SUMMARY OF ORDERS AND AWARDS

July 1, 1954, to June 30, 1956

	Commission	Referees
Compensation:		
Fatal—Granted	2	30
—Denied	2	31
Non-Fatal—Granted	1	522
—Denied	3	584
Hospital or Medical Expenses—Granted	..	91
—Denied	..	12
Facial Disfigurement—Granted	..	70
—Denied	..	11
Re-hearings:		
Fatal—Granted	1	..
—Denied	3	..
Non-Fatal—Granted	156	7
—Denied	45	4
Lump Sums:		
Fatal—Granted	38	..
—Denied	14	..
Non-Fatal—Granted	489	..
—Denied	16	..
Medical only	..	121
Orders determining dependency	..	38
Miscellaneous orders	10	76
Show Cause orders	..	117
Continuance orders	4	46
Orders vacated	6	12
Orders to pay to subsequent injury fund	..	27
Cases dismissed	..	42
Orders directing claimant to accept surgery or treatment	..	5
Orders determining extent of permanent disability	3	320
Orders reversed	7	6
Compensation reduced due to change in condition	2	6
Compensation increased	1	8
Orders closing cases	..	9
Orders suspended or cancelled	..	..
Orders affirmed	132	25
Orders corrected	7	13
Orders amended	4	19
Third party settlement approved by order	..	2
Hearings cancelled by order	..	5
Orders approving compensation or medical paid	..	19
Orders approving admissions	..	133
Orders creating trust funds	2	44
Orders granting trust fund withdrawals	125	..
Orders denying trust fund withdrawals	..	..
Orders ruling fatal cases non-compensable	..	3
Orders assessing penalty against insurance company	..	3
Orders terminating compensation	..	16
Orders fixing termination of disability	2	121
Transcripts issued	5	..
Orders directing payment from subsequent injury fund	..	..
Orders approving compromise	4	3
Orders directing carrier to offer surgery or treatment	..	12
Orders granting penalty for safety rule violation	..	3
Orders denying penalty for safety rule violation	..	4
Orders allowing attorneys' fees	..	40
Orders denying attorneys' fees	..	2
Orders reinstated	..	2
Orders finding no permanent disability due to accident	..	66
Granted penalty failure to report	..	6
Orders determining wage rate	..	4
	1,084	2,740

1954-1956 ACCIDENT EXPERIENCE

The steady industrial growth of Colorado is reflected in the increase in accident reports from 107,309 for the previous biennium of 1952-'54 to 112,178 for this period. This is an increase of 4.5%. In breaking this down we find out of 112,178 reports, the insurance carrier or self-insured company admitted for 13,144; 508 were ordered paid by the Industrial Commission; 58 occupational cases were paid by admission. There were 32 third-party settlements. This leaves 98,436, or 87.75% of reported cases that received medical only.

In the 13,742 compensated cases 12,292 drew temporary total disability, 482 temporary partial. There were 610 amputations, 1,471 loss of use of some part of the body, 472 classed as working units, 34 permanent totals, 71 facial and 224 fatal. It is possible for many of the 13,742 cases to be included in the preceding figures under more than one category, i.e., a claimant can draw temporary total, temporary partial, and also some permanent and facial disfiguration in various combinations.

The 224 fatals as compared to 210 for the previous biennium shows that the per cent of increase is slightly above the rate of increase of all accidents.

FATAL ACCIDENTS

There were 224 cases reported as fatals, but there were 13 heart cases not caused by industrial accident, and one Arizona case, leaving the true fatal number for Colorado industrial fatal cases at 210. As these statistics are compiled, there are 17 pending cases, showing 193 cases processed.

Of the 193 cases processed, 165 dependents were fully dependent, 6 partially, and 22 had no dependents. Compensation was cut to 50% in one instance where the dependents lived in a foreign country. Dependents were made up of 45 widows with no minor children, 37 had one child, 37 others had two, 22 had three, and 19 had more than three. In five cases there were children only, and in four, parents only, while in two cases there were parents and brothers or sisters also.

In the 193 cases, 151 had admissions of liability, 28 were granted compensation by Referee orders, and 14 cases were denied.

Further data on these 193 fatal cases brings out the fact that 65 were head injuries, 18 neck or spine, 17 were electrocutions, 34 crushed chest or body, and the balance were burned, had internal injuries, or had miscellaneous injuries.

Sixty-seven vehicles, such as trucks, tractors, autos, mine and railroad cars were the principal accident agencies; 11 were in plane wrecks; and falling trees, ditch cave-ins, live wires, body burns from fire or explosion, falling rock in mines, cranes and conveyors were miscellaneous accident agencies.

In industry, 22 were in metal mining, 14 in coal mining, 11 in oil drilling, 25 in construction, 10 in special building trades such as painting, plumbing, etc. The lumber industry caused 13 deaths, 9 are blamed on the manufacturing of iron, steel and their products, 16 in the transportation industry, and 6 in utilities. The balance were in miscellaneous industries such as the wholesale and retail trade, service industries, and government—such as firemen and policemen.

We do not believe it to be good practice to charge to industrial accidents cases in which the person died of heart trouble not associated with over-exertion on the job. These reports are numbered and must be counted as industrial fatal accidents even though we do not include them in statistics in other categories. For this reason we eliminated the 13 heart cases.

TRUST FUND ACCOUNTS

The Workmen's Compensation Act provides that upon remarriage of the dependent widow her right to compensation shall terminate and if there be other dependents shall survive to them.

This Commission has always believed that one of its most important functions is the protection of the rights of surviving minor dependents in such cases.

