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ENVIRONMENT DEPARTMENT



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**DRAFT until Approved**

**Occupational Health and Safety Review Commission  
Minutes of June 12, 2018 Meeting**

The meeting of the Occupational Health and Safety Review Commission was held on June 12, 2018, starting at 10:00 a.m. in the Large Conference Room of the Marquez Place Building, 525 Marquez Place Santa Fe, NM.

**1. CALL TO ORDER.**

Chair C. Bryan Drennan, called the meeting to order at 10:00 a.m. A quorum was established by roll call.

**2. ROLL CALL.**

Members Present:

C. Bryan Drennan, Chair  
William "Brock" Carter  
Robert Roehm

Members Absent

Others Present:

John Kreienkamp, Assistant Attorney General (Commission Counsel)  
Pam Castaneda, Hearing Clerk (Commission Administrator)  
John Baca, Hearing Clerk (Commission Administrator)  
Robert Genoway, OSHA Bureau Chief

**3. APPROVAL OF THE AGENDA.**

**MOTION:** Mr. Carter moved to approve the agenda as presented. Mr. Roehm seconded the motion. The motion passed by a voice vote.

#### 4. APPROVAL OF MINUTES OF March 26, 2018.

**MOTION:** Mr. Roehm had one change to item number 4. The motion should read Mr. Carter instead of Mr. Brock. The Chair asked for a motion to accept the meeting minutes with the change from Commissioner Roehm to approve the minutes. Mr. Roehm so moved. Mr. Carter seconded the motion. The motion passed by a voice vote.

#### 5. Introduction of new Administrator.

Chair Drennan introduced John Baca, the new OHSRC Commission Administrator. Mr. Baca gave a brief introduction on his background.

#### 6. DISCUSSION OF OPEN/PENDING OHSRC CASES.

Chair Drennan reviewed the list of cases provided by the Administrator for the years of 2016 to 2018. Mr. Genoway, Occupational and Safety Bureau Chief, briefed the commission about pending OHSB cases. The four current cases are: 13-035 NMED v. MCVAY, 15-045 NMED v. Hotshine, 16-035 NMED v. JM Construction, and 17-01 NMED, NMED v. Shredded LLC.

MCVAY is still pending, Hotshine has a notice of finality, JM construction is pending, and Shredded LLC has been settled. Mr. Roehm discussed rules related to settlement of cases found in 11.5.5.503 NMAC. He specifically referenced part F, which of the rule which gives parties twenty days after the filing of a settlement agreement to make objections.

##### F. Objections:

(1) At any time prior to expiration of twenty (20) days after filing of a settlement agreement, objections to the settlement agreement may be filed by:

- (a) any affected employee or representative of affected employees other than a party;
- (b) any party who has not approved the settlement agreement; or
- (c) any commission member.

(2) Any objection filed shall be served on each party and, if filed by any person other than a commission member, shall state the reasons for the objection. The objection must include a certificate of service in the format illustrated in Section 1001 [now 11.5.5.1001 NMAC].

The Commission wants to review all settlement agreements and the administrator agreed to forward them to the commission, particularly, because under the rule, Commission members only have 20 days to object to any offer settlement.

The 2018 Union Pacific Case Number 18-03 is still pending and has not reached a settlement.

## **7. Discussion regarding OHSRC website.**

Mr. Roehm and Ms. Castaneda have been working together to update the OHSRC website. There were a few changes that needed to still be made. It is an ongoing process to up-date and make the web page more user friendly. The term of the Commissioners needed to be added.

**MOTION:** Mr. Carter moved to go forward and accept the changes to the OHSRC website. Mr. Roehm seconded the motion. The motion passed by a voice vote. The Chair entertained a motion for the agenda to be noticed to the website. Mr. Carter moved. Mr. Roehm seconded the motion. The motion passed by a voice vote. Mr. Carter moved to have the Commission Administrator update the terms of the Commissioners on the website. Mr. Roehm seconded the motion. The motion passed by a voice vote.

## **8. Discussion and update on ongoing litigation: New Mexico Environment Department Occupational Health and Safety Bureau v. New Mexico Occupational Health and Safety Review Commission, D-101-CV-2017-01253.**

- a. The Commission may vote to enter closed session pursuant to NMSA 1978, Section 10-15-1(H)(7), the pending litigation exception to OMA.**

**MOTION:** The Chair entertained a motion to move into closed session. Mr. Roehm so moved. Mr. Carter seconded the motion. The motion passed by a voice vote. Mr. Roehm moved the Commission move into closed session as authorized by the pending litigation D-101-CV-2017-01253 exception of the Open Meetings Act to discuss the pending litigation listed on the agenda. Mr. Carter seconded the motion. The Chair asked the Commission Administrator to take a roll call vote. The vote passed with a voice vote. The motion to close carried the time was 10:50 a.m. when the Commission went into closed session.

The Commission returned to open session at 11:18 a.m. and reconvened the regular meeting. The Chair stated that the record should reflect that the matters discussed in closed executive session were limited to only those specified in the motion for closure.

## **9. Other.**

Mr. Roehm inquired about the training Mr. Roehm inquired if more policies and procedures for training the new Administrator. Ms. Castaneda is providing on the job training and mentoring for the new Administrator John Baca.

## **10. Next Meeting.**

The next meeting will be open for a potential hearing.

## **11. ADJOURNMENT.**

There being no further business the meeting was adjourned at 11:40 a.m.

**Motion:** Mr. Drennan moved to adjourn the meeting. Mr. Brock moved for adjournment. Mr. Roehm seconded the motion. The motion passed by a voice vote.

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Chair