



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**NOTICE OF PUBLIC MEETING
of the
ADVISORY COUNCIL OF THE DIVISION OF INDUSTRIAL RELATIONS
October 17, 2022
10:00 a.m.**

You are hereby given notice that the Advisory Council of the Division of Industrial Relations of the Department of Business and Industry, State of Nevada (Advisory Council) will conduct a public meeting on Monday, October 17, 2022 at 10:00 a.m. This meeting will be held at the following locations and on WebEx:

**Division of Industrial Relations
400 West King Street, Suite 400
Carson City, NV 89703**

**Division of Industrial Relations
3360 West Sahara Ave, Suite 250
Las Vegas, NV 89102**

WebEx Access:

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=m950e3a937bca3f427f060be2377b2b1b>

To Join by Phone:

1-415-655-0001

Access Code: **2465 469 9908**

Meeting Password: **2M62kJmk3FQ**

NOTICE

1. Items listed on the Agenda may be taken out of order;
2. Two or more items on the Agenda may be combined;
3. Items of the Agenda may be removed or delayed at any time; and
4. Public comment may be limited to two (2) minutes per speaker in the discretion of the chair. No action may be taken on any matter raised during public comment. Public comment will not be restricted based on viewpoint, but must be relevant to, and within, the authority of the Advisory Council.

AGENDA

1. Call to Order; Roll Call; Introduction of Advisory Council members (Secretary); and establishment of a quorum.
2. Public Comment (*see* Notice 4) (Chair)
3. **FOR POSSIBLE ACTION:** Approval of Minutes from the July 15, 2022 meeting (Chair)
4. **FOR DISCUSSION:** Division of Industrial Relations Overview and Update (Victoria Carreón)

5. **FOR DISCUSSION:** Regulations Update (Christopher Eccles, Brennan Paterson, and William Gardner)
 - a) Mechanical Compliance Section
 - 1) [R033-21A](#)– Implementation of SB205 provisions related to water heaters
 - 2) [R034-21RP1](#)– Clean-up regulation, including certification requirements to do construction and alterations on an elevator and timeline with compliance with safety requirements.
 - b) OSHA
 - 1) [R053-20RA](#)– Heat Illness
 - c) Workers’ Compensation
 - 1) [R134-20A](#) – Workers’ Compensation SB381 changes from 2019 Legislative Session
 - 2) [R032-21RP1](#) – Workers’ Compensation SB289 changes from 2021 Legislative Session
6. **FOR DISCUSSION:** Review and comments on OSHA quarterly complaint reports April – June 2022 (NRS 618.336 and NRS 232.600) (William Gardner)
7. **FOR DISCUSSION:** Review of OSHA quarterly reports on violations of NRS 618.375 April- June 2022 (NRS 618.347) (William Gardner)
8. **FOR DISCUSSION:** Discussion of items requested for follow-up from July 15, 2022 meeting:
 - a) City of Sparks firefighter staffing and safety concerns (William Gardner)
 - b) Potential tort liability and workers’ compensation liability for fire fighter staffing and safety issues at the City of Sparks Fire Department (Christopher Eccles)
9. **FOR DISCUSSION:** Agenda items for next scheduled meeting. (Chair)
10. **FOR POSSIBLE ACTION:** Discussion on possible investigations or studies to be conducted (NRS 232.600). (Chair)
11. Public Comment (*see* Notice 4) (Chair)
12. Adjournment. (Chair)

Any person with a disability as defined by the Americans with Disabilities Act who requires special assistance to participate in the meeting may contact, at least five (5) business days prior to the meeting, Marisa Santizo by emailing ADACoordinator@dir.nv.gov, or by calling (702) 486-9100 to arrange for reasonable accommodations.

Copies of the supporting (not privileged and confidential) material may be obtained upon request by emailing MSantizo@dir.nv.gov, calling Marisa Santizo at (702) 486-9100, or mailing a request to the Division of Industrial Relations, 3360 West Sahara Avenue, Suite 250, Las Vegas, NV 89102, Attention Marisa Santizo.

This Notice and Agenda has been posted at the following locations:

- Division of Industrial Relations, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102

- Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada 89703

This Notice and Agenda has also been posted at the following website addresses:

- Division of Industrial Relations Notice of Meeting at <http://dir.nv.gov/meetings/meetings>
- Nevada Public Notices at <https://notice.nv.gov>

DIVISION OF INDUSTRIAL RELATIONS ADVISORY COUNCIL
Minutes of the Meeting, Friday, July 15 ,2022

1. Call to Order and Roll Call

At 10:00 a.m. on July 15, 2022, the meeting of the Advisory Council for the Division of Industrial Relations (DIR) via videoconference between Las Vegas DIR and Carson DIR office was called to order by chairman Paul McKenzie. Roll Call was taken by Marisa Santizo. The board member present in the Carson City office was Paul McKenzie. Maureen Ostby was present in the Las Vegas office. William Spiegel, Raymond McAlister, and William Stanley attended via WebEx. It was determined a quorum was present.

DIR staff present at the Las Vegas Office were Victoria Carreon, Brennan Paterson, Todd Schultz, Christopher Eccles, William Gardner, and Marisa Santizo. Jodie Tonkin attended in the Carson City office. Karissa Neff from the Attorney General's Office attended via WebEx.

2. Public Comment on items to which actions may be taken

Tom Dunn, with Professional Fire Fighters of Nevada, the District Vice President: Professional fire fighters are concerned with the closing of the Sparks Fire Fighters OSHA complaint being prematurely closed. Mr. Dunn would like to request that the claim remains opened for additional investigation and documentation regarding NFPA 1710.

Mike Pilcher, president of Northern Nevada Central Board on behalf of Sparks Firefighters: Requesting that the complaint remains open and not closed due Staff levels, equipment, and response times.

Mike Hackler, Firefighter for the City of Sparks: Would like to request the complaint remain opened and would like to send a rebuttal in writing to have the opportunity to work with OSHA to provide data and documentation.

3. Approval of Minutes of Previous Meeting – April 12, 2022. William Stanley made a motion to approve the minutes of the April 12, 2022, meeting as presented. Raymond McAllister seconded the motion. The motion was approved unanimously.

4. Regulation Update (Victoria Carreon, Brennan Paterson, Christopher Eccles, William Gardner, Jodie Tonkin)

a. Mechanical Compliance Section (Brennan Paterson)

1. **R033-21RP1:** There will be a public workshop on Tuesday, July 19, 2022, this regulation update brings the Nevada administrative code into line with the requirements of SB205.
2. **R034-21P:** This is a general regulation that cleans up outdated language from the original NAC 455C and also clarifies requirements for who can work on an elevator and who can work in proximity to an elevator. This regulation also takes into account one year for compliance with code A173, which is the

retroactive elevator code that gives properties one year from the adoption of that code, giving properties time to comply if any changes are needed.

b. OSHA (William Gardner).

1. **R053-20RA: Heat Illness.** This regulation includes requirements to create a heat illness program at a trigger of 90 Degrees Fahrenheit. The regulation was adopted by the Division of Industrial Relations and was sent to the Legislative commission during their April meeting, and the differed action at that time and has not been scheduled for a subsequent legislative committee meeting.

C. Workers' Compensation (Jodie Tonkin).

1. **R134-20RP2: Workers' Compensation SB381 changes from 2019 Legislative Session:** This regulation supports changes to SB381. This regulation recommends changes to claim reporting, rating physicians, rating evaluations, and the calculation of benefit penalties. The LCB created a new draft of the regulation, and an adoption hearing was held on July 5, 2022, where the revised regulation was adopted and submitted to the legislative committee for approval. There isn't a date set for the next legislative commission meeting, but it is anticipated to be in August this year.
2. **R032-21P- Workers' Compensation SB289 changes from 2021 Legislative Session.** This regulation came as a result of SB289 recommending changes in forms for Workers' Compensation. Changes have been made to the treating panel by including advanced practice nurses and physician assistants as healthcare providers. Workers' Compensation held a workshop on June 20, 2022, after input from stakeholders. The updated draft is currently with LCB, and a second workshop will be held on July 19, 2022.

5. Review and comments on OSHA quarterly complaint reports January – March 2022 (NRS 618.336 and NRS 232.600) (William Gardner)

William Gardner provided the council with a list of compliance for the time period of January 2022 to March 2022.

There was no questions or comments.

6. Review of OSHA quarterly reports on violations of NRS 618.375 January – March 2022 (NRS 618.347) (William Gardner)

No questions or comments.

7. Discussion of Items requested for follow up from April 12,2022 Meeting: (William Gardner & Christopher Eccles)

- a) **Worker safety issues for the underground tunneling project for the Encore, Convention Center, Resorts World and 28-mile loop on Las Vegas Blvd.:**

William Gardner informed members OSHA expanded a comprehensive inspection due to the size of the project and found no violations. Bill Stanley

stated that after the last meeting, he received information from Clark County Fire Department regarding the rebreathers. It was noticed in the report that the rebreathers were rejected and refurbished by the fire department. Mr. Gardner responded that based on the inspector's assessment all rebreathers were replaced.

b) City of Sparks firefighter staffing and safety concerns:

During the last Advisory Council Meeting that was held on April 12, 2022, Mr. Mackenzie asked for OSHA and Workers Compensation to add an item to the agenda regarding staffing and safety issues to the Sparks Fire Department 3-man crew regulations. Christopher Eccles asked for an extension on behalf of Workers Compensation and will be prepared for the next meeting. Bill Gardner advised the council that he would like to obtain more information from the Sparks Firefighters to reopen the complaint and investigate further.