Customarily the Commission orders all or part of the money of the monthly payments deposited in trust for the benefit of the surviving minor dependents depending on the situation existing in the home.

Moneys so deposited in trust can be released only upon the written order of the Commission. These trust fund accounts are available to pay for medical or dental attention, school expenses or other contingencies in which it is to the best interest of the minor to provide funds to meet current emergencies or requirements.

Many children who might not have been able to secure higher education or special training had their rights not been so protected, have been able to do so through benefit of these trust funds.

No charge is made for handling these accounts and the funds so deposited draw interest.

On July 1, 1956, there were 419 trust accounts totaling $498,093.68, an increase of 46 accounts and $77,067.98 in the total trust fund account during the past biennium.

SUBSEQUENT INJURY FUND

February, 1949, to June 30, 1956

Claim No.	Age (year)	Expectation of Life (year)	Reserve for Payment
729-494	60	14.50	$ 10,572.24
789-746	72	8.08	7,372.84
849-968	64	12.13	9,823.63
908-022	43	26.81	31,715.16
*1-035-328	31	34.62	50,406.72
1-084-289	56	20.64	32,017.57
			$141,908.18
Cash deposited in Fund			60,757.59
Possible deficit			$ 81,150.59

* Payments are not due in this case until December 13, 1957.

The statute provides that a claimant who has previously lost a major member or the sight of one eye, loses another major member or the sight of an eye, shall be compensated by the responsible carrier as in any similar case, and when permanent disability payments are completed, then the claimant shall draw compensation from the Subsequent Injury Fund, as a permanent total disability case, for life.

The Fund is accumulated by payment to the Fund by the insurance carrier responsible in each fatal case where there are no surviving dependents of $1,250.00.

OCCUPATIONAL DISEASE DISABILITY CASES

From July 1, 1954, to July 1, 1956, 415 cases were reported under the Occupational Disease Disability Act. Of these 75 percent were due to dermatitis, 8 percent to silicosis, 5 percent to lead poisoning; there was one case of hepatitis (inflammation of the liver) caused by exposure to the disease in a hospital; compensation was granted; one case of anthrax, one of meningitis, three of undulant fever, one of tularemia, two of toxic poisoning; the remainder consisted of miscellaneous ailments including respiratory irritation and infection, eye irritation, allergies, heat rash.

The largest percentage of cases occurred in the 30- to 40-year age group, about thirty percent. Teens had six percent; 20- to 30-year group, 23 percent; 40 to 50 years, 22 percent; 50 to 60 years, 13 percent; the 60's, 6 percent.

About 60 percent of the cases were granted medical only; 15 percent temporary total. Eight percent were permanent total cases; the last group were all silicosis cases; no fatals occurred in the two-year period. Six percent were denied or dismissed due to late filing or failure to file, or because the disease was non-compensable. Some cases are still pending.

Twenty-two lead poisoning cases were reported in the two-year period. About one-fourth of these cases were granted temporary total compensation, the remainder medical. Ten of the lead poisoning cases were contracted in battery manufacturing, smelting, and die casting. Paint contracting accounted for the rest.

Thirty-two cases of silicosis were reported. Age distribution of these cases:

29
31—32—36—37—37—38
41—42—46—46—47—49
50—50—52—53—53—54—54—55—58—59
60—61—62—62—64—64—66—67—67

Industries in which the silicosis affected workers were employed: Metal mines, 12; fire brick manufacturing, 5; foundries, 3;

mica grinding, 2; coal mines, 1; steel manufacturing, 2; quartz mines, 1; concrete products, 1; quarry (sandstone), 1; heavy construction, 1; porcelain manufacturing, 1; chemical manufacturing, 1; smelting, 1.

Of the 32 cases, eight have been granted compensation, twelve have been denied or dismissed, due to late filing, not being permanently and totally disabled, not proven, not exposed in last job, or rejection of the act; three are pending, three are still working, two are continued; three did not file claims; one was cancelled by request of claimant.

Total amount of compensation awarded to silicosis cases was $42,240.00.

Industries accounting for occupational diseases were miscellaneous machinery manufacturing, 10 percent; iron and steel foundries, 8 percent; restaurants, 7 percent; chemical manufacturing, 6 percent; special construction, such as painting, 5 percent; garages, 5 percent; manufacturing of condensers, 5 percent; miscellaneous manufacturing, 4½ percent; meat packing, 4 percent; hospitals, 4 percent; metal mining and milling, 3½ percent; printing trades, 2 percent; other industries were general and heavy construction, groceries and bakeries, film producing companies, machine shops; metal plating, quarries, die casting, leather goods manufacturing, plastic and porcelain manufacturing, rubber goods manufacturing, petroleum products, and sawmills.

Common agencies causing occupational disease disability were chemicals, 20 percent; dust, 12 percent; lead, 5½ percent; paint, 3½ percent; gases, 3 percent; chrome, toxic, bacteria, and miscellaneous agencies comprised the remainder.

STATE COMPENSATION INSURANCE FUND

Colorado is one of twenty-three states that has a State Compensation Insurance Fund. There are three types of compensation available to employers over the nation and Colorado is one that allows all three. They are: State Insurance Fund, private insurance companies, and self-insurers. Seven states have monopolistic state funds.

This means that the Colorado legislature has made available to employers all types of compensation insurance.

The Colorado State Insurance Fund has enjoyed a steady growth in line with the steady advancement of industry in the

State. A non-profit plan that enables compensation insurance (which is compulsory in Colorado) to be written by the fund at 30% less than manual insurance rates.

Since the fund is self-supporting and writes the compensation coverage for all State, County, Municipal and School employees at a considerable savings, it saves the taxpaying public a considerable amount.

