

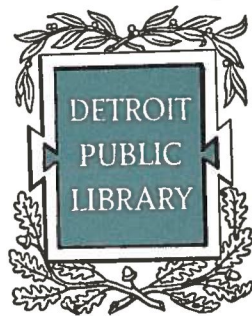
**TWENTY-SIXTH REPORT**  
*of the*  
**Industrial Commission  
of Colorado**

**For the Period  
July 1, 1958  
To  
June 30, 1960**



**Administering:**

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



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Publication Approved by E. G. Spurlin, State Controller

✓ D331 C7i

26th 1958/60 C.1

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 of July 1, 1958, to June 30, 1960.

TRUMAN C. HALL, Chairman  
FRANK G. VAN PORTFLIET  
RAY H. BRANNAMAN  
Commissioners.

RICHARD E. MOSS,  
Secretary-Referee.

THOMAS E. KELLY,  
Referee.

OSWALD C. ABERNETHY,  
Referee.



## LABOR RELATIONS

MR. ROY G. LEE, *Labor Mediator*

For forty-five years Colorado has had a law which provides that when either employers or employees desire to change the hours, wages or working conditions, each must give to the other and to the Industrial Commission notice thirty days before the effective date of the change. Many states have since adopted a similar law because of its effectiveness in preventing hasty and ill-considered action in the employment relationship. This law allows time for representatives of the parties to get together and discuss the worthiness of the proposed change. It gives a chance for discussion of other arrangements to bring the relationship up-to-date with existing conditions. It provides an opportunity for the intervention of the third party—the public, affected by all labor disputes, to intervene in cases of deadlock. Strikes and lockouts have become a less important factor in American life as a result of the operation of that law.

The Commission has received 830 of these thirty day notices during the biennium covered by this report. Few were disputes about principles. By far the majority of them concerned adjustments to keep pace with the changing conditions in the country, and particularly with the rapid changes in the State which has experienced such enormous growth.

The representatives of employees are also required to file Notices of Intent to Strike. Four hundred seventy-three of such notices were filed affecting 5,010 employers and 91,654 employees. However, only 52 work stoppages were reported. Thirty-seven 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.

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

Industrial disputes differ from each other, but it is seldom that the wants of either party can be fully satisfied. The product of successful negotiation is the signed contract that is designed to more nearly fit the needs of each party with the least sacrifice of the wants of the other. The mediator familiar with many different labor contracts makes a positive contribution to industrial peace. Like the fire prevention bureau, its usefulness must be measured negatively.

Another provision of Colorado laws tending to industrial peace is the machinery for holding elections. In a difference of opinion on the authority of a union to speak for a group of 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 held 46 elections which established collective bargaining units in 39 instances and rejected the union as bargaining agent in seven cases. Four petitions were dismissed and five others were withdrawn at the conferences conducted to arrange the holding of the elections. We conducted 230 referendums on the question of a union shop, 219 of which were won by the union and 11 lost.

Certain unfair labor practices are prohibited. Both management and labor are barred from doing specified acts. Many such practices are discontinued by directing the attention of the participants to the laws. When, however, there is a contention as to the facts or the application of the law, the case is docketed for formal hearing before a Referee. Forty-nine hearings were held and orders issued. Twenty-three other complaints were withdrawn before a hearing took place.

A study of the biennium indicates that although the number of labor disputes is increasing with increased industrial activity, the unions and managements are settling their own fusses with increasing frequency. Each biennium is bound to show an increase of labor disputes in a growing State with more employers, more employees, record high output, expanding organization, new work processes and materials, increased fringe benefit demands and changing prices.

The third party, the public, has a vital interest in the best and earliest settlement of employment controversies to promote industrial peace, regular and adequate income for employees, and uninterrupted production of goods and services. In Colorado, the Industrial Commission has that important function. It is guided by 59 pieces of legislation designed to protect the rights of employers, employees and the public.

It must always be recognized, however, that industrial peace cannot be had with the enactment and enforcement of laws. It requires an 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 combat in a free society.

## SAFETY DEVICES AND METHODS DIVISION

MR. STANLEY K. RIDDELL, *Director*

Forecasts of industrial development and expansion across the nation during the Golden Sixties were actualities, to a degree, in Colorado in the biennial period ending June 30, 1960.

Operating in the midst of this upsurging business activity, and co-operating closely with firm officials in setting up programs to safeguard new equipment and machinery, was the Safety Devices and Methods Division of the Colorado Industrial Commission.

Designated the educational branch of the State government to di-

rect training of supervisory and foreman personnel in safe work practices, the division experienced a banner biennial in the instruction field.

More than 1,300 students participated in the free 10-hour safety course conducted by the division in the preceding two years, setting a new high mark for the period since the inception of the course in 1956.

To date, nearly 2,250 key representatives in industry, counties, municipalities, state agencies and institutions have completed the instructions.

These supervisors, in turn, initiate training sessions and set up safety committees in their respective occupations, thereby swelling the ranks of persons who will be guided in the principles of safe attitudes and maneuvers in their daily work routines.

While the conduct of the course largely was confined to the Denver area and surrounding environs during the first two years, growing recognition of the value of the instructions required educators to travel into 22 cities throughout the state during 1958-1960.

Class locations included Denver, Longmont, Greeley, Rifle, Grand Junction, Fort Morgan, Aurora, Boulder, Glenwood Springs, Durango, Pueblo, Littleton, Alamosa, Delta, Craig, Montrose, Fort Collins, Canon City, Buena Vista, Gilman, Golden and Slick Rock.

Management officials in the following groups granted key employees free-time to participate in the classes:

Golden West Milling, Mountain States Telephone & Telegraph Co., Western Foundries, Union Carbide Nuclear Corp., Public Service Company of Colorado, Climax Uranium, Grand Junction Steel Fabrication Co., Mesa Flour Mills, St. Mary Hospital.

Forney Generators, Inc., Arapahoe Chemicals, Boulder Fire Control Products, Western Cutlery, Denver Flour Mills, Holy Cross Electric Assn., Trace Elements, Holly Sugar, Adolph Coors Co., Vanadium Corporation of America and Empire Zinc Division of the New Jersey Zinc Co.

Colorado Highway Dept., Colorado Game & Fish Dept., Colorado State Patrol, Colorado State Penitentiary, Colorado State Reformatory, State Industrial School and Colorado State Hospital.

U. S. Post Office (Denver branch), National Bureau of Standards, Fitzsimons General Hospital, Federal Correctional Institute and U. S. Bureau of Public Roads.

Cities of Longmont, Greeley, Grand Junction, Denver, Fort Morgan, Boulder, Glenwood Springs, Montrose, Durango and the road departments of Mesa and Garfield counties.

Callagher Freight Lines, ICX Motor Freight, Interstate Motor Lines, Denver-Chicago Truck Co., Ryder Truck Rental, Transportation Indemnity Co., Ringsby Truck Lines, Garrett Freight Lines and Colorado Motor Carriers Assn.

Supplementing these constant contacts with industries in the en-



suings biennial will be the advent of a new safety training program in the regular curriculum at the Opportunity School. More than 600 members of the Rocky Mountain Management Assn. will participate in Industrial Commission classes at that institution.

While these classes are the core of the department's operations, the Safety Devices & Methods Division long has been recognized by industry leaders as the clearinghouse for information and advice on matters pertaining to plant safety problems and general protection of the lives of workers.

In this vein, consultations and appraisals of problems have been conducted in the office and field. Additional talks have been delivered to clubs, associations, labor unions—many during evening hours—to instill safety consciousness on the community level.

A primary adjunct to this educational program is the up-to-date film library maintained and serviced by the division. Group audiences viewed more than 550 film-loans made to various organizations and industries during the biennial.

Evidence of the benefits being produced by these programs was realized in the presentation of a record 171 certificate awards to firms in 1958 for achieving better than national averages in the field of lost-time accidents and disabling on-the-job injuries.

Currently, new hazards introduced by the atomic age are being studied by Stanley K. Riddell, division director, in cooperation with projects designed to safeguard workers in this era of nuclear developments for industrial use.

## BOILER INSPECTION DIVISION

(Private and Theatrical Employment Agencies)

MRS. JESSIE A. HARRIS, *Director*

The State Boiler Inspection Law, administered by this division as amended, provides for rigid and systematic inspection of all steam pressure boilers in Colorado, unless specifically exempted, to determine if they are properly installed, maintained and safe to operate.

This law was designed to protect the public against loss by property damage, and hazards to life, caused by boiler explosions.

While there are boilers in the state which are substandard, the continuous programs of checking boilers, enforcing requirements for repair or replacement of parts, or condemnation of unsafe boilers, undoubtedly has prevented many disasters over the years. Colorado has been practically free from serious property damage or loss of life due to boiler explosions.

Inspections are made annually as required by law. Boilers inspected are located in public buildings, theatres, schools, industrial

plants and apartments housing four or more families. Exempt from inspection are heating boilers in private dwellings, railroad locomotives used in interstate commerce, and boilers within the City of Denver which has its own inspections.

The State also accepts inspections by authorized representatives of insurance firms in lieu of checks by State boiler inspectors, thus eliminating a duplicate fee.

Inspectors file written reports on all inspections with this division. Other job assignments are to:

Discuss requirements with users of boilers; witness hydrostatic tests; inspect new installations with emphasis on setting of boilers; make shop inspections to check reconditioned boilers before shipment to the purchaser; make special and reinspections where trouble is experienced or major repairs are under way; determine maximum working pressure allowed; recommend issuance of inspection certificates; condemn boilers unfit for use; conduct educational programs on care and maintenance.

All steam boilers in Colorado inspected since 1954 are stencilled with a permanent Colorado State serial number assigned by this division for identification, and applied by the inspector.

All noninsured steam boilers are inspected by the State. In 1952 there were an estimated 3,500 active boilers to inspect; at the end of the 1960 biennial 4,898 boilers were recorded as active. In 1955, one of three inspectors resigned, and the post left vacant. The division recommends that an additional inspector be added to the present staff of two inspectors in view of the increased industrial growth in the State.

This growth also highlights the need for adoption of the American Society of Mechanical Engineers' codes to provide uniform rules for construction, fabrication and repair of boilers. While Colorado was one of the first states to enact a boiler inspection law, it is one of 13 remaining states which has not adopted the ASME code.

Another imminent need for revision of the present inspection law was demonstrated under conditions of near tragedy last year.

The Industrial Commission long has advocated that it be empowered to inspect and assume jurisdiction of hot water boilers. There is no provision for such inspection to date, and there are an estimated 15,000-20,000 such vessels currently in the State.

On May 3, 1959, a hot water boiler explosion at the Del Norte High School caused estimated damages of \$100,000. The blast occurred in the early morning hours, but a short time later it would have imperiled the lives of junior and senior high school students assembled in the auditorium.

Statistics of operation for the Boiler Inspection Division covering the biennial period from July 1, 1958, to June 30, 1960, are as follows:



**BOILER INSPECTION DIVISION**

## Receipts

July, 1958.....	\$ 1,156.50	July, 1959 .....	\$ 1,559.50
August .....	1,332.50	August .....	2,170.00
September .....	1,970.50	September .....	1,554.00
October .....	1,931.50	October .....	1,341.50
November .....	1,215.50	November .....	1,216.50
December .....	1,294.50	December .....	1,010.00
January, 1959 .....	907.00	January, 1960 .....	936.00
February .....	871.50	February .....	1,120.50
March .....	990.50	March .....	1,400.50
April .....	1,375.00	April .....	1,279.00
May .....	1,453.50	May .....	1,240.00
June .....	1,715.00	June .....	889.50
	<u>\$16,213.50</u>		<u>\$15,717.00</u>

Total Receipts for Biennium ..... I—\$31,930.50

I—Denotes Increase. (Amount of increase over collection for the biennial period 1956-1958, \$1,438.00.)

91 Boilers @ \$20.00.....	\$ 1,820.00
1158 Boilers @ 10.00.....	11,580.00
439 Boilers @ 5.00.....	2,195.00
2731 Boilers @ 2.50.....	6,827.50
4754 Boilers @ 2.00.....	9,508.00

\$31,930.50

Inspections made during biennium—fees not yet collected: \$288.50\*  
\*Mostly current.

