

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, July 14, 2022 – 1:00 p.m.

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| Present: Dale L. Schultz | Chairman |
| Joseph M. Hennelly, Jr. | Vice Chair (Telephonic) |
| Scott P. LeMarr | Commissioner (Telephonic) |
| D. Alan Everett | Commissioner |
| James Ashley | Director |
| Gaetano Testini | Chief Legal Counsel |
| Trevor Laky | Legislative Affairs Chief/Public Information Officer |
| Sylvia Simpson | Chief Financial Officer |
| Jessie Atencio | ADOSH Director |
| Michael Mosesso | Chief Administrative Law Judge |
| Marilyn Carter | Human Resources Manager |
| Kara Dimas | Commission Secretary |

Chairman Schultz convened the meeting at 1:00 p.m. In attendance, confirmed by roll call were Anne Ryman and Cheryl Evans (Arizona Republic). Also, in attendance on the telephone, confirmed by roll call was Ann Back (Macy's Inc.).

Approval of Minutes of June 30, 2022 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the June 30, 2022 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner asks to remove an item on the consent agenda to be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

- a. Approval of Proposed Civil Penalties Against Uninsured Employers.
 1. 2CSP21/22-0068 Horsin Around, LLC dba Horsin Around Adventures \$1,000
- b. Approval of Requests for Renewal of Self-Insurance Authority.
 1. Macy's, Inc.
 2. Southwest Gas Corporation

Mr. Atencio discussed ADOSH's inspection, summarized the citation and proposed penalties, and reviewed the photographs.

Chairman Schultz thanked the compliance officer for conducting a very thorough investigation which helps an employer provide a safe workplace by identifying all present safety issues. Even though it is about compliance, it is about leaving there and helping to make it a safer workplace.

Mr. Atencio agreed and noted the employer is exploring working with ADOSH consultation to update their programs, such as the respiratory program.

Chairman Schultz and Mr. Atencio discussed why the potential flash burn citation was classified as medium lesser.

Commissioner LeMarr moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Discussion and/or Action regarding the Consideration of Candidates for Appointment to the Position of Administrative Law Judge pursuant to A.R.S. § 23-108.02(A). The Commission may move into Executive Session for the purposes described in A.R.S. § 38-431.03(A)(1) and (A)(3).

Chairman Schultz asked the Commissioners if there was a need for an Executive Session for further discussion or if the Commissioners were comfortable with the recommendation from Judge Mosesso.

Judge Mosesso presented two candidates for the Commissions consideration and ranked Candidate #1 and Candidate #2 on the list with his recommendation that the Commission offer Candidate #1 the position.

Commissioner Everett moved to accept Judge Mosesso's recommendation to extend an offer to Candidate #1. Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

Chairman Schultz noted both candidates were very good and presented a difficult choice.

Judge Mosesso thanked the Commission for allowing him to present the candidates informally with memoranda and other information about the candidates and for considering the staff recommendation.

Mr. Ashley thanked Judge Mosesso and Ms. Carter for their work on filling this position.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley discussed the OSHA State Plan promoting awareness of different hazards, highlighting the Heat Stress Awareness campaign for July and August which includes a series of Public Service Announcements that are currently on the airways throughout the state in English and Spanish. Mr. Ashley played the spots and explained that various radio personalities will additionally

be making announcements about the Heat Stress Awareness campaign. Mr. Laky has revamped the webpage on Heat Stress Awareness as a repository for important resources.

Ms. Dimas confirmed Commission meeting dates through September 2022.

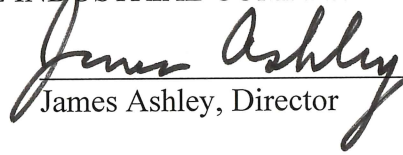
Public Comment.

There was no public comment.

Commissioner Everett moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 1:36 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:



Kara Dimas, Commission Secretary