8. Agenda items for next scheduled meeting. (Chair)

Paul McKenzie requested for OSHA and Workers' Compensation to add an item to the agenda regarding staffing and safety issues for Sparks Fire Department for 3-man crew regulations.

9. Discussion on possible investigations or studies to be conducted (NRS 232.600). (Chair)

No Comments or questions.

10. Public Comment (Chair)

Mike Hackler with local 1265 stated he will provide information to OSHA regarding staffing and response times to provide the necessary documentation for their rebuttal.

Tom Dunn with Professional Fire Fighters stated that he is looking forward to seeing a response regarding staffing, apparatus maintenance, and safety issues.

11. Adjournment:

Motion to adjourn at 11:15 am by Bill Stanley and seconded by Bill Spiegel.

WORKING TOGETHER TO PUT SAFETY AND HEALTH FIRST IN NEVADA



Division of Industrial Relations

ADVISORY COUNCIL MEETING

MONDAY, OCTOBER 17, 2022

Administrator's Update



- **Major Accomplishments**
 - Heat Illness National Emphasis Program and Outreach
 - Training now available in-person
 - Outreach efforts expanded
 - Digitization Initiative
- **Major Budget Priorities for FY 2024 and FY 2025**
 - CARDS Enhancements
 - Personnel- Salaries and Positions





Mechanical Compliance Section

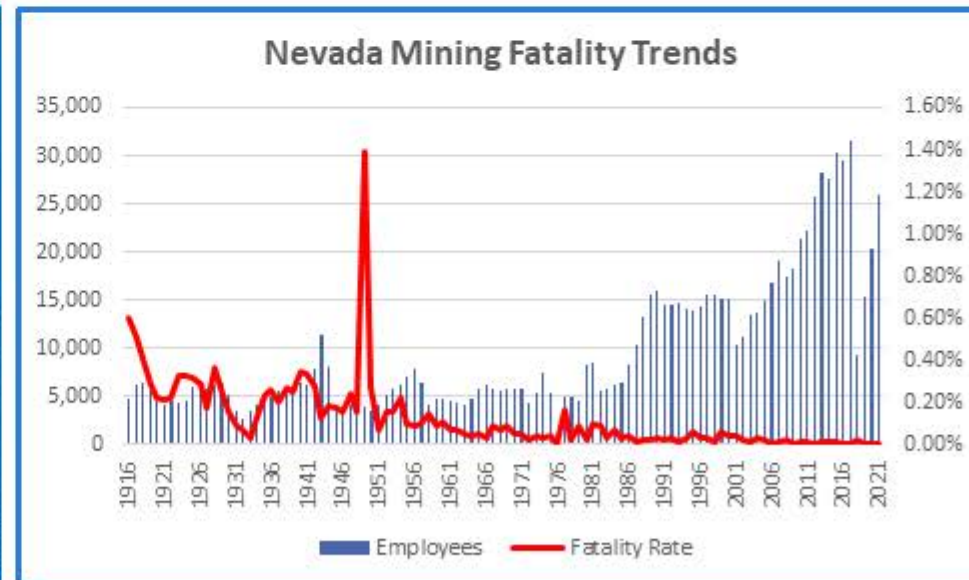
- **Enforcement Accomplishments**
 - MCS has used new software capabilities to begin an enforcement emphasis program to address unabated elevator violations.
 - MCS has made progress in addressing illegal and unsafe residential elevator installations, identifying several companies that are installing substandard equipment and without obtaining appropriate permits.
 - The microbulk CO2 emphasis program has been successful, resulting in over 1000 previously unpermitted CO2 storage tanks being inspected and permitted.

- **Interagency Cooperation Initiatives**
 - MCS has joined the NV Contractor's Board Interagency Task Force.
 - Elevator emergency evacuation training conducted with Las Vegas Fire and Rescue and Henderson Fire Department.
 - MCS is working with other Nevada fire departments to conduct further trainings to improve first responder and passenger safety.



Mine Safety and Training Section (MSATS)

- Conduct Annual Mine Inspections for over 250 Surface, Underground, Sand and Gravel Operations and Extensive Mineral Exploration Drilling Projects.
- Provide Extensive Training Programs to include Initial Inexperienced Miner Surface and Underground, Annual Refresher, First-Aid and CPR.
- Outreach - Targeting Mine Safety and Health Trainers at Active Mining Operations.





Occupational Health and Safety Administration (OSHA)

- **State Collaboration**
 - NV OSHA has joined the NV Contractor’s Board Interagency Task Force
- **Outreach Targeting**
 - Minorities and Women
 - General Construction
 - Labor Groups
- **NOM Revision (August 2022)**
 - Significant Clean-up
 - Updated Penalty Information
 - Expedited Settlement Options
- **Records Request Process**
 - Significant Reduction in Backlog
 - Progressive Reduction in Turnaround Times
- **Significant Website Updates**
 - All Review Board Decisions Now Online



Safety Consultation and Training Section (SCATS)



- **New Safe Partner Awards**
 - Mesquite Dental
 - Nugget Casino
- **Safety and Health Achievement Recognition Program (SHARP)**
 - RHP Mechanical Systems – 3-year renewal
 - Jokers Wild Casino – 3-year renewal
- **Voluntary Protection Program (VPP)**
 - Sherwin Williams Distribution – 5-year renewal
- **Heat Related Illness training**
 - Two online classes with 65 students trained





Workers' Compensation Section

- New Chief Administrative Officer, Valerie Hall, effective September 6, 2022
- Workers' Compensation Educational Conference held September 15-16, 2022
 - Theme:
 - Emerging Stronger Together
 - Attendees:
 - 268 attendees, 18 presenters, 20 exhibitors
 - Insurers, Third-Party Administrators, employers, medical professionals, attorneys
 - Breakout sessions provided detailed perspectives on a range of topics including workers' compensation premium fraud, workplace violence, and utilizing virtual reality in pain management.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1881670	SOURCECUT INDUSTRIES OPCO LLC		04/04/2022	Phone	Y	Y	Closed	S-Safety	1. Carts stacked precariously with large/long heavy materials causing the cart to over turn with its contents spilling out almost striking employees.	\$0.00
C-1884885	EE TECHNOLOGIES		04/14/2022	Phone	Y	N	Closed	S-Safety	1. Located in the facility, employees are operating scissor lifts and working from the platform above employees that are at their desks. Employees are exposed to overhead hazards.	Resolved through inquiry process.
C-1889691	SOUTHWEST ANSWERING SERVICE		04/29/2022	Phone	Y	N	Closed	S-Health	1. Employer allows sick workers to remain at work. Other workers are getting sick due to this practice.	Resolved through inquiry process.
C-1890204	SPORTSMAN'S WAREHOUSE		05/02/2022	Phone	Y	N	Closed	S-Safety	1. Located in the rear dock / receiving area, the concrete is cracked, unstable and is creating a tripping hazard. The metal bracket at the loading dock edge is loose and also creating a tripping hazard. 2. Located inside the store, by the rear entry / exit door, the concrete is cracked and has shifted up, creating a trip hazard.	Resolved through inquiry process.
C-1891404	WOLF PACK MEATS		05/05/2022	Phone	Y	N	Closed	S-Health;S-Safety	At the location the following hazards have been reported: 1. A new employee working in the meat processing area, was assigned to work on an 7 foot elevated platform using an air knife without the benefit of being trained. 2. Located in the meat processing area, the walking working surface is very slippery exposing employees to slip and fall hazards. 3. Located in the meat processing area, the smoke generator leaks causing wood smoke to enter the work area creating poor indoor air quality. The work area is filled with smoke causing irritation to eyes and throats. 4. In the meat processing area, the mechanical brake that slows meat carcasses that are lowered to the floor level is broken. This forces employees to manually slow or stop the carcasses which has caused two serious injuries.	Resolved through inquiry process.
C-1892268	EXPRESS MESSENGER SYSTEMS INC	ONTRAC	05/09/2022	Phone	Y	N	Closed	S-Safety	Load Wall; Employees use step stools and ladders to reach packages in the chute being loaded into trucks. The chutes have sharp edges that cause injuries.	Resolved through inquiry process.
C-1893139	LUX STUDIOS, A BEAUTY LOUNGE		05/11/2022	Phone	Y	N	Closed	S-Health	1. Located in the walls connected to the laundry room, black mold exists and the employees working nearby have complained about respiratory and GI related health issues caused by the mold.	Resolved through inquiry process.
C-1893199	Nevada Recycling & Salvage		05/11/2022	Phone	Y	N	Closed	S-Safety	1. By the area know as entrance #2, exit paths are not being properly maintained and are being blocked by recycling and other waste materials preventing employees to safely reach an exit in an event of emergencies. 2. Housekeeping is not being maintained throughout the working and walking areas exposing employees exposing employees to trip and fall hazards.	Resolved through inquiry process.
C-1894787	UPS		05/16/2022	Phone	Y	N	Closed	O-Health	1. No drinking water available for past 10 days.	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