Through frequent tracers and enforcement, delinquent accounts are kept at a minimum. If, after frequent tracing, an account remains unpaid, the State Boiler Inspectors are required to make the collections in the field when in the area involved.

**BIENNIAL STATISTICS**

Inspections made without charge at State Institutions, hatcheries, etc. ....	154
Certificates of Inspection Issued.....	9,327
Recommendations to owners or users on care and maintenance of boilers, or orders to correct defects.....	13,600
Invoices issued .....	9,600
Tracers on delinquent accounts.....	500*
Inspections completed.....	9,600
Postings on boiler data.....	19,200
Inspection reports filed.....	9,600
Tracers on delinquent insurance inspections.....	700

Note that Boiler Inspection fees show an increase despite the fact that currently 54.25% of the total inspections are performed by

insurance company inspectors. The only income derived from such inspections is the \$2.00 certificate fee for State Boiler Inspection Certificate.

A survey completed in 1959 of boilers subject to inspection by the State Boiler Inspectors showed that 1,368 boilers or 62% were cast iron boilers; 851 were steel pressure boilers, or 38% of the total number of state inspected boilers.

Total number of boilers inspected by State Inspectors in	{ 1958-
	{ 1959-2,219
Total number of boilers inspected by State Inspectors in	{ 1959-
	{ 1960-2,240

**EMPLOYMENT AGENCY DIVISION**

In the field of private employment agency regulation by the division during the biennium, activities were focused on efforts to amend the agency law and the structure of present fee schedules.

No fee limits, however, were included in a bill passed by the Legislature, and the governor vetoed the proposed amendment. A test case instituted in the courts on the constitutionality of the antiquated law resulted in a ruling that present rates are confiscatory. This ruling has been appealed to the State Supreme Court.

During the period, the Rocky Mountain Association of Employment Agencies also requested conferences with the Industrial Commission for the drafting of additional legislation on the issue.

Data reflecting operations of both the employment and theatrical sections of the division for the biennium follows:

**RECEIPTS**

Licenses Issued July 1, 1958-July 1, 1959	Licenses Issued July 1, 1959-July 1, 1960
80 @ \$50.00.....\$4,000	79 @ \$50.00.....\$3,950
16 @ 25.00.....400	16 @ 25.00.....400
7 @ 10.00.....70	9 @ 10.00.....90
103 .....	104 .....
<u>\$4,470</u>	<u>\$4,440</u>
Total for Biennium, 207 Licenses.....	\$8,910.00
Comparative fees, last biennium.....	8,665.00
	<u>\$ 245.00</u> Increase

Active Agencies at close of 1959-1960 fiscal period—104.



Comparative figures showing expansion in agency business in Colorado:

1950-1951	47 Licenses Issued	
1951-1952	47 Licenses Issued—\$4,485.00	Total for Biennium
1942-1943	17 Licenses Issued	
1943-1944	20 Licenses Issued—1,800.00	Total for Biennium

### THEATRICAL AGENCIES

July 1, 1958-July 1, 1959—Licenses Issued—7 @ \$100.....	\$ 700
July 1, 1959-July 1, 1960—Licenses Issued—7 @ \$100.....	700

Total for Biennium .....\$1,400

Note that there has been a steady increase in private employment agency fees, resulting from expansion of the agency business in Colorado and satisfactory enforcement procedures. The number of these agencies licensed has increased approximately 121 per cent since July 1, 1952. Agency complaints and problems have increased proportionately.

## DIVISION OF SAFETY INSPECTION

MR. ARTHUR J. BECKER, *Director*

The duties of this division are to inspect facilities and prescribe measures for safety protection in all industries, factories, bakeries, stores, hotels, school houses, theaters, moving picture houses and places of public assemblage.

Assignments are conducted in accord with Colorado Statutes, provisions of the American Standards Association Code, National Fire Protection Code, Building Exits Code, National Electric Code, Uniform Building Code, data contained in Safe Practices and Health Practices and in the Accident Prevention Manual for Industry Operations.

A major responsibility of the division in the past biennial was inspection of all state institutions upon request of the Governor's Office. Supplementing this was a concentrated check of schools following the disastrous parochial school fire in Chicago in December of 1958.

The division cooperated with the State Planning Commission, State Board of Health, the State Department of Education and other Colorado agencies in these extensive investigations. Many reciprocal pacts have been signed by these agencies to coordinate such efforts.

In all, 8,907 inspections were made in all counties during the biennial period, covering 87,764 employees. A total of 2,500 compliances with orders written by the division was recorded to correct violations of safety regulations. Compliances made by school districts alone represented \$1,110,320 in contract value.

Reflecting the growing activities of the division, more architects are consulting the office concerning plans and specifications for new

structures to determine in advance if buildings for public occupancy meet safety requirements.

These contacts involve initial discussion, and subsequent study of sketches, preliminary and working drawings and final blueprints. After compliance with division recommendations, 64 new buildings were approved with a contract value of \$18,363,010.

Work of this nature further extends to appraisals of fire alarm protection apparatus, sprinkler systems, first aid facilities, and checks with suppliers and installers of this various equipment.

In addition, at the request of Federal authorities, the office inspects buildings and premises of government-contract jobs. Industrial Commission approval of safety factors must be given before the contracts' division of the U. S. Department of Labor sanctions the work performance.

Staff personnel also meet with and address school boards, parent-teacher associations, construction groups and architects to explain the functions of the division and the regulatory codes.

The division staff currently comprises the chief, a senior inspector, four field inspectors and clerical assistant.

Due to an inadequate number of inspectors and time-consuming duties, the division cannot fulfill the mandate of the law to cover all areas each year.

This inadequacy does not permit the staff to recheck constantly whether or not compliance reports actually have been completed. While all such reports are signed by proper authorities, often it is not possible to make another physical inspection until sometime during the biennial period—not annually as provided by law.

The following data is a summary of the work completed by this division from July 1, 1958 to June 30, 1960:

### INSPECTIONS MADE

July 1, 1958 to June 30, 1960

Industry	No. of Inspections	Number of Employees		Total Stu- dents
		Male	Female	
Advertising Film Producers.....	9	157	108	
Automobiles:				
Sales, Service, Garages .....	972	6,575	737	
Aviation, Parts, Mfg.....	1	225	35	
Bars and Cafes.....	4	12	27	
Clay Products:				
Cinder Blocks .....	9	20	35	
Brick, Tile .....	4	9	2	
Misc. Products .....	21	340	7	

Industry	No. of Inspections	Number of Employees		Total Stu- dents
		Male	Female	
Construction:				
Building Contractors .....	17	12	13	
Plumbing Contractors & Heating .....	41	269	29	
Misc. Construction .....	4	26	11	
Electrical Equipment:				
Sales and Service .....	39	315	41	
Manufacturers .....	6	69	36	
Misc. Electrical .....	11	72	8	
Engineering:				
Research and Mfg. ....	7	77	87	
Farm Implements:				
Sales and Service .....	63	206	17	
Food:				
Bakery Products .....	40	786	509	
Bottled Soft Drinks .....	26	175	18	
Canning-Preserving .....	29	708	920	
Dairy Products .....	57	609	157	
Malt and Liquors .....	8	113	20	
Meat Packing, Slaughter, Rendering .....	32	203	51	
Misc. Food products .....	51	1,267	483	
Poultry and Packing .....	4	38	74	
Foundries:				
Foundries with Machine Shop ....	6	69	3	
Misc. Foundries .....	1	1	.....	
Hospital and Nursing Homes .....	3	10	15	
Hotels-Motels-Lodgings .....	184	326	433	
Ice and Cold Storage .....	3	80	1	
Iron and Steel Products:				
Structural Steel Fabrication .....	22	595	81	
Drop Forgings .....	.....	.....	.....	
Sheet Metal Products .....	34	445	166	
Misc. ....	6	40	4	
Lumber:				
Logging .....	.....	.....	.....	
Sawmills and Planing Mills .....	56	881	22	
Lumber Yards .....	148	674	98	
Misc. Lumber Products .....	108	369	134	
Laundries-Cleaning-Pressing .....	206	415	1,103	
Machine Shops:				
Welding Shops .....	19	63	2	
Machine Shops .....	62	371	25	
Miscellaneous Mfg. ....	108	1,448	248	
Oil Wells:				
Sales and Service .....	31	232	24	
Orphanages and Homes .....	9	26	34	

Printing:				
Newspapers .....	81	585	258	
Photo and Lithographers .....	1	2	.....	
Photostat and Blue Prints .....	.....	.....	.....	
Misc. Printing and Publishing ....	38	293	98	
Public Buildings:				
Court Houses .....	89	1,316	1,125	
Auditoriums .....	8	43	91	
Stadiums .....	.....	.....	.....	
Arenas .....	.....	.....	.....	
Fair Grounds .....	9	14	.....	
Misc. ....	123	908	336	
Public Utilities:				
Electric Lights, Power and Gas .....	175	2,002	203	
Railroad Shops .....	43	1,036	14	
Water Works .....	18	24	209	
Telephone and Telegraph .....	99	975	1,200	
State Institutions .....	658	8,648	5,843***	35,132
Storage and Warehousing:				
Grain Elevators .....	398	1,095	87	
Warehousing-Trucking .....	112	987	120	
Schools:				
Pre-Schools .....	13	4	5	45
Private .....	240	537	1,628	52,112
Public .....	3,203	9,232	17,818	412,406
State and County Shops .....	166	2,335	65	
Stores:				
Retail:				
Appliances-Repairs .....	156	98	48	
Department .....	291	467	734	
Grocery .....	269	1,056	521	
Hardware .....	188	483	147	
Paint-Glass .....	31	88	10	
Typewriter & Office Machine .....	13	13	14	
Misc. ....	40	169	29	
Wholesale .....	44	119	36	
Theatres-Amusements: .....	188	292	178	
GRAND TOTAL .....	8,907	51,139	36,625	499,695
***9,621 Inmates and Patients				
Federal Inspections per request of the U. S. Department of Labor Contract Division .....				59
TOTAL COMPLIANCES WITH ORDERS ISSUED BY THIS OFFICE, FROM JULY 1, 1958 TO JUNE 30, 1960:				
Industry, Hospitals, Institutions, Hotels, and places of Public Assembly, etc. ....				1,051
Schools, Colleges and other branches of learning .....				1,449



## ORDERS PENDING COMPLIANCE:

Industry, etc.  
711

Schools, etc.  
4,275

Plans and specifications for State Institutions, Schools, Hospitals, Nursing Homes, Industrial Buildings and places of assembly. A total of 64 new buildings for a contract value of \$18,363,010.

Contract value of school districts complying with our inspection reports total \$1,110,320 for 869 inspection items.

Type of Construction	New Buildings	Valuation
State Institutions	7	\$ 9,638,563
Schools	48	7,217,643
Hospitals and Nursing Homes	3	845,654
Industrial Buildings	5	615,450
Places of Assembly	3	45,750

\$18,363,010

Contract value of schools remodeling as to safety: 869 items 1,110,320

TOTAL .....\$19,473,330

## MINIMUM WAGE, HOUR AND CHILD LABOR DIVISION

MRS. ZENADA HEYER, *Director*

The enforcement of the State's labor laws for women and children, relating to minimum wages, hours of employment, and child labor is the responsibility of this Division. In carrying out the necessary duties, the investigation program plays a most important role. Retail stores, beauty shops, laundries and public housekeeping establishments, such as restaurants, hotels, and hospitals are investigated to check compliance with minimum wage orders. Although wage orders have not been issued to cover other industries, investigations are made at manufacturing plants, wholesale establishments, bowling alleys, theaters, amusement places and many service businesses to determine compliance with the Women's Eight Hour Law and the Child Labor Law.

A total of 5,252 investigations was made, and in addition 3,430 calls were made at establishments where it was found there were no women or minors employed. One hundred twenty-eight cities and towns were visited, including Colorado Springs, Grand Junction, Delta, Montrose, La Junta, Rocky Ford, Limon, and the resort areas of Estes Park, Manitou Springs, and Glenwood Springs. One investigator worked in Denver most of the time, and it is estimated that in addition to the complaint investigations approximately one-half of the city was covered by routine investigations.

