

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, October 30, 2014 – 1:00 p.m.

Present:	David M. Parker	Chairman (Video Conference)
	Susan Strickler	Vice Chair (Video Conference)
	Michael G. Sanders	Member
	Joseph M. Hennelly, Jr.	Member (Video Conference)
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	Sylvia Simpson	Chief Financial Officer
	Renee Pastor	Accounting Department
	William Warren	ADOSH Director
	Bryce Rucker	ADOSH Compliance
	Bruce Hanna	ADOSH Compliance
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance were Scot Butler, the Commission's lobbyist, and Jason Weber of Snell & Wilmer.

Approval of Minutes of October 16, 2014 Regular Meeting.

The Commission unanimously approved the Minutes of the October 16, 2014 Regular Session on motion of Mr. Sanders, second of Ms. Stickler.

Consent Agenda:

a. Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C14/15-0465 Abella Manor Senior Care, L.L.C.
2. 2C13/14-1699 AX Xpress, Inc.
3. 2C11/12-2633 Efficient Roofing, LLC
4. 2C13/14-1738 Globetrotter Enterprises, Inc.
5. 2C14/15-0470 Golden Management, L.L.C., dba Nature Med
6. 2C14/15-0367 Holland Group, L.L.C., dba Centerline Wraps Signs & Design
7. 2C13/14-1556 Michael Drunasky, a single man, dba Dru-West Landscape
8. 2C11/12-2878 Murray and Sons Construction, LLC

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

1. Conagra Foods, Inc.
2. TMC Healthcare

Chairman Parker stated that agenda item a. 6. would be removed from the consent agenda. The Commission unanimously approved the remaining items on the consent agenda on motion of Ms. Strickler, second of Mr. Hennelly.

Andrew Wade advised that item a. 6. Holland Group, L.L.C., dba Centerline Wraps Signs & Design has obtained workers' compensation insurance and staff is recommending a civil penalty of \$500.00 instead of staff's previous recommendation of a \$1,000.00 civil penalty. The Commission unanimously assessed the recommended penalty of \$500.00 against Holland Group, L.L.C., dba Centerline Wraps Signs & Design on motion of Mr. Sanders, second of Mr. Hennelly.

Discussion and/or Action regarding Legislation.

Scot Butler presented a summary of the general election next week and commented on potential changes in the Arizona House and Senate and noted some national level races. He summarized other items of interest to the Commission, and noted that he does not recommend that the Commission initiate any legislation at this time. He stated that he and staff will continue to monitor certain issues, including the large deductible issue. Mr. Butler commented on the State's budget and responded to questions from the Commissioners.

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.

Ms. McGrory described information the Commission distributed via an e-mail contact list regarding the anticipated action by Federal OSHA which could result in an overnight change in enforcement of residential fall protection requirements and the efforts to notify stakeholders of the training ADOSH is providing with respect to the enforcement of subpart M. Mr. Parker noted that ADOSH has classes available every couple of weeks. Mr. Warren responded to Mr. Sanders' question on stakeholder attendance and noted the largest attendance has been in Tucson.

Discussion and Action of Arizona Division of Occupational Safety and Health (ADOSH) Discrimination Complaints

14-2603-02 Fernando Ramos vs. GCA Services Group, Inc. William Warren presented a summary of Mr. Ramos' complaint, the employer's response, and the results of the ADOSH investigation. Mr. Warren recommended that the Commission decline to pursue the matter because the investigation did not find a causal link between the exercise of any protected activity and any adverse action. Mr. Warren and Bryce Rucker responded to questions from the Commissioners. Mr. Parker stated the report was well written, described the amount of work involved and solicited comments from the other Commissioners concerning the amount of information presented. Mr. Sanders and Ms. Strickler noted that they preferred the amount of information supplied in this matter. The Commission unanimously voted not to pursue the complaint on motion of Mr. Sanders, second of Ms. Strickler.

14-3633-19 Marie Goetz vs. Miramonte Homes, LLC William Warren presented a summary of Ms. Goetz's complaint, the employer's response, and the results of the ADOSH investigation. Mr. Warren recommended that the Commission decline to pursue the matter because the investigation did