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C-1895256	PANASONIC CORPORATION OF NORTH AMERICA		05/17/2022	Phone	Y	N	Closed	S-Safety	Located on the 1st floor in the Electrode Department Anode Coating (Ovens G1 through G7): 1. Employees work in ovens that are confined spaces and are exposed to falling objects due to lack of LOTO. Employees do not have a means to support conveyor belt bearings or heating elements that have fallen within the ovens, while servicing the ovens. In particular Oven G2 has been found with fallen bearings and oven G1 has had heating elements below the rollers fall. Employees have requested a means or method of holding up objects to prevent them from falling on employees. The employer has not corrected the hazard.	Resolved through inquiry process.
C-1897135	SMITH'S FOOD AND DRUG #378		05/23/2022	Phone	Y	N	Closed	S-Health	1. Employees tested positive for COVID-19 and are being forced to work while sick.	Resolved through inquiry process.
C-1897258	FERNLEY ASSISTED LIVING, LLC	FERNLEY ESTATES	05/23/2022	Phone	Y	Y	Closed	S-Health	1. Employees not trained in bloodborne pathogens (BBP) are required to cleanup blood from patients with HIV/AIDS.	\$0.00
C-1897636	ROCKY BRANDS INC		05/24/2022	Phone	Y	Y	Closed	S-Safety	1. Employees operating powered industrial trucks (PIT) without proper training. 2. An untrained temporary employee was hospitalized after braking their ankle while operating a "walkie" PIT and it was not reported to OSHA within 24 hours. 3. Exits are blocked. 4. Pallets are stacked too high, causing hazards associated with unsafe storage.	\$0.00
C-1898029	WASHOE COUNTY - REGISTRAR OF VOTERS		05/24/2022	Phone	N	N	Closed	O-Health	1. Observers room is not provided with ventilation. 2. Observers door cannot be opened from the inside.	Resolved through inquiry process.
C-1898135	RAINBOW BEND HOMEOWNERS ASSOCIATION		05/25/2022	Phone	Y	N	Closed	S-Safety	1. Emergency exit lights are not working. 2. Damaged extension cords being used (e.g., missing ground prongs). 3. Face plates are missing from electrical outlets.	Resolved through inquiry process.
C-1899750	Legacy Fencing		05/31/2022	Phone	N	N	Closed	O-Safety	On 4/7/2022, at approximately 7:00 a.m., an employee was involved in a vehicle accident in a company vehicle and on company time. The employee was hospitalized as a result of the accident, but the employer did not report the hospitalization to Nevada OSHA.	Resolved through inquiry process.
C-1900098	McDonald's		05/27/2022	Phone	Y	N	Closed	O-Health	1. There is a bed bug infestation at the facility.	Resolved through inquiry process.
C-1900663	3D CONCRETE		06/02/2022	Phone	Y	N	Closed	S-Safety	1. A 3D employee was struck by another vehicle in the yard while he was cleaning out the back of his concrete truck. The employee was taken to the hospital and received first aid treatment but was not hospitalized.	Resolved through inquiry process.
C-1900695	TESLA GIGAFACTORY, INC.		05/31/2022	Phone	N	N	Closed	S-Health;S-Safety	Located on the 3rd floor above the main lobby: 1. Improper Process Safety Management 2. Improper personal protective equipment use 3. Improper respiratory protection 4. Air quality issues 5. Hazard communication issues	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

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C-1900919	HARRAH'S LAKE TAHOE CASINO		06/02/2022	Phone	Y	Y	Open	S-Health;S-Safety	1. Engineering department employees operating a forklift without training or certifications. 2. Ship ladders with damaged railing and rungs. 3. PPE not provided for engineering department employees when using chlorine and muriatic acid for pool, spas and water treatment systems. 4. No fall protection training for engineering department employees when operating aerial boom lift. 5. Fall protection harness in aerial boom lift is damaged. 6. First aid kits are old and product is out of date. 7. Water actively leaking on 480 VAC panel in the main boiler room. 8. Catwalks above casino floor are missing guardrails in multiple locations. 9. Fire proofing material on structural beams is degrading and material has fallen onto ceiling tiles and catwalk area. Employees have asked management for asbestos report to determine possible asbestos exposure. Management has refused to produce the report.	Pending
C-1901436	HIREQUEST DIRECT OF RENO		06/01/2022	Phone	Y	N	Closed	O-Safety	1. HireQuest assigns employees who have not completed an OSHA-10 hr. or 30 hr. to various construction projects.	Resolved through inquiry process.
C-1901760	HAMILTON COMPANY		06/06/2022	Phone	Y	Y	Closed	S-Safety	1. Electrical conduit fell through the ceiling of the facility and could have struck employees below.	\$0.00
C-1902346	PIZZA HUT	PIZZA HUT	06/06/2022	Phone	N	N	Closed	S-Safety	At the establishment, management is allowing; 1. Staff to smoke marijuana while on breaks during work hours. 2. Allows employees to consume alcohol during breaks. 3. Has provided alcohol to a minor who is an assistant manager. 4. Impaired employees pose a risk to themselves and others while working in the kitchen area. Management has directed employees to take smoke breaks behind the building away from the security camera view.	Resolved through inquiry process.
C-1902641	STELLA-JONES CORP		06/07/2022	Phone	Y	Y	Closed	S-Health	1. High pressure hydraulic power units are being run upwards of 12000 pounds per square inch pressure on a system that is rated for 5000 pounds of working pressure. 2. Employees are working in and around machines that are used to chemically treat wood poles. The employees are not required to wear respirators, chemical appears to be burning employees lungs, difficulty breathing, causing pains in chest, and headaches. 3. The employer is not training employees on respirator protection. 4. High pressure hydraulic power units have exposed wiring. 5. Electrical cabinets left open. 6. High pressure hydraulic power units missing pressure gages.	\$0.00
C-1904469	THE SHERWIN-WILLIAMS COMPANY		06/13/2022	Phone	Y	Y	Open	S-Health	1. Zone 2; Dust collectors are not working since Saturday, June 4, 2022. Employees are complaining of burning eyes and chemical taste. Employees are encouraged to use N-95 respirators. 2. Emergency eyewash not working.	Pending
C-1906093	SHERWIN WILLIAMS DISTRIBUTION CENTER		06/15/2022	Phone	N	N	Closed	S-Safety	1. Supervisor called to report that one employee slipped and fell on 6/14/2022 at 9:30am. Employee slipped on cardboard boxes. The employee was taken to St Mary's hospital and was admitted at 4:30. The employee fractured their right hip.	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