There were 459 complaints registered with the office during the period covered by this report. Three hundred twelve of them were investigated, 74 were disposed of through office conferences or correspond-

ence, 46 were dropped for reasons such as bankruptcy, lack of cooperation of the employee, or complainant, and the employer's disappearance. Court action was recommended with respect to 25 of the complaints and at least six complainants who followed this recommendation recovered the wages due.

Reports of investigations have indicated a higher percentage of compliance with the record and posting regulations of wage orders than at any time in the past. There was a slight decrease in compliance with wage and hour regulations and an increase of 30.7% in the amount of wage adjustments. The collection of more money does not necessarily indicate an over-all increase in the number of wage violations, but rather substantiates the fact that investigations were made in areas that were in need of attention and that more thorough investigations were necessary to handle the large number of complaints.

The following table shows the number of investigations made, the number of complaints received, and the amount collected according to industry:

Industry	Investigations	Complaints	Collections
Retail Trade .....	2,156	82	\$ 6,610.63
Public Housekeeping .....	2,090	341	12,738.95
Beauty Service .....	142	7	159.35
Laundry .....	158	4	233.10
Mfg. and Wholesale .....	371	14	343.11
Other (bowling alleys, amusement places, etc.) .....	335	11	.....
Totals .....	5,252	459	\$20,085.14

There have been thirteen MINIMUM WAGE ORDERS issued by the Industrial Commission since the Division began operation in 1937. The original orders—Numbers 1, 2, 3, and 4—covering laundry, retail trade, beauty service, and public housekeeping industries, were issued during the period 1937-1940. With the exception of Wage Order No. 1, which was reissued as No. 5 in 1941, the original orders remained effective until 1951 when higher minimum wages were then established and new minimum wage orders were issued. Further revision occurred in May 1956 and the present Orders No. 10, No. 11, No. 12, and No. 13, became effective. Some statistical information on the work accomplished the past two years with respect to enforcement of these Minimum Wage Orders follows:

Wage Order	Industry	Total Calls	Investigations	Employees	
				Women	Minors
No. 10	Laundry .....	242	158	1,291	69
No. 11	Retail Trades .....	4,575	2,156	10,226	1,740
No. 12	Public Housekeeping .....	2,756	2,090	12,331	943
No. 13	Beauty Service .....	289	142	419	.....
Totals .....		7,862	4,546	24,267	2,752



## COMPLIANCE—WAGE ORDER REGULATIONS

July 1948-July 1950	July 1956-July 1958	July 1958-July 1960
Posting .....43.3%	75.4%	76.7%
Hours .....96.1%	95 %	92.5%
Wage .....97 %	95.4%	93.6%
Age Certificate .....94.4%	97.1%	97.4%
Records .....72.2%	66.7%	74.7%

The enforcement of the Women's Eight Hour Law, which includes the issuance of emergency relaxation permits for employers to allow women employees to work in excess of eight hours per day in cases of emergency, is an important part of the work of this Division. In addition to industries covered by Minimum Wage Orders, this law covers manufacturing, mechanical, and wholesale mercantile establishments. The increase in the number of emergency relaxation permits during the past ten years is due in part to the industrial growth of the State. It also indicates that more employers are becoming aware of the provisions of the law and are endeavoring to adhere to them. The number of permits issued for the various industries covered by the law for the last ten years is given below:

	1950-52	1952-54	1954-56	1956-58	1958-60	Total
Manufacturing .....	238	199	216	277	316	1,246
Mechanical .....	30	5	15	7	2	59
Mercantile .....	344	327	458	507	684	2,320
Hotels .....	36	34	58	55	58	241
Restaurants .....	235	236	341	417	426	1,655
Laundries .....	70	79	86	82	86	403
Totals .....	953	880	1,174	1,345	1,572	5,924

The Division's responsibility with respect to the enforcement of the Child Labor Law has become greater in recent years. Growth in population and business has resulted in more children being employed. According to the duplicate employment certificates received from school officials, there were 1,360 more minors under 18 years employed during the period July 1958 to July 1960, than during the previous two-year period. Besides making investigations at places of business to determine compliance with the law, it is important that investigators contact school superintendents concerning the issuance of employment and age certificates.

In May 1959, the following material was sent to all school superintendents in the state: A letter explaining their duties as an employment certificate issuing officer, instructions for issuing the certificates, a summary of the Child Labor Law, and a questionnaire to be filled out and returned, indicating the supplies needed. This procedure, which is followed periodically, has resulted in a most cooperative program between school officials and this Division and has definitely been responsible for more effective enforcement of the law. County newspaper publications in the spring of the year prior to the close of school has helped to inform the public of the provisions of the law.

During the past two years, 335 investigations have been made with respect to Child Labor; 23 of them were made on complaint and 94

were reinspections. Although it is felt that compliance with the law in general has improved, reports indicated that only 50% of the establishments were complying with the employment certificate requirement. There were 627 children under 16 years of age employed in the establishments investigated and 188 of them were working without employment certificates. This indicates that for better enforcement of Child Labor more investigators are needed.

Minors over 16 years of age are not covered by the State law; however, employment and age certificates are made available for those who secure employment in establishments subject to the Fair Labor Standards Act. A monthly report giving statistical information concerning the employment of children covered by both the State law and the Federal law is compiled from data taken from duplicate employment certificates that are required to be mailed to this office by the certificate issuing officer.

## NUMBER OF EMPLOYMENT CERTIFICATES ISSUED

	Under 14 yrs.*	14 and 15 yrs.	16 and 17 yrs.	Total
State, excepting Denver .....	499	3,876	1,793	6,168
Denver only .....	119	2,211	635	2,965
Total .....	618	6,087	2,428	9,133

\*Summer and theatrical exemptions and agricultural employment. A study of the number of employment certificates issued in each county during the biennium revealed that no certificates were issued in Las Animas, Conejos, and Costilla counties. In 42 counties, the number issued varied from 1-50, and the number issued in 18 counties is listed below: \*

County	Population**	Number of Certificates
Denver .....	490,969	2,965
El Paso .....	142,643	969
Pueblo .....	117,547	590
Jefferson .....	127,783	679
Arapahoe .....	112,992	327
Adams .....	119,952	518
Weld .....	72,061	317
Boulder .....	73,873	295
Mesa .....	50,316	645
Larimer .....	53,094	453
Otero .....	23,995	90
Logan .....	20,220	62
La Plata .....	19,050	61
Delta .....	15,448	202
Montrose .....	18,141	60
Garfield .....	11,943	103
Lake .....	7,066	50
Grand .....	3,395	81

\*Based on number of duplicate certificates received from issuing officers.  
\*\*1960 census—Preliminary Report.



## WAGE CLAIM AND MIGRATORY LABOR DIVISION

MR. H. JOHN FLINK, *Chief*

In the last biennium the Wage Claim Division approached the million dollar mark in collection of unpaid wages since its inception in 1933.

A total of \$96,206.97 in claims was recorded and collected from July 1, 1958 to June 30, 1960. This brings the total sum recovered for employees in the past 27 years to \$945,034.72.

In the biennial period the total amount of wage claims filed was \$278,264.88. Of this gross amount there are claims in the amount of \$20,605.10 still in the process of being collected and investigated. Claims in the amount of \$27,994.62 were dismissed after investigation revealed no justification for enforcement action or collection.

Claims of \$154,063.29 required the attention of the courts and attorneys. This was due to inadequate laws under which this department has been operating. There is a definite need for a more stringent law.

Referral to attorneys and courts resulted many times in embittered taxpayers and citizens, who felt there should be a more enforceable and workable law. These individuals did not believe they should be subject to further expense since the money earned was rightfully due them.

While the present law still needs to be changed for better enforcement, H. John Flink, division chief, noted that the following provisions enacted in 1958 have netted good results in employee-employer relations concerning wage payments:

Firms engaged in mining operations now must deposit, in counties where work is performed, sufficient funds to cover all payroll costs to be due for specific periods. Employees also must be paid in all cases within three business days after quitting a job when notification of job termination is tendered by workers three days ahead.

Employers currently must post time and location of payments in conspicuous places at job sites. In the event jobs are struck by employees, all wages due must be paid on the next regular payroll date—instead of upon resumption of work.

In cases where employers agree a certain amount of a claimed sum is due the employee, that amount must be paid immediately. The remainder of the disputed sum may then be litigated in proper courts.

The following figures represent total wage collections for the specified periods:

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 1, 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
July 1, 1956 to July 1, 1958.....	94,595.92
July 1, 1958 to July 1, 1960.....	96,206.97
Total .....	\$945,034.72

### MIGRATORY LABOR

Administration of House Bill 62 (1960). House Bill 62 requires labor contractors and crew leaders to keep payroll records on each migratory laborer as defined in the act to whom they pay wages. These payroll records are to be kept on forms prescribed and furnished by the Industrial Commission and include hours worked, amount earned, and all withholdings. These records are to be mailed to the commission on July 1 and December 1 of each year or at any time a labor contractor leaves the state or terminates his contract.

The contractors and crew leaders covered by this legislation are also required to give itemized statements to each migratory laborer or to the immediate head of a working family unit. These statements are to include the wage rate, number of hours worked, wages earned, and all wage withholdings. The Industrial Commission is charged with the responsibility of making periodic reports on these records to the Governor's Committee on Migratory Labor.

The Industrial Commission, in evaluating its experience thus far in administering the provisions of H.B. 62, has taken into account the short period that this legislation has been in effect. It is the opinion of commission members that additional experience is needed before an adequate evaluation can be made and recommendations for improvement be realistically proposed.

- (1) This and following information was presented to the Legislative Council Committee on Migratory Labor. Meeting of October 24, 1960.

The Industrial Commission was handicapped by a lack of funds to administer the act, which delayed the printing of forms and explanatory material and also necessitated the borrowing of field staff from other commission divisions. As the first step in administering H.B. 62, the commission prepared and circulated copies of the act and an explanation of its provisions.

Posters calling attention to the act's provisions and application to labor contractors and crew leaders were placed in ports of entry, on farms, and in business establishments. Effort was also made by field staff members to contact labor contractors and crew leaders. The forms, posters, and other materials used were printed in both English and Spanish to facilitate better understanding.



Even though House Bill 62 did not provide for the registration of labor contractors and crew leaders, it was the opinion of the Industrial Commission that such registration was necessary as a control in administering the act.

Consequently, the commission issued a regulation requiring each labor contractor and crew leader as defined in H.B. 62 to register with the commission. (Because there is no statutory requirement for registration, no penalty could be invoked against any labor contractor or crew leader for failing to do so.)

Although the Industrial Commission has carried out an extensive information program and has attempted to contact labor contractors and crew leaders personally, only one (a labor contractor) has been found thus far, who is subject to the provisions of House Bill 62.

This failure to register labor contractors and crew leaders is not the fault of the Industrial Commission's program; rather, the commission has found that the labor contractor and crew leader as defined in H.B. 62 is virtually nonexistent. With one exception, the commission's field staff found that labor contractors and crew leaders in Colorado neither maintain payroll records nor pay migratory field laborers directly.

The commission reports that the majority of farmers in most of the areas using migratory labor appear to be paying wages directly and are keeping their own payroll and employment records. The growers have assumed this function for two major reasons, according to the commission: 1) Payroll information is needed by growers for tax reports. 2) Past abuses and unpleasant experiences with the labor contractor and crew leader system have resulted in many farmers taking over the payroll function.

Consequently, crew leaders in Colorado appear to be employees, acting as field foremen or "pushers" for which they receive additional compensation. Labor contractors are few in number, because of the increased recruitment activity by the State Department of Employment. Crew leaders, according to the Industrial Commission, appear to be making every effort to be classified as employees rather than employers; many even have written agreements with the farmers stating that they are employees. In the commission's opinion this action on the part of the crew leaders is not a recent development, and, therefore, should not be construed as an attempt to avoid complying with the provisions of House Bill 62.

While it appears that this legislation has fallen short of accomplishing its purposes (the provision of adequate payroll statements to migratory laborers and the prevention of wage payment abuses), the Industrial Commission is of the opinion that at least another year's experience is necessary before a proper evaluation of House Bill 62 can be made.

