

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, February 9, 2012 – 1:00 p.m.

Present:	David Parker	Chairman (video conference)
	John A. McCarthy, Jr.	Member
	Kathleen Oster	Vice Chair
	Susan Strickler	Member
	Michael Sanders	Member
	Laura L. McGrory	Director
	Andrew Wade	Chief Legal Counsel
	Darin Perkins	Director, ADOSH
	Michael Hawthorne	Chief Financial Officer
	Renee Pastor	Self Insurance Manager
	Jeri McAnerny	Tax Accountant
	Kamen Kovatchev	Accounting
	Teresa Hilton	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance were Scot Butler and Weston Montrose.

Approval of Minutes of February 2, 2012 Meeting

The Commission unanimously approved the Minutes of February 2, 2012 on motion of Mr. McCarthy, second of Mr. Sanders.

Discussion & Action regarding Appointment of Vice Chairman of the Industrial Commission

Chairman Parker stated that the Commission needs to appoint a Vice Chair. The Commission unanimously appointed Kathleen Oster as Vice Chair on motion of Mr. McCarthy, second of Ms. Strickler.

Consent Agenda:

- a. Approval of Self Insurance Renewal Applications
 1. City of Glendale
 2. Learjet, Inc.

- b. Approval of Proposed Penalties Against Uninsured Employers.
 1. 2C11/12-0888 A-101 Dental Care, P.C.
 2. 2C11/12-0325 Juan Castro, L.L.C. dba
Filiberto's Mexican Food
 3. 2C11/12-1154 Open MRI Solutions, LLC
 4. 2C11/12-0229 Sofia Nami, a Single Woman, dba

All American Auto Transport

Chairman Parker asked if any of the listed items needed to be removed from the consent agenda. Secretary Hilton stated that items a.1. and b.3 needed to be removed. The Commission unanimously approved the remaining items on the consent agenda on motion of Ms. Strickler, second of Vice Chair Oster.

Discussion &/or Action regarding Legislation

Scot Butler provided a summary and status report of HB 2365, 2367, 2368, 2806, 2519, 2749, 2155 and SB 1441, and responded to questions from the Commissioners. With respect to SB 1441, he explained that the bill would raise the trigger height for using fall protection to fifteen feet from the current requirement of six feet. He described other changes and concerns associated with this bill and the amendment that was offered at committee and he responded to questions from the Commissioners. Mr. Butler stated that he and staff recommend that the Commission oppose SB 1441 and the amendment as written and he explained the reasons for that recommendation, including the lack of any research or study concerning the proposed requirements, the apparent disregard of the work performed by and the results from the 2011 Arizona Residential Fall Protection Task Force, the possibility that Federal OSHA will determine that Arizona's safety program is not at least as effective as the federal program which could result in the revocation of Arizona's OSHA program, and the likelihood of increased severity of workers' compensation claims, which could result in an increase to workers' compensation insurance premiums to employers in the construction industry. Following further discussion, the Commission unanimously decided to oppose SB 1441 and the amendment adopted by the Government Reform Committee, as written, on motion of Vice Chair Oster, second of Mr. McCarthy for the reasons that Mr. Butler discussed.

Announcements and Scheduling of Future Meetings

Ms. Hilton reminded the Commissioners that there are Commission meetings scheduled for February 23rd, March 1st and March 14th, 2012.

There being no further business to come before the Commission and no public comment, Chairman Parker adjourned the meeting at 1:40 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:



Teresa Hilton, Commission Secretary