

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street

Conference Room 308

Phoenix, Arizona 85007

Thursday, December 15, 2011 – 1:00 p.m.

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

Vice Chairman Parker convened the Commission meeting at 1:02 p.m. noting a quorum present.

Approval of Minutes of December 8, 2011 Meeting

The Commission unanimously approved the Minutes of December 8, 2011 on motion of Mr. McCarthy, second of Ms. Strickler.

Consent Agenda:

- a. Approval of Request for Renewal of Self Insurance Authority
 1. Carondelet Health Network
- b. Approval of Proposed Civil Penalties Against Uninsured Employer.
 1. 2C11/12-0290 Suckerpunch Sallys, L.L.C.

Vice Chairman Parker stated that item a.1. would be removed from the consent agenda for discussion. He asked if any of the remaining listed items needed to be removed from the consent agenda. Secretary Hilton stated that there were not. The Commission unanimously approved the items on the consent agenda on motion of Mr. McCarthy, second of Ms. Oster.

Discussion & Action regarding Request for Renewal of Self Insurance Authority

Carondelet Health Network - Mr. Parker stated that he requested that this agenda item be removed from the consent agenda since the media in Tucson has indicated the company is restructuring and laying off 150 employees. Ms. Pastor responded that, yes, the company has been reorganizing and eliminating some positions since the purchase in 2003. Mr. Parker asked

if Ms. Pastor was comfortable with the financial position and that the Network can handle and pay claims. Ms. Pastor stated that she was. The Commission unanimously granted renewal of self insurance authority on motion of Ms. Strickler, second of Mr. McCarthy.

Discussion & Action regarding Resolution to Adopt Proposed Rulemaking Amendments to A.A.C. R20-5-601 and A.A.C. R20-5-602, by incorporating by reference, amendments from 29 CFR 1926 and 29 CFR 1910 as published in Federal Register 76 FR335900-033612, June 8, 2011 and which became a direct final rule effective July 8, 2011.

Darin Perkins advised that ADOSH is requesting permission to move forward with adopting the latest changes to OSHA standards which entail minor amendments to the respiratory protection standard, updating the definition of the term "potable water", removing outdated requirements for hand dryers; and removing two medical record requirements from the commercial diving standard. Updates also include deleting a number of requirements for employers to transmit exposure and medical records to NIOSH and updates to the sling standard. The Commission unanimously approved the Resolution on motion of Mr. McCarthy, second of Ms. Oster.

Discussion & Action of Proposed OSHA Citations & Penalties

Tommy's Erection
19047 E. Mauna Loa Avenue
Glendora, CA 91740-4114

Complaint
Yrs/Business - 30
Empl. Cov. by Insp. - 4

Site Location: 6385 E. Golf Links Avenue, Tucson, AZ 85707
Inspection #: A9339/315847442
Insp. Date: 08/26/11

SERIOUS - Citation 1 - Item 1 - The foreman working from a manlift at a height of approximately 15 feet above the ground level and wearing a full body harness with lanyard was not attached to the lift's anchor point (1926.453(b)(2)(v)).

(One inspection in the past three years with two serious violations and one nonserious violation.)

Div. Proposal - \$2,000.00

Formula Amt. - \$2,000.00

SERIOUS - Citation 1 - Item 2 - An employee climbed the guardrails of the scissor lift to the top of the 22 foot high canopy and worked on top of this canopy without any form of fall protection (1926.501(b)(1)). There was another instance of this violation.

Div. Proposal - \$2,000.00

Formula Amt. - \$2,000.00

TOTAL PENALTY - \$4,000.00

TOTAL FORMULA AMT. - \$4,000.00

Mr. Perkins advised that this agenda item is being pulled from consideration since the employer name is not listed correctly on the agenda.

Discussion & Action regarding Federal OSHA's Request that ADOSH Participate in an Alliance with OSHA's Phoenix Area Office and the Consulate General of Mexico Offices in Phoenix, Nogales, Tucson, Yuma and Douglas, Arizona

Mr. Perkins advised that OSHA's Area Office in Phoenix is going to sign an Alliance with the Mexican Consulate and has asked ADOSH to participate. The Alliance would be a collaborative effort to provide Mexican Nationals with information, training, and guidance on

the occupational safety and health resources available to them and how they can better ensure their own safety at work. Mr. Perkins stated that he would not typically bring the matter before the Commission, but due to potential political implications thought he should obtain direction from the Commissioners. He explained that the Alliance would not do much more than formalize in writing the things that ADOSH has been doing over the years – providing consultation and outreach to anyone who asks. He responded to questions from the Commissioners. Mr. Delfs stated that he was in support of the idea of the Alliance since it will reach workers most likely to be injured. Ms. Strickler commented that she felt this was good from a humanitarian perspective, but was concerned given the political realities what could be perceived. She suggested contacting the Governor's Office to be sure this would be consistent with policies of the state before making a decision. Mr. Delfs stated that he would not be opposed to running this by the Governor's Office before making a decision. Mr. McCarthy agreed. Mr. Parker stated this would be placed back on the agenda for the next meeting.

Discussion &/or Action regarding Budget and Operations of the Industrial Commission

Ms. McGrory stated there was nothing new to report.

Discussion &/or Action regarding Legislation

Ms. McGrory stated there was nothing new to report.

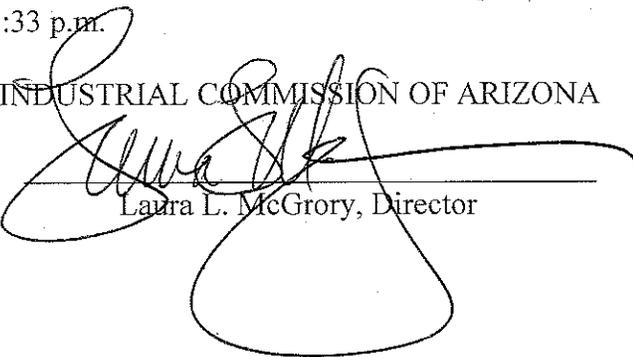
Announcements and Scheduling of Future Meetings

Ms. Hilton reminded the Commissioners that there are Commission meetings scheduled for January 5th and 11th, 2012. The Commissioners tentatively scheduled a meeting for January 25th.

There being no further business to come before the Commission and no public comment, Chairman Delfs adjourned the meeting at 1:33 p.m.

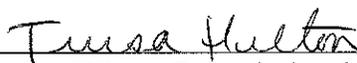
THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:



Teresa Hilton, Commission Secretary