## WORKMEN'S COMPENSATION CLAIM DIVISION

During the Biennial Period covered by this report this Division received 130,400 first reports of accidental injuries, and supervised the payment of 15,295 claims in which compensation benefits (as distinguished from medical benefits) were paid.

The Referees of the Commission held hearings in Denver generally five days each week. Hearings were conducted in the principal industrial centers every 60 days, and in other towns as frequently as docket requirements and travel appropriations permitted. During the period 4,336 cases were heard, 2,395 in Denver and 1,941 elsewhere in the State, in 47 different towns, on 226 separate hearing dockets.

In the same period the Referees entered 4,070 orders. The Commission entered 1,821 awards, of which 695 were awards granting lump sum settlements, and 56 denying such settlements. The Referees, in addition to conducting hearings in 4,336 compensation cases, conducted hearings and made findings of fact and recommendations in all Unfair Labor Practice Cases arising under the Labor Peace Act.

### SUMMARY OF ORDERS AND AWARDS

	Aug. 1, 1915 to June 30, 1958	July 1, 1958 to June 30, 1960	Aug. 1, 1915 to June 30, 1960
	Commis-	Referee	Commis-
Compensation:			
Fatal—Granted	1,067	3,675	2
—Denied	271	832	32
Non-Fatal—Granted	3,308	29,494	35
—Denied	959	9,703	788
Re-hearings:			
Fatal—Granted	140	105	1
—Denied	337	53	---
Non-Fatal—Granted	2,454	2,497	4
—Denied	2,252	703	4
Lump Sums:			
Fatal—Granted	1,140	---	29
—Denied	867	---	20
Non-Fatal—Granted	5,823	---	666
—Denied	1,586	---	27
Facial Disfigurement:			
Granted	117	1,301	117
Denied	14	174	22
All other orders and awards	6,209	16,218	718
	26,544	64,755	1,821
			2,385
			6,927
			18,603
			28,365
			68,825

### July 1, 1958 to June 30, 1960

	Commission	Referee
Compensation:		
Fatal—Granted	2	32
—Denied	2	35
Non-Fatal—Granted	5	788
—Denied	1	683
Hospital or Medical Expenses—Granted	---	298
—Denied	---	117
Facial Disfigurement—Granted	---	22
—Denied	---	---
Rehearings:		
Fatal—Granted	1	---
—Denied	---	---
Non-Fatal—Granted	232	---
—Denied	117	4
Lump Sums:		
Fatal—Granted	29	---
—Denied	20	---
Non-Fatal—Granted	666	---
—Denied	27	---



## SUMMARY OF ORDERS AND AWARDS

Medical only	2	188
Orders determining dependency	22	38
Miscellaneous orders	3	131
Show Cause orders	3	242
Continuance orders	4	92
Orders vacated	2	15
Orders to pay to subsequent injury fund	2	22
Cases dismissed	7	43
Orders directing claimant to accept surgery or treatment	7	7
Orders determining extent of permanent disability	6	466
Orders reversed	4	1
Compensation reduced due to change in condition	1	37
Compensation increased due to change in condition	1	16
Orders closing cases	2	12
Orders suspended or cancelled	228	13
Orders affirmed	4	34
Orders corrected	17	41
Orders amended	3	2
Third party settlement approved	5	5
Hearings cancelled by order	33	33
Orders approving compensation or medical paid	143	143
Orders approving admissions	4	71
Orders creating trust funds	234	---
Orders granting trust fund withdrawals	17	---
Orders denying trust fund withdrawals	---	3
Orders ruling fatal cases non-compensable	---	13
Orders terminating compensation	2	218
Orders fixing termination of disability	15	---
Transcripts issued	---	3
Orders directing payment from subsequent injury fund	7	10
Orders approving compromises	2	19
Orders directing carrier to offer surgery or treatment	---	1
Orders granting penalty for safety rule violation	---	9
Orders denying penalty for safety rule violation	6	64
Orders allowing attorney's fees	---	---
Orders denying attorneys'	1	3
Orders reinstated	---	59
Orders finding no permanent disability due to accident	1	8
Granted penalty for failure to report	---	---
Denied penalty for failure to report	---	8
Orders determining wage rate	2	---
Ordering transcripts prepared at Commission expense	119	---
Orders transferring trust accounts to different bank	---	---
	1,821	4,070

## 1958-1960 ACCIDENT EXPERIENCE

Records reveal that approximately 50 per cent of accidents fall in the 20 to 29 and 30 to 39 year age groups—that is, 33,205 in the 20 to 29 and 31,720 in the 30 to 39 year range out of a total of 130,400 accidents over the two year period. In 15,295 cases, compensation was paid.

As to the extent of liability, we classify 14,294 as temporary total, 604 as temporary partial, 126 facial disfigurement, 223 fatal and 46 permanent total. The remaining compensable cases were permanent partials, i.e.: 579 amputations, 1,852 loss of use of, and 1,231 working units. Amputations fall into the specific loss category in which the compensation is set by statute—that is, a hand amputated at the wrist pays 104 weeks, and arm at the elbow 139 weeks, and at the shoulder 208 weeks, etc. In the "loss of use of" cases, compensation is based upon the doctor's estimate of the member as a whole, so that 50 per cent loss of use of hand at the wrist means 50 per cent of 104 weeks.

If the claimant's loss is not specific or cannot be classed as loss of use of a specific member, such as a back or brain injury, an estimate of the disability to the body as a whole is made and compensation is paid based upon the per cent of disability, the weekly rate of compensation, and the life expectation of claimant as shown by mortality tables.

## FATAL CASES

Our figure of 223 fatal cases represent 223 reports in which the claimant is deceased. We maintain, however, that this does not mean 223 fatal accidents.

Many times reports are filed because a person dies on the job, but quite a few are heart cases which are not compensable unless due to overexertion. We therefore deduct from our 223 reports 25 cases in which death was not caused by accident, but by the claimant's heart condition. Two others were paid as they were covered by overexertion on the job.

The balance of 198 included: 1 Arizona, 2 New Mexico, 1 Utah and 1 Iowa case which were processed by those states. Of the 193 remaining, 138 were compensable; 115 by admission and 23 by orders of the Commission. There are 23 cases still pending.

The Construction Industry had 38 fatal accidents, 11 in oil production, 17 in mining, 19 in transportation and 21 in public service, such as police, firemen and highway maintenance work for the State and County, etc.

One hundred thirty cases were total and eight partial dependency status. Dependency was established by hearing in 26 cases.

Motor vehicles caused 69 of the accidents, airplanes 6, live wires electrocuted 6, and 8 by falling trees or limbs. Most common type of injury was crushing by falling objects, or caught under or between moving objects. Seven were burned, 7 suffocated, 6 were drowned.

Six fell in the 20 year old group; 32 in the 20-29; 39 in the 30-39; 39 in the 40-49; 33 in the 50-59; 27 in the 60-69; and 4 in the 70-79 year bracket—balance of cases, ages unknown.

## COMPENSABLE ACCIDENTS CLASSIFIED BY

## EXTENT OF INJURY

Temporary total	14,294	Permanent partial	
Temporary partial	604	(working unit)	1,231
Permanent partial (amp.)	579	Permanent total	46
Permanent partial (loss of use of)	1,852	Facial	126
		Fatal	223

## COMPENSABLE ACCIDENTS CLASSIFIED BY

## LOCATION OF INJURY

(Not including cases in which only medical expenses was paid)

Not given	35	Fingers	1,537
Eye	247	Thumb and fingers	32
Ear	40	Hand and arm	52
Skull	76	Upper leg	140
Scalp	24	Knee	773
Brain	97	Lower leg	769



Head .....	242	Ankle .....	756
Forehead .....	76	Foot .....	922
Nose .....	48	Toes .....	403
Cheek or jaw .....	71	Arm and leg .....	33
Teeth .....	3	Hands and feet .....	13
Throat .....	2	Foot and leg .....	29
Lips and chin .....	27	Coccyx .....	61
Neck .....	119	Pelvis .....	88
Face .....	222	Heart .....	54
Vertebrae .....	185	Lungs .....	104
Spine .....	438	Other internal organs .....	61
Back .....	2,316	Abdomen, external .....	28
Ribs or side .....	486	Anus, rectum .....	10
Sacrum .....	291	External generative	
Hip .....	205	organs .....	28
Chest .....	141	Hernia .....	1,078
Sternum .....	11	Trunk, body, general .....	152
Shoulder .....	431	Blood .....	36
Collar Bone .....	39	Arteries and veins .....	12
Elbow .....	216	Skin .....	13
Arm .....	491	Groin (not hernia) .....	19
Wrist .....	426	Nervous system .....	5
Hand .....	722		
Thumb .....	360		15,295

COMPENSABLE ACCIDENTS CLASSIFIED  
BY

NATURE OF INJURY			
Unclassified .....	300	Exhaustion .....	2
Amputation and		Concussion .....	115
enucleation .....	517	Crushing .....	300
Asphyxiation, includ-		Dislocation .....	203
ing drowning .....	59	Foreign object .....	171
Shock, electrical .....	25	Fractures .....	3,518
Shock, other than		Hemorrhage .....	7
electrical .....	1	Infection .....	46
Loss of consciousness		Poisoning .....	14
from heat .....	4	Laceration .....	1,676
Loss or consciousness		Puncture .....	156
from blow .....	1	Rupture (not hernia) .....	42
Loss of consciousness		Sprain .....	1,353
from heart attack .....	47	Strain .....	4,094
Burns .....	595	Occupational .....	111
Frozen .....	10	Internal .....	49
Irritation .....	43		
Contusion .....	1,836		
			<hr/> 15,295

## ANALYSIS OF INDUSTRIAL ACCIDENTS

July 1958 to June 30, 1960

By Age Groups	All Accidents	Percentage
Under 20 years .....	7,694	5.90
20-29 years .....	33,205	25.46
30-39 years .....	31,720	24.33
40-49 years .....	25,373	19.46
50-59 years .....	15,523	11.90
60-69 years .....	4,969	3.81
70-79 years .....	487	.38
80-89 years .....	25	.01
Not given .....	11,404	8.75
	130,400	100.00

By Carrier	Number of Accidents
Stock Companies .....	37,067
Mutual Companies .....	10,501
Reciprocal Companies .....	1,020
State Fund .....	72,528
Self-Insurers .....	9,072
Non-Insurers .....	212
	130,400

COMPENSABLE ACCIDENTS CLASSIFIED  
BY

## TYPE OF ACCIDENT

(Not including cases in which only medical expense was paid)

Overexertion .....	17
Burns, shock, poisoning, etc. ....	770
Occupational .....	115
Falls on same level .....	1,291
Falls on different level .....	1,728
Slip .....	1,163
Struck by .....	3,609
Caught in, under or between .....	1,847
Struck against .....	853
Strain by pushing, pulling, lifting .....	3,851
Other or not specified .....	51
	15,295

## ANALYSIS OF ACCIDENTS BY INDUSTRY

Livestock dealers and auctions .....	160
Agriculture and livestock .....	1,371
Agriculture services .....	530
Forestry and fishing .....	10
Metal mining .....	5,386



Coal mining .....	1,867
Petroleum Production .....	1,932
Quarrying .....	775
General Construction .....	8,090
Heavy construction, roads dams, etc. ....	3,689
Special construction, trades (plumbing, painting, etc.) .....	10,069
Motor Vehicle and equipment (Trailers) .....	1,291
Miscellaneous manufacturing industries .....	747
Street car, bus and railroad transportation .....	56
Trucking and warehousing .....	4,411
Taxie and interurban busses .....	188
Transportation services .....	120
Communications .....	696
Utilities (electrical and gas) .....	1,308
Air transportation .....	759
Food and beverage processing and manufacturing .....	5,311
Packing house .....	5,312
Grain and feed mills .....	550
Apparel and textile manufacturing .....	435
Lumber production, timber products .....	1,767
Furniture and finished wood products (mill work, etc.) .....	1,054
Paper and paper products .....	395
Printing and publishing .....	1,284
Chemical and allied products .....	2,324
Petroleum refining .....	455
Rubber products .....	1,339
Leather products .....	217
Stone, glass, clay and allied products .....	2,903
Iron and steel and their products .....	4,825
Transportation equipment .....	1,113
Non-ferrous metal products .....	1,959
Electrical machinery manufacturing .....	1,103
Other manufacturing of machinery .....	3,148
Automotive repair service, parking lots, etc. ....	4,858
Miscellaneous repair and hand trades .....	1,200
Ordnance Mfg. ....	252
Grain storage and elevators .....	619
Bulk petroleum plants .....	475
Motion picture productions and shows .....	100
Amusements .....	647
Medical and health services .....	3,360
Education, including libraries and museums .....	3,910
Professional, religious and charitable services .....	553
Labor, fraternal, political and trade associations .....	557
Pipeline transportation .....	142
Water, sanitary and irrigation systems .....	247
Wholesale trade .....	5,014
Lumber and building materials dealers .....	1,813
Retail general merchandise .....	2,960
Retail food and liquor stores .....	3,730

