



North Carolina Department of Labor *Ad Hoc Amusement Device Advisory Board*

Date/Time: Wednesday, December 3, 2008 / 10:00 am - 3:00 pm

Location: Commissioner's Conference Room, Room 205
Labor Building, 4 W. Edenton Street, Raleigh, NC

Attendees: Members

Jonathan Brooks	Elevator & Amusement Device Bureau, DOL
E.C. Toppin	Chowan County Regional Fair
Jamie Gaffney	Carowinds
Bobby Brinkley	Brinkley Entertainment
Joel Rickards	Interactive Playgrounds
Robert Rippy	Jungle Rapids
Eddy Powers	Powers Great American Midway
Steve Mains	Hickory American Legion Fair
Tony Brancazio	Wet N Wild Emerald Point

Members Absent

LouAnn Bowen	Hughie & Louie's Rentals
Clyde Wagner	Wagner Consulting Group
Mike Howard	High-Lite Rides, Inc.

Guests

Jim Head	NC Association of Agricultural Fairs
Andy Frazier	Standards & Inspections, DOL
Jennifer Haigwood	Governmental Affairs, DOL
Art Britt	Director Governmental Affairs, DOL
Nancy Vick	Elevator & Amusement Device Bureau, DOL
Thomas Chambers	Elevator & Amusement Device Bureau, DOL

Call to Order

Chairman Brooks determined there was a quorum and called the meeting to order at 10:00 am.

Introductions

Chairman Brooks introduced one guest. Mr. Jim Head, 2008 President of the NC Association of Agricultural Fairs, has requested that his position be recommended for the Board position of North Carolina Association of Agricultural Fairs, Board of Directors. Commissioner Berry attended briefly and thanked everyone for a great fair season. Introductions of all members and visitors were made. Mr. Eddy Powers of Powers Great American Midway will be replacing Corky Powers on the Board, representing a "major traveling amusement company."

This year's fairs had no reportable accidents/incidents. All incidents were patron related and there were no mechanical related incidents. The Fair Partner Program had 12 fairs to participate with training and safety operators assigned at each fair. We will continue the program in 2009.

Approval of Minutes

The minutes of the November 19, 2007 meeting were read and approved as written.

Agenda Items:

Meeting Purpose

The purpose of this meeting is to establish criteria from all industries represented for the Safety Amusement Star Program. Today on the agenda members will discuss the Parks and Carnivals and their participation in the Star Program. With help from OSH, a current draft of criteria for carnivals & parks for the Star program was completed by DOL. A copy was given to each member. Discussion will be as follows:

Above standard criteria	1 st
Application process	2 nd
Step program	3 rd

Discussions and questions on the program is the only agenda item for today. Chairman will delete any items requested and compile a final draft of criteria for members and present this at the Fair Association meeting in January, 2009.

Member Discussion/Questions

Chairman Brooks stated that the objective for today is to go over permanent parks and the carnival industry criteria for the Amusement Star Program. Then he will make changes to the draft and compile a final draft to send to members to review.

Carnivals

Chairman Brooks began discussion with the draft of the Program Criteria. He explained that this is a voluntary program. With the help of the OSH Bureau, this current draft appears to be okay with all members for carnivals and parks. The Step Program was discussed as being needed for those smaller shows that cannot do what the larger ones can. Members agreed this was necessary.

The Application was discussed by section:

- I. General Information
 - Apply for Star program or Rising Star Program (Steps 1 through 7). Section I – is general information on the company.
 - #7 – specify all pieces that DOL inspects – to determine the size of company for us
 - Take out employee citizen status language
- II. Management Commitment and Plan
 1. Commitment okay – short narrative – a business vision.

Mr. Rippy asked if this information will be in possession of DOL and as public record, how it would affect them on discovery at court if sued. Mr. Britt stated that it would be no problem with the DOL OSH Department as theirs is public record already.

Mr. Chambers discussed that the OSH website will help with safety practices and completing training programs.

2. Organization

1. Safety training records are already required for inspections
2. Safety Officer - Training Officer - These can be resources.
3. Red Cross, NDT professionals, Fire Department, etc.
4. Responsibility – looks for person/employees that work area for safety; their responsibilities
5. Accountability – to insure everyone is trained and how you account for training your personnel
6. Seasonal workers – want a little too much detail.

III. Employee Involvement

Mr. Brancazio -On OSHA side this may be okay. We are limited to employees in our case – no limits. This is giving too much information. This will all be public information and he would like to show to his attorney first.

Chairman Brooks stated that he certainly did not want this to prevent companies from participating.

Mr. Rippy asked if they can use this information against them at all.

Mr. Brancazio thought there were too many manuals of theirs out to the public.

Chairman Brooks stated that it would just be the names of the manuals, not the manuals themselves – no hard copies.

Mr. Rippy asked how about the team coming out to review these and not take them. He doesn't like giving a copy to you as it would be public record.