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C-1909806	RAISING CANE'S CHICKEN FINGERS		06/22/2022	Phone	Y	N	Closed	S-Health	1. Employee was asked to clean vomit in the men's restroom without proper training.	Resolved through inquiry process.
C-1910104	ALLSTATES WAREHOUSING AND DISTRIBUTION		06/22/2022	In person	Y	Y	Closed	S-Safety	1. Loading docks do not have dock locks or vehicle chocks. Employees have to set dock plates by using a shovel handle to support the plate while reaching under the plate with a metal rod to hook the chains. 2. Employees are not trained to use the forklifts. 3. Fire exists are blocked with pallets and material. 4. Fire extinguishers are missing from poles that are marked for fire extinguishers.	\$0.00
C-1910249	WALMART SUPERCENTER #2189		06/23/2022	Phone	Y	N	Open	S-Safety	1. Employer is locking main exit doors from the inside. Complainant stated that the front exit doors and cart bay door for emergency exit at the front of the building are locked and require a key to exit from the inside at the close of business hours.	Resolved through inquiry process.
C-1910816	American Tire Distributors Inc		06/24/2022	Phone	Y	N	Closed	S-Safety	1. Floors throughout the facility are very slick exposing employees to slip and fall hazards.	Resolved through inquiry process.
C-1910902	SIERRA NEVADA WELLNESS CENTER		06/24/2022	Phone	Y	N	Closed	S-Health	1. Employer is allowing employees to work while exhibiting COVID - 19 symptoms exposing other employees to the potential virus contraction. 2. No written covid-19 plan at the facility.	Resolved through inquiry process.
C-1911889	SMITH'S FOOD AND DRUG		06/27/2022	Phone	Y	N	Closed	S-Safety	1. In the receiving department, pallets of product unloaded from trucks are unstable and have fallen. 2. In the receiving department, pallet jacks used to unload trucks are under capacity for the loads they are required to lift/transport. 3. In the receiving department, the loading dock floor is slanted with a gap between the trailer and floor creating a tripping hazard and causing the loads to shift while in transit on the pallet jack.	Resolved through inquiry process.
C-1912276	STITH PRINTING INC.	STITH PRINTING	06/28/2022	Phone	Y	N	Closed	S-Safety	At the location: 1. In the manufacturing area, located just past the double doors, there are two large printing machines used to print t-shirts. The electrical service to both machines are extension cords and surge protectors that are daisy chained together. The cords are on the floor around and under the machines. One surge protector has a broken housing, exposing bare wires. Employees are exposed to electrical hazards by working around these power cords.	Resolved through inquiry process.
C-1883167	Las Vegas Bistro LLC	Larry Flynt's Hustler Club	04/08/2022	Phone	Y	N	Closed	O-Safety	1. There is a large accumulation of mold and mildew at the Sexy Bar, Double D Bar, and the main cooler near the Double D bar. 2. In the main cooler, employees must access the products in the cooler by going down approximately 5 feet to the next lower level using one of two points of access. The main point of access has handrails on one side, but not the other, potentially exposing the employee to fall hazards. The second point of access is milk crates used as steps and there are no handrails available. 3. The floor in the main cooler is always wet and there are no measures in place to prevent slips. 4/8/2022 bm	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1883596	Chick-fil-A		04/11/2022	Phone	Y	N	Closed	O-Safety	1. The CO2 alarm continuously goes off throughout the day. Employees have voiced their concerns and reported feeling lightheaded when working in the kitchen but no corrective action has been taken. Hazard Location: Kitchen 04/11/2022	Resolved through inquiry process.
C-1883722	Image Exhibit Services		04/11/2022	Phone	Y	Y	Closed	O-Safety	1. The employer does not have a hazardous energy control program. Employees are required to service machines such as CNC machines and router tables and the employer has not established lockout/tagout procedures. 2. The tables saws inside the shop are unguarded. 3. Employees operating the forklifts have not been trained and certified. 4. The basket that attaches to the forklift is homemade and unsafe. 5. Employees are not provided personal protective equipment. 6. Hazardous chemical containers are unlabeled and are not being stored in flammable cabinets. Hazard Location Throughout	\$0.00
C-1883723	Brady Linen Services LLC		04/11/2022	Phone	Y	Y	Closed	O-Safety	1. The pipes are leaking and water is accumulating on the floor. Hazard Location Plant #10 & #18 Dryers, Towels, Tunnels.	\$0.00
C-1883914	VCI Construction LLC		04/12/2022	Phone	Y	N	Closed	S-Safety	1. On February 23, 2022 a VCI employee was working on power boxes on the sidewalk. Las Vegas Paving roadwork was occurring nearby in and around the site. The VCI employee stepped backwards onto the street onto an unstable patch of sand, and fell backwards. The employee sustained muscle strains and torn ligaments. The employee was not hospitalized.	Resolved through inquiry process.
C-1883926	Jiffy Lube		04/12/2022	Phone	Y	N	Closed	O-Safety	1. Employees are being permitted work on vehicles and complete fluid changes and have not been provided with initial orientation safety trainings.	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity- Subject	Hazard Desc & Location	Inspection Results/Comments
C-1884880	Ponderosa Plastering LLC		04/14/2022	Phone	Y	N	Closed	S-Safety	1. Employees consume alcohol on a normal basis during their regular work shift. Employees have been seen drinking beer during the construction of a property as tall as three stories, including while building and working from a five-tier scaffold. The beer is stored onsite within an employee's vehicle until after lunch at 9am. Around 10am-11am the ice chest is brought out of the car and is stored in the back on the property where all employees are able to grab a beer and drink while working. Work occurs on the site from 7am-2:30pm. The only comment that has been made from the employer regarding the drinking is "if you get hurt, you're fired". 2. A lot of the employees working onsite are doing so without a legitimate OSHA card or an OSHA card at all. The foreman advises employees where they can buy OSHA cards at downtown and buys OSHA cards for employees for \$50 but employees are hired with or without their OSHA card. If you do not have your OSHA card, they just pay you less. 3. No personal protective equipment is provided to the employees. Employees do not receive safety glasses or gloves. Hazard Location: Jones crossing - Pear Valley Lane and Steele Canyon Street & Southbrook - Robindale Road and Jones Blvd. 4/14/2022 bb	Resolved through inquiry process.
C-1885477	Sensations Exhibits Las Vegas		04/18/2022	Phone	Y	N	Closed	S-Safety	1. Employees are using a table saw and an electric chop saw without the employer requiring or providing safety glasses. 2. Employees are picking material such as plywood and laminate, and using solvents that can cause cuts, abrasion's and damage to the hands. The employer does not provide gloves for their protection. 3. Batteries at this warehouse for the electric forklift are not being serviced and have the potential to explode and seriously injure an employee if they are not serviced soon according to a Bay City Serviceman. 4. Steel shelving that is approximately 15 feet high that store pallets of trade show materials such as walls, displays, etc. are not anchored to the ground.	Resolved through inquiry process.
C-1886997	Clark County School District - Cheyenne Bus Yard		04/21/2022	Phone	Y	N	Closed	O-Safety	1. Employees in the bus yard are dispensing gasoline from fuel pumps that are leaking.	Resolved through inquiry process.
C-1887368	Cleveland Clinic Lou Ruvo Center for Brain Health - Las Vegas		04/22/2022	Phone	Y	N	Closed	O-Health	1. An employee does not wear gloves when handling and drawing blood from patients, potentially exposing herself and patients to diseases. Supervisors have been informed that the employee does not wear gloves when handling blood and has taken corrective actions several times, but the employee continues to work without gloves. 4/22/2022 bm	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity- Subject	Hazard Desc & Location	Inspection Results/Comments
C-1888324	Knight Transportation, Inc.		04/26/2022	Phone	N	N	Closed	S-Safety	1. The trucks used to move trailers around in the yard, have driver seats that may lacerate or puncture employees. Trucks LV03 and LV05 in particular have metal springs or wires sticking out of the driver seat or back rest. Employees have been reporting this safety item to management for approximately a month. Employees have been told, "they don't want to fix it." Hazard Location: In the TJ Maxx-Marmaxx Distribution Center yard and loading docks. Operators that move trailers around in the yard only. 5/11/2022 EZ	Resolved through inquiry process.
C-1888333	The Mirage Hotel and Casino, LLC		04/26/2022	Phone	Y	N	Closed	S-Safety	1. The trash chute to the hotel tower has been down for approximately three months and employees are told to put the trash by the housekeeping elevators. Trash has been piling up in these areas causing slip and trip hazards from liquids spilling out, potentially exposing falling employees to punctures or lacerations from sharps or sharp objects in the trash. One employee recently had a slip and fall in a trash pile resulting in three broken ribs. 2. The laundry chute doors are broken or completely missing on various floors. Employees working near the missing doors may fall into the laundry chute. 3. Laundry chute doors are not secured or sealed and are causing the doors to suddenly open when laundry is falling from above. Employees maybe struck by the door and become injured. 4. The laundry conveyor support beams at the base of the laundry chute are damaged due to the loads of laundry. Employees working at the base of the laundry chute are exposed to a crushing hazard from the conveyor if the support beams were to fail. Hazard Location: 1. In the designated trash area near the housekeeping elevators on each tower floor. 2. At the laundry chute on each tower floor. 3. Broken laundry chute doors are on floors 4, 6, 7 and below in the maintenance floor. 3. At the base of the laundry chute. 4/26/2022 EZ	Resolved through inquiry process.
C-1888879	Sam Ash Nevada Megastores, LLC	Sam Ash Music Stores	04/27/2022	Phone	Y	Y	Closed	S-Safety	1. An employee attempted to use a fire extinguisher to put out a dumpster fire behind the warehouse and 3 extinguishers were not adequately charged. 2. Cardboard boxes containing retail equipment are being placed temporarily from floor to ceiling within the exit route. 3. Emergency exit doors are locked from the inside and management has to unlock the doors to exit the building. Hazard location: Within the warehouse, receiving doors and hallway areas. 4/27/2022 EH	\$0.00
C-1890615	Virgin Hotels Las Vegas, Curio Collection by Hilton	The Juice Bar	05/03/2022	Phone	Y	N	Closed	O-Safety	1. The top of the juicer the employees use is not secure when it is in operation. When the employees place fruits and vegetables in the top of the juicer and turn on the machine, the top comes off and employees are hit with fruits and vegetables while the juicer is in operation.	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1891389	Santa Fe Mining Company, L.L.C.		05/05/2022	Phone	Y	N	Closed	O-Health;O-Safety	1. The range hood has not been working for several days to vent heat and smoke when employees are cooking food in the kitchen. The kitchen manager and owner are aware that the range hood has not been working. A technician was called out and stated it would take approximately 7 weeks to fix the hood. 2. The air conditioning in the kitchen has not been working for several days and was approximately 125 degrees on 5/4/2022. Employees were required to continue working in the heat causing one employee to vomit and another employee to almost faint. The kitchen manager and owner were also aware that the air conditioning has not been working. The technician that came out stated that it could take 1 - 3 months to fix the air conditioning. 5/5/2022 bm	Resolved through inquiry process.
C-1891454	Artificial Grass Liquidators		05/05/2022	Phone	Y	N	Closed	O-Safety	1. The employer requires employees to drive forklifts equipped with carpet pole attachments with their load downgrade when traveling on the concrete ramps leading into the warehouse. The employer has been made aware that when driving forklifts on ramps, the load must be upgrade, but the employer dismissed the safety concerns. 5/5/2022 bm	Resolved through inquiry process.
C-1891523	Wynn Las Vegas, LLC	Wynn Las Vegas	05/05/2022	Phone	Y	N	Closed	O-Safety	1. Employees in the Horticulture Department are not provided with tools that are adequately maintained or available for the job tasks they perform. Tools used to perform cutting operations are not sharp and power tools are rarely available. 2. Employees were informed that the Horticulture Department tool room would be shut down and the supervisors would be required to check out tools for each employee. However, tools that employees request for their job tasks are often not available, cannot be ordered, or would not arrive in a timely manner. 3. Equipment used by the Horticulture Department such as ladders, scissor lifts, boom lifts, and pallet jacks are not regularly inspected to ensure they are in safe working condition. 5/5/2022 bm	Resolved through inquiry process.
C-1891818	Bally's Operating Company, LLC	Bally's Las Vegas	05/06/2022	Phone	Y	N	Closed	O-Health	1. The bathrooms are not regularly cleaned and maintained in a sanitary condition. 2. In one of the female restroom stalls, there is a hole in the wall stuffed with toilet paper. There is a potential that if the toilet paper was removed, an employee could see into the other opposite gender's restroom. 3. The breakroom has cockroaches due to the sugar and other food that are left out. 4. In the breakroom, the tables, floor, and area under the refrigerator are not regularly cleaned. 5. The trash cans in the bathroom and breakroom are not regularly taken out. Hazard Locations: The bathrooms and breakroom of the Call Center building. 5/6/2022 bm	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1891867	Golden Nugget		05/06/2022	Phone	Y	N	Closed	O-Health	1. Approximately 18 of the 20 luggage carts that Bellman employees are provided are not tuned properly to prevent joint and shoulder pains. Management has been made aware, but corrective actions were not taken. Luggage carts were last tuned approximately 15 years ago. 5/6/2022 bm	Resolved through inquiry process.
C-1892660	Speed Vegas, LLC		05/10/2022	Phone	Y	N	Closed	O-Safety	On 05/09/2022 employees voiced their concerns to management about continuing to work on the track while high winds blew dust and debris into the area and caused one of the track structures to come apart. Management instructed employees to continue working. 05/10/2022 JB	Resolved through inquiry process.
C-1893382	Stord Fulfillment		05/11/2022	Phone	Y	N	Closed	S-Safety	1. There are pallets stacked throughout the warehouse that violate OSHA safety regulations. Pallets are stacked in the middle of aisles, up to 6 pallets high making the pallets approximately 24 feet in height. The way that the pallets are stacked have caused them to lean and eventually fall over. On March 9, 2022 a stack of pallets fell and an employee was skinned on their leg. Hazard Location: Between rows D-K throughout of the warehouse and near the inventory area. 5/11/2022 bb	Resolved through inquiry process.
C-1893807	Emerg N See Clinical Labs		05/12/2022	Phone	Y	N	Open	S-Health	1. Employees working in a laboratory setting are exposed to chemical reagents and biological specimens without any personal protective equipment, ventilation, or safety protection of any kind. 2. Employees are not trained on the hazards of working with chemical hazards, nasal swabs, blood, and urine.	Pending
C-1893832	Bally's Las Vegas		05/12/2022	Phone	Y	N	Closed	O-Safety	1. Workers are exposed to being struck by tables and chairs that could fall on them off the carts at any time. The wheels on the carts have bad bearings and are flat due to the age of the carts. The wheels get stuck and suddenly stop while moving tables and chairs in the convention areas. Hazard Location: Convention Center	Resolved through inquiry process.
C-1893850	Five Guys Burgers & Fries		05/12/2022	Phone	Y	N	Closed	O-Safety	1. Employees are exposed to slip and fall hazards throughout the workday due to greasy and slippery floors that are not cleaned and made safe. When the floors are mopped its done plain with water without soap. The floors remain greasy and slippery throughout the day as a result of poor sanitation practices. HAZARD LOCATION: Throughout the food preparation area	Resolved through inquiry process.
C-1894135	Paris Las Vegas Operating Company, LLC	Paris Las Vegas	05/13/2022	Phone	N	N	Closed	S-Health	1. The employer is not complying with the Governor's COVID-19 mandate in regard to employees testing positive at the workplace. An employee has tested positive for COVID-19 and the employer has not performed trace contact to ensure employees who were exposed quarantine for 14 days. This has been an ongoing problem since 2021. 2. An employee tested positive for COVID-19 and the employer did not inform employees of possible exposure which is not required under current guidelines. HAZARD LOCATION: Beverage Department	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity- Subject	Hazard Desc & Location	Inspection Results/Comments
C-1895799	Clark County School District	Sandra Lee Thompson Elementary	05/18/2022	Phone	Y	N	Closed	S-Safety	1. On 5/17/2022 at approximately 1:00 PM, the Assistant Principal was assaulted by a student with behavioral and/or emotional challenges. 2. General education staff are not provided with workplace violence training. Hazard location: Within room 77 and throughout the common areas of the facility. 5/18/2022 EH	Resolved through inquiry process.
C-1895833	Caesars Palace		05/18/2022	Phone	Y	N	Closed	S-Safety	1. On 5 separate occasions and most recently on 5/17/2022, the kitchen range hood fans failed to exhaust smoke for approximately 40 minutes in the kitchen area. Employees experienced lightheadedness and nausea from the exposure. 2. There is black mold behind the wallpaper in the east fire exit. Hazard location: Within the Hell's Kitchen restaurant establishment of Caesars Palace. 5/18/2022 EH	Resolved through inquiry process.
C-1895835	Arroweye Solutions		05/18/2022	Phone	Y	N	Closed	S-Safety	1. Employees are exposed to heat stress when working with heat-producing plastic printing equipment. The employer does not give adequate breaks to cool off from the heat. Hazard location: Within the plastic printing area of the facility. 5/18/2022 EH	Resolved through inquiry process.
C-1896136	Pop-A-Lock		05/19/2022	Phone	Y	N	Closed	O-Safety	1. Employees are not supplied with reflective vests or other personal protective equipment while performing services on roadways and highways.	Resolved through inquiry process.
C-1896166	Blumhouse Productions LLC		05/19/2022	Phone	Y	Y	Closed	S-Health;S-Safety	1. Actors and Stunt personnel are performing wirework stunts as part of action sequences. The employer used a wire running through two extended Skyjack lifts with one end attached to a single point positioning harness on the actor, and the other end being held by a person on a 10-foot ladder. The employee on the ladder would jump off causing the actor to be pulled off of the ground. This was performed approximately 3 times, resulting in injuries to the performer. 2. There have been approximately 10 Covid-19 infections on-site in the past two weeks. A dedicated Covid Officer is on-site, but they will not shut down the set. 3. Marked fire exits are locked.	\$0.00
C-1896301	Sandstone Spring Valley		05/19/2022	Phone	Y	Y	Closed	S-Safety	1. A certified Nursing Assistant choked another Certified Nursing Assistant, and the police were called during the graveyard shift. The employee that was injured was reprimanded for calling the police instead of management. 2. Approximately four months ago an employee brought a gun to work and threatened to shoot another employee. The employee who made the threat was allowed to continue working at the establishment.	\$0.00
C-1898666	Flamingo and Pecos, Inc.	Lee's Discount Liquor	05/26/2022	Phone	Y	Y	Closed	O-Safety	1. There are 12-foot high steel pallet racks which are not bolted to the floor exposing employees to a struck by hazard. 2. An employee passed out while working in the store due to no air conditioning. 3. The only fire exit door in the store is barred and locked during business hours. cw 5/26/22	\$0.00

