

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

Present:	David M. Parker	Chairman (video conference)
	Susan Strickler	Vice Chair (telephonic)
	Michael G. Sanders	Member
	Joseph M. Hennelly, Jr.	Member
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	William Warren	ADOSH Director
	Brett Steurer	Compliance Officer
	Michael Dodd	Controller
	Karen Axsom	Labor Director
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance was Jason Weber of Snell & Wilmer.

Approval of Minutes of November 20, 2014 Meeting.

The Commission unanimously approved the Minutes of the November 20, 2014 Regular Session on motion of Mr. Sanders, second of Mr. Hennelly.

Consent Agenda:

a. Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C13/14-2105 Accurate Medical Transportation, LLC
2. 2C13/14-1685 Advocates for the Mentally Ill and Disadvantage Corporation
3. 2C14/15-0065 Dignity Bail Bonds, LLC
4. 2C14/15-0718 Grace HVAC, L.L.C., FKA Grace Aire, L.L.C.
5. 2C13/14-1583 Interstate Cargo Solutions, LLC
6. 2C13/14-2323 Makana Home Remodeling, LLC
7. 2C13/14-1914 Person to Person Assisted Living, LLC
8. 2C14/15-0905 Phoenix Knife House, L.L.C., dba Phoenix Knife House

b. Approval of New Employment Agency License Application.

1. Calvin Poppema dba College and Career Decisions

Chairman Parker asked if any agenda items needed to be removed from the Consent Agenda. Hearing none, the Commission unanimously approved the items on the Consent Agenda on motion of Ms. Strickler, second of Mr. Hennelly.

Discussion and/or Action regarding Legislation.

Ms. McGrory stated there was nothing new to report. Mr. Butler is scheduled to report at the December 18, 2014 Commission meeting.

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.

Mr. Wade stated there was nothing new to report.

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

Aracruz International Granite, L.L.C. 2310 W. Sherman St Phoenix, AZ 85009	Fatality/Accident Years in Business: 12 Empl. Covered by inspection: 15
Site Location: 2310 W. Sherman St Phoenix, AZ 85009	
Inspection No: J9925-317783181	
Inspection Date: 06/23/2014	

SERIOUS – Citation 1 - Item 1 – Two industrial trucks at this facility were using boom extensions with attached ABACO 50 lifter clamps, and had not been marked or re-rated for the non-factory installed attachments. (29 CFR 1910.178(a)(5))

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1 - Item 2 – Forklift operators' performance was not being reevaluated at least every three years. (29 CFR 1910.178(l)(4)(iii))

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1 - Item 3 – The forklift operator did not set the parking brake on a Hyundai forklift (model #25-7A) before exiting the forklift resulting in the forklift rolling forward and knocking over a stack of granite slabs fatally crushing an employee. (29 CFR 1910.178(m)(5)(iii))

Div. Proposal - \$7,000.00

Formula Amt. - \$7,000.00

SERIOUS – Citation 1 - Item 4 – Industrial trucks, being used on a daily basis, were not being inspected before use. (29 CFR 1910.178(q)(7))

Div. Proposal - \$750.00

Formula Amt. - \$750.00

TOTAL PENALTY - \$9,250.00

TOTAL FORMULA AMT. - \$9,250.00

Mr. Warren summarized the citation and proposed penalty as listed and responded to questions from the Commissioners. Mr. Parker explained the reason for the delay in getting this citation to the Commission. Following discussion, the Commission unanimously approved issuing the citation and assessed the recommended penalty of \$9,250.00 on motion of Mr. Sanders, second of Ms. Strickler. Mr. Parker asked Mr. Warren if ADOSH is still emphasizing forklift safety awareness and training. Mr. Warren responded that ADOSH is and described some educational and outreach efforts.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

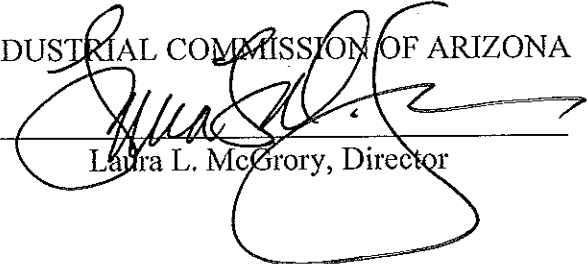
Ms. McGrory commented that next week's Commission Agenda will include discussion and/or action regarding the process to use evidence based medical treatment guidelines, and that she has provided the Commissioners with documents from the Director's Advisory Committee on Evidence Based Medical Treatment Guidelines. She explained that these documents will be made available to the public on the Commission's website and that, if necessary, next week's meeting will be held in the auditorium. Mr. Sanders commented on how dedicated the members of the Committee have been thorough the lengthy process, and that it would be appropriate to recognize their efforts. Mr. Parker stated at the very least the Commission can consider a resolution stating our appreciation.

Mr. Parker verified that the current schedule for future meetings was acceptable.

There being no further business to come before the Commission and no public comment, the meeting was adjourned at 1:13 p.m.


THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:


Kara Dimas, Commission Secretary