

***HOISTING MACHINE OPERATOR'S
ADVISORY BOARD***

2007-2008 Annual Report

**HMOAB
Department of Labor and Industrial Relations
830 Punchbowl Street Room 425
Honolulu, Hawaii 96813
Phone (808) 586 9108 Fax 586 9104**

HOISTING MACHINE **OPERATORS** **ADVISORY BOARD**

PURPOSE

The Hawaii State Legislature created the Hoisting Machine Operators' Advisory Board for the purpose of assuring the safe operation of hoisting machines in the State of Hawaii by establishing a certification program for operators. The Board is administratively attached to the Hawaii Occupational Safety and Health Division of the Department of Labor and Industrial Relations for the purpose of developing rules for the certification of hoisting machine operators in Hawaii.

GOVERNANCE

Established in 1988 by the Hawaii State Legislature (Act 165), the Hoisting Machine Operators Advisory Board is a five member board appointed by the Governor and confirmed by the Senate. The advisory board first met in May 1999 and promulgated Administrative Rules that became effective December 6, 2002.

FUNDING

The Hoisting Machine Operators' Certification Revolving Fund, established in 1998, supports the process for certifying hoisting machine operators in the State of Hawaii. The fund covers personnel and operating expenses for the advisory board to ensure that national certification standards are met for Hawaii hoisting machine operators. The funds also cover the cost of preparing and disseminating information on the hoisting machine operators' certification process, training programs when necessary, and costs associated with annual reporting on the program's accomplishments. The program is self-supporting, although the Board receives support from staff in the Department of Labor and Industrial Relations.

ADMINISTRATIVE RULES

Under Hawaii Administrative Rules, Chapter 12-48, a hoisting machine operator certificate is required to operate any hoisting machine in the State of Hawaii with a lifting capacity of more than five tons and used to perform construction work. The certification process includes a written and practical exam and requires operators to produce evidence (certificate) showing they passed a physical examination that will allow them to safely operate a hoisting machine. This certification program ensures public and worker safety by requiring operators to document training, experience and physical ability before receiving a certificate to operate a hoisting machine in the State of Hawaii.

The certification process requires a prospective hoisting machine operator to submit an application along with a non-refundable \$50.00 application fee. Once approved, the applicant must pay a \$500.00 certification fee for a five-year certificate. There is a renewal fee of \$500.00. The Board is responsible for ensuring that the costs of this program are borne by hoisting machine operators and not the taxpayers of the State of Hawaii. The Board established fees considered affordable to individuals wishing to operate hoisting machine in State of Hawaii.

Hoisting machine operator training is an integral part of an overall certification process. Worker and public safety is enhanced with effective training. The certification process ensures a minimum competency levels for operators and provides assurance to employers that the hoisting machine operators they employ have the appropriate training and experience to operate a hoisting machine. This process benefits workers, employers and the public.

During the fiscal year, the Board worked with the State Attorney General's Office to complete revisions to the Administrative Rules, proposing changes that were mostly housekeeping in nature to clarify the Board's intent.

The Board also added a new section requiring certification for operators of tower cranes. The proposed Rule changes require public hearings before final adoption. These are expected to be completed next year.

CERTIFICATION

The Department of Labor and Industrial Relations has certified six hundred seventy one (671) crane operators statewide and deposited \$361,110.00 in collected certification fees.

Financial Statement

	<u>2005-2006</u>	<u>2006-2007</u>	<u>2007-2008</u>
Personnel	\$0	\$0	\$38,500
Fees – Dep. AG’s	\$0	\$0	\$ 3,255
Operating Expenses/ Equipment and Travel (for Neighbor Island Board Member To attend meeting)	\$0	\$0	\$ 8,245
TOTAL:	\$0	\$0	\$50,000

Note: There was a salary overpayment for the Executive Director that was reimbursed in 2006-07. Therefore, there were no expenditures reflected in 2006-07.

Executive Board

General administrative responsibilities for the Hoisting Machine Operator’s Advisory Board rest with a five-member executive board. The board is appointed by the Governor for four year staggered terms. The

board includes representatives from both organized labor and management employers.

Thomas S. Vendetta is the Chairman of the Advisory Board. He has over 32 years of government experience. As a licensed civil engineer he has worked in various capacities for the City and County of Honolulu in the areas of planning, design, construction and operations. He currently is the program administrator for the City's Division of Industrial Safety and Workers' Compensation.

Personnel

Lora Lee P. Contreras is the Executive Director for the Advisory Board. She has been appointed to various administrative positions for the past 27 years, including 12 years on various boards and commissions. She also worked for 11 years in the Hawaii State Legislature administratively.

On November 15, 2006, board member Ernest Balatinicz resigned due to other commitments. On June 30, 2008, board member Roy Akamine completed his term. On October 1, 2008, board members Daniel Nelson and Ralph Cushnie resigned due to other commitments. Currently the board is soliciting members.