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity- Subject	Hazard Desc & Location	Inspection Results/Comments
C-1899233	AT&T Store		05/27/2022	Phone	Y	N	Closed	O-Safety	1. Employees have concerns of some inhalation and electrical hazards due to an electrical fire that had taken place to an air conditioning unit. Hazard Location: Woman's restroom A/C vent 5/27/2022 JW	Resolved through inquiry process.
C-1899686	Unknown/Invalid Establishment		05/30/2022	Hotline	N	N	Closed	S-Health	1. Caller states she was exposed to Covid at a non profit site where they were not enforcing safety precautions. Hazard Location: In Alley	Resolved through inquiry process.
C-1899808	Hearts Alive Village		05/31/2022	Phone	Y	N	Closed	S-Health	Air ducts/vents are dirty and are blowing dust on employees.	Resolved through inquiry process.
C-1899841	WGS Group Inc, dba WGS Security		05/31/2022	Phone	Y	N	Closed	O-Safety	On May 2, 2022, at approximately 6:00 P.M., an employee was operating an All-Terrain Vehicle (ATV) to patrol the premises when the employee rolled the ATV and was ejected from the ATV. The ATV landed on the employee and crushed his left leg. The employee was transported to Sunrise Hospital by emergency medical services where he was admitted for treatment.	Resolved through inquiry process.
C-1901804	Walmart Market #3356		06/06/2022	Phone	Y	N	Closed	O-Safety	1. Since September, employees have not worn safety vests and have almost struck by vehicles in the parking lots. Safety vests are only handed out to employees when the marketing team comes to the site to perform walkthroughs, but are otherwise not required. 2. Employees are standing on top of pallet jacks in the freezers, or utilizing them as skateboards. HAZARD LOCATION: 1. Parking lots 2. Freezers and back areas	Resolved through inquiry process.
C-1903225	WESTERN STATES CONTRACTING, INC.		06/08/2022	Phone	Y	N	Closed	O-Safety	1. Heavy Equipment, including the water trucks and scrapers, are not being maintained. The cabin doors are broken and the AC units blow hot air. Management is aware of the issues but no corrective action has been taken. Hazard Locations Multiple jobsites (Warm Springs/Pecos Intersection, MLK/ Coralie Intersection) 06/08/2022 JB	Resolved through inquiry process.
C-1903226	W. A. Richardson Builders, LLC		06/07/2022	Phone	Y	N	Closed	O-Safety	The handwashing stations have been removed on the east side of the property on the loading dock.	Resolved through inquiry process.
C-1903718	LAZ Parking Nevada, LLC		06/09/2022	In person	Y	N	Open	O-Safety	1. Employees are expected to park along uneven flooring and sharing the space with construction that is ongoing in the parking lot. Employees are concerned that they will be unable to park these cars safely without harming themselves on wood pallets that are randomly laying around the site. 2. Employees are not provided personal protective equipment such as a high visibility vest so that cars and other patrons can see them when parking at night. HAZARD LOCATION: 3900 Paradise Road, Las Vegas, NV 89169	Pending