The fund is administered by the Colorado Industrial Commission.

WORKMEN'S COMPENSATION INSURANCE

Premium Income and Losses Paid—Colorado

NET PREMIUM INCOME

Year	Stock Companies	Mutual and Reciprocal Companies	State Fund	Totals
1915-1929..	$11,870,309.33	$ 5,380,037.70	$ 6,430,370.60	$ 23,680,717.63
1930-1939..	7,719,776.00	3,194,665.00	11,721,102.00	22,635,543.00
1940-1949..	13,877,680.59	6,583,964.59	20,596,380.74	41,058,025.92
1950	1,781,438.00	768,018.00	2,842,613.00	5,392,069.00
1951	2,390,698.00	675,264.00	3,752,990.00	6,818,952.00
1952	2,595,026.00	934,945.00	3,658,071.00	7,188,042.00
1953	3,005,406.00	601,174.00	4,086,367.00	7,692,947.00
1954	3,151,388.00	899,932.00	4,881,330.00	8,932,650.00
Totals..	$46,391,721.92	$19,038,000.29	$57,969,224.34	$123,398,946.55

NET LOSSES PAID

Year	Stock Companies	Mutual and Reciprocal Companies	State Fund	Totals
1915-1929..	$ 6,008,897.55	$ 1,674,021.75	$ 2,995,889.72	$ 10,678,809.02
1930-1939..	4,567,351.00	1,836,382.00	7,905,581.00	14,309,314.00
1940-1949..	5,183,534.00	2,433,041.00	11,823,381.33	19,439,956.33
1950	826,115.00	310,020.00	1,979,221.00	3,115,356.00
1951	1,145,160.00	331,371.00	2,339,126.00	3,815,657.00
1952	1,357,959.00	438,992.00	2,845,778.00	4,642,729.00
1953	1,563,894.00	252,180.00	3,205,473.00	5,021,547.00
1954	1,671,650.00	395,648.00	3,317,263.00	5,384,561.00
Totals..	$22,324,560.55	$ 7,671,655.75	$36,411,713.05	$ 66,407,929.35

STATE COMPENSATION INSURANCE FUND

Income and Disbursements

	July 1, 1954, to Dec. 31, 1954	Jan. 1, 1955, to Dec. 31, 1955	Jan. 1, 1956, to June 30, 1956
INCOME			
Premiums Written	$2,348,451.24	$5,075,494.58	$2,791,282.83
Interest Received	126,863.09	270,704.04	185,293.99
Sale and Redemption of Bonds	612,758.75	277,024.57	222,831.57
Collection of Premiums Previously Charged Off	928.43	.....	.....
Miscellaneous	13,283.36	20,510.42	6,330.35
Totals	$3,102,284.87	$5,643,733.61	$3,205,738.74
Cash on Hand—Beginning	858,654.58	1,063,234.14	221,507.39
Premiums Outstanding—Beginning	261,674.95	170,733.50	185,436.64
Totals	$4,222,614.40	$6,877,701.25	$3,612,682.77
DISBURSEMENTS			
Compensation and Medical Benefits Paid	$1,640,423.99	$3,661,721.20	$1,966,946.97
Premiums Written Off	.....	4,590.24	39.77
Dividends to Policy Holders	321,435.00	814,638.00	310,184.00
Operating Expenses	222,323.22	425,611.28	215,583.03
Investments:			
Bonds	804,404.55	1,564,196.50	579,414.06
Warrants	60.00	.....	48.00
Totals	$2,988,646.76	$6,470,757.22	$3,072,215.83
Cash on Hand—Ending	$1,063,234.14	$ 221,507.39	$ 318,914.69
Premiums Outstanding—Ending	170,733.50	185,436.64	221,552.25
Totals	$4,222,614.40	$6,877,701.25	$3,612,682.77

DEPARTMENT OF EMPLOYMENT SECURITY

REPORT TO THE COLORADO INDUSTRIAL COMMISSION

July, 1954-June, 1956

The Colorado Industrial Commission serves, ex-officio, as the Unemployment Compensation Commission in providing a higher authority to hear appeals from the decision of the referee, and it also adopts all regulations relating to the Employment Security Act.

In the two-year period from July, 1954, through June, 1956, the economy of the State underwent a healthy expansion in nearly all aspects. Unemployment remained at relatively low levels during the entire period. Nevertheless, a slight increase in the number of appeals to the Industrial Commission from decisions of referees was noted. The Industrial Commission received 185 appeals from department decisions, and disposed of 182 of them, either by

decision or by permitting withdrawal of the case. One hundred forty-five decisions were rendered, of which 28 were in favor of the appellant and 117 sustained the decision of the department. These figures disclose a four percent increase in appeals over the number filed in the previous biennium, even though the general level of unemployment claims activity was lower.

During 1955 the Industrial Commission revised all of the regulations governing administration of the Employment Security Act, formally adopting the revisions on September 30, 1955. Purpose of the revisions was to provide clarifying language in some sections and to make the regulations uniform in style and terminology.

Under Section 82-4-11 of the Employment Security Act, the Industrial Commission is required to determine whether any work stoppage is due to a strike, and if so, what categories of workers are involved. The department then determines the claimant's responsibility in connection with his employment. During the biennium covered by this report the Commission was called upon to determine the nature of 29 apparent work stoppages. In two cases the Commission found that no work stoppage existed; in the other 27 cases, it was held that the work stoppages were strikes.

There were three requests for review of decisions affirming the existence of strikes; two requests were by unions and one was made by the employer. In all three cases the Commission reaffirmed its original finding.