Retail automotive .....	671
Retail apparel .....	372
Retail miscellaneous (drugs, hardware, etc.) .....	2,454
Eating and drinking places .....	2,819
Retail filling stations .....	937
Banks, real estate, insurance, etc. ....	1,190
Hotels, camps, rooming houses .....	1,357
Personal services, laundries, cleaning and dyeing, barber and beauty shops, etc. ....	895
Business services—advertising, auditing, radio broadcasting, cleaning and other office and building services .....	474
Employment services, vocational schools .....	38
Private households .....	28
Public agencies, including police and fire, highway and sanitation, military, correctional, judicial and legisla- tive departments .....	4,428
Public agencies, including administrative engineering, health, taxing, municipal utilities and recreational .....	5,351
Total .....	130,400

COMPENSABLE ACCIDENTS CLASSIFIED  
BY  
CAUSATIVE AGENCY

(Not including cases in which only medical expenses was paid)

MACHINES—1978	
Cement mixer .....	25
Grinders, meat or food .....	41
Drills, oil or water .....	56
Drills, rock or coal .....	32
Joiner .....	19
Jointer .....	48
Punch Press .....	54
Wash Machine, (clothes) .....	24
Power wood saw .....	278
Shears .....	40
Slicer .....	42
Fans .....	23
Pumps .....	27
Boiler—Pressure Vessels .....	25
Cranks—Levers .....	56
Conveyors .....	104
Freight elevators .....	27
Cranes and other hoisting machinery .....	97
Gears, shafts and other power transmissions .....	167
Miscellaneous machines .....	793
HAND TOOLS—754	
EXPLOSIVES, GASES, ACIDS, CHEMICALS—173	



## HOT SUBSTANCES CAUSING BURNS—436

Fire and flame .....	40
Gasoline, fuel oil .....	36
Hot liquids, steam .....	71
Hot molten metal .....	41
Gas where explosion occurs .....	94
Tar, asphalt, etc. ....	43
Grease .....	26
Other substances causing burns .....	85

## DUSTS AND SILICATES—13

## WORKING SURFACES—3,071

Floors .....	905
Stairs, steps .....	316
Ice, where part of another surface .....	437
Scaffolds, staging .....	342
Ramps and runways .....	186
Street, roads, sidewalks .....	238
Other working surfaces .....	647

## VEHICLES—1,463

Passenger autos .....	249
Trucks .....	565
Busses .....	7
Tractors .....	115
Trailers .....	37
Mine cars and motors .....	142
Hand powered vehicles .....	224
Other vehicles .....	124

## ANIMALS, BIRDS, INSECTS AND REPTILES—176

## CONDITIONS—NOT MATERIAL OBJECTS—553

Injured persons physical condition .....	68
Working in a cramped or stooped position .....	292
Improper lifting normal object .....	56
Difference in elevations .....	50
Other .....	87

## JACK HAMMER AND OTHER PNEUMATIC TOOLS—96

## MISCELLANEOUS—6,582

Bags, bales, rolls .....	372
Barrels, kegs, cylinders .....	141
Desks, tables, cabinets .....	181
Boards, sticks (lumber) .....	242
Boxes, crates .....	431
Bricks, rocks, etc. ....	326
Cables, chains, ropes .....	204
Pipes, casings .....	297
Ditches, trenches, pits .....	181
Doors, windows, gates .....	273
Ladders .....	316
Miscellaneous machine parts .....	221
Poles, logs, timber .....	251

Trees, limbs .....	116
Falling objects .....	164
Persons other than injured .....	222
Racks, trays, etc. ....	143
Sheet metal .....	101
Reservoirs, tanks .....	65
Nails, screws, spikes .....	44
Tires .....	91
Splinters, wood, metal, glass .....	110
Other miscellaneous agencies .....	2,090

In attempting to determine why an accident happened, each report upon which compensation is paid is analyzed as to why it occurred.

Our reports are often not complete enough to specifically state why the accident happened.

The following figures are a result of this analysis.

## UNSAFE CONDITION

Improperly guarded agencies .....	2,141
Defect in agencies .....	1,052
Hazardous arrangement, procedures, etc., in, on or around the agency .....	1,571
Improper illumination .....	24
Improper ventilation .....	16
Unsafe dress or apparel or safety, equipment or lack of same, such as goggles, etc. ....	80
Employees physical condition .....	285
Unsafe mechanical or physical condition, not elsewhere classified .....	2,577
No defective agency or condition .....	7,292
Unclassified—insufficient data .....	257

15,295

## UNSAFE ACT

Operating improperly, using unsafe methods.....	1,783
Operating or working at unsafe speed .....	89
Making safety device unoperative or failure to use safe attire or protective devices .....	598
Using unsafe equipment or working under unsafe conditions	1,089
Unsafe loading, placing, mixing, etc. ....	571
Taking unsafe position or posture, lifting, pulling, moving or pushing improperly .....	2,293
Distracting, abusing, or unsafe act of another person .....	698
Carelessness, unsafe act, not elsewhere classified .....	2,152
No unsafe act .....	5,751
Unclassified—insufficient data .....	271

15,295



## OCCUPATIONS OF INJURED WORKERS

Special trades, construction workers, plumbers, electricians, etc. ....	10,587
Laborers .....	8,886
General construction workers .....	6,753
Auto and airplane mechanics .....	6,240
Chauffeurs .....	6,230
Cooks, waiters, bartenders, etc. ....	5,385
Machinists .....	5,357
Factory workers .....	4,393
Packing house workers .....	4,261
Metal mines .....	4,170
Store clerks .....	3,676
Doctors, nurses, hospital workers .....	3,595
Janitors, guards, etc. ....	2,961
Warehousemen .....	2,785
Accountants, bookkeepers, stenographers .....	2,783
Iron and steel workers (Mfg.) .....	2,519
Welders and cutters .....	2,197
Deliverymen .....	2,123
Coal mines .....	1,611
Garage, filling station attendants (not mech.) .....	1,608
Oil workers (not refining) .....	1,600
Dock workers .....	1,537
Saw mill loggers .....	1,450
Lumber yard workers, cabinet makers .....	1,350
Teachers and coaches .....	1,272
Police .....	1,136
Chemists, assayers .....	995
Linemen, utility workers .....	984
Farm workers .....	969
Sugar plant employees .....	881
Firemen .....	788
Rubber workers .....	733
Highway workers .....	580
Dairy workers .....	495
Foresters, tree trimmers .....	302
Other occupations .....	27,208
	<hr/>
	130,400

## 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.

Experience has demonstrated the funds conserved for minor dependents, following remarriage of the mother, are later all too often the only resource for which clothing, essential medical expenses and

educational requirements can be provided. 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.

On July 1, 1960, there were 619 trust accounts totaling \$840,428.78, and increase of 116 accounts and \$185,760 in the total trust fund account during the past biennial. Money 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 expenses; 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.

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

Since the Compensation Act has been amended to pay \$3.50 per week for each minor dependent up to three dependents in fatal cases, this share quite frequently is placed in trust at the start of compensation payments. This will tend to increase quite rapidly both the size and number of trust accounts.

## SUBSEQUENT INJURY FUND

The Subsequent Injury Fund was established in 1945 by Legislation which provided that in each fatal case in which the decedent left no dependents the insurance carrier should pay into the Fund \$500.00.

The section provides that the Fund so established shall be used to pay compensation to injured employees who have previously lost a major member or the vision of an eye, and in a second accident sustain a similar disablement.

In such cases the insurance carrier pays the normal compensation for the loss of the second member, and when that payment is completed the claimant is thereafter paid compensation at the established weekly rate as is a permanent total disability case—that is, so long as he shall live.

In 1945 the weekly rate was \$14.00 per week. In 1947 the rate was increased to \$17.50, in 1949 to \$22.75, in 1951 to \$28.00, in 1953 to \$29.75, in 1955 to \$31.50. Not until 1955 were the payments to the Subsequent Injury Fund increased, and then to \$1,250.00 for each fatal case. In 1957 weekly benefits were again increased to \$36.75, and in 1959 to \$40.25 weekly. In 1959, the Subsequent Injury Fund payments were increased to \$1,750.00.

Eight claimants now are drawing payments from the Subsequent Injury Fund. One additional claimant becomes eligible for payment in December of 1960, one in August of 1961, one in December of 1961, and one in June of 1962.



## ESTIMATED FINANCIAL CONDITION OF FUND

(Based upon most favorable assumption that no new cases are charged to the Fund, and that payments to the Fund continue at approximately \$12,500.00 per year.)

Paid into Fund from inception to June 30, 1960.....\$126,500.00  
Paid out to claimants, from inception to June 30, 1960 ..... 46,282.26

Cash balance on June 30, 1960 .....\$ 80,217.74

Reserve to carry cases to conclusion  
(Based on 1960 life expectancies)

8 active accounts .....\$235,698.58  
1 account, payments begin December, 1960 ..... 44,352.49  
1 account, payments begin August, 1961 ..... 23,524.41  
1 account, payments begin December, 1961 ..... 9,734.40  
1 account, payments begin June, 1962 ..... 40,608.75

\$353,918.63

Less balance on June 30, 1960 ..... 80,217.74

Estimated deficit on June 30, 1960 .....\$273,700.89

To reduce the hazard of the increasing deficit of this Fund and to place it on a continuing solvent basis, the Compensation Act should be amended to provide increasing payments to the Fund. In view of the past failures to increase a flat amount with each weekly increase in compensation payments, it is believed that the Act should provide for payment of a percentage of the maximum payable in a death case, rather than a flat sum.

## OCCUPATIONAL DISEASE DISABILITY CASES

From July 1, 1958 to July 1, 1960, 675 cases were reported under the Occupational Disease Disability Act. A small percentage of these were noncompensable under the Act.

