

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Telephonic Meeting
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, March 25, 2021 – 1:00 p.m.

Present: Dale L. Schultz	Chairman (Telephonic)
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
Steven J. Krenzel	Commissioner (Telephonic)
James Ashley	Director (Telephonic)
Gaetano Testini	Chief Legal Counsel (Telephonic)
Jason M. Porter	Deputy Director (Telephonic)
Trevor Laky	Legislative Affairs Chief/Public Information Officer (Telephonic)
Renee Pastor	Self Insurance (Telephonic)
Jessie Atencio	ADOSH Director (Telephonic)
Kara Dimas	Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance on the telephone, confirmed by roll call were David Mathews, Ashley Pritchett, Thomas Husband and Joe Jatzkewitz (City of Phoenix); Katie Sanchez (Washington Elementary School District No. 6).

Approval of Minutes of March 18, 2021 Regular Meeting Minutes.

Commissioner Krenzel moved to approve the Minutes of the March 18, 2021 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel 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 Requests for Renewal of Self-Insurance Authority.

1. City of Phoenix
2. Washington Elementary School District #6

Vice Chair Hennelly moved the City of Phoenix to the regular Agenda.

Vice Chair Hennelly moved to approve the remaining item on the Consent Agenda and Commissioner Krenzel seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

Approval of Requests for Renewal of Self-Insurance Authority.

1. City of Phoenix

Vice Chair Hennelly wanted Ms. Pastor to address concerns about the equities to liabilities ratio, which has dropped considerably since 2019 to 2020, and the confidence level of 55% from the actuarials is lower than he was used to seeing.

Ms. Pastor explained the confidence level used by the City of Phoenix is consistent with some municipals.

Chairman Schultz and Vice Chair Hennelly discussed that the revenue seemed solid notwithstanding the difficulties of last year.

Ms. Pastor explained that in the Comprehensive Annual Financial Report, the fund balances are up because money was transferred out to other funds within the City of Phoenix and out of the general fund.

Mr. Mathews noted that Mr. Jatzkewitz could comment. Mr. Jatzkewitz confirmed the transfer and stated the City of Phoenix has an adequate fund balance and can pull funds to make sure to meet the required levels.

Vice Chair Hennelly moved to approve the self-insurance renewal for the City of Phoenix and Commissioner Krenzle seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzle voted in favor of the motion. The motion passed.

Discussion and Action regarding Proposed Retaliation Penalty.

1. ST-1920-0014 Western Regional Medical Center, LLC DBA Cancer Treatment Centers of America, Phoenix, LLC \$1,000–Retaliation Penalty \$250–Civil Penalty

This item was removed for the agenda.

ADOSH Update on National Emphasis Program.

Mr. Atencio explained that on March 12, 2021 Federal OSHA released a National Emphasis Program for Coronavirus Disease 2019 (COVID-19) to ensure that employees in high-hazard industries are protected from the hazard of contracting SARS-Co V-2 (severe acute respiratory syndrome coronavirus 2), the cause of COVID-19. Mr. Atencio shared some articles regarding COVID-19. Mr. Atencio reviewed the current practices that ADOSH has adopted to keep staff and workplaces safe. Mr. Atencio also highlighted the Presidential Executive Order on Protecting Worker Health and Safety to seek to mitigate and prevent viral spread in the workplace.

Mr. Atencio explained that ADOSH already utilizes a priority system for inspections. Mr. Atencio discussed some employers are developing workplace controls including temperature checks and social distancing, building temporary sanitation stations for washing hands at construction sites, using fogging equipment to disinfect larger areas, installing barriers and signs, and putting plans and programs in place. He talked about ADOSH PPE, the additional equipment for the compliance officers to have N95 masks, single use gloves, cloth facemasks, face shields and lab coats along

with paper bags for storing their equipment. ADOSH needs to inform OSHA if they are going to opt-in to the NEP by May 12, 2021.

Chairman Schultz thanked Mr. Atencio for his presentation.

Mr. Atencio thanked Chairman Schultz for attending the Central Arizona Project ("CAP") VPP recertification. It was CAP's fifth recertification. Chairman Schultz thanked him for the invitation and commented that he enjoys the VPP presentations and enjoyed meeting some of the new ADOSH employees.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Laky provided an update on HB 2160, which has been signed by the Governor.

Ms. Dimas confirmed Commission meeting dates through May 2021.

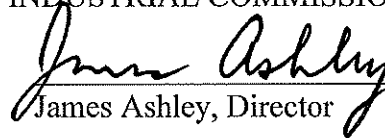
Public Comment.

There was no public comment.

Commissioner Krenzel moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 1:42 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:



Kara Dimas, Commission Secretary