The substantial growth in industry in Colorado is clearly indicated in comparison of numbers of workers covered by the Employment Security Act. In the fiscal year 1953-1954, the average monthly figure of covered employment was 232,077; in the 1954-1955 fiscal year, the monthly average was 237,096; in the 1955-1956 fiscal year, the monthly average was 264,814. Approximately 21,000 of the increase in the most recent year is considered to be due to the increased coverage of the Act, which became effective on January 1, 1956. Even after reducing the figure by this amount, however, there is proof of a considerable increase in the number of workers in covered employment in the State.

In addition to the covered employment in private industry shown in the preceding paragraph, the Department records show covered employment of a monthly average 33,295 workers who are employed by the Federal Government in Colorado. The Unemployment Compensation for Federal Employees program first became effective on January 1, 1955, so comparison of this average with one relating to a previous period is not possible.

Further evidence of economic strength in Colorado is furnished by examination of the record of non-agricultural placements made by the Department of Employment. In fiscal year 1953-1954 the Department made 65,557 non-agricultural placements; fiscal year 1954-1955 showed a record of 75,514 such place-

ments; in fiscal year 1955-1956 a total of 88,903 placements were made. Many of the positions filled by the Department in the past two years were entirely new jobs in industries that have recently moved to Colorado from other locations in the nation.

As might be expected, increased activity in business and manufacturing during the biennium reduced the number of workers who found it necessary to file claims for unemployment insurance during lay-offs. During the fiscal year 1953-1954 the average number of benefit payments to unemployment insurance claimants was 3,418 per week; in the 1954-1955 fiscal year the average number of payments was 2,736 per week; during fiscal year 1955-1956 the average was 2,144 payments per week. Amounts of money paid in unemployment insurance benefits declined in step with the number of payments. In fiscal year 1953-1954, the Department paid $4,926,524.00 in benefits to unemployed workers; in the fiscal year 1954-1955 it paid $3,733,026.00 in benefits; in 1955-1956, a total of $2,901,717.00 was paid. These reductions in unemployment insurance benefits are even more significant when it is considered that the labor force in Colorado has been increasing steadily in recent years, as individuals and families move into the State from every direction. It appears that these newcomers are able to secure employment as soon as they arrive without displacing Colorado citizens. If such displacement in jobs were occurring in any degree, it would quickly be reflected in increased payments of unemployment insurance.

COLORADO SUPREME COURT DECISIONS

TABLE OF CASES

THE COLORADO FUEL & IRON CORPORATION vs. ALITTO

..... Colo. .....

..... P. (2d) .....

Index No. 450

Judgment Affirmed

I. C. No. 1-026-911

Opinion by Knauss, J.

Decedent was employed by plaintiff in error in its bricklaying operations from 1908 to the time of his death in 1952. It is not disputed that these operations exposed the employees therein engaged to harmful quantities of silicon dioxide dust. "It is admitted that decedent contracted silicosis while employed by plaintiff in error, but it contends this was prior to 1945, at which time he became a master brick mason." The employer contends decedent was not injuriously or harmfully exposed after that date. The testimony on this issue is in conflict.

"The duties of a bricklayer at employer's Pueblo mill consist of building, tearing down and re-building, in whole or in part, furnaces, chimneys, soaking pits, etc., with bricks which contain a high percentage of silica and in the performance of which duty silicon dust is created. The duties of a foreman are similar to those of a journeyman in that he is generally present at the scene of all operations but acts in a supervisory capacity. The foreman is exposed to practically the same atmospheric conditions as the journeyman. The master brick mason supervises the work of all those engaged in the bricklaying operations.

"Employer's witnesses, while minimizing the dust conditions, admitted decedent spent a substantial part of each day supervising and inspecting the work of the men under him. It is definitely shown by the evidence that in close proximity to the place where these bricklayers worked there were harmful quantities of silica dust created by these operations. * * * Lay witnesses who testified on behalf of the widow said decedent worked with the bricklaying gang for at least part of each working day and was thus exposed to harmful quantities of silicon dioxide dust created by these operations. Employer's lay witnesses testified that decedent avoided the extremely dusty conditions.

"It is contended by the employer that the Act requires proof not only of injurious exposure after effective date of the Act, but such exposure on at least sixty different days."

An award to the widow by the Industrial Commission was affirmed by the District Court.

In its affirmation, the Supreme Court

HELD: "* * * There was ample competent evidence in the record before the Commission that hazardous exposures continued to exist on the premises of the employer where decedent worked after 1945, when he became a master brick mason of the bricklaying crews.

"It was abundantly shown by the testimony that decedent was 'harmfully exposed' as that term is defined in the Act from 1946 until his death in March, 1952. In the instant case it is urged that decedent was given a job as master brick foreman and that in this capacity he was not subjected to silicon dust. The record is replete with evidence that he was thus subjected * * *.

"Ours is a court of review, and not a fact-finding body. It is the function of the Commission to ascertain the facts in cases before it, and if the findings of facts made by the Commission are sustained by competent evidence, they will not be set aside or held for naught by either the District Court, or this court. In the instant case there is competent evidence sustaining the findings of the Commission.

"We are satisfied from the record in the instant case that claimant, by proof over and beyond that required by the Act, showed that she was entitled to an award. This being so, the judgment of the District Court is correct and is hereby affirmed."

STANDARD OIL vs. COMMISSION and SMITH

..... Colo. .....

..... P. (2d) .....