## Occupational Diseases Reported:

Dermatitis .....	407
Bursitis .....	55
Lung and Nasal Irritation .....	35
Lead Poisoning .....	34
Silicosis (four fatalities) .....	31
Tenosynovitis .....	27
Lung Infection .....	18
Toxic Poisoning .....	14
Allergies .....	12
Eye infections .....	8
Organic Poisoning .....	6
Hepatitis .....	4
Skin Poisoning (not dermatitis) .....	3
Polyneuritis (2 welders) metal poisoning; (1 caused by insecticide spray) .....	3

## COLORADO INDUSTRIAL COMMISSION

Synovitis .....	3
Anthrax .....	2
Growth from Pressure and Irritation .....	2
Staphylococcus .....	2
Chronic Carbon Monoxide Poisoning .....	2
Emphysema (Cadmium or Oxygen Poisoning) .....	1
Impetigo .....	1
Liver Infection .....	1
Ear Infection .....	1
Undulant Fever .....	1
Carcinoma of Lungs (fatal) .....	1
Radiation Poisoning (fatal) .....	1
Total .....	675

## AGENCIES CAUSING OCCUPATIONAL DISEASE DISABILITY

	Percent
Chemicals .....	132
Detergents .....	99
Dusts .....	84
Oils, Solvents .....	82
Strain .....	80
Lead: Dust and Fumes .....	34
Other Fumes .....	30
Paint .....	26
Cement .....	22
Acids .....	22
Viruses .....	14
Vegetables, fruit .....	8
Miscellaneous Poisonous Substances .....	8
Pressure .....	8
Unsafe Conditions .....	5
Metal Poisoning .....	5
Plastics .....	4
Miscellaneous .....	12
Total .....	675

100 %

INDUSTRIES IN WHICH OCCUPATIONAL DISABILITY  
WAS FOUND

	Percent
Metal Mining and Milling .....	64
Machinery Manufacturing .....	59
Chemicals Manufacturing .....	51
Restaurants .....	49
Fishing Rod Manufacturing .....	45
Hospitals .....	40
Special Construction .....	39
Foundries .....	35

6 —

Aviation Components .....	34	6—
Auto Repair .....	34	6—
Miscellaneous Manufacturing .....	24	4
Battery Manufacturing .....	21	3
Laundries .....	17	2
Heavy Construction .....	17	2
Paint Trades .....	16	2
Packing Houses .....	15	2
Food Processing .....	14	1.5
Electric Motor Mfg. ....	14	1.5
Steel Manufacturing .....	11	1 +
Trucking .....	11	1 +
General Construction .....	8	1—
Office Workers .....	8	1—
Oil Industry .....	7	1—
Grain Mills .....	7	1—
Rubber Manufacturing .....	6	.9
Porcelain Manufacturing .....	6	.9
Smelting .....	5	.7
Printing Trades .....	3	.5
Brick Manufacturing .....	3	.5
Miscellaneous (including lumber, paper products, air lines, coal mining, photography, crop spray- ing) .....	12	2
<b>Total .....</b>	<b>675</b>	<b>100 %</b>

## Disposition of Occupational Disease Disability Cases

Temporary total paid .....	113	17
Medical only paid (claimants were not away from work long enough to receive compensation, but re- quired medical care) .....	500	74
Denied or dismissed .....	21	3
Pending .....	28	4
Withdrawn .....	5	.8
Continuance .....	8	1.2
<b>Total .....</b>	<b>675</b>	<b>100 %</b>

## LEAD POISONING CASES

Medical only .....	27	Temporary Total (6 admis- sions, 1 by order) .....	7
<b>Total .....</b>	<b>34</b>		

Industries in which Lead Poisoning Cases Occurred	
Battery Mfg. ....	24
Smelting .....	4
Road Construction .....	1
Foundries .....	1
Printing Trades .....	1
Electronics Mfg. ....	1
Rock Wool Insulation .....	1
Lead Parts Mfg. ....	1
<b>Total .....</b>	<b>34</b>
Industries Producing Silicosis	
Metal Mining and Milling .....	20
Fire Brick Manufacturing .....	5
Smelting .....	1
Foundries .....	1
Concrete Pipe Manufacturing .....	1
School-Janitor (Denied) .....	1
Rock Crushing .....	1
Pottery Manufacturing .....	1
<b>Total .....</b>	<b>31</b>

Silicosis Cases:	
Permanent Total .....	26
Temporary Total .....	1
Fatals .....	4
<b>Total .....</b>	<b>31</b>

## Disposition of Silicosis Cases: Fatals (4)

Admission .....	1	Award
Order of Industrial Commission .....	1	\$8,200.00
Denied (Died of other causes) .....	1	\$8,400.00
Closed—Widow did not appear at hearing .....	1	
Patient died of heart failure, al- though he had contracted Sili- cosis.		

## Disposition of 27 Silicosis case not fatal:

Disposition of 27 Silicosis case not fatal:		
Dismissed .....	2	
Denied .....	6	
(2 still working, 1 not exposed for last 5 years, 3 filed too late)		
Withdrawn .....	3	
(1 not exposed to a high de- gree, 1 claimant requested withdrawal, 1 Doctor says probably noncompensable.)		
Continuance .....	3	
(One claimant in hospital)		
No claim filed .....	1	
Pending .....	5	
Payment ordered by Commission..	1	
Admissions .....		\$7,900.00
Permanent Totals (5) .....	5	\$8,200.00
		\$8,100.00
		\$8,500.00
		\$8,650.00
		\$8,850.00



Temporary Total is being paid in one case .....	1	Total Awards
	27	\$66,800.00

## Occupational Disease Fatal Cases:

6 Fatals occurred during the two year period (July 1, 1958-July 1, 1960)

4 Silicosis (2 paid, 1 denied, 1 withdrawn)

1 Carcinoma of lungs (Brick Mfg.) Pending.

1 Radiation Poisoning (also had lung cancer and silicosis).

(Uranium and Vanadium mining).

This case is continued, to be redocketed in September.

## STATE COMPENSATION INSURANCE FUND

MR. HERBERT WORTMAN, *Executive Director*

Colorado is one of 18 states that has a State Compensation Insurance Fund. There are three types of compensation available to employers over the nation, and Colorado is one of 10 states that allows all three. These types are: State Insurance Fund, private insurance companies, and self insurers.

These 18 states, including Colorado, are Arizona, California, Idaho, Maryland, Michigan, Montana, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Utah, Washington, West Virginia, and Wyoming.

The true status held by the State Insurance Fund among Colorado workmen's compensation carriers is manifest in written premiums during the year 1959 of \$7,386,878—third highest figure among the 10 states having competitive State Funds. This sum was topped only by premium volume in California and New York within the competitive category.

That the Colorado State Fund has enjoyed a steady growth in line with the consistent advancement of industry in the state also is manifest in the fact premiums written in 1957 totalled \$6,358,499. Thus, the State Fund gained more than one million dollars in premiums written within a two year period.

The Colorado State Insurance Fund is a nonprofit plan that enables compensation insurance—which is compulsory in the state—to be written by the Fund at 30% less than manual 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 large amount.

## COLORADO INDUSTRIAL COMMISSION

STATE COMPENSATION INSURANCE FUND  
INCOME AND DISBURSEMENTS

	7-1-58 to 12-31-58	1-1-59 to 12-31-59	1-1-60 to 6-30-60
<b>INCOME</b>			
Premiums written .....	\$ 3,486,232.64	\$ 7,386,878.44	\$3,894,859.21
Interest received .....	261,993.59	469,814.06	228,040.34
Sale and redemption of Bonds .....	92,463.61	1,257,503.15	374,849.75
Sale and redemption Mortgage loans .....	9,974.10	97,119.75	31,713.04
Collection of premiums previously charged off .....	.....	41,675.80	1,881.19
Miscellaneous .....	25,033.70	28,449.47	17,866.68
<b>Total .....</b>	<b>\$ 3,875,697.64</b>	<b>\$ 9,281,440.67</b>	<b>\$4,549,210.21</b>
Cash on hand—beginning .....	412,362.08	427,750.59	385,551.95
Premiums outstanding— beginning .....	400,020.81	334,210.57	109,620.36
<b>Total .....</b>	<b>\$ 4,688,080.53</b>	<b>\$10,043,401.83</b>	<b>\$5,044,382.52</b>
<b>DISBURSEMENTS</b>			
Compensation and Medical benefits paid .....	\$ 2,522,402.08	\$ 5,547,414.87	\$3,031,818.98
Premiums written off .....	8,584.48	320.33	9,283.37
Dividends to policyholders .....	305,569.00	544,477.00	286,509.00
Operating expenses .....	321,521.95	698,353.45	344,815.81
Investments—Bonds .....	717,190.02	1,713,284.85	150,032.50
Mortgage loans .....	50,851.84	1,044,379.02	298,484.62
Warrants .....	.....	.....	.....
<b>Total .....</b>	<b>\$ 3,926,119.37</b>	<b>\$ 9,548,229.52</b>	<b>\$4,120,944.28</b>
Cash on hand—ending .....	427,750.59	385,551.95	525,837.04
Premiums outstanding— ending .....	334,210.57	109,620.36	397,601.20
<b>Total .....</b>	<b>\$ 4,688,080.53</b>	<b>\$10,043,401.83</b>	<b>\$5,044,382.52</b>

PREMIUM INCOME AND LOSSES PAID—COLORADO  
NET PREMIUM INCOME

Year	Stock Companies	Mutual and Reciprocal Companies	State Fund	Totals
1915-1954	\$46,391,721.92	\$19,038,000.29	\$57,969,224.34	\$123,398,946.55
1955	3,316,288.00	1,141,251.00	5,075,495.00	9,533,034.00
1956	3,783,029.00	1,404,736.00	5,646,588.00	10,834,353.00
1957	4,202,604.00	1,542,465.00	6,358,500.00	12,103,569.00
1958	4,775,730.00	1,618,198.00	7,131,577.00	13,525,505.00
<b>Totals</b>	<b>\$62,469,372.92</b>	<b>\$24,744,650.29</b>	<b>\$82,181,384.34</b>	<b>\$169,395,407.55</b>



## NET LOSSES PAID

Year	Stock Companies	Mutual and Reciprocal Companies	State Fund	Totals
1915-1954	\$22,324,560.55	\$ 7,671,655.75	\$36,411,713.05	\$ 66,407,929.35
1955	1,772,699.00	488,978.00	3,661,721.00	5,923,398.00
1956	1,974,369.00	557,461.00	4,000,548.00	6,532,378.00
1957	2,230,457.00	640,275.00	4,417,988.00	7,288,720.00
1958	2,370,786.00	730,501.00	4,989,338.00	8,090,625.00
Totals	\$30,672,871.55	\$10,088,870.75	\$53,481,308.05	\$ 94,243,050.35

Like any other insurance company, the State Fund must under the law establish reserves for the payment of losses incurred and set aside, in reserve, the amount of funds actuarially needed to take care of incurred losses. Every two years under the law the State Fund must have an actuarial analysis by an actuary not connected with the fund or with any interest not compatible with the theory of State Funds. The Fund, which is now approximately 15 million dollars, is also administered by the State Industrial Commission and invested under their direction. The custodian of the Fund is the Colorado State Treasurer and under the law funds may only be invested as provided by statute. At the present time the funds may be invested in Federal Government Bonds and Securities, State School Bonds, and Municipal Bonds of Colorado Cities and also FHA and VA first mortgage loans on Colorado Real Estate guaranteed by Federal Governmental agencies.

In 1956 the investment law of the Fund was changed by the Legislature to allow the investment in FHA and GI home loans and appears to be a very sound investment policy for the Fund. At the present time the Fund has invested in this type of securities a little less than 3 million dollars of the total 15 million.

Like most large funds much of the investment was made over a period of prior years with a rather low rate of interest. The Industrial Commission working with several investment houses in Denver arranged to negotiate an exchange of certain low interest bearing school and municipal bonds for higher interest bearing Government Bonds. It was possible to make this exchange with a favorable increase in yield to the Fund because of the fact that the securities exchanged were non-taxable which released these securities to the general market and the Government Bonds were taxable but had a higher interest coupon. The exchange also accelerated the maturity of certain bonds in the amount of approximately 1½ million dollars which would be made available for investment at the high interest rates available at a much earlier time than otherwise would be possible. Much of this accelerated income was invested in FHA and VA loans yielding just under 6%. Most of these bonds exchanged were yielding less than 3% and it can readily be seen that the yield from the Fund would be materially increased.

The following is the average yield on the Fund over the past five years:

1956-2.6%
1957-2.85%
1958-3.06%
1959-3.16%
1960-3.88%
last quarter of 1960-4.04%

The Manager of the State Fund, Mr. Herbert C. Wortman, who has been in this position a number of years has a nationwide reputation of building an excellent Fund and operating with a minimum of overhead. Almost every year a dividend has been earned for the policyholders through careful management and through investment of the reserve funds. The amount of the dividend payable to policyholders in 1959 was in excess of \$800,000.00.

There are approximately 10 thousand policyholders doing business now with the State Compensation Insurance Fund.

## DEPARTMENT OF EMPLOYMENT SECURITY

MR. BERNARD E. TEETS, *Executive Director*

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 in unemployment insurance cases. It also is legally responsible for adoption of all regulations required under the Employment Security Act.

The two year period from July 1958 through June 1960 was on the whole a biennium of continued expansion of the State's industrial growth during which time the economy recovered from the mild recession of 1957-1958 and the 116-day steel strike in 1959.