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1904060	Federal Express Corp.		06/09/2022	Phone	Y	N	Closed	S-Safety	1. The employer failed to report the hospitalization of an employee who was admitted to Valley Hospital on May 16, 2022, and kept for 3 days due to a head injury that occurred on the job. The employee suffered the head injury when he bumped his head on a shelf while climbing into a truck during loading. 2. The employer required a worker to drive a box truck rented from Enterprise, truck #58 or #68, that was taken out of service for safety reasons by the maintenance system known as Leo . FedEx rents trucks from Enterprise and on this occasion the manager told the employee not to put the truck in Leo to avoid it being taken out of service so he can drive truck #58 or #68. HAZARD LOCATION: Loading area in the truck bay at the warehouse	Resolved through inquiry process.
C-1904232	Robertson's Ready Mix LTD		06/09/2022	Phone		N	Closed	S-Safety	1. Employees are at risk of being pinned or crushed under their truck when they crawl underneath it to manually open a flap to unload gyprock. 2. Employees are at risk of muscle strain when reaching at an awkward angle to pull a lever under 20,000 pounds of load to manually open a flap under the truck to release gyprock. HAZARD LOCATION: Transportation double powder truck with manual valve underneath the truck.	Resolved through inquiry process.
C-1904819	Chayo Mexican Kitchen + Tequila Bar		06/13/2022	Phone	Y	N	Closed	O-Safety	1. Employees are required to utilize a 20 foot a-frame ladder to perform cleaning duties without any training. Hazard Location: Dining room area downstairs.	Resolved through inquiry process.
C-1904839	Teriyaki Madness		06/10/2022	Phone	Y	N	Closed	O-Health	1. There has been no air conditioning for three to four days and workers are sweating. Hazard Location: Throughout. 6/10/2022 bb	Resolved through inquiry process.
C-1904869	Drock Gaming LLC	The D Las Vegas Hotel and Casino	06/13/2022	In person	Y	N	Closed	S-Safety	1. Housekeepers are exposed to a heat hazard. Housekeepers work in the back of house areas where there is no air conditioning, ventilation, and no access to water. 2. Housekeepers are not provided breaks. Hazard Location: Housekeeping - Back of house areas.	Resolved through inquiry process.
C-1904898	Sew Yeah LLC		06/10/2022	Phone	N	N	Closed	O-Health	1. The store and offices in the front of the business have air conditioning however there is no air conditioning throughout the warehouse, and it is extremely hot. Some employees job assignments require them to be in the warehouse for their entire shift. Hazard Location: Throughout the warehouse. 6/10/2022 bb	Resolved through inquiry process.
C-1904906	Premium Waters, Inc.		06/10/2022	Phone	Y	N	Closed	O-Health	1. The air conditioning in the warehouse has been out since 6/6/2022 and it is extremely hot. Employees were advised that the air conditioning would be repaired on 6/13/2022. 2. The fire extinguishers throughout the warehouse are blocked by rein bags. Hazard Location: Throughout the warehouse. 6/10/2022 bb	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity- Subject	Hazard Desc & Location	Inspection Results/Comments
C-1904908	CAESARS FORUM		06/10/2022	Phone	Y	N	Open	S-Safety	1. There are porters within the utility porter department that are being required to use machinery that employees are not trained or certified to use such as an electric saw to cut metal, welding equipment, pallet jacks, and forklifts. 2. Utility porters are also not being provided with the proper protective gear. They get gloves but not the right ones. Hazard Location: In the warehouses in the porter department next to the main office. 6/10/2022 KR	Pending
C-1904913	Fletcher Jones Imports	Mercedes Benz of Las Vegas	06/13/2022	Phone	Y	N	Closed	S-Safety	1. Electrical boxes are exposed to water from the car wash. They are rusted and are not being maintained. 2. Employees are exposed to a struck by hazard due to a metal vacuum tube which is being held together by duct tape and has been rewelded multiple times to the ceiling after previously falling. Hazard Location: Car Wash Area.	Resolved through inquiry process.
C-1906245	Jenco Construction, LLC		06/15/2022	Phone	Y	Y	Closed	S-Safety	1. There is approximately 600 feet of uncapped rebar in the excavation. 2. Employees are working inside the wash pipe and are not being provided with adequate ventilation. 3. Access ladders are not being provided at appropriate intervals. 4. There is loose dirt in the sides of the excavation where employees are entering. 5. The employer is not providing enough water, rest, or shade to prevent employees from suffering heat stress related illness. 6. Employees are patching the inside of the wash tube and are not being provided with appropriate respiratory protection.	\$0.00
C-1907725	Western States Contracting, Inc.		06/17/2022	Phone	Y	N	Closed	O-Health	1. Flaggers are not provided with drinking water on the worksite. 2. Flaggers are not provided shaded areas during breaks. Hazard Location: 1601 Sandhill Road & Wyoming 6/17/2022 DG	Resolved through inquiry process.
C-1909529	Double Tree by Hilton		06/13/2022	Phone	Y	N	Open	S-Safety	1. In March of 2022, a homeless person assaulted an employee with scissors and there are no policies in place to deal with workplace violence. Management requires non-security employees to deal with homeless patrons requesting to access the restrooms. Hazard Location: Throughout 06/13/2022 EM	Pending
C-1910811	Luxor Hotel & Casino		06/24/2022	Phone	Y	N	Closed	O-Safety	1. There are rats throughout the recycling dock. Employees are concerned for their safety after a biting incident. 2. There is a large accumulation of contaminated water under the docks. Hazard Location: Recycling Dock 06/24/2022 JB	Resolved through inquiry process.
C-1910986	Circa Resorts, LLC	Circa Resort & Casino	06/24/2022	Phone	Y	Y	Open	S-Safety	1. At the pool, lifeguards are not provided shaded areas to stand. Employees were told by management that they are not allowed to enter the pool to cool down or rest in the breakroom area during their shifts. Employees are only allowed to rest in the breakroom from the heat during their lunch break. Hazard Location: Pool 06/24/2022 JB	Pending