I. C. No. 1-059-952

Index No. 451

Judgment Affirmed Without Written Opinion

Claimant sustained second degree burns of his face, and third degree burns of his ears, eyelids and of both hands in a compensable accident. Respondent self-insurer brought claimant to Denver for treatment. At the expiration of six months from the date of injury, employer's attorney informed the attending physician that his company would not exceed the

statutory limit of $1,000.00 for hospital and medical care. The claimant's condition at that time was such that without further medical and hospital care he would have been permanently and totally disabled. The Commission, therefore, determined that at the time further medical benefits were denied, claimant was permanently and totally disabled.

The District Court's affirmance of the Commission's award was affirmed by the Supreme Court without written opinion.

IACINI vs. COMMISSION and SCHNEIDER

..... Colo. .....

..... P. (2d).....

I. C. No. 1-115-297 — Index No. 452

Judgment Affirmed Without Written Opinion

Claimant was employed by respondent employer as a delivery truck driver. On March 5, 1954, as claimant was kneeling down placing frozen food in a locker, he attempted to rise and his left knee locked and became very painful. Medical examination revealed a loose body in claimant's left knee joint, the origin of which was unknown. Respondents contested liability on the ground that claimant had sustained no accidental injury and that the condition of which he complained was the result of a foreign body not there as a result of accidental injury.

The District Court affirmed the Commission's order for compensation benefits. The Supreme Court affirmed the District Court without written opinion.

INDUSTRIAL COMMISSION OF COLORADO AND GALLEGOS vs. INTERNATIONAL MINERALS, ET AL

..... Colo. .....

..... P. (2d) .....

I. C. No. 1-135-207 — Index No. 453 — Judgment Affirmed

Opinion by Holland, J.

The evidence showed that Gallegos was taking the place of a relative who was a regular employee of respondent employer; that his work consisted of assisting one Tony Gallegos in filling sacks with mica. The procedure was to place the empty sack on a scale and pull a lever which released the mica in a chute and thus filled the sack. This required very little force on the part of the operator. When Gallegos arrived at work he weighed some sacks, and at that point, Tony Carrillo's nephew came in and asked Gallegos to fix his car and the nephew took Gallegos' place at the mica plant. Gallegos worked on the generator of the car and after it was fixed, helped to push it some little distance. He then came back to the plant and told a fellow worker that he had eaten his lunch. Up to that time Gallegos had done no work except the weighing of the sacks. When he returned to the plant he found that another employee had loaded a hand truck with four sacks of mica. Gallegos pushed the truck twenty-five or thirty feet, dumped the mica and started back with the empty truck. After walking approximately ten feet he collapsed and died within a few minutes. The evidence disclosed that the truck was easy to push; that the sacks on the truck were balanced; that the truck was wheeled over a cement floor; and that there was no evidence that deceased slipped or that he had any accident of any kind.

The Referee's Findings and Order was that the cause of the death was acute congestive heart failure resulting from a long-standing rheumatic heart disease. The Referee also found no history of accidental strain or injury, and that death was not caused, hastened, or associated with the employment, and upon such finding, denied and dismissed the claim.

The Commission vacated the Referee's Order and awarded compensation, which award, upon hearing in the district court was set aside. The Supreme Court, in affirming the action of the district court,

HELD: "The evidence is undisputed to the effect that there was no overexertion or anything outside of the usual work that was being done by decedent. It may be accepted as true that some exertion probably hastened the death; however, there is exertion in all forms of manual labor and the requirements of law in such cases are that there must be more than mere exertion, in other words, the claimant must establish overexertion.

"The findings and judgment of the trial court, on the facts presented, is clearly in harmony with the rule in this jurisdiction, and is therefore affirmed."

OMIE HAMILTON vs. INDUSTRIAL COMMISSION and WEIDEMAN

..... Colo. .....

..... P. (2d) .....

I. C. No. 1-109-031 — Index No. 454 — Judgment Affirmed

Opinion by Bradfield, J.

Hamilton was employed by Weideman as a sawmill employee. He was laid off on December 11, 1953. He returned to his former employer's premises the sixth day thereafter, December 17, 1953. On that day at breakfast he told his landlady "he was going out to pick up his check that day so he could pay me." The same day at 11:00 a.m. Hamilton went first to the camp, twenty-two miles north of Durango, to inquire "was there any work open." He made no inquiry about his pay check. Being told there was no work, he then apparently rode with a friend, Mr. Jonas, a contract hauler, to the company's mill, one mile south of Durango, arriving about 2:15 or 2:30 p.m.; he was there seen "100 yards north of the office" at an unloading ramp with Mr. Jonas, "simply standing there and visiting." Mr. Jonas was the husband of Hamilton's landlady. Thereafter it was determined some logs had rolled backward off the truck, killing both Hamilton and Jonas. Hamilton had not been to the office and no one witnessed the accident.

The deceased was divorced but left two minor children surviving him. Their mother, the divorced wife, brought this action as the guardian and next friend of the minors. She seeks compensation for the minors on the ground that deceased was killed in the course of his employment, while going to collect wages due him. Respondents contest the claim on the ground the accident did not arise out of and in the course of his employment.

The Referee that heard the case, granted compensation, but was reversed by the Commission on the grounds that there was insufficient evidence to support claimant's claim. The district court affirmed the findings and award of the Commission. In its affirmance, the Supreme Court

HELD: "In the instant case there is the evidentiary fact, 'was deceased on his employer's premises for the purpose of collecting his wages;' and the ultimate question of fact, 'did decedent's death arise out of and within the course of his employment.' The burden was on claimant to prove these facts. The only direct evidence was the landlady's statement. Then there was conflicting inferences to be drawn from the facts of deceased's subsequent actions. Some of these inferences would be favorable to claimant's claim and some would be unfavorable. On this conflict of evidence and the inferences therefrom, the Commission on the evidentiary fact finds it 'is unable to find from the evidence how, when or why Hamilton came upon the property of

respondent employer;' and on the ultimate fact, 'the Commission is of the opinion and so finds that the claimant has failed in her duty of establishing that decedent's death arose out of and within the course of his employment.' (Emphasis supplied.) These 'findings' can have but one meaning—that claimant's evidence was insufficient, and the facts alleged by plaintiff were not proven. No specific wording of the findings is required but the meaning must be clearly expressed.

