

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Telephonic Meeting  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, August 6, 2020 – 1:00 p.m.

Present: Dale L. Schultz	Chairman (Telephonic)
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
Steven J. Krenzel	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)
Renee Pastor	Self Insurance (Telephonic)
Jessie Atencio	ADOSH Director (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 Richard Mills (Huhtamaki); and Mike Melander (Edeco-Southwest).

Approval of Minutes of July 30, 2020 Regular Meeting.

Commissioner Krenzel moved to approve the Minutes of the July 30, 2020 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, and Commissioner Krenzel voted in favor of the motion. The motion passed.

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 final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

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a. Approval of Requests for Renewal of Self-Insurance Authority.

1. Knight Transportation, Inc.
2. Swift Transportation Co., LLC
3. Mayo Clinic
4. QuikTrip Corporation

Chairman Schultz checked if anyone on the phone would like to comment. There were no comments.

Commissioner Krenzel moved to approve the items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Discussion and Action of Attorney Fee Petition. This agenda item may include discussion concerning the processing of attorney fee petitions and the reasonable hourly rates used in analyzing fee petitions.

Sandra Day and Coleman – Mr. Testini discussed his analysis of the Petition to terminate fees submitted by Ms. Day for a prior 2012 award of fees for her representation of Mr. Coleman.

Chairman Schultz noted it was unusual that the attorney would want to stop her payments before it is completely paid out for a ten year award.

Commissioner Krenzel moved to approve staff's recommendation to terminate fees. Vice Chair Hennelly seconded the motion.

Mr. Testini requested the motion include electronic signature so it can be taken care of quickly.

Commissioner Krenzel accepted the amendment to allow electronic signature and Vice Chair Hennelly agreed to the amendment. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Chairman Schultz discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

Huhtamaki, Inc.	Fatality/Accident	
4320 S Cotton Ln	Years in Business:	23
Goodyear, AZ 85338	Empl. Covered by Inspection:	20
Site Location:	4320 S Cotton Ln	
	Goodyear, AZ 85338	
Inspection No:	R3180 -1471639	
Inspection Date:	03/30/2020	

Mr. Atencio summarized ADOSH's fatality investigation and reviewed the file. He noted that ADOSH was recommending one non-serious citation with no penalty.

Mr. Mills had no comments.

Chairman Schultz complimented Mr. Mills on the thoroughness of their safety program and stated it is obvious they care very much about maintaining a safe working environment.

Mr. Mills noted it was part of their culture and what they build at their company in Goodyear and across the country and world.

The Commission took no action.









Vice Chair Hennelly moved to approve the citation and proposed penalties as presented and Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley noted that next week will be the first virtual Claims Seminar, and the registration for the seminar as of this afternoon was 686 and we will probably exceed 700 tomorrow. There is a great line up with informative topics along with new topics including a COVID 19 Medical Management presentation by Orchard Medical.

Mr. Ashley and Ms. Dimas noted the Commissioners are registered and should receive email confirmations and additional participant information.

Mr. Ashley noted that with the achievement of Voluntary Protection Program status by the Phoenix ICA office in November of 2019, there have been steps to get the Tucson ICA office on that path as well. There will be a virtual banner signing on August 17 for the Tucson office to formally initiate the process and the Commissioners were invited.

Ms. Dimas confirmed Commission meeting dates through October 2020. Noting that August 17, 2020 will be the Supplemental Fee Schedule Hearing and not a regular Commission Meeting and the Monday, August 31, 2020 will be a regular Commission Meeting.

Public Comment.

There was no public comment.

Commissioner Krenzel moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 2:01 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By James Ashley  
James Ashley, Director

ATTEST:

Kara Dimas  
Kara Dimas, Commission Secretary