

# **SAFETY AWARENESS BOARD**

## **Minutes**

**Wednesday, November 10, 2004**

**9:00 a.m.**

**In attendance: Bernard Trembl**

**Dan Jones**

**Robin Melfi**

**Ed Ladouceur**

**Nick Giardino**

**Eric Anderson**

**Vice-Chairperson, Bernard Trembl called the meeting to order at 9:04 a.m.**

**There is a quorum. All members were in attendance for today's meeting, with the exception of Jay Sabitoni, James Jackson and Wayne Coulombe**

**The first order of business today is acceptance of minutes of the Wednesday, October 13, 2004 meeting. Everyone had an opportunity to review the minutes. Mr. Nick Giardino made motion to approve the minutes as submitted. Mr. Eric Anderson seconded the motion. All members voted in favor.**

**The next order of business is appeal hearings. There are five (5)**

appeal hearings on the agenda for today all pertaining to the same project, for which there is a court reporter. There was an additional appeal hearing for the same project scheduled for today, which was inadvertently left off the agenda. That appeal relates to Mr. Tiberio M. Lopes. Mr. Trembl explained the Board's procedures for conducting appeal hearings. Mr. Karl Swanson, Prevailing Wage Examiner, was sworn in by the court reporter.

#### **APPEAL HEARING:**

Mr. Derek Delmonico was in attendance on behalf of RAD Corporation. Mr. Delmonico informed the Board that he would be representing all of the employees involved in this matter as well as RAD Corporation. The employees did not want to lose a day of work, and asked that he represent them. Mr. Delmonico was sworn in by the court reporter. Mr. Swanson read the violation. On August 24, 2004, Mr. Swanson visited the Westerly High School Football Complex, Westerly, RI and found five (5) employees of RAD Corporation working on the project without OSHA 10-hour certification. Those individuals identified themselves as Mr. Gordon Cowie, Ms. Tina Ellis, Mr. Anthony C. Demelo, Mr. Tiberio M. Lopes, and Mr. Jose I. Depaiva. All five (5) of the individuals were advised of the alleged violations, as was the Director of Buildings & Grounds for the Town of Westerly, Mr. John Sutcliffe. RAD Corporation was fined \$500 for each of the five (5) violations for a total of \$2,500. Additionally, each of the employees was individually fined \$250

**apiece.**

**Mr. Delmonico stated that he does not dispute the fact that his people did not have the OSHA 10-hour training. However, after making several telephone calls, Mr. Delmonico arranged to have an OSHA 10-hour instructor conduct the training the very next day at the office of RAD Corporation for the individuals working on the job site. The OSHA 10-hour training was conducted the next day.**

**Mr. Delmonico presented the cards to the Board members, however, after looking at the cards, the date of the training on the cards says June of 2004, which was two (2) months prior to the violation date, and the date Mr. Delmonico testified that his employees were trained. Therefore there is a discrepancy on the cards. Mr. Ladouceur was concerned as to how Mr. Delmonico was able to schedule the training in one (1) day as well.**

**Mr. Ladouceur made a motion to table this matter until the authenticity of the cards are verified. Mr. Giardino seconded the motion. All members voted in favor.**

**Mr. Delmonico was asked to provide Karl Swanson with copies of the attendance sheet from the OSHA 10-hour training class. In addition, Mr. Delmonico stated that he paid for all of the employees to attend the OSHA 10-hour training. Mr. Ladouceur then asked Mr. Delmonico**

to provide Mr. Swanson with a copy of the front and back of the cancelled check used for payment of the course. Mr. Delmonico was also asked to provide a notarized statement from the trainer as to when the training occurred, who attended, and another other pertinent information to verify these individuals in fact received the OSHA 10-hour training. Once the above information is received and investigated by Mr. Swanson, Mr. Delmonico will be rescheduled for his appeal, and he will be notified when to come before the Board. Mr. Delmonico and the individual employees will all be notified of the next appeal date.

This concluded the appeal hearings.

Under any other business Mr. Swanson informed the Board that he is still seeing Iron Workers carrying the wrong OSHA card. These individuals have received the OSHA 10-hour training through the Iron Workers Union, however, they were given a card issued by the union hall instead of the official one that is issued by Federal OSHA, and which is what the Department requires they carry. Mr. Ron D'Ambruoso, Administrator in Professional Regulation stated that when Mr. Swanson sees individuals carrying this card instead of the one required by the Department, the individual carrying it should be written up and issued a violation/fine. That is the only way we are going to get this problem corrected.

There was no further business before the Board.

**Mr. Ladouceur made a motion to adjourn at 9:35. Mr. Giardino seconded the motion. All members voted in favor.**

**The next meeting of the Board of Safety Awareness is scheduled for Wednesday, December 8, 2004 at 9:00 a.m. in Building 70 of the RI Department of Labor & Training, Second Floor Conference Room, 1511 Pontiac Avenue, Cranston, RI 02920.**