Chairman Brooks said that we can verify that you have them after seeing on the application that you said you have them. You can check yes or no that you have on site.

Mr. Chambers suggested that our legal staff join the meeting to answer some of the legal questions the members have about this information release.

Mr. Toppin stated that he probably knows which ones will qualify and apply for this program.

Chairman Brooks said that pretty much any of those that play in NC can qualify.

Mr. Mains said that the local fairs will buy into this program. Chairman Brooks said that this would be presented at the Fair Association meeting with the changes that are being made today. Mr. Mains asked how many pages – 10 may be a lot. Chairman Brooks said the length depended on how you responded to the questions.

Mr. Rippy asked if the yes or no answers have “if no, expand on” or “if yes, why?” etc.

Mr. Frazier said that we needed to know what you have in advance so we don't go out to your site and you really don't have the information there.

Chairman Brooks stated that the evaluation team would be Joe Adams, Mr. Chambers and himself. He believes we need more than yes or no answers. He has no problem with questions, but we need a little more proof.

Mr. Frazier stated that they would need to see all requested info on your site.

Mr. Rippy wanted to go over info you must have on the phone before you go out and do the review.

Mr. Britt stated that what he heard being said was that what becomes public record or not is the question and can it make you more susceptible. On our end, we're here to promote and your end is to participate. Whatever criteria are used; the final report says that you have this level

of information. As you maintain, we do not have any information available to prove you have it. We would need to maintain the documentation in our file in case we were ever asked for it.

Mr. Chambers said that the issue here is that they do not want their information accessible by everyone.

Mr. Rippy said it was okay when showing employees' termination records, etc as they will ask for it in court. Mr. Brancazio agrees that the info that documents safety is okay also – you have to do that anyway.

Mr. Rippy agrees that it needs to be simple/easy to complete.

Re-Convended Meeting after Lunch

Mr. Hoomani, General Counsel for NCDOL came in for questions and answers regarding morning session. He went over the statute on confidential materials and trade secrets, etc. Anything that is considered company confidential and/or contains company trade secrets cannot be considered public record and cannot be distributed by our agency.

Chairman Brooks said that we can go out and review records and make a report on some of their processes, i.e. drug testing.

Mr. Rippy asked to have some leeway in the report by not putting everything in your report. There should be some flexibility in reporting.

Mr. Chambers indicated that it has to meet minimum standards. When the application is received back completed, the evaluation team could go to review onsite and write a report documenting that their company meets the criteria. Most things in the application you will already have in place and this onsite trip would just verify it.

Mr. Brancazio said that insurance, inspection and reports owned by the company are all that is needed by law.

Chairman Brooks suggested that we may need to back up a little and look at the criteria again. We need to make it part of a questionnaire, such as with questions on it like “does he have this and that” with pictures of it for files. Maybe make it more of a checklist. We need to go back and look at the criteria again. We may ask Legal Affairs to look at it.

Mr. Chambers said that we all agree that some changes need to be made to the application. We can make another draft and send to members to review. We need to get members' feedback and get this approved in the beginning of 2009.

Chairman Brooks explained that we don't want to rush this program. If we don't get it by the Fair Association meeting in January, then we will get it done in 2009 some time. We can show them a draft of at the meeting and continue working on it.

Mr. Mains said he would want to see it before it goes out to the public – the assessment and the application

Chairman Brooks asked members their thoughts on turning the application into a questionnaire.

Mr. Brinkley said there is too much fluff and too many questions on employees but nothing on appearance. He thinks there is not enough on how the fair looks and how the equipment looks and operates.

Mr. Chambers said that we don't have the authority to rate appearance on parks, fairs, etc. The reason for this program is mainly for the safety of the public.

Mr. Brinkley said that different areas need to get together on each type of company for each type of criteria.

Chairman Brooks agreed that there should be something on appearance.

Mr. Chambers explained that most of this draft has to be there. You can then add what other extra items you want to it.

Mr. Rippy said that maybe we should add some things that are not regulated by law. Parks need to get together and add criteria for them. Traveling fairs need to get together and add their criteria. Some things are not applicable to all areas.

Leveling

This is a Step One and Step Two, two tier program. It is less strenuous for the smaller parks and shows. It consists of a Rising Star Participant and a Star Program Participant.

Chairman Brooks closed the meeting by saying that the following must be done by the members of the Board in order to move forward with criteria and application for this program:

- Reformat the application and add appearance items
- Email to members with deadline to respond
- Make appropriate changes
- Resend to members
- Add grade sheet (%) of each criteria

Board will need to meet again in February or March, 2009.

Mr. Brinkley suggested that the board have more than one meeting per year.

Chairman Brooks invited all members to attend the Commissioner's Open House on December 10th to support our Toys for Tots Campaign.

Meeting adjourned at 3:00 pm.