



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
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Hoisting Machine Operators Advisory Board Minutes

Wednesday, April 20, 2016 at 1:30 p.m.
HMOAB Office, Room 114

Present: Members Tristan Aldeguer, Angela Chinen, Chairperson Joaquin Diaz, Richard Lentes, III and Jim Weander
Staff: Executive Director Robert Armstrong
Guests: John Muhlbauer

1. **Call to Order:** The meeting was called to order at 1:30 p.m. by Chairperson Diaz.
2. **20 January 2016 and 29 February Minutes:** Lentes moved and Aldeguer seconded to approve both sets of minutes. The motion passed unanimously.
3. **DLIR Deputy Director's Discussion:** Leonard Hoshijo reminded members of the conference committee meeting on HB 2009 scheduled for tomorrow. It is one of many bills the DLIR is watching in the legislature, most of which involve staffing and budget issues, along with disability compensation and wage standard proposals.

HIOSH hired a consultant to determine reclassification of various safety and health positions. They received OSHA approval to retain the consultant using grant money. He mentioned several full-time openings exist providing good benefits, pay and pension provisions. Department members will attend the upcoming PacRim convention in town.

4. **HIOSH Report:** Neither Safety Branch Manager Soon Hye Edgerton or Interim Director Doreen Miyaki provided a report. Chairperson Diaz noted anticipated changes with HB 2009 will require more support from HIOSH as the Board drafts its reports regarding riggers and enforcement. Most generally agreed that since federal OSHA crane rules have been delayed for over 15 years, it's unlikely another delay will occur and should be in effect by November 2017.
5. **Executive Director's Report:** Bob Armstrong provided a current revolving fund balance which includes all expenses and income to date. It is his estimation even with frugal budgeting, fee income lags expenses even with the part-time ED salary, as less than \$40,000 is received in a given fiscal year. As a result, if nothing changes, the revolving

fund will be depleted in about eight years. a) In March, \$1650 in revenue was received against \$2294 in expenses, almost all for printing new annual hardhat stickers. In looking at the yearly \$100 certification fee, the Board is considering hiring a consultant to evaluate the fee structure and how it uses these monies to fund the Board and its operations.

b) Seven applications, all renewals except one, were processed during the past month. Chinen asked about one application “in progress.” She advised the issue was with the NCCCO office and was reminded it is the responsibility of the applicant to provide the information. She indicated an Executive Session will be requested to further discuss the issue. Chairperson Diaz intervened to express the Board is not responsible for license issuances. Rather, the DLIR Director, by extension of the HMOAB Executive Director, is responsible for the duty and is a matter between the two and the applicant.

c) An updated, semi-final version of the new website text and photos was provided to members for their review. Armstrong asked that written changes be sent to the office by month’s end. It was agreed \$1200 for live 24/7 telephone applicant support was not desired.

Board members were advised a wireless router for the room would not be approved by the State due to security concerns. However, it was asked of the Executive Director to inquire into prices for a computer terminal so applicants can submit new/renewal applications from the office without cost. The ED reminded members paper applications will always be accepted in addition to online apps.

d) As there is considerable ongoing long-range planning and rules discussions for the future, the visual crane application will be forwarded to the Board when appropriate and item “e” under old business would be deleted.

A discussion restarted about demonstrating value for our annual fee and possibly funding an enforcement position with the proceeds of the revolving fund, along with anticipated outreach and education efforts. To that end, both Armstrong provided a quick (and minimal) list of the other sixteen states that certify crane operators and/or operations, as did Chinen. The fees, administration and requirements among the entities indicate little uniformity across the country.

6. **Old Business:** a) Diaz shared an update of the Senate-amended HB 2009 and the six items needed for the Legislative Report in December. The bill is slated to be reconciled later next week. b) Aldeguer and Muhlbauer testified and were approved by the Senate last week to be on the Hoisting Machine Operators Advisory Board. Their terms are scheduled to expire on 30 June 2020.

Lentes said his renewal application will be submitted immediately and a Senate hearing will most likely be called next Monday. The Chair welcomed Lentes’ decision and commitment, which was seconded by incoming Chairperson Aldeguer. Diaz did express his frustration with repeating the process and the tone of the communication it generated.

Chairperson Diaz expressed concern about the level of professionalism exhibited by certain Board members and the Executive Director. He reminded them to maintain a respectful level of dialogue in email, in person, and on the telephone and to help decrease any politicization of the issues before us. Diaz also reminded the ED that all communication to the Legislature and Governor requires pre-clearance from the DLIR Director.

c) Because of concerns regarding proprietary information, Lentos will check with Haag about the proposed safety and regulation report before distributing it formally to the Board. Hopefully the process can be finished next month for inclusion in our upcoming Legislative report.

d) A lengthy discussion about how the 2017 NCCCO Commissioners Meeting, comprised of leaders from the largest national accrediting body for crane certification, fits within the HMOAB mission of outreach and education. Chinen says state operators are welcomed to nearly all planned sessions (with the exception of test development) and will find them relevant. As there are no guidelines for HMOAB 'sponsorships,' a final vote will be made at the May meeting, once more specific information/itemization is received. As the four-day meeting provides a public benefit, it is believed the proposal fits within the HMOAB outreach mandates, as prescribed in law.

7. **New Business:** Aldeguer advised twice monthly working meeting would be needed beginning in May to complete the upcoming reports needed in HB 2009. He suggested the Board use consultants to produce the needed documents with an eye toward employer responsibilities, enforcement rules, and economic forecasts. He liked the offering by the ED to make graphic the annual fees and expenses as an example and asked for him to solicit that assistance.
8. **Community Comments:** None
9. **Executive Session:** Approximately ten minutes was used to privately discuss the earlier matter raised by Chinen.
10. **Next Board Meeting:** The next HMOAB meeting will be in room 114 on Wednesday 18 May at 1:30 p.m. Mr. Weander announced he will not be able to make that meeting.
11. **Adjournment:** Aldeguer motioned to adjourn at 4:27 p.m. and seconded by Weander. Without discussion, the motion carried unanimously.