

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Conference Room 308  
Phoenix, Arizona 85007  
Thursday, December 13, 2018 – 1:00 p.m.

Present:	Dale L. Schultz	Chairman
	Scott P. LeMarr	Commissioner (Telephonic)
	Steven J. Krenzel	Commissioner (Telephonic)
	James Ashley	Director
	Gaetano Testini	Chief Legal Counsel
	Trevor Laky	Legislative Affairs Chief / Public Information Officer
	Renee Pastor	Self Insurance
	Kamen Kovatchev	Accounting
	Jessie Atencio	ADOSH Director
	Margarita Aguayo	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance were Brian Carmichael and Bretton Jeziorski (City of Surprise); Dave Howard (Premier Risk Management); Ali Dionne (Public Policy Partners); and Michael Fassett (Snell & Wilmer).

Approval of Minutes of December 6, 2018 Regular Meeting.

Commissioner Krenzel moved to approve the Minutes of the December 6, 2018 regular session meeting and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr 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. City of Surprise

Chairman Schultz noted there were representatives from the City of Surprise and even though their renewal is on the Consent Agenda he gave them the opportunity to share anything they would like to share.

Mr. Carmichael thanked the Commission for the last year and a half, and noted their program's significant savings and that they were providing better medical outcomes to their employees and look

forward to continuing their successes. He noted their unique return to work program resulted in a reduction from 1,800 lost work days five years ago to zero this past year.

Chairman Schultz noted the accomplishment. Commissioner LeMarr moved to approve the items on the Consent Agenda and Commissioner Krenzle seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzle 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.

C&N Roofing, Inc. 1545 E Corona Ave., <u>Phoenix, AZ 85040</u>	Referral Years in Business: 18 Empl. Covered by inspection: 3
Site Location: 3801 E Greenway Rd., Phoenix, AZ 85032	
Inspection No: K4950 - 1331232	
Inspection Date: 07/12/2018	

REPEAT-SERIOUS – Citation 1 - Item 1 –

- a) Chapel Roof: Three employees were installing new cement roof tiles and underlayment on an existing building 15 feet above the ground level without a fall protection system installed. 29 CFR 1926.501(b) (10)

C&N Roofing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(10), which was contained in DOSH inspection number 1277741, citation number 1, item number 1 and was affirmed as a final order on 6/29/1, with respect to a workplace located at 888 East Clinton Street, Phoenix, AZ, 85020. This citation was abated on 5/14/18.

Div. Proposal - \$2,000.00	Formula Amt. - \$1,000.00
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REPEAT-SERIOUS – Citation 1 - Item 2 –

- a) Chapel Roof: Three employees were installing new cement roof tiles and underlayment on an existing building 15 feet above the ground level without fall protection training. 29 CFR 1926.503(a) (1)

C&N Roofing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(10), which was contained in DOSH inspection number 1277741, citation number 1, item number 2 and was affirmed as a final order on 6/29/1, with respect to a workplace located at 888 East Clinton Street, Phoenix, AZ, 85020. This citation was abated on 5/14/18.

Div. Proposal - \$2,000.00	Formula Amt. - \$1,000.00
TOTAL PENALTY - \$4,000.00	TOTAL FORMULA AMT. - \$2,000.00

Mr. Atencio discussed ADOSH’s investigation, summarized the repeat-serious citation and proposed penalties.

Chairman Schultz noted the report was excellent and the photographs very clear and discussed the claim that employees left their fall protection equipment in another truck failing to transfer the equipment.

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

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley reminded the Commissioners of the Arizona Rock Products Association Christmas luncheon on Friday.

Mr. Ashley noted that Chairman Schultz reiterated to the community and stakeholders on Wednesday the current law in statute regarding engaging in certain types of directed care that some networks are engaging in, resulting in the Commission receiving complaints. Documentation detailing the complaints and current law will be sent via constant contact to stakeholders and posted on the website. Chairman Schultz noted the meeting was attended by representatives from almost every major workers' compensation insurer in the state.

Ms. Dimas noted that the meeting scheduled for December 20, 2018 would be cancelled and confirmed Commission meeting dates through January 2019.

Ms. Dimas reminded the Commissioners about the Workers' Compensation Research Institute (WCRI) national program in Phoenix on February 28 and March 1. Chairman Schultz noted he was interested in attending. Vice Chair Hennelly noted last week he would be attending.

Ms. Dimas noted there were some agency division safety posters to be judged for the Safety Committee after today's meeting.

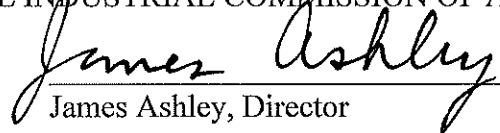
Public Comment.

There was no public comment.

Commissioner Krenzel moved to adjourn and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 1:18 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
James Ashley, Director

ATTEST:

  
Kara Dimas, Commission Secretary