



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, February 29, 2016 at 1:30 p.m.
HMOAB Office, Room 114

Present: Members Tristan Aldeguer, Angela Chinen, Chairperson Joaquin Diaz, Jim Weander
Excused: Rich Lentes
Staff: Executive Director Robert M. Armstrong
Guests: John Mihlbauer and Clarence Huihui

1. **Call to Order:** The meeting was called to order at 1:30 p.m. by Chairperson Diaz.
2. **20 January 2016 Minutes:** After several questions of clarification were expressed by Ms. Chinen, it was suggested approval of the minutes be put off until next month for editing to occur.
3. **DLIR Deputy Director's Discussion:** Mr. Leonard Hoshijo says he's disappointed and takes exception to the written testimony offered by the Executive Director on HB2009. He offered we work with DLIR Legislative Director Bill Kuntsman in the future.

He again suggested HMOAB provide alternatives for the current legislative bill such as expanding construction industry oversight and determining its possible regulatory impact on HIOSH.

A brief response of the HMOAB agenda, timeline and legislative hopes were detailed by the Chairperson with a reminder federal OSHA changes will be forthcoming in 2017, especially in light of recent crane accidents in New York City and elsewhere. The Chair stated the Board's function is to advise and insure the public safety as well as the prosperity of the workforce and the employers who hire them.

Mr. Diaz also expressed concern any changes to the current funding structure will have a negative impact on those parties and increase costs to Hawai'i taxpayers. He called HB 2009 as written, "abrupt" and not sufficiently "thought through." He asked Mr. Hoshijo for the DLIR position on HB 2009 and again was told their responsibility to the

Legislature was in providing a financial breakdown of the agency's functions, should it be eliminated and reconstituted somewhere else in DLIR.

Mr. Weander reminded the group of the foresight of others who went before in creating the value of the Advisory Board. He repeated his frustration with the inability for various Attorney Generals to define our outreach and educational mission. Mr. Hoshijo repeated his understanding that HMOAB can provide printed materials and initiate contact with its members, just not travel to outer islands or use funds for entertainment purposes.

4. **HIOSH Report:** Neither Safety Branch Manager Soon Hye Edgerton or Interim Director Doreen Miyaki had anything to report.
5. **Executive Director's Report:** Bob Armstrong provided a current revolving fund balance which includes all expenses and income to date. a) For February, \$3100 in revenue was received against \$1910 in expenses, which includes HMOAB's registration with the upcoming Pacific Rim Safety and Health Conference. He also reminded Board members the organization's second payment to HIC for website and data management services was made.

b) Twelve applications, divided equally between new and renewing applicants, were made this month even though the c) the office moved to its new location in room 114 and telephone service is still unavailable. He publicly thanked Mr. Norman Ahu for his help with the move and his quick response in getting the room painted and cleaned.

d) He also provided two pages of 'screen shots' of the proposed layout and color scheme of the soon-to-be-ready website and data portal developed by the Hawai'i Information Consortium. Board members seem to be in agreement the new design was impressive and offered flexibility, immediacy and relevance. Mr. Armstrong hopes to have an updated version with appropriate text next month and asked for item e) to be postponed until later.

Finally, he inquired about the Board's wishes regarding the website's future data entry work, which will require full-time (40) hours for no more than two month to complete. Assuming the idea does not negatively impact or obligates benefits (and is not contrary to current employment laws), Mr. Weander proposed adopting the proposal (at the current pay rate), with Mr. Aldeguer seconding. The vote was postponed until concerns regarding benefit impact could be confirmed.

Several Board members asked the ED to investigate a wireless router for the room.

6. **Old Business:** a) Mr. Diaz informed the Board of the Finance Committee's reading of HB 2009 on the next business day at 11 a.m. in room 308 of the Capitol. He encouraged all to attend and has submitted testimony. He then explained the bill, the process, and the potential impact on liaising with DLIR, if passed. He noted the support of the General Contractors Association of Hawai'i and the opposition of the Hawai'i Construction Alliance, representing the various statewide union groups. He noted the HCA testimony

did not address the issue of the bill and was perplexing in its rationale. He also shared he met and the Executive Director met with Representative Andria Tupola, who later expressed reservations about the legislation, as did Reps. Mark Nakashima (who originated the legislation and with whom the two met) and Joy San Buenaventura.

b) Due to his absence, the final Crane Safety and Regulatory update was postponed. Mr. Armstrong said Mr. Lentes is waiting for his monthly contact with HAAG before pressing them further.

c) Ms. Chinen announced Joel Oliva of NCCCO has responded to the Board's offer to host their Commissioners' meeting for four days in late March and/or early April. The expense for their group of between 35 to 50 people (including meeting and staff rooms) would be a minimum of \$15,000 to \$20,000. Mr. Aldeguer suggested it be incorporated as part of the OSHA Workshop next year as an additional benefit for our membership. The Chair inquired as to underwriting support by the trades or elsewhere and Ms. Chinen said it was the next step following HMOAB decisions (and the AG ruling). As a result, Ms. Chinen proposed we support sponsorship of the event, with Mr. Aldeguer seconding. The motion passed without discussion or dissent.

d) Due to time constraints, the long range planning schedule was not discussed but provided to Board members in the mailed packet for lawmakers considering HB 2009.

7. **New Business:** Mr. Diaz asked if any Board member would act as Secretary to transcribe the minutes and record voice votes. There was no interest shown for this idea.

Mr. Weander brought up a proposal to serve in an 'Emeritus' capacity once his term is finished in August (and assuming the term is not extended at the State Capitol and will be approved by the AG's office). Following a brief, positive discussion, Aldeguer motioned to accept his proposal to serve in that capacity upon the completion of his term with Ms. Chinen seconding. All voted affirmatively while Mr. Weander abstained.

8. **Community Comments:** Mr. Huihui was introduced to the Board as an observer.
9. **Next Board Meeting:** The next HMOAB meeting will be in room 114 on Wednesday 16 March at 1:30 p.m. Mr. Weander announced he will not be able to make that meeting.
10. **Adjournment:** Ms. Chinen motioned to adjourn at 3:29 p.m. and seconded by Mr. Aldeguer. Without discussion, the motion carried unanimously.