

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, January 22, 2015 – 1:00 p.m.

Present:	David M. Parker	Chairman (video conference)
	Michael G. Sanders	Member
	Joseph M. Hennelly, Jr.	Member
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	Sylvia Simpson	Chief Financial Officer
	William Warren	ADOSH Director
	Chris Brandon	Compliance Officer
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present and that Ms. Strickler was unable to attend. Also in attendance was Scot Butler, Commission lobbyist, Ben Goldstein, Arizona Trial Lawyers, and Jason Weber of Snell & Wilmer.

Approval of Minutes of January 15, 2015 Meeting.

Chairman Parker identified a typographical error on page 4 noting that “and” should be changed to “had” in the first sentence “... owner of the building had hired workers to perform the work.” under Stone Kat Development. The Commission unanimously approved the Minutes of the January 15, 2015 as amended on motion of Mr. Sanders, second of Mr. Hennelly.

Consent Agenda:

- a. Approval of Proposed Civil Penalties Against Uninsured Employers.
1. 2C12/13-0797 A Better Look Garage Door Company, L.L.C.
 2. 2C13/14-1725 DeMoss Transportation, L.L.C.

Chairman Parker stated that agenda item a. 1. would be removed from the consent agenda and heard separately. The Commission unanimously approved the remaining items on the consent agenda on motion of Mr. Sanders, second of Mr. Hennelly.

Andrew Wade advised that A Better Look Garage Door Company, L.L.C. has obtained workers' compensation insurance and staff is recommending a 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 A Better Look Garage Door Company, L.L.C. on motion of Mr. Hennelly, second of Mr. Sanders.

Discussion and/or Action regarding Legislation.

Scott Butler stated that Governor Ducey released his budget proposal and there does not appear to be any significant change for the Commission compared to the budget process a year ago.

SERIOUS – Citation 1 - Item 1 – Central Supply Room: The employer did not develop and implement a written lockout/tagout program to protect employees servicing energized equipment. (29 CFR 1910.147(c)(1)).

Div. Proposal - \$1,750.00

Formula Amt. - \$1,750.00

SERIOUS – Citation 1 - Item 2 – Kitchen: An eyewash station was not available for quick drenching or flushing for the eyes and body in the event of accidental contact with corrosive materials such as Hypochlorite solutions used for the dishwasher. (29 CFR 1910.151(c)).

Div. Proposal - \$1,750.00

Formula Amt. - \$1,750.00

SERIOUS – Citation 1 - Item 3 –

a) The employer did not have a list of all tasks and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in the employee determination section of the exposure control plan. (29 CFR 1910.1030(c)(2)(i)(C)).

b) The employer did not have the names and qualifications of persons conducting the training on their training records. (29 CFR 1910.1030(h)(2)(i)(C)).

c) The employer did not maintain a sharps injury log for the recorded needlestick injuries. (29 CFR 1910.1030(h)(5)(i)).

Div. Proposal - \$1,750.00

Formula Amt. - \$1,750.00

TOTAL PENALTY - \$5,250.00

TOTAL FORMULA AMT. - \$5,250.00

Mr. Warren summarized the citation and proposed penalty as listed. Following discussion, Mr. Sanders made a motion for the recommendation and Mr. Hennelly seconded. Chairman Parker asked about the hazards that ADOSH addresses with nursing facilities such as safe patient handling, which is one of the more significant injury generators. Mr. Warren responded that he would obtain information regarding the emphasis program and provide Chairman Parker with the details. Chairman Parker commented on respiratory protection, bloodborne pathogens, and hazard communication. The Commission unanimously approved issuing the citation and assessed the recommended penalty of \$5,250.00.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. McGrory announced that in follow-up to information that was provided at last week's meeting regarding the Governor's Executive Order with respect to the Rulemaking Moratorium, the Governor's Office has advised that the moratorium does apply to the Commission and that the exception language found in paragraph 3 of the Executive Order does not include the Commission because the Commission members are appointed by the Governor. She explained the impact of this on the Commission's rulemakings.

Chairman Parker confirmed the Commission meeting dates scheduled through March 2015, adding dates for March 3rd and 4th for tentative ALJ interviews and confirming that dates for April 9th and 23rd so far for April and tentatively holding the 16th and 30th.

There being no further business to come before the Commission and no public comment, the meeting was adjourned at 1:56 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGroary, Director

ATTEST:



Kara Dimas, Commission Secretary