

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Garden Place Suites
100 North Garden Avenue
Sierra Vista, Arizona 85635
Thursday, May 25, 2017 – 1:30 p.m.

Present:	Dale L. Schultz	Chairman
	Scott P. LeMarr	Commissioner
	Robin S. Orchard	Commissioner (telephonic)
	Steven J. Krenzel	Commissioner (telephonic)
	Bob Charles	Acting Director
	Jonathan Hauer	Acting Chief Legal Counsel
	Renee Pastor	Self-Insurance (telephonic)
	William Warren	ADOSH Director
	Steven Black	Compliance Officer
	Kara Dimas	Commission Secretary

Chairman Schultz convened the meeting at 1:30 p.m.

Approval of Minutes of May 11, 2017 Regular Meeting and May 11, 2017 Executive Session Minutes.

Commissioner LeMarr moved to approve the Minutes of the May 11, 2017 regular session meeting and Commissioner Krenzel seconded the motion. Chairman Schultz, Commissioner LeMarr, Commissioner Krenzel, and Commissioner Orchard voted in favor of the motion. The motion passed.

Commissioner LeMarr moved to approve the Executive Session Minutes of the May 11, 2017 executive session meeting and Commissioner Krenzel seconded the motion. Chairman Schultz, Commissioner LeMarr, and Commissioner Krenzel voted in favor of the motion. The motion passed. Commissioner Orchard 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 final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

a. Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C16/17-1588 Azblue1 LLC
2. 2C16/17-1229 Colorado Network Staffing, Inc. (A Colorado Corporation)
3. 2C16/17-0261 D.F.F.L. Custodial, LLC
4. 2C16/17-0214 Desert Palm Adult Care, dba DPAC Holdings, LLC

5. 2C16/17-0923 Diamond Back Shuttle and Tours LLC
6. 2C16/17-1606 Extreme Salon L.L.C.
7. 2C16/17-0684 Judon's Custom Painting, LLC
8. 2C16/17-1600 McClellan-Parsons Post, Numbers Nine, dba American Legion
9. 2C16/17-1563 Sunny Yard Maintenance, LLC
10. 2C16/17-1603 Twisted Image.Net, Inc.
11. 2C16/17-1813 William Arnold, a single man, dba Emergency Family Movers

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

1. Intel Corporation
2. The Salvation Army USA, Western Territory
3. Truly Nolen of America, Inc.
4. Viad Corp
5. Weyerhaeuser Company

Mr. Hauer recommended that item (a)(6) be removed from the consent agenda so that the Commission could consider a revised recommended penalty. Chairman Schultz removed item (a)(6) from the Consent Agenda.

Commissioner LeMarr moved to approve the remaining items on the Consent Agenda and Commissioner Krenzle seconded the motion. Chairman Schultz, Commissioner LeMarr, Commissioner Orchard, and Commissioner Krenzle voted in favor of the motion. The motion passed.

Mr. Hauer stated that Extreme Salon L.L.C. had obtained workers' compensation insurance and that staff recommended a reduced penalty of \$500.00.

Commissioner LeMarr moved to approve issuance of a \$500.00 civil penalty against Extreme Salon L.L.C. Commissioner Orchard seconded the motion. Chairman Schultz, Commissioner LeMarr, Commissioner Orchard, and Commissioner Krenzle voted in favor of the motion. The motion passed.

Presentation from and/or discussion with the Industrial Commission's Public Information Officer. This agenda item may include discussion regarding the operations of the Industrial Commission.

Mr. Charles discussed news coverage concerning Commission responsibilities, Proposition 206, and website FAQs. He also discussed Safety Week and the City of Goodyear signing a PEPP agreement. Chairman Schultz noted that the Commission interacted with 2,000 individual employees during Safety Week to emphasize fall protection.

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

Dollar Tree Stores, Inc.	Complaint	
3927 E. Grant Road	Years in Business:	20
<u>Tucson, AZ 85712</u>	Covered by inspection:	14
Site Location:	3927 E. Grant Road	

Tucson, AZ 85712
Inspection No: T3633-1224253
Inspection Date: 04/10/2017

REPEAT SERIOUS – Citation 1 - Item 1 –

(a) Stockroom: The exit route leading to the exit door at the west end of the stockroom was blocked by a product roller which was approximately six feet long and 28 inches high, and which was located approximately four feet from the exit door. Dollar Tree Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3) which was contained in ADOSH Inspection Number 1170707, Citation Number 01, Item Number 002, issued on 11/03/2016, with respect to a workplace located at 16815 E. Shea Blvd., Fountain Hills. (29 CFR 1910.37(a)(3)).

(b) Stockroom: The exit route from the center of the stockroom to the west end of the stockroom was partially blocked by a product-stocking cart so that the exit route width at the cart was approximately 12 inches wide. Dollar Tree Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3) which was contained in ADOSH Inspection Number 1170707, Citation Number 01, Item Number 002, issued on 11/03/2016, with respect to a workplace located at 16815 E. Shea Blvd., Fountain Hills. (29 CFR 1910.37(a)(3)).

(c) Stockroom: The exit route from the center of the stockroom to the east end of the stockroom was blocked by four product-stocking carts. Dollar Tree Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3) which was contained in ADOSH Inspection Number 1170707, Citation Number 01, Item Number 002, issued on 11/03/2016, with respect to a workplace located at 16815 E. Shea Blvd., Fountain Hills. ((29 CFR 1910.37(a)(3)).

Div. Proposal - \$12,500.00

Formula Amt. - \$12,500.00

REPEAT NON-SERIOUS – Citation 2 - Item 1 –

(a) Stockroom: Boxes of merchandise along the south wall were not stacked, blocked, interlocked or limited in height so that they were secure against sliding or collapse. Dollar Tree Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.176(b) which was contained in ADOSH Inspection Number 1170707, Citation Number 01, Item Number 004, issued on 11/03/2016, with respect to a workplace located at 16815 E. Shea Blvd., Fountain Hills. (29 CFR 1910.176(b)).

Div. Proposal - \$200.00

Formula Amt. - \$200.00

SERIOUS – Citation 3 - Item 1 – 3927 E. Grant Road, Tucson: The Dollar Tree store was robbed two times in March 2017, one time during which two employees were held at gunpoint, and the company had not implemented and was not considering feasible controls to protect employees, including the installation of a security camera system similar to those installed at other Dollar Tree stores in the Tucson area. (A.R.S. 23-403.A)

Div. Proposal - \$5,000.00

Formula Amt. - \$5,000.00

TOTAL PENALTY - \$17,700.00

TOTAL FORMULA AMT. - \$17,700.00

Mr. Warren summarized the citations and proposed penalties as listed and reviewed the photographs.

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

Commissioner Orchard and Mr. Warren discussed whether a citation remains “repeat serious” when a prior serious citation was reduced via a formal settlement conference. Mr. Warren noted that the prior citations in the subject matter had not been reduced. Chairman Schultz requested that Mr. Warren inform the Commission of the status of prior serious citations when proposing repeat serious citations to let the Commissioners know the status of the prior matter.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates for June 2017.

Chairman Schultz and Mr. Warren discussed ADOSH Assistant Director Larry Gast’s retirement celebration.

Public Comment.

There was no public comment.

Commissioner LeMarr moved to adjourn and Commissioner Krenznel seconded the motion. Chairman Schultz, Commissioner LeMarr, Commissioner Orchard, and Commissioner Krenznel voted in favor of the motion and the meeting was adjourned at 1:49 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Bob Charles, Acting Director

ATTEST:



Kara Dimas, Commission Secretary