## Appeals Increase

As the higher appeals authority, the Industrial Commission received 225 appeals from Department decisions, involving 331 claimants, and disposed of 216 appeals, involving 321 claimants, either by decision or by permitting withdrawal of the case. One hundred eighty-five decisions were rendered, of which 57 were in favor of the appellant and 128 sustained the decision of the Department referee. This appeals load of 225 was 20 per cent greater than that received during the preceding biennium.

## Number of Strikes Increase

Under Section 82-4-11 of the Colorado 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 applies the Commission's decision to the individual cases involved. During the period covered by this report



the Commission was called upon to determine the issues involved in 46 labor disputes. In 2 cases the Commission found that even though a strike existed, there was no stoppage of work and therefore, no claimants were disqualified. In 44 cases the Commission held that stoppages of work due to strikes did exist, and established the grades or classes of workers who were disqualified from receiving unemployment benefits.

### Employment in State Grows

An indication of the continued growth in industry in Colorado is furnished by comparison of numbers of workers covered by the Employment Security Act. In the 1957-1958 fiscal year, the average monthly figure of covered employment was 302,580; in the 1958-1959 fiscal year, the monthly average was 310,311; in the 1959-1960 fiscal year, the monthly average was 337,561. Approximately 16,000 of the increase in the most recent year is considered to be due to the increased coverage of the Act, relating to certain nonprofit employers, which became effective July 1, 1959. After allowing for this extended coverage, the increase of 18,981 or six per cent for the three-year period indicates a healthy recovery from the economic effects of the recession and the nationwide steel strike.

A smaller increase is observed in the average monthly covered employment of Federal Government employees in Colorado. During 1957-1958 the monthly average of federal workers was 36,193; in the fiscal year 1958-1959, the monthly average was 36,274; in the fiscal year 1959-1960, the monthly average was 36,362; over the three year period the increase was only .5 per cent.

In line with the increased job opportunities in the State, placements into nonagricultural jobs increased during this biennium.

In fiscal year 1957-1958 the Department made 82,461 nonagricultural placements; in fiscal 1958-1959 a total of 97,215 placements were made; in fiscal 1959-1960 nonagricultural placements reached a total of 108,767. This is an increase of 32 per cent over the three year period, to indicate greater utilization of the services of the Department, as well as increased job opportunities.

The unemployment insurance program in Colorado continued to expand due to acceptance of the program as an effective weapon to combat reduced purchasing power and economic distress of unemployed workers.

During fiscal year 1957-1958 the average number of benefit payments to unemployment insurance claimants was 6,643 per week; during fiscal year 1958-1959 the average number of payments was 6,177 per week; in the fiscal year 1959-1960 the average number of payments was 6,630 per week.

While the average number of benefit payments per week in fiscal year 1959-1960 was thirteen less than during fiscal year 1957-1958, total benefits paid were greater by \$1,662,390.00. This increase in total benefits was due largely to legislative action increasing the maximum weekly benefit amount from \$35.00 to 1957 to \$43.00 in 1960.

In fiscal year 1957-1958 the Department paid \$10,903,127.00 in benefits to unemployed workers; in fiscal year 1958-1959 the Department paid \$9,995,703.00 in benefits; in fiscal year 1959-1960 a total of \$12,565,517.00 was paid.

In addition to the regular unemployment insurance program, the State Legislature amended the Employment Security Act to provide for Temporary Unemployment Compensation during the period July 13, 1958 through April 1, 1959. An average of 728 benefit payments per week were made during this period and \$827,519.00 were paid in benefits.

## COLORADO SUPREME COURT DECISIONS

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### BUILDING CONSTRUCTION TRADES COUNCIL, A. F. of L., et al., vs. AMERICAN BUILDERS, INC.

139 Colo. 236

337 P. (2d) 953

INDEX NO. 487

JUDGMENT REVERSED

WHERE A STATE ACT AND A FEDERAL ACT CONTAIN PREVENTATIVE LABOR MANAGEMENT REMEDIES WHICH ARE PARALLEL AND NOT INCONSISTENT, THE FEDERAL REMEDY IS EXCLUSIVE UNLESS THE NATIONAL LABOR RELATIONS BOARD HAS CEDED JURISDICTION TO THE APPROPRIATE STATE AGENCY.

Opinion by Justice Frantz

A State Court enjoined a Union from striking for a "closed shop" agreement. The State Court finding would be undisturbed since evidence supported its action. Management contended that the question should be tried and determined under the Colorado Labor Peace Act whereas contending Unions asserted that Federal Labor Management Relations Act should be controlling. Preventative remedies were



duplicated in each Act, thus creating "duality of remedy." Supreme Court held that since NLRB has power to cede jurisdiction to State Agency under proper conditions where "duality of remedies" exist and since this had not been done in this instance our trial court acted in a vacuum and its injunction was without force.

**JAMES R. DIVELBISS vs. INDUSTRIAL COMMISSION, et al.**

140 Colo. 452

344 P. (2nd) 1084

I.C. NO. 1-311-603

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JUDGMENT REVERSED AND REMANDED

Opinion by Justice Doyle

EMPLOYEE WHO WAS INJURED TAKING A SHOWER BEFORE COMPLETION OF SHIFT ENTITLED TO COMPENSATION ON THE GROUND THAT HIS ACCIDENT AROSE OUT OF AND IN THE COURSE OF HIS EMPLOYMENT.

OVERRULING INDUSTRIAL COMMISSION VS. ROCKY MOUNTAIN FUEL COMPANY, 107 Colo. 226; 110 Pac. (2nd) 654.

Employee, a helper on an open hearth furnace in a steel mill, was injured while taking a shower bath following relief from his work but before completion of his shift and it appeared that he had worked in dense heat and dolomite dust. Shower was provided by employer on its premises but taking of shower bath was optional and substantially all of the employees found it necessary to use the showers. The injury was found to be compensable on the ground that employee was performing services arising out of and in the course of his employment.

**GRADEN COAL COMPANY and EMPLOYERS' MUTUAL INSURANCE COMPANY v. CRIST YTURRALDE and INDUSTRIAL COMMISSION OF COLORADO**

137 Colo. 368

325 P. (2d) 698

I.C. NO. 995407

INDEX NO. 481

JUDGMENT AFFIRMED

CASE MAY BE REOPENED ANY NUMBER OF TIMES WITHIN STATUTORY PERIOD.

DISTRICT COURT MAY REMAND ANY ISSUE NOT ADEQUATELY CONSIDERED BY COMMISSION.

"FINAL ORDER" MEANS ONLY THAT THE MATTER HAS BEEN CONCLUDED, SUBJECT TO REOPENING RESTRICTIONS.

COMMISSION FINDINGS FROM CONFLICTING EVIDENCE WILL NOT BE DISTURBED IF THE EVIDENCE IS ADEQUATE.

Opinion by Justice Sutton

This case involved the following sequence of events:

The claimant was injured in November, 1951, and the Commission issued its order compensating him for temporary disability and permanent partial disability in June, 1953.

In March, 1955, the claimant petitioned to reopen and, after hearing, a supplemental order was issued denying any further compensation.

In October, 1955, the claimant again petitioned to reopen his claim and a supplemental order was issued, after hearing, in December, 1955, awarding claimant temporary total disability. This order was twice affirmed in February, 1956, by the Industrial Commission. The matter was then carried to the district court by the respondent employer and remanded by the district court for taking of further evidence as to the claimant's physical condition. In compliance with

the court order, a supplemental order was issued in June, 1957, granting additional permanent partial disability to the claimant. Prior to this last hearing, another hearing was held and the December, 1955, order was vacated, together with the Commission orders of February, 1956, and the Referee affirmed the orders of June, 1953, and July, 1955. The supplemental order of June, 1957, was affirmed by the Industrial Commission, and the employer took the matter to the district court, where the Commission's order was affirmed, and still later affirmed by the Supreme Court. Respondent employer sought reversal of the Commission's and District Court's findings upon the following grounds:

First, that the district court had improperly substituted its opinion for the Commission's on fact questions when it remanded the case to the Commission for further hearing.

Second, they contended the claimant would not be entitled to recover compensation on account of temporary disability between June, 1953, and March, 1956, because of the manner in which the Referee and the Commission altered their views and statements as found in the various awards which showed that their action was a "result of a mere change of mind and resulted from surmise and conjecture."

The court disposed of the first objection by stating that the district court judge, under the authority granted in C.R.S., 81-14-11, was not only authorized, but required, to transmit to the Commission a full statement of such issue, or issues, not adequately considered by the Commission before district court consideration. The court further pointed out that the district court judge, on his own initiative, should make any referrals he deemed necessary if the matter were properly within his court's jurisdiction. In fact, there is a continual jurisdiction in the court for all matters relating to the claimant's injuries. The court further said that there was sufficient evidence to support the findings of the Referee as set forth in the last supplemental order in this matter and that, even though this evidence is in conflict, the Referee's finding was supported by probative evidence and, as a trier of fact, his decision will not be set aside upon review.

**GRAHAM FURNITURE vs. INDUSTRIAL COMMISSION and RETAIL TEXTILE CLERKS**

138 Colo. 244

331 P. (2d) 507

LABOR CASE NO. 6620

INDEX NO. 484

JUDGMENT REVERSED

COLLECTIVE BARGAINING UNIT.

ELECTION RIGHTS OF DIVISION DEPARTMENTS.

BARGAINING UNIT.

ELECTION LISTS.

INDUSTRIAL COMMISSION RULES NLRB.

NEGOTIATIONS NOT APPLICABLE.

Opinion by Justice Sutton

Plaintiff was a department store owner against whom the Union had filed a petition for election to determine a collective bargaining unit. A tentative polling list of six employees was submitted to the Commission. Four of the employees were salesmen and two were men who were in the used merchandise department in another location. At time of election Union protested the eligibility of two employees upon the basis of a non-community of interest with employees in another department. The challenged votes were sealed until a hearing before a Referee when one vote was ordered to be opened. The question of the court, therefore, became one as to the propriety of the Commission regulations regarding rights to challenge.



The court decided that the challenge came too late and that the exact provisions of the statute relating to challenge must be followed and will always take precedent over the regulations of an administrative body. Therefore, challenge cannot be raised at time of election once a voting list has been certified in accordance with the statutes.

**SHEALIE WILSON GREGORY vs. INDUSTRIAL COMMISSION**

138 Colo. 22

328 P. (2d) 948

I.C. NO. 1-252-252

INDEX NO. 482

JUDGMENT REVERSED AND  
CAUSE REMANDED

CONFLICTING EVIDENCE MUST ARISE OVER THE SAME IN-  
JURY.

TRANSCRIPTS MUST BE ACCOMPANIED BY FINDINGS BASED  
THEREON.

ORDERS MUST BE BASED UPON COMPETENT EVIDENCE.

Opinion by Justice Moore

The principal question herein concerns denial of permanent partial disability by a Referee who was affirmed by the Industrial Commission and in the district court, but who was reversed by the Supreme Court.

The claimant sustained a back injury in July 1956 and was awarded temporary total disability, but denied permanent partial disability. Testimony at the hearing was offered by only one doctor who stated that he estimated the claimant to be 25% permanently partially disabled, but that this disability could be reduced by corrective surgery. In rebuttal, the respondents offered portions of a transcript of an Ohio compensation hearing. This transcript contained no findings of fact by the Ohio Referee, but did describe a similar back injury. For this injury the claimant received a compromise settlement. Using this transcript as evidence, the Referee found that the permanent partial disability and need for corrective surgery stemmed from the Ohio injury and not from the Colorado injury.

The Supreme Court found that there was no material conflict in the evidence before the Referee, since the Ohio injury and medical examinations pertaining thereto took place more than one year previous to the Industrial Commission hearing. Therefore, the only competent evidence before the Referee was that of the doctor who testified at the hearing. Thus the orders of the Referee must be based upon this doctor's evidence inasmuch as it was the only medical testimony pertinent to the Colorado injury. The court then ordered, in effect, that corrective surgery must be offered to the claimant. Essentially the respondents' evidence, the transcript, did not deal with the claimant's Colorado injury in any respect; therefore did not rebut it.