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

Item 6

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1911154	Renaissance Las Vegas Hotel		06/24/2022	Phone	Y	N	Closed	S-Safety	1. The boiler and water heater are rusted and leaking. Employees have voiced their concerns to management but no corrective action has been taken. 2. The hot water piper leaks and employees have to continuously empty buckets placed underneath the pipe. Hazard Location: 2nd Floor 06/24/2022 JB	Resolved through inquiry process.
C-1911188	Clark County School District Rancho High School		06/23/2022	Phone	Y	N	Closed	O-Safety	1. Waxing of floors causes fumes which are making employees dizzy and nauseous. Hazard Location: Main hallway leading to main office	Resolved through inquiry process.
C-1911520	Closets Las Vegas	Closets Las Vegas	06/27/2022	Phone	Y	N	Closed	O-Health;O-Safety	1. There is a CNC machine is cutting cabinets and materials. The formaldehyde and dusts coming from the process is causing eye and throat irritation to employees. 2. The CNC machine is improperly wired. Electrical equipment throughout the office is malfunctioning and shutting off sporadically. 3. Employees are slipping on the office and production floors due to the dust build up.	Resolved through inquiry process.
C-1911588	Shooting Range Industries, LLC		06/24/2022	Phone	Y	N	Closed	S-Health	1. The employer is not providing enough water, rest, and shade to prevent heat stress related illnesses. Employees are not being permitted to take a break prior to working 8 hours. The employer is restricting use of the water fountains and restrooms. 2. The employer is not providing personal protective equipment.	Resolved through inquiry process.
C-1911604	JetBlue		06/27/2022	Phone	Y	N	Closed	O-Health	1. Employees are cleaning the aircraft restrooms and are not being provided adequate PPE. Sanitary aprons are no longer being provided.	Resolved through inquiry process.
C-1911842	Saginaw's Delicatessen		06/27/2022	Phone	N	N	Closed	O-Safety	1. The employer practices discrimination (race) in the workplace. Hazard Location: Throughout jobsite. 6/27/2022 CC	Resolved through inquiry process.
C-1911884	Protective Force International		06/27/2022	Phone	Y	N	Closed	S-Health	1. The employer is not providing enough water, rest and shade to prevent heat stress related illness. 2. After 6:00PM there is not restrooms' facilities available to employees. Hazard Location: Pine Village Apartments	Resolved through inquiry process.
C-1911891	The Robinson Group		06/27/2022	Phone	Y	N	Closed	O-Safety	1. Employees are required to remove squatters from units prior to new tenant move-in. The squatters are being confrontational and threatening towards employees. The employer is not taking adequate measures to protect employees from workplace violence.	Resolved through inquiry process.
C-1912171	Feature		06/28/2022	Phone	Y	N	Closed	O-Safety	1. Pallets are positioned too closely. Employees are having to walk in between pallets to get to product. Boxes of product have reportedly fallen on employees. 2. Pallets of product are blocking paths of egress. 3. The cherry picker does not have adequate room to maneuver though the stored pallets. Additionally the flooring that the machine is on is uneven.	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1912226	Studio 6 North Las Vegas, NV		06/28/2022	Phone	Y	N	Closed	O-Safety	1. There are exposed live electrical components throughout the property, to include in guest rooms, office areas, and maintenance rooms. 2. The employer is not maintaining SDS or bloodborne pathogen documents or trainings. 3. The location has a vermin infestation. The employer is not taking adequate measures to control the pests and vermin. 4. The employer is not providing PPE for housekeepers. 5. The location has frequent plumbing and sewage leaks, and potentially has black mold.	Resolved through inquiry process.
C-1912249	Yard House Las Vegas LLC	Yard House	06/28/2022	Phone	Y	N	Closed	O-Health	1. On 6/25/2022 a hood caught fire and the fire damage went to the roof A/C. Gasses from the grills are not being adequately vented. 2. The air conditioner has not been running in the back of house area.	Resolved through inquiry process.
C-1912271	1st Security Services of Nevada Corp		06/28/2022	Phone	Y	N	Closed	O-Health	1. Employees are not being provided adequate water and shade to prevent heat stress related illness.	Resolved through inquiry process.
C-1912279	PNB Remittance Centers, Inc		06/28/2022	Phone	N	N	Closed	O-Health	1. The air conditioning has been non-functioning for over a month. The employer is not providing enough water and rest to prevent heat stress related illness.	Resolved through inquiry process.
C-1912295	Freeman Expositions, Inc.	Freeman Expositions	06/28/2022	Phone	N	N	Closed	O-Health	1. The facility air conditioning is not running. Employees are being provided water, rest, and the work is indoors. Convention Center South Door #26	Resolved through inquiry process.
C-1912313	Poolman		06/28/2022	Phone	Y	N	Closed	S-Health	1. The employer is storing a large quantity of trichlor tablets and does not have adequate ventilation when employees are opening it, nor does it have warning labels. 2. The employer has an outdoor shed with sodium hypochlorite and muriatic acid. The shed does not have adequate ventilation when employees are opening it, nor does it have warning labels.	Resolved through inquiry process.
C-1912349	City of Las Vegas Traffic Engineering		06/28/2022	Phone	Y	N	Closed	O-Safety	1. A service vehicle has a single arm ladder which does not allow for 3 points of contact when climbing. 2. The same service vehicle's top deck does not have a non-slip coating. 3. The same service vehicle has materials stored in an unsafe manner. Employees are unable to obtain materials supplies without exposing themselves to potential trip-and-fall injuries.	Resolved through inquiry process.
C-1912358	Lazeez Indian Mediterranean Grill		06/28/2022	Phone	Y	N	Closed	O-Health	1. The facility air conditioning has stopped working. Employees have been displaying symptoms of heat stress related illness, but no repairs have been made. The employer is not taking adequate measures to protect employees from heat stress related illness.	Resolved through inquiry process.

State of Nevada
 Department of Industrial Relations
 Occupational Safety and Health Administration
 Complaint Logs April to June 2022

UPA #	Establishment Name	DBA	UPA Receipt Date	Receipt Type	Letter of Inquiry	Inspection	UPA Open/ Closed	Severity-Subject	Hazard Desc & Location	Inspection Results/Comments
C-1912475	Avatar Natural Foods		06/28/2022	Phone	Y	N	Closed	S-Safety	1. The facilities machines are hard wired into the facility's wiring. There are inadequate employee protections from the hard wired machines. The machines have been observed sparking. 2. An employee recently became dizzy and slipped in the pita room and burned her arm and hand. There are inadequate measures to protect employees from the gases from the pita ovens and machines. Additionally, the employer is not taking adequate measures to prevent heat stress related illness. 3. The facility's floors are slippery with flour, and employees with non-slip shoes are still slipping on the floors. 4. The facility's fire suppression system is not charged, and the fire alarms are damaged.	Resolved through inquiry process.
C-1912535	Clark County School District Cheyenne Bus Yard		06/28/2022	Phone	Y	N	Closed	O-Health	1. Employees cleaning and fueling busses are not being provided enough water and shade to prevent heat stress related illness. 2. The fuel island pumps are old and leaking fuel.	Resolved through inquiry process.
C-1912935	Luv 2 Play		06/29/2022	Phone	Y	N	Closed	S-Safety	1. Employees are exposed to fall hazards while building a playground. Employees are walking on beams at heights of up to 30 feet without any means of fall protection in place. The employer has not provided a personal fall arrest system, scissor lift or boom-lift to perform the job safely.	Resolved through inquiry process.
C-1913153	Flowers Baking Co. of Henderson, LLC		06/29/2022	Phone	Y	N	Closed	S-Health	1. Swamp coolers are not working, exposing employees to extreme heat conditions in the shipping bread area. In addition, trucks are not equipped with fans and where temperatures can reach 120 degrees Fahrenheit. 2. Employees handling corrosive chemicals within the Dave's Killer Bread area are not utilizing personal protective equipment. Employees are exposed to chemical burns. 3. The facility lacks adequate vermin control. Roaches are observed walking throughout the facility.	Resolved through inquiry process.
C-1913419	Pacifica Senior Living Green Valley		06/30/2022	Phone	Y	N	Closed	O-Health;O-Safety	1. The locked dementia ward fire doors are blocked by a couch. The transitional memory care doors are blocked by tables and chairs. The assisted living area also has blocked exit doors. 2. The facility bus is not being maintained in a roadworthy manner. 3. Employees are required to clean the facility bus outdoors. Adequate measures are not being implemented to protect employees from heat stress related illness. 4. Employees operating the facility bus are not being provided adequate water and rest to prevent heat stress related illness. 5. Employees are not provided adequate training for the operation of the facility bus.	Resolved through inquiry process.

Advisory Council**NRS 618.347 – Report Concerning Issuance of NRS 618.375(1), NRS 618.375(2)****General Duty Citations by the Division****4th Quarter FY22: April – June 2022****1. Western Nevada Transload - Inspection 1585134**

Nevada Revised Statutes 618.375(1): Duties of employers. Every employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

The employer failed to furnish employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his or her employees as follows:

A. Located at C-track in the rail yard, employees were exposed to the recognized hazard of falling while working from the tops of tanker railcars without fall protection. This exposed employees to death or serious physical harm from the 13-foot 8-inch fall hazard.

Abatement Note: Among other methods, one feasible and acceptable abatement method to correct this hazard is provide a portable ladder platform access system.

Abated during the inspection: The employer purchased two portable ladder platform access systems to provide fall protection for employees who perform work from on top of the railcars.

Proposed Penalty \$2,633.00

2. LV Rancho Tire & Wheels, LLC - Inspection 1564849

Nevada Revised Statutes 618.375(1): Duties of employers. Every employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

Inside the shop area of the LV Rancho Tires & Wheels LLC, an employee was caught-by and crushed-by a vehicle when a second employee started the vehicle after it had been left in gear due to the parking brake not working. The employee sustained a crushed hip and pelvis area and internal injuries. The employee passed away from complications while undergoing recovery treatment.

One feasible means of abatement is to apply wheel chocks to vehicles that are parked inside the shop area to prevent them from rolling.

Proposed Penalty: \$2,633.00

3. LV Rancho Tire & Wheels, LLC - Inspection 1564849

Nevada Revised Statutes 618.375(2): Any accident or motor vehicle crash occurring in the course of employment which results in the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye must be reported by the employer orally to the nearest office of the Division within 24 hours after the time that the accident or crash is reported to any agent or employee of the employer.

An employee was hospitalized after being caught-in between two vehicles. The employee was transported to University Medical Center and admitted for treatment. The hospitalization was reported to the NVOSHA by the State of Nevada Worker's Compensation Section.

The employer could ensure that all accidents that occur during employment which require an employee to be hospitalized be reported to NVOSHA within 24 hours in accordance with Nevada Revised Statutes.

Proposed Penalty: \$296.00

4. Mandalay Bay Resort and Casino – Inspection 1558651

Nevada Revised Statutes 618.375(1): Duties of employers. Every employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

The employer failed to protect employees exposed to crush-by and struck-by hazards and other possible injuries such as broken bones and internal injuries while loading and unloading storage racks, in the event these storage racks are tipped over. Employees operated forklifts in the Housekeeping Storage / Mail Room and Liquor Storage Area. Pallets were loaded onto steel storage racks, where the base plate on the columns were not anchored to the floor. Loading and unloading storage racks that are not anchored to the floor could cause the racks to tip over. Employees were exposed to crush-by and struck-by hazards created when loading and unloading storage racks.

