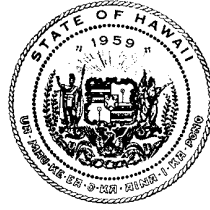


NEIL ABERCROMBIE  
GOVERNOR



Dwight Takamine  
DIRECTOR

Audrey Hidano  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

**Hoisting Machine Operators Advisory Board**

830 Punchbowl Street  
Honolulu, Hawaii 96813  
PH: (808) 586-9011 Fax: (808) 586-9104

Board Members  
Tom Vendetta, Chair  
Joaquin Diaz  
Ed Sanchez  
Jim Weander  
Donald Gentzler

Lora Contreras,  
Executive Director

***Approved 6-20-12***

Hoisting Machine Operator's Advisory Board Minutes  
Wednesday, May 16, 2012  
1:30 p.m.  
Department of Labor & Industrial Relations Office  
HIOSH Training Room  
830 Punchbowl Street #425  
Honolulu, Hawaii 96813

**Present:** Tom Vendetta, Joaquin Diaz, Jim Weander, Ed Sanchez, Donald Gentzler and Lora Contreras.

**Guests:** Audrey Hidano, DD, DLIR; Pane Meatoga, Local 3, State Administrator.

**Call to order**

Chair Vendetta established a quorum and called the meeting to order at 1:40 p.m. Members welcomed new board member Donald Gentzler.

**Minutes of January 18, 2011**

Joaquin Diaz moved, seconded by Jim Weander to approve the minutes as circulated. Minutes approved.

**Director's Report**

**HIOSH Compliance Branch Report**

No accidents were reported.

**Old Business – HMOAB Administrative Rules Amendments**

Lora reported the proposed HMOAB amendments to administrative rules title 12 Subtitle 7, Chapter 48 was approved by Governor Abercrombie and Director Takamine. The public hearing is scheduled for June 20, 2012 at 1:30.

**New Business**

**1. Board chair Election**

*May 16, 2012, HMOAB Meeting Minutes*

Joaquin Diaz moved, seconded by Ed Sanchez to nominate Jim Weander as the new chair. The motion was approved unanimously. Jim Weander will take his seat at the next meeting on June 20, 2012.

## **2. NCCER (National Center for Construction Education and Research)**

The board accepted a request to begin the process for the NCCER Mobile Crane Operator Certification Program to be approved in the State of Hawaii as an NCCCO equivalent form of certification under Section 12-48-6 (c), Hawaii Administrative Rules. The Board will review NCCER submitted documents and discuss it at the next meeting. Chair Vendetta asked Lora to check with NCCCO and other organizations to confirm that NCCER is an equivalent certifying organization for hoisting machines throughout the United States. .

## **3. Review HMOAB Statutes**

Chair Vendetta reviewed the following specific sections in the governing documents with the board:

- a. § 396-19, HRS. Hoisting machine operators advisory board (HMOAB).
  - The board shall adopt rules pursuant to chapter 91 for certification of hoisting machine operators and may employ a 0.5 full-time equivalent executive director with the authority to fix the director's compensation and may dismiss such person as it finds necessary for the performance of its functions and duties. Further this statute places the Board in the department of labor for administrative purposes only.
- b. § 396-20, HRS Hoisting machine operators revolving fund
  - The fees, penalties, fines and interest collected may be used only for:
    - o Personnel and operating expenses for the executive director and board
    - o All necessary board costs and reimbursements
    - o Preparation and dissemination of public information on certification and training
    - o Preparation of annual reports
- c. § 92-4 and 5, HRS regarding Executive Sessions.
  - The board can only call an executive session for any one of eight specific purposes. The primary purpose would be to consult with the Board's attorney; a secondary purpose would be to consider the hire, evaluation, dismissal, or discipline of an officer or employee.
- d. § 396-4 Occupational Safety and Health
  - (5) The department shall regulate hoisting machines and shall certify their operators. This is done through the HMOAB executive director.
- e. HMOAB Executive Director Job Description
  - Page 3 – The job description identifies the Board as the executive director's supervisor and not the department of labor. Therefore, any problems with the executive director and the department of labor should be brought to the Board's attention for discussion.
- f. Confidential opinions from the AG will be distributed to board members only – not for public.
- g. Chapter 92, HRS, regarding public meetings and the concern about one-on-one meetings between board members. The Chair was concerned that new board members be aware of the

Sunshine Law; it was brought to the Board's attention that care should be exercised if one-on-one meetings occurred. It was suggested that the State Ethics Commission provide training to new members (and refresher if necessary for current members).

**Community Concerns**

None

**Executive Session** – 2:40 p.m. – 3:30 p.m. This ES was held to discuss and evaluate the executive director's role and responsibilities in carrying out the mission of the Board, and her relationship with the department of labor (since the Board is administratively attached to the department).

**Next board meeting** – Wednesday, June 20 at 2:00 p. m., following the public hearing at 1:30 on changes to Chapter 12-48, HAR.

**Adjournment**

Meeting adjourned at 4:00 p.m.