

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held in the Training Room at 2675 E Broadway Blvd.
Tucson, Arizona 85716
Thursday, March 20, 2025 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	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 (Telephonic)
	Renee Pastor	Self-Insurance (Telephonic)
	Brian Hudson	ADOSH Director
	Laura Orosco	ADOSH Administrative
	Bertha Herrera	ADOSH Compliance
	Martin Hoyos	ADOSH Compliance
	John Randolph	ADOSH Administrative
	Brandt Smith	ADOSH Administrative
	Walter Pike	ADOSH Administrative
	Cherese Gleason-Perez	ADOSH Administrative
	Paula Eaton	Administrative Law Judge
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:04 p.m. In attendance, confirmed by roll call were Mark Norton (Self); Steven Black (Self) Alyissa Holmes (self); Henry Trejo (self); Luis Gutierrez (CWA7026); Shad Ercanbrack (self); Sarah Roberts (Josefina Ahumada Worker Center and JWJ); Connie Sadler-Nelson (APINU); Michael Carnahan (NALC); Mayra De la Torre and Manuel Ruiz (JAWC); and Laura Horton-Avertes (PALF). Also in attendance on the telephone, confirmed by roll call Geneva Haber and Taylor Thomas (Snell and Wilmer); Susan Strickler, Adam Stephenson, Brian Hunt and Joe Zingaro (Arizona Counties Workers' Compensation Pool).

Approval of Minutes of March 6, 2025 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of the March 6, 2025 regular session meeting 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.

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. Arizona Counties Workers' Compensation Pool

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

1. CP-2025-JW184-0134 Maris Construction of AZ, LLC
2. RF-2025-VM508-0049 Mesa Public Schools - Dobson High School
3. CP-2025-MS021-0044 Phoenix Family Medical Care PLLC
- CP-2025-NM858-0014 Precision Shooting Equipment, Inc, dba PSE Archery, LLC
5. CP-2025-TN246-0003 Seven2 Built LLC
6. UR-2025-JW184-0145 Stehl Corporation

Commissioner Everett moved to approve the items on the Consent Agenda and Vice Chair Hennelly 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 Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

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

Rocky Point Drive Thru	Fatality/Catastrophe	
2526 W. Valencia Rd.	Years in Business:	12
<u>Tucson, AZ 85746</u>	Empl. Covered by Inspection:	2
Site Location:	2526 W. Valencia Rd.	
	Tucson, AZ 85746	
Inspection No:	FC-2025-NM858-0023	
Inspection Date:	November 6, 2024	

Mr. Hudson summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for Rocky Point Drive Thru.

Chairman Kavanaugh checked if anyone else on the phone would like to comment. There was no comment.

The Commission took no action.

Transdev Services, INC.	Fatality/Catastrophe	
405 N 79th Ave	Years in Business:	54
<u>Phoenix, AZ 85043</u>	Empl. Covered by Inspection:	500
Site Location:	405 N 79th Ave	
	Phoenix, AZ 85043	
Inspection No:	FC-2025-MS021-0040	
Inspection Date:	October 8, 2024	

Mr. Hudson summarized ADOSH's investigation and reviewed the file. ADOSH did not recommend a citation for Transdev Services, INC.

Chairman Kavanaugh checked if anyone else on the phone would like to comment. There was no comment.

The Commission took no action.

Discussion and/or Action regarding Approval of Substantive Policy Statement: To publish a Notice of Substantive Policy Statement regarding R20-5-113(B)(1) and what is considered the "most recent" edition of the American Medical Association Guides.

Mr. Testini noted the current rule for using the American Medical Association Guides which were updated in print every six to seven years. The American Medical Association stopped publishing new Guides and are in digital format and updates periodically at random times which has caused some confusion within the community as what is considered the most recent Guide. The Commission held a stakeholder meeting and heard from applicant attorneys, defense attorneys and doctors and their request was to change the rules to state that the most recent edition would be the 6th Edition of the American Medical Association Guide, which was the last printed edition. The rulemaking packet is currently in process regarding this issue however this Substantive Policy Statement is a guide for the community and judges in the interim period until the rules are finalized.

Chairman Kavanaugh asked what the new rule will do?

Mr. Testini responded it would make it that the 6th Edition would be the default, the last printed edition rather than the 6th digital version.

Commissioner Everett moved to direct the Legal Division to issue the proposed Substantive Policy Statement regarding R20-5-113(B)(1) and what is considered the "most recent" edition of the American Medical Association Guides. Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Chairman Kavanaugh noted there was an important retirement after 23 years and read the Retirement Resolution and presented it to Steven Black, a Senior Industrial Hygienist in the ADOSH Division.

Mr. Testini read the certificate from the Secretary of State Adrian Fontes and Brandt Smith and Brian Hudson presented a state flag to Steven Black.

Ms. Dimas confirmed Commission meeting dates through April 2025.

Mr. Testini commented on the First Director's Cup being held on Friday with a Cornhole Tournament.

Public Comment.

Mr. Trejo asked about full and final settlements and how it affects him. Chairman Kavanaugh, Ms. Peimani and Mr. Testini addressed his concerns and noted he should contact the ICA's Ombudsman's Office.

Mr. Ruiz noted he had the same concerns as Mr. Trejo.

There was no other public comment.

Commissioner Valdez thanked everyone for attending to get a better understanding of what the Industrial Commission is all about and especially for anyone with a small business. It is important that we communicate that there is an ability to get consultation and find out what you need to do as a small business to get in line so there are no penalties at a later time. They have been trying to put out to the community that the service is free.

Chairman Kavanaugh noted this is the 100th year for the Commission and the Commission will be having Commission Meetings in a couple of places in the state to show what we do for workers' compensation, occupational safety and health and the labor department, and a full service agency dealing with employment issues for both businesses and employees, ICA appreciation day is April 28th at the Industrial Commission.

The meeting was adjourned at 1:32 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By _____
Gaetano J. Testini, Director

ATTEST:

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Kara Dimas, Commission Secretary