

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, May 19, 2022 – 1:00 p.m.

Present:	Dale L. Schultz	Chairman
	Scott P. LeMarr	Commissioner
	D. Alan Everett	Commissioner
	James Ashley	Director
	Gaetano Testini	Chief Legal Counsel
	Trevor Laky	Legislative Affairs Chief/Public Information Officer
	Jessie Atencio	ADOSH Director
	Anna Maria Stonerock	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance were Anne Ryman (Arizona Republic); Randy Heibak (Horizontal Boring, LLC); and Anthony Dominguez (City of Chandler).

Approval of Minutes of May 12, 2022 Regular Meeting Minutes.

Commissioner LeMarr moved to approve the Minutes of the May 12, 2022 regular session meeting and Commissioner Everett seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Everett voted in favor of the motion. The motion passed.

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

Chairman Schultz discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

City of Chandler, Police Department	Fatality/Catastrophe	
Desert Breeze Substation	Years in Business:	68
251 N Desert Breeze Blvd W	Empl. Covered by Inspection:	5
<u>Chandler, AZ 85226</u>		
Site Location:	251 N Desert Breeze Blvd W Chandler, AZ 85226	
Inspection No:	FC-2022-A7717-0011	
Inspection Date:	January 6, 2022	

Mr. Atencio summarized ADOSH's investigation of a work related COVID 19 fatality and reviewed the file. ADOSH was not recommending a citation for the City of Chandler, Police Department Desert Breeze Substation but will be sending a letter of recommendations.

Chairman Schultz checked if anyone would like to comment. There was no comment.

The Commission took no action.

Lugo's Cargo, Inc.
11745 S Prescott Ave
Yuma, AZ 85365

Fatality/Catastrophe
Years in Business: 6
Empl. Covered by Inspection: 1

Site Location: 3410 S 51st Ave
Phoenix, AZ 85019
Inspection No: FC-2022-B5049-0012
Inspection Date: November 22, 2021

SERIOUS – Citation 1 - Item 1 –

- a) 255 E 23rd St 2, Yuma, AZ 85364: An OSHA 300 Log for recordable injuries and illnesses was not maintained in the workplace. 29 CFR 1904.1(a)(2)
Div. Proposal - \$975.00 Formula Amt. - \$400.00
TOTAL PENALTY - \$975.00 TOTAL FORMULA AMT. - \$400.00

Mr. Atencio summarized ADOSH's investigation and reviewed the file. ADOSH recommends an unrelated citation and penalty.

Chairman Schultz checked if anyone would like to comment. There was no comment.

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

Horizontal Boring LLC
2402 South 16th Avenue
Phoenix, AZ 85007

Unprogrammed Related
Years in Business: 10
Empl. Covered by Inspection: 3

Site Location: 14100 W Denny Blvd
Litchfield Park, AZ 85340
Inspection No: FC-2022-E7721-0008
Inspection Date: April 18, 2022

SERIOUS – Citation 1 - Item 1 –

- a) 14100 W Denny Blvd, Litchfield Park, AZ 85340 Southwest side of Building #15: Three employees working in a trench that was 4 feet 3 inches deep were exposed to uncapped rebar. A.R.S. 23-403.A
Div. Proposal - \$1,750.00 Formula Amt. - \$1,750.00

SERIOUS – Citation 1 - Item 2 –

- a) 14100 W Denny Blvd, Litchfield Park, AZ 85340 Southwest side of Building #13: Three employees working in an excavation that was 130 feet long, 13 feet 10 inches wide and 6 feet 3 inches deep and not protected from cave-ins. 29 CFR.1926.652(b)(2)
Div. Proposal - \$1,050.00 Formula Amt. - \$1,050.00
TOTAL PENALTY - \$2,800.00 TOTAL FORMULA AMT. - \$2,800.00

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

Chairman Schultz checked if anyone would like to comment. There was no comment.

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

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley shared some results from the annual ADOA engagement survey. He noted the Commission's participation rate was 90% which is 15% greater than the state average of 75%. The engagement score was 3% higher than the state average and most results were comparable to last year with an increased favorability score in several areas.

Chairman Schultz was impressed and noted the difficulty to keep people engaged during the pandemic and to show improvements and complimented Mr. Ashley and the management team for being able to manage effectively through all of the challenges.

Ms. Dimas confirmed Commission meeting dates through August 2022.

Public Comment.

There was no other public comment.

Commissioner Everett moved to adjourn and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 1:37 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:


Kara Dimas, Commission Secretary