

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at Pinal County Building A Hearing Room  
31 N. Pinal Street  
Florence, Arizona 85132  
Thursday, September 12, 2019 – 1:30 p.m.

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

Chairman Schultz convened the meeting at 1:30 p.m. Also in attendance was Aaron Gelb (Conn Maciel Carey LLP representing The Martin-Brower Company, LLC).

Approval of Minutes of August 29, 2019 Regular Meeting Minutes.

Commissioner Krenzel moved to approve the Minutes of the August 29, 2019 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.

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a. Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C-18/19-0697 Elk Creek Builders LLC \$1,000
2. 2CLP-18/19-0918 T and T Lawn Care and Landscape LLC \$1,000

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. Albertsons Companies, Inc.
2. Salt River Project Agricultural Improvement and Power District/The Salt River Valley Water Users Association (SRP)
3. TMC Healthcare
4. Trademark Construction Co., Inc.

Chairman Schultz commented on the excellent experience modification for Salt River Project and very good experience modification for TMC Healthcare. Commissioner Krenzel moved to approve the items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenzel voted in favor of the motion. The motion passed.

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

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

The Martin-Brower Company, L.L.C.  
5516 W Buchanan St  
Phoenix, AZ 85043

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Site Location: 5516 W Buchanan St  
Phoenix, AZ 85043  
Inspection No: K6582 -1408187  
Inspection Date: 05/30/2019

Referral/Fatality  
Years in Business: 85  
Empl. Covered by Inspection: 22

Mr. Atencio summarized ADOSH's fatality investigation and reviewed the file. He noted that ADOSH was not recommending any citations.

Vice Chair Hennelly noted that Mr. Atencio discussed general industry and training with this type of system to put the pallet back and whether the employer was implementing a standard operating procedure and guidelines for picking the product.

Chairman Schultz has seen this system before and there is no specific standard. Mr. Atencio explained that the different employee responses to the questions made it difficult.

Mr. Gelb wanted to be available for questions or to address any concerns; he has represented Martin-Brower for some time with Conn Maciel Carey.

Chairman Schultz asked if Mr. Gelb could confirm that the discussions are going on in terms of how to improve processes. Mr. Gelb discussed the situation that this company was acquired and the long term Martin-Brower facilities do have this type of training and SOPs were in existence, and that it was apparent from the investigation that perhaps not everyone fully realized or understood them, but employees understood "load on high" and "receive on low." He discussed the incident and how the pallet was loaded and that the ANSE Standards use the "shalls" and "should" with the different types of rack systems and some fall protection equipment required. He noted the company has doubled its efforts since the acquisition to make sure now that everyone understands what is expected and how these sections should be replenished.

Chairman Schultz commended the investigation on a nice job with excellent pictures that demonstrated very good order.

The Commission took no action.

Stoneart, Inc.  
8198 E Camino De Café #1  
Tucson, AZ 85719

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Referral  
Years in Business: 32  
Empl. Covered by Inspection: 9



Chairman Schultz and Mr. Atencio discussed the rebar caps laying on the ground acknowledging the exposure but not putting the caps on to alleviate the risks.

Commissioner Krenzel noted the formula penalty amount added to \$7,500 and the division penalty was correct at \$4,500.

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

Discussion and/or action regarding Industrial Commission goals, objectives and key initiatives for 2019. This Agenda Item may include discussion regarding the Commission budget and review of Division, Department, and Section specific objectives.

Mr. Ashley noted he will go over the remaining objectives for the Strategic Plan at a future meeting.

Mr. Ashley thanked today's hosts for a very informative and beneficial tour. The agency enjoys the opportunity to be a resource and collaborate with stakeholders and the community. Mr. Ashley thanked Matt Hedrick, Deputy Chief for Adult Detention with the Pinal County Sheriff's Office, and appreciated the opportunity to have a conversation with Sheriff Mark Lamb regarding the great work they are doing in Pinal County by implementing safety improvements and cultivating a safety culture with the Detention Centers. Mr. Ashley thanked Brent Billingsley, the Town Manager for the Town of Florence and Council Member Judy Hughes, who shared how consultation can be a benefit for these communities.

Mr. Ashley acknowledged a milestone in the progress the agency is making towards Voluntary Protection Program certification, having submitted the application for VPP status. He highlighted the resolution of issues that were pointed out during the initial inspection and another few additional items that are being addressed. The next step in the process is a letter from ADOSH within 45 days. The Commission's inspection will not be done by staff but by external individuals coming in to assist with the Audit. Mr. Atencio explained there were originally five Special Governmental Employees (SGEs) and now there are seven that want to help, which include Raytheon, Palo Verde Nuclear Generating Station, Special Devices Incorporated, TRW, and Yuma Cogeneration Associates.

#### Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through November 2019. Mr. Ashley noted we are still focusing on October for a fourth quarter out of Maricopa visit. Vice Chair Hennelly noted he was not sure of his availability for the October dates. Commissioner Krenzel noted he would call in for the September 19 Meeting.

Mr. Atencio noted that September 25 is the VPP celebration for Shutterfly, and that GE Healthcare Solutions had their celebration recently which Chairman Schultz attended. On October 3, SRP has their first VPP site for their Agua Fria Plant and they are currently working on two others. Chairman Schultz noted SRP is an important major employee within the state with significant exposures to be stepping up to pursue VPP and that APS has been on board for well over 10 years.

Public Comment.

There was no public comment.

Commissioner Krenznel moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner Krenznel voted in favor of the motion and the meeting was adjourned at 2:14 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
James Ashley, Director

ATTEST:

  
Kara Dimas, Commission Secretary