"An examination of the record discloses the evidence and inferences were of such nature that reasonable men could reasonably have concluded, either that the deceased was on the employer's premises for the purpose of collecting his pay, or as well could have concluded he was not there for that purpose or that there was insufficient evidence to show why he was there. There being conflicts upon which reasonable men might well differ, it was the Commission's duty to resolve the conflict. Having resolved it unfavorably to claimant, this Court will not disturb the judgment of the trial court affirming the Commission's findings and award.

"The judgment is affirmed.

"MR. CHIEF JUSTICE ALTER concurs in the result.

"MR. JUSTICE HOLLAND and MR. JUSTICE MOORE dissent.

"MR. JUSTICE LINDSLEY does not participate."

INDUSTRIAL COMMISSION, GOEBEL and HERBERG vs. VANCIL

..... Colo. .....

..... P. (2d) .....

Index No. 455
Judgment Affirmed
With Directions

I. C. No. 1-176-399

Opinion by Clark, J.

Vancil was the owner of three trucks which he leased to others under various types of rental contracts and as opportunity arose. He maintained no office, garage, or place of business of his own and with the exception of the one instance next related operated none of said trucks for his personal use. In November, 1954, he procured a small amount of lumber at Antonito, Colorado, and employed Goebel to drive one of his trucks in hauling the lumber from Antonito to Denver. This operation required only a few trips and was concluded by December 1, 1954. At that time Vancil leased that particular truck to one Kersten who was then interested in and operating a business known as Nation-Wide-Drive-Away Company, the principal business of which was automobile transport service. At the time of leasing of said truck to Kersten, at Vancil's suggestion to both Kersten and Goebel, Kersten employed Goebel to drive said truck for Nation-Wide-Drive-Away Company. As compensation for the use of the truck Vancil was to receive a stipulated price per loaded mile, no accounting being taken of mileage while the truck was being driven unloaded. This price included the furnishing of maintenance, gasoline and oil by Vancil.

On April 7, 1955, while returning to Denver from a trip to Grand Junction where he had delivered a truckload of automobiles by and at the direction of the Nation-Wide-Drive-Away Company, Goebel fell asleep at the wheel of the truck and went into a ditch, resulting in the injury to himself and Herberg, who on that trip had accompanied Goebel for the first time and who at the time of the accident was reposing in the sleeper.

The Commission held Vancil liable under Section 49 W.C.A. 81-9-1 C.R.S. '53. In sustaining the district court's reversal, the court

HELD: "Thousands of automotive vehicles and trailers are leased by the owners to others who operate them in all kinds of businesses, and under varying conditions and rental contracts. This business includes not only automotive and transportation equipment but also many types of heavy machinery and numerous other articles in both general and special common use. Surely it cannot reasonably be contended that the owner of such equipment upon leasing or renting it to another becomes, by operation of law, the employer of the employees of the user of such machine. The statute involved is limited in application to that person, company, or corporation which conducts his or its own business by **leasing or contracting out** any part or all of his or its work. He who conducts his own business in such manner, by operation of law becomes the employer of those engaged in the conduct of that business; but one who leases equipment to another that it may be used only in that other's business, in which the lessee has no interest, is not an employer under the statute. **Bukowich v. Ford Motor Co.**, 99 Colo. 56, 60, 61, 59 P. (2d) 470."

INDUSTRIAL COMMISSION and MILYARD vs. VALLEY CHIP AND SUPPLY COMPANY

..... Colo. .....

..... P. (2d) .....

I. C. No. 1-113-372

Index No. 456
Commission Affirmed

Opinion by Knauss

Claimant was first employed by employer on June 1, 1953, as a salesman of the Company's products; his compensation then being fixed at $75.00 per week. Two weeks later his salary, or compensation, was reduced to $40.00 per week, in addition to which he was to receive a commission on goods sold, ranging from seven to ten per cent. On September 1, 1953, he was put on a straight commission, or jobber basis, receiving 18% of everything he sold. Under this arrangement claimant received merchandise from employer, either picking it up at La Junta or receiving it via a transit line. He was furnished suggested selling prices. His territory was Pueblo, east to Sugar City and return. He chose his own routes and conducted his operations with a truck furnished by employer, which truck had employer's name painted thereon. Claimant was forbidden to sell merchandise other than employer's so long as he drove employer's truck. The money which claimant received from the sale of employer's merchandise was deposited in an open bank account in Pueblo and deposit slips were sent to employer who could draw on this account. Claimant's hours of work were not supervised. Merchandise received by him was stored in his garage. Employer had no supervision over the merchandise after it left its control. Following the accident of February 9, 1954, for which compensation was demanded, employer terminated its relationship with claimant in a letter dated February 22, 1954, which stated:

"I deeply regret to inform you that as of this date your duties with this company have been temporarily terminated for the following reasons: 1. Inconsistent calling upon trade accounts. 2. Failure to make weekly check-in at La Junta. 3. Constant loss of accounts and business volume. 4. Failure to report the sales of outside purchased merchandise (oysters). You may also have some salary credit over and above inventory coming from the straight 18% deduction."

