

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Wednesday, May 23, 2012 – 1:00 p.m.

Present:	David Parker	Chairman (video conference)
	Kathleen Oster	Vice Chair
	Susan Strickler	Member (telephonic)
	Michael G. Sanders	Member
	Laura L. McGrory	Director
	Andrew Wade	Chief Counsel
	Darin Perkins	Director, ADOSH
	Michael Hawthorne	CFO
	Teresa Hilton	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Mr. McCarthy was not able to attend. Also in attendance was Eda Barolli of Snell & Wilmer.

Approval of Minutes of May 17, 2012 Meeting

The Commission unanimously approved the Minutes of May 17, 2012 on motion of Ms. Oster, second of Ms. Strickler.

Consent Agenda:

a. Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C10/11-2151 LIIA Adult Care Home, LLC
2. 2C11/12-1508 Oasis Home Health Care, L.L.C.
3. 2C11/12-1934 Sean Mecham & Ashley Mecham, Husband
& Wife, dba Axiom Merchant Services

Chairman Parker asked whether any items needed to be removed from the consent agenda. Secretary Hilton stated that there were not. The Commission unanimously approved the consent agenda on motion of Mr. Sanders, second of Ms. Oster.

Discussion &/or Action regarding Legislation

Ms. McGrory stated that there was nothing new to report.

Discussion & Action of Proposed OSHA Citations & Penalties

Patriot Disposal Inc.
943 East Valley Road
Prescott Valley, AZ 86314

Complaint
Yrs/Business – 12
Empl. Cov. by Insp. – 15

Site Location: 943 East Valley Road, Prescott Valley, AZ 86314
Inspection #: N9589/316482116
Insp. Date: 04/23/12

SERIOUS – Citation 1, Item 1 – The employer selected gloves for employees that perform hand-sorting of trash which contain liquids, sharp metal, glass shards and needles. The gloves provided limited cut and puncture protection and no protection from liquids thereby exposing employees' hands to laceration, puncture and unsanitary liquids (1910.138(b)).
(No inspection history in the past three years).

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

GROUPED SERIOUS – The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1, Item 2(a) – Lavatory facilities were not provided to employees. Employees used a hose bib to wash their hands (1910.141(d)(2)(i)).

Citation 1, Item 2(b) – A means for employees to dry their hands after washing was not provided (1910.141(d)(2)(iv)).

Citation 1, Item 2(c) - No hand soap or similar cleaning agent was provided for employees to wash their hands (1910.141(d)(2)(iii)).

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

GROUPED SERIOUS – The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from accident.

Citation 1, Item 3(a) – A front end rotating attachment was added to the subject forklift without the manufacturer's prior written approval (1910.178(a)(4)).

Citation 1, item 3(b) – The subject forklift equipped with a rotating front end attachment was not marked to identify the attachment and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered (1910.178(a)(5)).

Citation 1, item 3(c) – The subject forklift was operated without a seat belt (1910.178(q)(1)). There was another instance of this violation.

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

GROUPED SERIOUS – The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1, Item 4(a) – The employer did not establish a written exposure control plan designed to eliminate or minimize employee exposure to blood or other potentially infectious materials (1910.1030(c)(1)(i)).

Citation 1, Item 4(b) – The employer did not make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure (1910.1030(f)(1)(i)).

Citation 1, item 4(c) – The employer did not establish and maintain a sharps injury log where employees have exposure to percutaneous injuries from contaminated sharps (1910.1030(h)(5)).

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

SERIOUS – Citation 1, item 5 – The employer did not ensure that employees with occupational exposure participated in a training program (1910.1030(g)(2)(i)).

Div. Proposal - \$2,500.00

Formula Amt. - \$2,500.00

NONSERIOUS – Citation 2, item 1 – The employer did not maintain OSHA Forms 300 and 300A for the establishment (1910.029(a)).

Div. Proposal - \$ 500.00

Formula Amt. - \$ 500.00

TOTAL PENALTY - \$13,000.00

TOTAL FORMULA AMT. - \$13,000.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. In response to a question from Mr. Sanders, he summarized the requirements of an exposure control plan. Discussion followed regarding the penalty structure and whether any employees had needle sticks. The Commission discussed whether a citation item should be added for failing to have post-exposure evaluation and follow-up care for those employees who had needle sticks. Following further discussion, the Commission unanimously voted to add Citation 1, item 4(d) for failing to have post-exposure evaluation and follow-up and assessed the recommended penalty of \$13,000.00 on motion of Mr. Sanders, second of Mr. Parker.

Announcements and Scheduling of Future Meetings

Ms. McGrory advised that Labor Department Director, Randy Maruca, is retiring and presented a Resolution for the Commissioners' signatures.

Ms. McGrory stated that adopting the statutory maximum for the average monthly wage for 2013 will be an agenda item for the June 7, 2012 meeting.

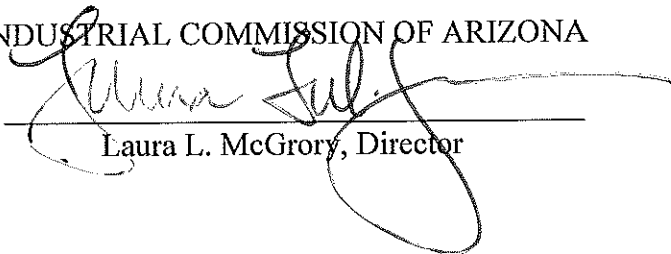
In response to a question from Mr. Sanders regarding the Request for Proposal on the website, Darin Perkins announced that the Capitol Police were no longer going to accept after-hours notification of accidents and that he was exploring contracting with an answering service to handle after-hours calls.

Ms. Hilton reminded the Commissioners that meetings are scheduled for June 7, 14 and 28, 2012. The Commission scheduled further meetings for July 11, 18 (if needed), and 26, 2012.

There being no further business to come before the Commission and no public comment, Chairman Parker adjourned the meeting at 1:25 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:



Teresa Hilton, Commission Secretary