

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, September 21, 2023 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
	Scott P. LeMarr	Commissioner (Telephonic)
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	Gaetano J. Testini	Director (Telephonic)
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director
	Trevor Laky	Legislative Affairs Chief/Public Information Officer
	Sylvia Simpson	Chief Financial Officer
	Jessie Atencio	ADOSH Director
	Mark Norton	ADOSH Assistant Director
	Brandt Smtih	ADOSH Supervisor
	John Randolph	ADOSH Consultation
	William Ross	ADOSH Compliance (Telephonic)
	Anna Maria Stonerock	ADOSH Admin
	Renee Rincon	ADOSH Admin
	Sylvia Sinohui	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance, confirmed by roll call were Anne Ryman (ABC15); Darrin Perkins (self) and Chris Kutterman (AZ School Boards Association).

Approval of Minutes of September 7, 2023 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of the September 7, 2023 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner LeMarr, Commissioner Everett and Commissioner Valdez 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. 2CNP23/24-1897 Desert Eagles Roofing LLC

Commissioner Everett moved to approve the items on the Consent Agenda and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner LeMarr, Commissioner Everett and Commissioner Valdez voted in favor of the motion. The motion passed.

Discussion and/or Action pursuant to A.R.S. §23-363(B) to Adopt the Minimum Wage for Calendar Year 2024.

Ms. Peimani noted the Commissioners were provided a memo explaining that pursuant to A.R.S. §23-364(A) the Commission enforces the Fair Wages and Healthy Families Act and pursuant to A.R.S. §23-363(B), beginning January 2021 the minimum wage increases based on the increase in the cost of living which is measured from August to August of the consumer price index (all urban consumers, U.S. city average for all items), rounded to the nearest multiple of five cents. Ms. Peimani explained that the Consumer Price Index as of August 2023 published September 13, 2023, showed a 3.7% cost of living increase, compared to August 2022. She explained that this results in an increase, rounded to the nearest multiple of five cents, of \$.50 for 2024 - from \$13.85 per hour to \$14.35 per hour. In accordance with the requirements of the statute, she stated that the Legal Department recommends the Commission approve the rate of \$14.35 per hour effective January 1, 2024 as the Arizona minimum wage.

Chairman Kavanaugh noted there is a resolution to adopt the new minimum wage of \$14.35 beginning January 2024 and asked if there was any discussion.

Commissioner Valdez moved to approve the Arizona minimum wage of \$14.35 for calendar year 2024. Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner LeMarr, Commissioner Everett and Commissioner Valdez voted in favor of the motion. The motion passed.

Presentation from Chief Financial Officer Regarding Proposed Budget.

Ms. Simpson presented an overview of the 2024 - 2025 budget and explained the process.

Discussion and/or Action regarding the consideration of Appointment of Director of the Arizona Division of Occupational Safety and Health. The Commission may vote to discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A)(1).

Chairman Kavanaugh discussed the importance of the position for the agency and the State and the Commission's involvement in the process. He noted that Mr. Atencio has given notice of his resignation and Mr. Testini has made a staff recommendation for a replacement, Mark Norton. He noted Mr. Norton's extensive background and that Mr. Norton more than meets the minimum statutory requirements for the appointment and noted the appointment could be a permanent appointment or interim appointment.

Vice Chair Hennelly asked if the proposal was to appoint Mr. Norton, who is clearly well qualified an interim basis or permanent basis.

Chairman Kavanaugh noted the choice was up to the Commissioners and what the majority of the Commissioners feel most comfortable with. It could be interim for a specific or unspecific amount of time or permanent appointment.

Commissioner LeMarr wished to consider it as an interim appointment to allow for a more exhaustive search of potential candidates for the permanent position.

Commissioner Everett thought that after reviewing the resume, Mr. Norton is well qualified for the position.

Chairman Kavanaugh moved to appoint Mr. Norton to the position as a permanent appointment as Director of Arizona Division of Occupational Safety and Health. Commissioner Valdez seconded the motion based on the fact that she reviewed his resume and also taking into consideration that Mr. Atencio has recommended him and is able to train him in the coming weeks..

Commissioner Everett commented that he understands that Mr. Norton resides in Tucson and asked it is a permanent position, if he would relocate to the Phoenix area. Chairman Kavanaugh noted his understanding that Mr. Norton will remain based in Tucson, which could be a significant notice to Southern Arizona of the importance of ADOSH and through the use of technology Mr. Norton would certainly be in constant contact with staff, here and throughout the state.

Chairman Kavanaugh asked Mr. Norton if he has any concerns.

Mr. Norton noted he will be able to be in any part of the State as needed.

Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett and Commissioner Valdez voted in favor of the motion. The motion passed.

Chairman Kavanaugh thanked Mr. Atencio for his 18 years of service and continued willingness to assist with the transition. He has every confidence that the great work of ADOSH will continue under his leadership.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Testini noted with the retirement of Allen Shayo as the Lead in the Ombudsman's Office, Harriett Turney is now the Lead for the Ombudsman's Office. Additionally, with the ascension of Afshan Peimani to Chief Legal Counsel, Sofia Cox is the new Assistant Chief Legal Counsel in the Legal Division.

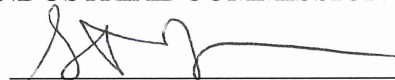
Public Comment.

There was no public comment.

The meeting was adjourned at 1:35 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Gaetano J. Testini, Director

ATTEST:



Kara Dimas, Commission Secretary