

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, September 4, 2014 – 1:00 p.m.

Present:	David M. Parker	Chairman (video conference)
	Michael Sanders	Member (telephonic)
	Joseph M. Hennelly, Jr.	Member (video conference)
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	William Warren	ADOSH Director
	Christopher Anderson	Legal Division
	Valli Goss	Legal Division
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Susan Strickler was excused.

Discussion and/or Action regarding Residential Fall Protection and Federal OSHA's Notice of Initiation of Proceedings to Reject State Initiated Plan Change No. 133, and Reconsider Arizona's State Plan Authority under Section 18(e) of the Occupational Safety and Health Act. The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(3) and (A)(4) to consult with its attorneys to obtain legal advice and to consider its position and instruct its attorneys regarding pending or contemplated litigation.

Andrew Wade presented a summary of a timing challenge. He stated that the Notice that federal OSHA published in the Federal Register on August 21, 2014 imposes a deadline of September 25, 2014 to submit comments or request a hearing. He explained that the Commission's attorneys and staff are working on the appropriate responses and he described timing considerations for drafts, approval, and the final version. Mr. Parker stated that it would be helpful if drafts are supplied to the Commissioners on September 16, 2014 to allow time for review and then for discussion at the September 18, 2014 meeting. Mr. Sanders agreed as long as there is time to review and discuss the final version and Mr. Parker could approve the final version. Mr. Hennelly stated he was comfortable with the proposal with respect to the time and comfortable giving the authority, and also wants to review and discuss the drafts before the deadline. Mr. Parker directed staff to attempt to have a draft ready a day or two before September 18, 2014 for review and to discuss on September 18, 2014 and if a draft is not available before September 18, 2014, the Commission will discuss this topic again during the September 18, 2014 meeting.

Discussion and Action regarding Industrial Commission of Arizona vs. Metropolitan Domestic Water Improvement District, Superior Court Case Number CV2013-010140. The Commission may vote to hold an Executive Session under A.R.S. §38-431.03(A)(3) and (4) for the purpose of obtaining legal advice from the Commission's attorneys and to consider the Commission's position and instruct its attorneys regarding current litigation or settlement discussions conducted in order to resolve litigation.

Mr. Wade described Metropolitan's position on dismissal. Following discussion, Mr. Sanders moved to direct the Commission's attorneys to stipulate to dismissal of the action without prejudice with each party to bear their own attorneys' fees and costs, and Mr. Parker seconded the motion. The Commission unanimously voted in favor of the motion.

Announcements and Scheduling of Future Meetings.

There being no further business to come before the Commission and no public comment, the meeting was adjourned at 1:09 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:



Kara Dimas, Commission Secretary