The sole question presented is whether claimant was an employee of the Company on the date he sustained an injury. The district court reversed an award of the Commission in favor of the claimant. The Supreme Court

HELD: "C.R.S. '53, 81-2-7 defines 'employee'. Included therein is every person in the service of another person, association of persons, firm or private corporation under any contract of hire, express or implied, except those whose employment is but casual and not in the usual course of trade or occupation of the employer. The definition is broad and obviously was so intended by the General Assembly. In Industrial Commission v. Bonfils, 78 Colo. 306, 241 Pac. 735, we said:

"A servant is one whose employer has the order and control of work done by him and who directs or may direct the means as well as the end. **Arnold v. Lawrence,** 72 Colo. 528, 213 Pac. 129. By virtue of its power to discharge, the company could at any moment direct the minutest detail and method of the work. The fact, if a fact, that it did not do so is immaterial. It is the power of control, not the fact of control, that is the principal factor in distinguishing a servant from a contractor. **Franklin Coal & Coke Co. v. Ind. Com.,** 296 Ill. 329, 129 N.E. 811. The most important point 'in determining the main question (contractor or employee), is the right of either to terminate the relation without liability'. **Industrial Com. v. Hammond,** 77 Colo. 414, 236 Pac. 1006. This is a confirmation by this court of the rule above stated as to control because the right immediately to discharge involves the right of control.

"Sprigg was not employed 'for the completion of a given task according to plan' (**Industrial Com. v. Hammond,** supra); nor to haul a certain amount of coal (**McKinstry v. Guy Coal Co.,** 116 Kan. 192, 225 Pac. 743, 38 A.L.R. 837); the amount of his work was not fixed either by time or measure (**Muncie Co. v. Thompson,** 70 Ind. App. 157, 123 N.E. 196); his work did not involve the furnishing of capital, shop facilities or assistants, and he did not contract 'to do certain work' or to furnish any materials (**Arnold v. Lawrence, supra**). He was not an independent contractor.

"The letter terminating the relationship, together with the admitted fact that claimant was to devote his time exclusively to the distribution of employer's products, is, we think, a clear indication that the claimant was an employee. The absolute right to terminate the relationship without liability, which the company here had and exercised, is inconsistent with the concept of independent contractor. The Commission did not find that claimant was an independent dealer whose basic function was to purchase and resell commodities.

"The judgment is reversed and the cause remanded with instructions to the trial court to enter judgment affirming the award of the Industrial Commission in favor of the claimant."

WISDOM vs. INDUSTRIAL COMMISSION and CLEVENGER

..... Colo. .....

..... P. (2d) .....

Index No. 457

I. C. No. 1-178-908 — Judgment Affirmed

Opinion by Holland, J.

Plaintiff and his claimed assailant were fellow employees of equal status so far as superiority or rank were concerned. While in the course of their work in rounding up and separating cattle on the ranch where they were employed, they met and, without any previous known ill feelings and without any provocation whatever, the fellow employee asked plaintiff how long it would take him to get off his horse. Plaintiff dismounted and a fight ensued resulting in the injuries for which compensation is claimed. While the real cause of the altercation is unknown, it does appear it was not a dispute concerning the work or the duties of either.

The only question presented is whether or not the injuries received by claimant were proximately caused by an accident arising out of and in the course of his employment.

It is the contention of the claimant that the undisputed testimony explains the cause of the encounter as being a case of jealousy over the employment of plaintiff. He further contends that the employment brought on the attack and finally the jealousy over the employment occasioned the dispute.

The Commission denied compensation and the district court affirmed the Commission. In its affirmance the Supreme Court

HELD: "The cold fact of jealousy between employees, and an altercation arising therefrom, is not an incident of the employment or connected therewith as contemplated in our compensation statutes. Apparently this was a wilful assault for which no satisfactory explanation was offered and it is not shown that the employment of either party had anything to do with the attack. The instance described certainly could not reasonably be anticipated from the duties imposed on claimant by his employment. The award, if any, must be based upon competent evidence and it appears here that the Referee and the Commission clearly determined that claimant had not suffered injuries proximately caused by an accident arising out of and in the course of employment. These findings, supported by the record, were sustained by the trial court and its judgment is affirmed."

EMPLOYERS CASUALTY vs. INDUSTRIAL COMMISSION and CARL

..... Colo. .....

..... P. (2d) .....

I. C. No. 1-151-057 — Index No. 458

Judgment Affirmed Without Written Opinion

Claimant suffered an injury to his back in an accident arising out of and within the course of his employment. However, he did not file claim for compensation benefits until after the expiration of six months.

The Referee and Commission find that "the facts and circumstances surrounding this injury do not constitute a reasonable excuse for claimant's failure to file claim within six months as required by statute and that respondents' rights have not been jeopardized by his delay."

The Denver District Court affirmed the award to claimant and the Supreme Court affirmed the District Court without written opinion.

STATE FUND vs. HOWINGTON

..... Colo. .....

..... P. (2d) .....

I. C. No. 1-145-253 — Index No. 459
Judgment Affirmed

Opinion by Sutton, J.

