

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Telephonic Meeting

Held at 800 West Washington Street

Phoenix, Arizona 85007

Thursday, November 19, 2020 – 1:00 p.m.

Present: Dale L. Schultz	Chairman (Telephonic)
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
Scott P. LeMarr	Commissioner (Telephonic)
Steven J. Krenznel	Commissioner (Telephonic)
James Ashley	Director (Telephonic)
Gaetano Testini	Chief Legal Counsel (Telephonic)
Jason M. Porter	Deputy Director (Telephonic)
Trevor Laky	Legislative Affairs Chief/Public Information Officer (Telephonic)
Jessie Atencio	ADOSH Director (Telephonic)
Renee Pastor	Self Insurance (Telephonic)
Lisa Padgett	Labor Director (Telephonic)
Victoria Kamm	Labor Supervisor (Telephonic)
Michael Mosesso	Chief Administrative Law Judge (Telephonic)
Marilyn Carter	Human Resources (Telephonic)
Steve Marks	Facilities Supervisor (Telephonic)
Kara Dimas	Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance on the telephone, confirmed by roll call were Jaymie Brower (Hasa, Inc) and Savannah Scharnhorst (Snell & Wilmer).

Approval of Minutes of November 5, 2020 Regular Meeting Minutes and November 12, 2020 Regular Meeting Minutes.

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Commissioner LeMarr moved to approve the Minutes of the November 5, 2020 regular session meeting and Commissioner Krenznel seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenznel voted in favor of the motion. Vice Chair Hennelly had not joined the call for this vote. The motion passed.

Vice Chair Hennelly joined the meeting.

Commissioner LeMarr moved to approve the Minutes of the November 12, 2020 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner LeMarr and voted in favor of the motion. The motion passed. Commissioner Krenznel abstained.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner asks to remove an item on the consent agenda to be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a







Mr. Brower, Plant Manager, has budgeted for a Plant Safety Person next year and is in the process of hiring a Plant Safety Quality Person and a Plant Engineer, to help get a firm grasp on the PSMP. Mr. Brower stated they have two Corporate Safety individuals, but all Plant Managers will be getting their own dedicated safety individual.

Mr. Brower commented that they needed an in-depth third party inspection, some of the items found in previous years were not done. He brought in the manufacturer of the system for a thorough inspection of the machine and will be bringing the machine back up to original specs in the next three months.

Mr. Atencio noted that when third party inspections are done it can be very expensive and costly.

Chairman Schultz and Mr. Brower discussed the list of items that have been, or are in the process of, being abated.

Mr. Atencio commented that PSMP from the OSHA standpoint is also part of the Risk Management Program which has to be well documented because of the release or anything else, additionally the employer is heavily regulated by the EPA and Federal OSHA.

Commissioner LeMarr moved to amend the Citation and proposed a reduction of penalties by 25% for Good Faith and abatement efforts to bring the entire system up to requirements for a total of \$11,250.00. Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion. The motion passed.

Mr. Brower complimented the compliance officer for his professionalism and good advice.

Chairman Schultz thanked Mr. Brower for his comments because that is the culture the Commission is trying to create, assisting employers to provide safe workplaces wherever possible.

Discussion and/or Action regarding the Consideration of Candidates for the Administrative Law Judge Positions, discussion regarding interview questions, second interviews, and the salary. The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(1) and (A)(3) to obtain legal advice and to discuss the candidates and the salary.

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Judge Mosesso has been recruiting to fill two Administrative Law Judge positions for the Tucson office. Judge Mosesso recommended two candidates. One applicant previously applied for the Phoenix position. He reviewed the hiring process and documents and ranked Candidate #1 and Candidate #2 on the list. He recommended that the Commission offer the two candidates the positions for the Tucson office.

Chairman Schultz asked the Commissioners if there was a need for an Executive Session for further discussion or if the Commissioners were comfortable with the recommendation from Judge Mosesso.

Commissioner Krenzel noted the positions were in the Tucson office and both Candidates had Phoenix addresses. Commissioner Krenzel and Judge Mosesso discussed the candidates' options for hearing coverage which is currently being covered virtually since March of 2020 which has been working well in addition to future relocation plans.

Chairman Schultz commented that it is going to be a significant improvement to balance hearing loads and be able to have substitutions when needed to overcome the geographical difference. He likes having the presence in both major metropolitan areas but also believes we are best able to serve the constituents by being able to be flexible and able to move our resources to when and where needed.

Chairman Schultz thought both candidates have excellent writing skills and thought their predictive index scores presented excellent choices for the attributes to fill the positions.

Commissioner Krenzel moved to accept Judge Mosesso's recommendation to extend offers to Candidate #1 and Candidate #2. Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion. The motion passed.

Chairman Schultz thanked everyone involved in the selection process. Judge Mosesso thanked the Commissioners and Director for the opportunity and being supportive of the division.

#### Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley followed up on the Phoenix office successfully achieving VPP Star Status. As a result of the audit, identified were some agency best practices and some recommendations for improvement. There are 90 days in which to make the recommended improvements and many of those have been taken care of. Mr. Ashley introduced Mr. Marks, the ICA Facilities Supervisor, to provide an update of corrective actions taken by the maintenance team to correct the action items, housekeeping and storage issues. Mr. Marks noted that all 22 action items have been corrected.

Chairman Schultz thanked Mr. Marks for his quick abatement on all of the issues. He also noted there is no small hazard, safety is a game of inches and seconds, those things make a difference of life and death sometimes, and most often between injury and no injury or damage and no damage, any one item could have contributed to significant issues occurring. He appreciated Mr. Marks and him team for addressing them all and doing it so quickly.

Mr. Ashley noted the comments thanking Mr. Marks and the maintenance team. During Commission meetings we hear a lot of examples of different degrees and levels of safety hazards and concerns in the workplace and thought the Commissioners would appreciate hearing about some of the items that were addressed here. Staff is wrapping up some of the other items that needed to be addressed and will be sending correspondence to ADOSH well within the 90-day time frame.

Chairman Schultz noted that when the process was started, it was about being an example that if you were going to talk the talk you need to walk the walk. He appreciated all of Mr. Ashley's efforts and the management team and Mr. Marks and his crew for responding so quickly.

Ms. Dimas confirmed Commission meeting dates through January 2021.

Ms. Dimas presented a retirement resolution for Estela Taylor, Administrative Services Officer 2 in the Administrative Law Division for 4 years of state service.

#### Public Comment.

There was no public comment.

Commissioner Krenzel moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 2:08 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By James Ashley  
James Ashley, Director

ATTEST:

Kara Dimas  
Kara Dimas, Commission Secretary