**C. D. HAYS vs. INDUSTRIAL COMMISSION OF COLORADO, et al.**

138 Colo. 334

333 P. (2d) 617

I.C. NO. 1-177-773

INDEX NO. 485

JUDGMENT AFFIRMED

THE UNREASONABLENESS OF CLAIMANT'S REFUSAL TO AC-  
CEPT TENDER OF CORRECTIVE SURGERY IS A QUESTION  
OF FACT.

Opinion by Justice Day

Claimant received an injury to his back, the accident which respondents admitted. While recovering from the effects of his injury,

treating physicians recommended that corrective surgery be performed on his back to reduce the effects of his injury. Claimant refused to accept corrective surgical treatment on the basis that he feared the results of such operation. Medical testimony was to the effect that the particular surgery was 85% to 100% effective.

Supreme Court found as a matter of fact that the claimant's refusal was unreasonable. Claimant was given a disability rating equivalent to what would be indicated in the event of successful surgery having been performed.

**INDUSTRIAL COMMISSION OF COLORADO vs. EDITH B.**

**BALDWIN, et al.**

139 Colo. 268

338 P. (2d) 103

I.C. NO. 1-308-255

INDEX NO. 488

JUDGMENT REVERSED AND  
CAUSE REMANDED

WORKMEN'S COMPENSATION LIABILITY DOES NOT CARRY-  
OVER FROM A DISCONTINUED INSURABLE BUSINESS TO  
A DISTINCTLY NEW BUSINESS VENTURE WHICH IS NOT  
REQUIRED TO HAVE INSURANCE UNDER WORKMEN'S  
COMPENSATION ACT.

Opinion by Justice Day

Decedent was the only employee of non-insured respondent at time of his death. The business was a new venture by this employer who had formerly operated an insured enterprise.

The Industrial Commission denied a claim for death benefits but was reversed by the District Court which, in turn, was reversed by the Supreme Court. The Supreme Court held that continuation of Workmen's Compensation liability of such employer applies only to the same business or employment and does not carry-over from a discontinued venture to a distinctly new business.

**INDUSTRIAL COMMISSION OF COLORADO vs. JOHNSON  
PONTIAC, INC., and ROYAL INDEMNITY COMPANY**

140 Colo. 160

344 P. (2d) 186

I.C. NO. 1-198-833

INDEX NO. 490

JUDGMENT REVERSED AND CAUSE  
REMANDED WITH DIRECTIONS

A RIGHT TO WITHDRAW A GENERAL ADMISSION OF LIABILITY  
UPON BASIS OF MISTAKE IS GOVERNED BY FACT AND  
REASONABLE DILIGENCE OF ACTION BY INSUROR.

EMPLOYER'S FIRST REPORT OF ACCIDENT IS EQUIVALENT  
TO A DECLARATION AGAINST INTEREST AND IS OF PRO-  
BATIVE VALUE IN DETERMINING AN ACTION.

PHYSICAL STRAIN TO CHARACTERIZE A HEART ATTACK AS  
AN ACCIDENT IS A QUESTION OF FACT.

Opinion by Justice Moore

The Insurance Company filed an admission of general liability then sought, many months later, to withdraw this document when evidence adduced at hearing showed that consequences of admitted accident were more serious than first believed. The District Court reversed the Industrial Commission decision refusing the insurer the right to withdraw its admission of liability but this Court was, in turn, reversed by the Supreme Court. Supreme Court found that the



insurer had paid compensation for temporary total disability during a period of two years before seeking to withdraw the admission of general liability upon the basis of mistake and misapprehension. Court further found that the employer's first report of accident indicated that the claimant had strained a heart muscle and that this report was a declaration against the employer's interest. When all lay testimony and medical evidence was taken as a whole, the Court felt it clearly shows that the claimant's strain arose out of and during the course of his employment.

# **JOHNSON v. INDUSTRIAL COMMISSION OF COLORADO**

137 Colo. 591

328 P. (2d) 384

I.C. NO. 1-216-628

INDEX NO. 480

JUDGMENT REVERSED

EMPLOYER'S REPORT AS EVIDENCE.

MEDICAL EXPERT CANNOT DECIDE ULTIMATE FACT.

HEARSAY EVIDENCE MUST BE BOLSTERED BY RESIDUUM OF LEGAL EVIDENCE.

Opinion by Justice Frantz

The claim involved was denied by the Industrial Commission which was sustained by the district court, but both were reversed by the Supreme Court.

The employer's reports of two injuries to the claimant showed one to have been for two broken ribs and one to have been a strain in the claimant's chest. Two weeks after the last injury the claimant died of pneumonia. The attending physician diagnosed his condition as traumatic pneumonia and he received support of this diagnosis from the autopsy surgeon who declared the condition to be a sequel of a rib injury which had occurred within three weeks of death. A transcript of all testimony was delivered to the respondents' medical expert who, testifying therefrom, said there was no evidence of trauma in the chest wall and that a strain would not cause pneumonitis. Using this testimony, the Referee found that the claimant had died of bacterial pneumonia.

In its opinion, the Supreme Court called attention to the employer's report of accident and defined it as a declaration against interest that, while not conclusive, must be given weight as evidence. Further, the Court said there is no sanction in the law which allows the expert to resolve conflicting inferences. The prerogative of deciding ultimate facts is a duty of the fact finding body or, in this case, the Industrial Commission, and not the medical expert. Further, hearsay evidence can have probative force only when corroborated by admissible evidence recognized under the common law.

# **LAMIRATO vs. O. C. KINNEY, INC.**

142 Colo. 48

349 P. (2d) 562

I.C. NO. 1-322-741

INDEX NO. 492

JUDGMENT AFFIRMED

Opinion by Justice Day

NO ACCIDENT.

Surviving dependents of deceased employee brought proceedings to recover death benefits under the Workmen's Compensation Act. The Referee of the Industrial Commission entered findings and an

order, which were adopted by the Commission as its own, denying the claim, and the surviving dependents appealed. The District Court, City and County of Denver, Joseph E. Cook, J., entered judgment affirming the Industrial Commission, and the surviving dependents brought error. The Supreme Court held that evidence sustained findings that death of deceased employee as result of subarachnoid hemorrhage was not the result of accidental injury with the meaning of the Workmen's Compensation Act.

# **ST. LUKE'S HOSPITAL vs. INDUSTRIAL COMMISSION, et al.**

142 Colo. 28

349 P. (2d) 995

I.C. FILE NO. 7592

INDEX NO. 493

JUDGMENT REVERSED

Opinion by Justice Frantz

A CHARITABLE PRIVATE HOSPITAL IS NOT AN INDUSTRIAL ACTIVITY AND NOT AMENABLE TO COLLECTIVE BARGAINING PROVISIONS OF COLORADO LABOR PEACE ACT.

Certiorari proceedings to review determination of Industrial Commission that it had jurisdiction to conduct bargaining unit election and that employees described constituted an appropriate unit. The District Court, City and County of Denver, Edward E. Pringle, J., affirmed determination and Hospital brought error. The Supreme Court held that a private charitable hospital, a nonprofit organization organized under laws of Colorado, was not an industrial activity and was not amenable to the collective bargaining provisions of the Labor Peace Act.

# **HARLEY J. SNYDER vs. INDUSTRIAL COMMISSION and STATE COMPENSATION INSURANCE FUND**

138 Colo. 523

335 P. (2d) 543

I.C. NO. 1-250-489

INDEX NO. 483

JUDGMENT REVERSED

WITH DIRECTIONS

STATUTORY EMPLOYER. STATUTORY EMPLOYEE.

PRIME CONTRACTOR.

Opinion by Justice Frantz

Respondent was a cement contractor and claimant is one of his employees. Respondent carried no workmen's compensation insurance and had no license to follow his business practice. Respondent used city license of a fellow contractor who did carry workmen's compensation insurance. The second contractor received a division of the balance of the proceeds secured by respondent after payment of all labor and material. Claimant sought to join both parties and the insurer of one as parties respondent. In seeking to join the second contractor as cited in Section 49 of the Workmen's Compensation Act, court rejected the theory calling the second contractor a "statutory employer" since this would require judicial legislation. This holding was based upon the proposition that the second contractor was not a prime contractor nor a sub-contractor to whom the work was contracted out and the second contractor liability was thus removed.



**UNIVERSITY OF DENVER, et al. vs. INDUSTRIAL COMMISSION  
OF COLORADO and ERNEST E. NEMETH**

138 Colo. 505

335 P. (2d) 292

I.C. NO. 968383

INDEX NO. 486

JUDGMENT AFFIRMED

COMMISSION JURISDICTION IS NOT SURRENDERED BY GRANTING OF LUMP SUM AWARD AND BY CLAIMANT'S EXECUTION OF A FINAL RECEIPT.

LIMITATION OF STATUTORY TIME TO REOPEN A CLAIM IS FIXED AS OF DATE INDUSTRIAL COMMISSION MAKES ITS FINAL AWARD REGARDLESS OF LATER COMMUTATION OF THE PERIODIC PAYMENTS OF COMPENSATION AWARD-ED.

LUMP SUM PAYMENT, A COMMUTATION OF PERIODIC COM-PENSATION, PERIODIC COMPENSATION DISBURSEMENTS, IS NOT A "LAST PAYMENT" AS WOULD ACTIVATE THE STATUTORY PERIOD OF LIMITATION.

Opinion by Justice Sutton

The claimant was injured in an accident which the Commission found to have arisen out of and in the course of his employment. After a period of convalescence, he was awarded compensation for permanent partial disability. Shortly thereafter, claimant applied for a lump sum distribution of all monies due to him. At a time of more than two years after he received a lump sum payment and after he had executed his final receipt for payments received, he applied to the Industrial Commission to reopen his claim for consideration as to whether there was error, mistake or change in his physical condition. The respondents resisted the petition to reopen his claim on the basis that more than six years following the time of injury and more than two years after the last payment was received had expired before the petition was received by the Industrial Commission. The Commission did reopen the claim on the basis that, disregarding a lump sum payment, the payments which were to have been made for permanent disability would not have been completely paid for the last time until two years before the petition to reopen was received.

The Court sustained this finding on the basis that the Industrial Commission retained jurisdiction to reopen the claim for two years after the last periodic payment should have been made to the claimant.

**WESCO ELECTRIC COMPANY, et al. vs. CLOYCE V. SHOOK, et al.**

..... Colo. ....

353 P. (2d) 743

I.C. NO. 1-316-391

INDEX NO. 494

JUDGMENT AFFIRMED

Opinion by Justice Moore

EVIDENCE SUFFICIENT TO SUSTAIN FINDINGS AND AWARD. THE TERM "ACCIDENT" HAS PARTICULAR MEANING WHEN USED IN CONNECTION WITH INJURIES UNDER WORKMEN'S COMPENSATION ACT.

The Referee who heard evidence in support of the claim made findings that the claimant had not suffered an accidental injury arising out of and in connection with his employment. Upon review the Commission reversed the Referee and awarded compensation, which was sustained by judgment in the District Court. The Supreme Court held that the evidence was sufficient to support a finding that disability diagnosed as herniation intervertebral disc sustained by

electrician who had previously been in good health and who had been required to assume a cramped and unnatural position in performing his assigned work for several days during which he suffered severe pain in back and loss of full use of one leg was result of accident arising out of and in the course of employment.

**OSWALD M. WHITE vs. INDUSTRIAL COMMISSION OF  
COLORADO, et al.**

140 Colo. 11

342 P. (2d) 688

I.C. NO. 1-342-423

INDEX NO. 489

JUDGMENT AFFIRMED

CONTROL OF AN INDIVIDUAL'S WORK EFFORTS, PROCEDURE AND GOALS DETERMINES HIS STATUS AS AN EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR.

INDEPENDENT CONTRACTOR STATUS IS DETERMINED BY THE FACTS OF EACH CASE.

Opinion by Justice Moore

Claimant was injured by an electrical shock on the alleged employer's premises. The Industrial Commission denied this claim on the basis that the claimant was an independent contractor and under no control of the alleged employer. This holding was affirmed by a District Court and by the Supreme Court. The Supreme Court held that the mine owners did not engage in the business of transporting nor delivering coal they mined and that they had no control whatsoever over the claimant's operations nor any control over what he charged for coal which he delivered.



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