Claimant was employed by respondent employer in Grand Junction, Colorado, and immediately sent to Utah to work on a mining project. On

September 28, 1954, a few days after being transferred to a different Utah mine, he was accidentally injured by a dynamite blast arising out of and during the course of his employment. Following the accident he was taken to a Utah camp, and from there to a Colorado hospital. Claimant performed no work for the company in Colorado, but did have his mail sent to Colorado in care of his employer. He was unmarried and was living in a hotel in Colorado when hired; returned to Colorado on his week ends off and had Colorado Income Tax withheld from his wages. The company carried Colorado Workmen's Compensation Insurance on its miners and other employees for its contract drilling and mining operations. It carried similar Utah insurance on workers employed by it at an oil refinery in Utah. There was no set time for claimant or other employees engaged in similar work to be out of Colorado on various jobs, and **this claimant had been out of the state less than six months when injured.** The company had not secured extra-territorial coverage for its Utah employees at the time of this accident but did secure it a short time later, apparently because of the defendant's denial of jurisdiction and its possible effect on other employees. Claimant could have been transferred by the company from Utah to Colorado or to work in other states. The company reported his injury to the Colorado Industrial Commission but not to the Utah Industrial Commission. After this action was begun the claimant filed a claim with the Utah Commission for the same accident.

Hearings before the Colorado Referee and Colorado Industrial Commission were adverse to the claimant and the company, both of whom have taken the same side of the case. They sought review in the district court of Mesa County, Colorado, where the court reversed the finding of lack of jurisdiction and ordered the claim allowed and assessed costs against the Insurance Fund. On review the court

HELD: "First Question to Be Determined:

"Is an employee hired in Colorado by a Colorado operating employer who carried Colorado Workmen's Compensation Insurance, and which employee performs no duties in Colorado and is employed in Utah on an indefinite basis, entitled to the protection and awards of Colorado State Compensation Insurance if he is accidentally injured in Utah from a cause arising out of and during the course of his employment?

"The question is answered in the affirmative. Section 152 W. C. A. 81-16-3.

" 'Injury outside of state—benefits in accordance with state laws.—If an employee who has been hired or is regularly employed in this state receives personal injury by accident arising out of and in the course of such employment outside of this state he, or his dependents in case of his death, shall be entitled to compensation according to the law of the state. This provision shall apply only to those injuries received by the employee within six months after leaving this state, unless prior to the expiration of such six months' period the employer has filed with the Industrial Commission of Colorado notice that he has elected to extend such coverage a greater period of time.'

"Prior to the adoption of this statute in 1941 this Court had held that the prerequisites for recovery of compensation in Colorado by a claimant injured outside of Colorado were:

"(1) The contract of employment must have been in Colorado.

"(2) The claimant must have performed a substantial amount of his work in Colorado.

"(3) The claimant must have been but temporarily employed in a foreign jurisdiction.

" 'To state it another way, Section 3 gives an employee going outside of this state the right to remain protected by the Colorado insurance coverage, **subject, however, to the second condition in Section 1, and if that condition does not exist the whole act becomes inoperative—which includes Section 3 as well as Section 1.** So interpreted, the three sections of the act make a balanced and coherent law which comes into play only when there is a reciprocal law in another state to bring it to life and give it force and effect. **If no other state enacts a reciprocal law, there is no area upon which this Colorado law can operate.'** (Emphasis supplied.)

"That opinion failed to give recognition to the time limit provided in Section 3 and failed to recognize that the provision for six months of foreign employment **of Colorado hired employees** provides a second method to protect Colorado employees while reciprocity was being (or could be) sought by their employers. The requirements of Section 1 cannot be fulfilled in a short period of time and afford no protection to an employee who must be sent out of Colorado on little, if any, advance notice. Section 3 was intended to bridge the gap between and extend the protection of the Compensation Act to employees injured while employed out of the state within the six months' period.

"In Frankel Carbon & Ribbon Company vs. Arron, (1945) 113 Colo. 429, 158 P. (2d) 929, claimant had been employed for more than six months outside the State of Colorado. His employer had not complied with Section 3 by securing an extension of time, nor had he sought coverage under Section 1. Under the facts present in that case the conclusion reached was correct and if limited to the point necessary to a decision, is not in conflict with our present construction of the statute. However, to the extent that it is in conflict with our present holding, it is expressly overruled. * * * The only requirements for covered Colorado employees now are:

"(1) Hired in Colorado and (2) employed outside of Colorado for not over six months by a Colorado covered employer unless the time is extended as provided in C.R.S. 1953, 81-16-3.

"Second Question to Be Determined

"Does it make a difference that the employer here carried Utah Workmen's Compensation Insurance on certain Utah employees?

"This question is answered in the negative. The reciprocal provisions of the Colorado and Utah statutes in question are not affected by this decision. Before a Colorado employer contemplates having a Colorado hired employee in his employment in Utah **for more than six months,** he must, to protect himself and his employees under our statute, secure either the extension provided in 81-16-3 or take the necessary steps provided in 81-16-1 and 2 to secure reciprocal coverage. The Utah statute has no bearing on this case since reciprocity was not involved.

"Third Question to Be Determined

"Does the fact that provisions in our Colorado statutes relating to health and inspection of working conditions cannot be checked or enforced in Utah, affect our decision?

"This question is answered in the negative. Our statute does not and could not provide for an out-of-state inspection.

"Fourth Question to Be Determined

"Did the trial court err in assessing costs against the defendant and in requiring the State Compensation Insurance Fund to pay the same?

"The question is answered in the negative. 81-14-18 provides that:

" 'No fee shall be charged by the clerk of any court for the performance of any official service required by this Act. On proceedings to review any order, or award, costs as between the parties shall be allowed, or not, in the discretion of the court, but no costs shall be taxed against said Commission. * * *'

"We must assume that the learned trial court was apprised of what the costs were for and that they were proper. Clearly that court under the statute had the authority to allow costs but not against the Commission. An allowance against the defendant, State Compensation Insurance Fund of the State of Colorado, is not against the 'Commission' which latter term means the Industrial Commission."

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