

# **SAFETY AWARENESS BOARD**

## **Minutes**

**Wednesday, May 11, 2005**

**9:00 a.m.**

**In attendance: Joseph Sabitoni**

**Robin Coia**

**Wayne Coulombe**

**Nick Giardino**

**Edgar Ladouceur**

**James Jackson**

**Dan Jones**

**Chairperson, Joseph Sabitoni called the meeting to order at 9:05 a.m.**

**There is a quorum. All members were in attendance for today's meeting with the exception of Eric Anderson and Bernard Trembl.**

**The first order of business today is acceptance of minutes of the Wednesday, April 13, 2005 meeting. Everyone had an opportunity to review the minutes. Mr. Nick Giardino made a motion to approve the minutes as submitted. Mr. Wayne Coulombe seconded the motion. All members voted in favor.**

**The next item on the agenda is hearings. There was one (1) hearing on the agenda for today for which there is a court reporter. Mr. Karl**

**Swanson was sworn in by the court reporter.**

**The hearing pertains to R.J. Forbes. Mr. Ross Forbes was in attendance on behalf of the company, and was sworn in by the court reporter. Mr. Swanson read the violation. On March 22, 2005, Investigator Lisa Tirocchi visited the Rhode Island College, Alger Hall Project and interviewed Mr. William O'Neil, an employee of R.J. Forbes. Mr. O'Neil stated that he did not have an OSHA 10-hour card to work on this project. Mr. Daniel Kenney, Foreman for DePasquale Building & Realty was also notified of this violation. R.J. Forbes was assessed a fine in the amount of \$500 for this violation.**

**Mr. Forbes stated that his employees had not been trained at the time the violation occurred. He did make many attempts to schedule a training class for his employees with ASM in Massachusetts as well as his insurance carrier, however, he had been unable to get in touch with them. Since the violation occurred, seven (7) of his twenty employees have been trained, and Mr. Forbes provided the Board with documentation to substantiate this. Upon being questioned by the Board, Mr. Forbes did admit that he had read in his contract approximately six (6) months prior to being on this job, that OSHA 10-hour certification was needed for all employees working on the job. Unfortunately, six (6) months passed, and there was a lot going on, and Mr. Forbes overlooked it.**

**Mr. Ed Ladouceur stated that based on the testimony provided, a**

**finding of fact has been made that a violation did occur on March 22, 2005 at the Alger Hall Project at Rhode Island College, and Mr. William O'Neil was working on the project without OSHA 10-hour certification.**

**In-lieu of these findings, Mr. Ladouceur made a motion to uphold the fine of \$500 issued to R.J. Forbes. Mr. Dan Jones seconded the motion. Under discussion, Ms. Robin Coia asked if this was a first violation, and she was told that it was. Ms. Coia moved to amend the motion to suspend the \$500**

**fine for 12-months pending any further violations. Mr. Jackson seconded the motion. Under discussion, Mr. Ladouceur stated that he does not agree with a suspended fine. Mr. Forbes admitted under oath that he was aware of the requirement after reading his contract which makes this a willful violation. Mr. Sabitoni asked for a vote on the amended motion. Mrs. Coia and Mr. Jackson voted in favor. Mr. Jones, Mr. Ladouceur, Mr. Giardino, and Mr. Coulombe voted in opposition. The motion failed. Mr. Ladouceur then restated his original motion to uphold the \$500 fine. Mr. Jones seconded. All members voted in favor.**

**There were no further appeals.**

**The next order of business under unfinished business, is amendments to the rules and regulations. Back in June of 2004, the General Assembly passed legislation which essentially enacted the rules and regulations of the Board into law. The Board needs to**

**amend the current rules and regulations to eliminate the ones that were enacted as law, and create a new set of rules and regulations to allow clarification of the current law. Board members were asked to think of any issues that have come up since enactment of this law, to determine what clarifications of the law need to be addressed in the rules and regulations.**

**There was a discussion at the April 13, 2005 meeting. One of the issues discussed was to clarify that an employer can represent an employee at a hearing, however, the Board needs a letter signed by the employee authorizing that representation.**

**Another item discussed was to clarify that a safety officer or other office person can represent the company at hearings, however, the Board needs a letter signed by the owner/office of the corporation/partner authorizing that representation.**

**These items were discussed with Legal Counsel, Val Lombardi, and he agreed that the Board could include these items as amendments to the rules and regulations.**

**Lisa Ribezzo will incorporate wording into the notices of hearing to inform employees/employers that if they are going to have someone represent them, a signed letter is needed authorizing that representation.**

**Another item that should be clarified in the rules and regulations is that OSHA 30 cards and valid OSHA 500 cards are accepted as well as the OSHA 10 hour card.**

**Board members were asked to think about any additional items that should be addressed through rules and regulations, and report back at the June meeting of the Safety Awareness Board.**

**There was no further business before the Board.**

**Mr. Nick Giardino made a motion to adjourn at 9:30 a.m. Mr. Wayne Coulombe seconded the motion. All members voted in favor.**

**The next meeting of the Board of Safety Awareness is scheduled for Wednesday, June 8, 2005 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.**