

STEVE SISOLAK
Governor

STATE OF NEVADA

VICTORIA CARREÓN
Administrator

TERRY REYNOLDS
Director



PERRY FAIGIN
Deputy Administrator

WILLIAM GARDNER
Chief Administrative Officer

**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**

November 18, 2021

Nevada OSHA is implementing a new Expedited Informal Settlement Agreement (EISA) policy to help resolve OSHA citations more quickly and improve worker safety. Information about the new policy is provided below. If you have questions, please contact Jimmy Andrews, Program Coordinator at 702-486-9069 or Michael Rodrigues, Program Coordinator at 702-486-9061.

Under what circumstances do businesses receive OSHA citations?

Businesses receive OSHA citations when an inspector determines that an employer has violated an OSHA safety or health standard, a hazardous condition exists as a result of that violation, employees are exposed to that hazardous condition, and the employer had knowledge of the condition.

What is the usual process to resolve a citation?

Generally, an employer can resolve a citation by abating the hazardous condition and paying all outstanding monetary penalties attached to the citation. An employer can also resolve a citation through the settlement or contest process prescribed in the Nevada Operations Manual.

What is an Expedited Informal Settlement Agreement?

An Expedited Informal Settlement Agreement is an agreement made with OSHA prior to the employer initiating the informal or formal contest process. The agreement would be offered when an employer receives their citations by certified mail. The agreement would offer a 50% reduction in monetary penalties. Additionally, the agreement would require the employer to commit to paying the remaining penalties and abating all hazardous conditions identified during the inspection.

Can an employer get a better settlement by contesting the citation?

If the sole basis of contest is the penalty amount, the employer *will not* get a better settlement offer by contesting the citation.

RENO
4600 Kietzke Lane,
Building F-153
Reno, NV 89502
(775) 688-3700

LAS VEGAS
3360 West Sahara Avenue
Suite 200
Las Vegas, NV 89102
(702) 486-9020

What criteria must be met to be eligible for an Expedited Informal Settlement Agreement?

The following criteria must be met to be eligible to receive an Expedited Informal Settlement Agreement offer:

- a. The case is not an Accident and/or Fatality/Catastrophe investigation.
- b. The case does not include Failure-to-Abate, Repeat, or Willful violations, or any High Gravity Serious violations.
- c. The Employer is not delinquent in any penalty payments owed to Nevada OSHA.
- d. There are no other factors which, at the discretion of the District Manager, would indicate that the employer (or case) is not a suitable candidate for the EISA program. Such other factors might be poor history of previous penalty payments, poor cooperation, long term abatement for cited items, and lack of a safety and health program.

Will my company be notified if we are eligible for an Expedited Informal Settlement Agreement?

During the closing conference of the inspection, the compliance officer will indicate if an employer appears to be eligible based on an initial review of the proposed citations. The compliance officer will explain the steps that must be taken to ensure the agreement is received and processed in a timely manner. However, please note, following the closing of an inspection, the file is reviewed by multiple members of management and adjustments may be made that impact eligibility.

Why should an employer consider signing an Expedited Informal Settlement Agreement?

By signing an Expedited Informal Settlement Agreement, the employer bypasses burdensome contest processes which may impose additional logistical, administrative, or legal costs when the sole basis of concern is the penalty amount.

How is worker safety improved through Expedited Informal Settlement Agreements?

By settling the matter in an expedited manner, the employer accepts the issued citations with a reduced monetary penalty which can be utilized to fund worker safety initiatives, and the employer commits to abating the hazardous conditions in a shorter timeline.

When will OSHA begin offering Expedited Informal Settlement Agreements to employers?

Nevada OSHA will begin offering Expedited Informal Settlement Agreements for all inspections opened *after* December 6, 2021.