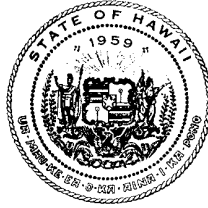


LINDA LINGLE
GOVERNOR



DARWIN L.D. CHING
DIRECTOR
COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
830 Punchbowl Street
Honolulu, Hawaii 96814
PH: (808) 586-9011 Fax: (808) 586-9104

Board Members
Tom Vendetta, Chair
Joaquin Diaz
Ed Sanchez

Lora Contreras,
Executive Director

APPROVED 6/10/09

Hoisting Machine Operator's Advisory Board Minutes
Wednesday, May 13, 2009
1:00 p.m.
Department of Labor & Industrial Relations Office
HIOSH Training Room
830 Punchbowl Street #425
Honolulu, Hawaii 96814

Present: Tom Vendetta, Joaquin Diaz, Ed Sanchez, & Lora Contreras.
Guests: Director Ching, Jamesner Dumlao, Clayton Chun, Francis Kagawa,
Deputy AG Gerard Lam & Sinclair Taniguchi.

Call to order

Chair Vendetta established a quorum and called the meeting to order at 9:05 am. New board members Joaquin Diaz and Ed Sanchez were introduced. The agenda items would be out of order to accommodate Jamesner's request to leave early.

Minutes of May 21, 2008

Joaquin Diaz moved to approve the minutes as circulated, seconded by Ed Sanchez. Motion approved.

Compliance Branch Report

No hoisting crane accidents were reported. However, Jamesner Dumlao reported that the department had a fatal industrial accident involving a tower crane. The citation is being contested by the company.

Administrative Rules

The board decided not to amend changing the word "original" to "copy" in Section 12-48-6, but instead have applicants notarize their documents. Guidelines in 12-48-9 Denials and 12-48-11 Certification Fees may need further clarification. Admin rules will be discussed at the next board meeting.

Further discussions will be on possibilities to start a program to certify and train crane operators. Another possibility would be to lower or eliminate certification fees.

Fiscal Summary

Francis Kagawa briefed board members on the HMOAB operating budget expenditures for the current fiscal year and how it is reimbursed using the Hoisting Machine Operators Revolving Fund. Requests to spend funds are subject to the procurement law. If the board believes the operating budget should be more than the \$50,000.00 yearly budget, justification would need the director's approval for inclusion in the DLIR budget submitted to the Legislature. **HMOAB budget for FY09-10 was included in the DLIR budget and approved by the legislature.**

The approved budget covers only the director's salary and HMOAB operating expenses. Public hearing travel expenses (if deemed appropriate) must be approved by Director Ching and paid from DLIR funds.

Discussion ensued on possibilities of using video conferencing instead of flying to neighbor islands.

Chair Vendetta made a motion for the board to adopt the HIOSH method of holding neighbor island public hearings using the web-cast as an option as well as future board meetings and hearings as may be determined by the board. Seconded by Joaquin Diaz. Motion approved.

Board discussions will continue to propose an amendment to the statute to change the law enabling the board to use funds for travel reimbursement and recertification training.

Chair Vendetta also noted that it would be prudent for the DLIR (director Ching) to approve leave slips for the executive director since the position is administratively attached to DLIR. He delegated that responsibility to Director Ching. The board would only be responsible for employing, dismissing and fixing compensation for the executive director per Section 396-19, HRS.

Director's Report – New Applications

New certification applications were circulated. Sections D and E will be updated. Director Ching requested questions on ability to work be consistent in both sections. Penalties and probation terms may also be added. More discussion will follow pending research from Deputy AG Gerard Lam.

Back-ground criminal checks require immediate payment for print-out (if there are convictions recorded). A requisition for payment takes three to six weeks to be approved. **The board approved "p card" payments to help expedite processing applications.**

All divisions **were asked to coordinate authorized certification cards within the department.** HMOAB certification cards will also be updated.

Discussion continued on guidelines for processing applicants. Actual guidelines on requesting proof of rehabilitation, follow-up testing and the probation term of denials were discussed. Chair Vendetta said the board did not have the responsibility to recommend certification denials. He felt that responsibility was with Director Ching. Director Ching said it was important to him that the board to be involved in decision making and counted on their recommendations.

Director Ching asked Deputy AG Lam to research the legal guidelines available for processing denial certifications and report back to the board.

Ed Sanchez would report back with federal guidelines on denials and Joaquin Diaz would check on safety recommendations.

Alberta Apprenticeship Training

A crane operator applicant from Alberta Canada requested his apprenticeship training certification be considered and accepted as an equivalent NCCCO certification. After reviewing the documents, the board did not approve his request. The apprenticeship program did not have the same accreditation as NCCCO. The applicant will be referred to Bob Hornauer at NCCCO for further help with his certification.

New Board Chair Vote

Board members unanimously approved Tom Vendetta to remain as chair.

Federal Rules

Pages 59915-59954 will be discussed at the next board meeting. If the new federal laws pass, the state may need to adopt the federal rules to replace the current State administrative rules governing hoisting machine operators.

Community Concerns – None

Unfinished Business

Announcements – June's board meeting will be confirmed pending availability of the conference room.

Adjournment

Meeting adjourned at 10:55 am.

Hand-outs

1. HB 200 Program Appropriations
2. New certification applications
3. Criminal Data Center costs
4. HMOAB Admin Rules amendment
5. Alberta Apprenticeship Training Program Information
6. Federal Rules pgs 59915-59954
7. New Board member HMOAB facts included: Date log on promulgation of admin rules, Public hearing questions 2002, HMOAB fact sheet, HMOAB annual reports, Summary of minutes, AG opinion, ASME rules, HRS 396, DLIR enforcement rules and DLIR guidelines for HMOAB enforcement.