

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, June 13, 2024 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner (Telephonic)
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Renee Pastor	Self-Insurance (Telephonic)
	Melissa Spurgeon	Labor Director
	Christina Sanchez	Labor Supervisor
	David Baugh	Labor Investigator
	Brian Hudson	ADOSH Director
	Phil Murphy	Assistant ADOSH Director
	Anna Maria Stonerock	ADOSH Compliance
	Andrew Dimas	ADOSH Compliance
	James Reitmeier	ADOSH Compliance
	Jonathon Wright	ADOSH Compliance
	Leland Wittman	ADOSH Consultation
	Bethany Votta	ADOSH Admin
	Mackenzie Scharf	Claims Supervisor
	Monica Barberi	Claims
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:02 p.m. In attendance, confirmed by roll call were Stephanie Hefner and Geneva Haber (Snell and Wilmer) Sidney Hawkins, Jordan Borselli and Vince DiGuglielmo (Canyon State Electric). Also in attendance on the telephone, confirmed by roll call were Denise Plug and George Woods (City of Scottsdale) and Ruth Miller (Textron).

Chairman Kavanaugh thanked Mr. Woods for the wealth of information provided related to their self-insurance renewal, it was very helpful.

Approval of Minutes of June 6, 2024 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the June 6, 2024 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey 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. 2CSP23/24-0240 Wildcat Heating and Cooling, LLC \$5,000.00

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

1. City of Scottsdale
2. Honeywell International, Inc.
3. Knight Transportation, Inc.
4. Roehl Transport, Inc.
5. Swift Transportation Co., LLC
6. Textron, Inc.
7. Viad Corp
8. Weyerhaeuser Company

c. Approval of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.

1. RF-2024-TM082-0017 Avanti Windows & Doors, LLC
2. CP-2024-VM508-0030 Saguaro Summit LLC DBA Christmas Light Decorators

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

Discussion and Action of Resolution Appointing Custodian of Records.

Monica Barberi

Commissioner Everett moved to appoint Ms. Barberi as Custodian of Records and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Discussion and Action regarding Proposed Retaliation Penalty.

1. RT-2324-0131 Wild West Saloon, LLC

Ms. Spurgeon summarized the Labor Department's investigation into the Earned Paid Sick Time (EPST) Retaliation claim. Ms. Spurgeon recommended that the Commission approve issuance of a Penalty in the amount of \$34,826.50, and a \$250.00 civil penalty for non-compliance with the Statutes.

Chairman Kavanaugh asked if the Commissioners had any questions.

Commissioner Godfrey moved to approve the issuance of a Penalty for Retaliation in the amount of \$34,826.50 and \$250 civil penalty to Wild West Saloon, LLC. Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Presentation on Heat Mitigation by Canyon State Electric.

Mr. Carpenter welcomed and introduced Canyon State Electric to talk about their heat mitigation plan for employees.

Mr. Hawkins acknowledged the problem construction workers in Arizona are facing. He explained that they contract with Mobile IV Nurses to administer IV treatments to employees onsite.

Mr. Hawkins also highlighted that Ms. Borselli, their Field Safety Manager, has a hydration meter to spot check random employee hydration level and make recommendations if necessary.

Additionally, the Safety Department orders the water for the sites depending on the number of employees per site. Lastly, he shared their Heat Illness and Prevention Policy (attached) that is progressive for the overall health and wellbeing of their employees.

Commissioner Godfrey, Mr. Hawkins and Ms. Borselli discussed their agreement with Mobile IV Nurses and the use of a hydration meter and how it works.

Chairman Kavanaugh and Mr. Hawkins discussed the duration of their Heat Policy.

Commission Valdez asked if she could get a copy of the presentation. Mr. Hawkins noted he will provide a copy of their policy.

Chairman Kavanaugh thanked Canyon State Electric for their presentation, and noted the Industrial Commission is very interested in this issue. Federal OSHA is interested in developing a standard as well as other states, and Arizona will continue having those discussions and Canyon State Electric would be perfect as part of the process.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Chairman Kavanaugh commented on his attendance at the VPP renewal celebrate of Verco Decking.

Ms. Dimas confirmed Commission meeting dates through July 2024.

Public Comment.

There was no public comment.

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

ATTEST:

Kara Dimas
Kara Dimas, Commission Secretary

By

Gaetano J. Testini, Executive Deputy Director