Reference: ANSI/RMI MH16.1-2008 Specification for Design, Testing, and Utilization of Industrial Steel Storage Racks:

Section 1.4.7 Column Base Plates and Anchors: The bottom of all columns shall be furnished with column base plates, as specified in Section 7.2. All rack columns shall be anchored to the floor with anchor bolts capable of resisting the forces caused by the horizontal and vertical loads on the rack.

One feasible means of abatement would be for the employer to ensure that column base plates of each storage rack are properly anchored to the floor.

Proposed Penalty: \$7,802.00

5. **Cemex Construction Materials Pacific, LLC – Inspection 1560332**

Nevada Revised Statutes 618.375(1): Duties of employers. Every employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

The Cemex Construction Materials Pacific, LLC workplace failed to furnish a place of employment free from recognized hazards that are likely to cause death or serious physical harm to employees by not ensuring that columns on steel storage racks were anchored to the floor. Employees were exposed to struck-by and/or crush-by hazards while loading and unloading pallets containing bags of color weighing approximately 2,200 pounds onto unstable steel storage racks. Loaded pallets resting on unanchored steel storage racks could potentially cause an unstable rack to collapse in the event inadvertent contact was made with a forklift. Employees could potentially sustain serious injuries or death if struck-by or caught underneath a collapsed rack.

Reference: ANSI MH16.1-2008 Specification for the Design, Testing and Utilization of Industrial Steel Storage Racks:

Section 1.4.7 Column Base Plates and Anchors: The bottom of all columns shall be furnished with column base plates, as specified in Section 7.2. All rack columns shall be anchored to the floor with anchor bolts capable of resisting the forces caused by the horizontal and vertical loads on the rack.

To abate the hazard, the employer must ensure that the column base plates of each storage rack are properly anchored to the floor in accordance with the American National Standards Institute (ANSI) MH16.1: 2012.

Proposed Penalty: \$4,608.00

6. **Deco West, Inc. – Inspection 1573497**

Nevada Revised Statutes 618.375(1): Duties of employers. Every employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

The employer did not ensure that an employee was protected from recognized hazards that are likely to cause serious physical harm. An employee was potentially exposed to recognized crush-by hazards created using steel storage racks. In the storage area, near the five-screen printer, an employee loaded a steel storage rack labeled, "28". The storage rack was damaged, to include a dented cross brace support, and a dented/twisted column. Additionally, a steel storage rack within the same row labeled, "36" was deformed. In the event the facility's powered industrial trucks struck one of the damaged racks and caused a partial or full collapse, an employee would be potentially exposed to serious physical injuries such as bone fractures and death.

Reference: American National Standards Institute (ANSI) standard MH16.1-2012 (a revision of MH16.1-2008): Specifications for the Design, Testing, and Utilization of Industrial Steel Storage Racks, which includes, among others, the following:

Section 1.4.9 Rack Damage: Upon any visible damage, the pertinent portions of the rack shall be unloaded immediately by the user until the damaged portion is repaired or replaced.

A feasible means of abatement would be for the employer to follow the requirements of American National Standards Institute (ANSI) MH16.1-2012. The employer must ensure that, pertinent portions of a damaged rack are immediately unloaded, and then repaired or replaced.

Proposed Penalty: \$2,984.00

7. Tropicana Laughlin, LLC – Inspection 1576194

Nevada Revised Statutes 618.375(1): Duties of employers. Every employer shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

The employer did not ensure that employees were protected from recognized hazards that are likely to cause death or serious physical harm. Employees were potentially exposed to recognized fall related injuries created using an aerial lift with damaged tires. Throughout the property, employees utilized a Genie Z-60/34 aerial lift to change lights and trim palm trees. All the lift's tires had varying stages of tread chunking and sidewall cracking. In the event of tire failure, the lift could lose balance and topple, exposing the operators to an uncontrolled descent within the basket which could cause serious physical injuries such as fractures and death.

Reference: Genie Inspection and Replacement Tips for Aerial Work Platform Tires, 9/16/2016: Inspect tires for damage to the tread area and sidewalls (cuts, tears, missing chunks, etc.). If there is any damage to the tire, it should be replaced.

Reference: Genie Z-60/34 Operator's Manual: A damaged or modified machine must never be used. If damage or any variation from factory delivered condition is discovered, the machine must be tagged and removed from service.

Reference: Technology and Maintenance Council, A Comprehensive Review of Tread Wear and Tire Condition 1994: Tread Chunking, Action: Remove the tire from service.

A feasible means of abatement would be for the employer to follow the requirements of the following: Genie Inspection and Replacement Tips for Aerial Work Platform Tires, 9/16/2016, Genie Z-60/34 Operator's Manual, or Technology and Maintenance Council, A Comprehensive Review of Tread Wear and Tire Condition 1994. The employer must ensure aerial lift tires are safe for elevation and operation.

A feasible means of abatement would be for the employer to follow the requirements of the following: Genie Inspection and Replacement Tips for Aerial Work Platform Tires, 9/16/2016, Genie Z-60/34 Operator's Manual, or Technology and Maintenance Council, A Comprehensive Review of Tread Wear and Tire Condition 1994. The employer must ensure aerial lift tires are safe for machine elevation and operation.

Proposed Penalty: \$8,290.00

8. Asia Union Electronic Chemicals-Reno, Inc. – Inspection 1566638

Nevada Revised Statutes 618.375(2): Duties of employers. Every employer shall furnish and use such safety devices and safeguards, and adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and places of employment safe and comply with all orders issued by the Division.

The employer failed to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe and healthful, in the following instance:

At Room 800, four employees were involved in an incident which resulted in an exothermic reaction and the evacuation of the plant. A Job Safety Analysis (JSA) had been developed; however, the written JSA was not reviewed as required before proceeding with a new blending process. In addition, the JSA, including step-by-step instructions on how to complete the task, were not communicated to all employees participating in the process.

ADI: The SBN Blending process has not been conducted at this facility since the incident, and the employer has ceased this process.

Proposed Penalty: \$6,144.00

9. Carboline Company – Inspection 1567460

Nevada Revised Statutes 618.375(2): Duties of employers. Every employer shall furnish and use such safety devices and safeguards, and adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and places of employment safe and comply with all orders issued by the Division.

The employer did not furnish and use such safeguards, adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and places of employment safe when employees are handling and using Methyl Ethyl Ketone (MEK) to clean large vats. Employees cleaning large vats were not adequately protected against short term exposure to MEK by eliminating or substituting the chemical or instituting engineering controls, administrative controls and/or the use of respiratory protection.

Recommended Abatement Action: Reduce the short-term exposure level of employees cleaning vats with Methyl Ethyl Ketone.

Proposed Penalty: \$0.00



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

SPARKS FIREFIGHTERS - LOCAL 1265

P.O. BOX R • SPARKS, NEVADA 89432 Phone
(775) 741-9948 • www.local1265.com

August 22, 2022

VIA email

Nevada OSHA
Attention: William Gardner, Chief Administrative Officer
3360 W. Sahara Ave., Ste. 200
Las Vegas, Nevada 89102

RE: NVOSHA UPA No.: 1891656

To whom it may concern:

The Sparks Firefighters Local 1265 appreciates the opportunity to respond to the denial made by the City of Sparks (City) that there are major safety concerns for the local's members. There are three major points that the City's representation made:

- The city alleges that staffing levels are what they currently stand at due to the Collective Bargaining Agreement (CBA) between the City and Local 1265.
- The city received an Insurance Services Office (ISO) rating of 2.
- The apparatus utilized by the city are not outside the age range recommended by the National Fire Protection Association (NFPA).

In response to the first point made by the city, that the CBA determines the number of personnel in a unit, Local 1265 disagrees.

The CBA states simply that three people is an absolute minimum, not a maximum. The city may at any time choose to staff any of the units with four people. The City has refused to do so and have in writing informed Local 1265 that this is a "right of management" according to NRS 288.

Safety, however, a negotiable item under NRS 288. The City has at every turn refused to discuss safe staffing levels for the Sparks Fire Department. City Manager Neil Krutz told a room full of Firefighters during a state of the city meeting, that the Sparks Fire Department is not understaffed. He was asked, "What industrial safety standard do you use as a north star to determine this?". He responded by stating "We don't have one, we don't need one."



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NFPA requires a 9 minute and 20 second “response time” benchmark time goal for the deployment of “an initial full alarm assignment to a fire suppression incident” for not less than 90% of dispatched incidents.

The City uses the industrial standard for Firefighters known as NFPA during its justification for safe apparatus. Why not utilize it here in this circumstance? How does meeting a minimum staffing level within the CBA confirm a safe, non-hazardous work environment? We have been attempting to get the City to provide the response database to Local 1265 going back to 2007 for well over a year, with no luck. The City has denied Local 1265 access to the data at every turn. Local 1265 has tried using the Freedom of Information Act (FOIA), as well as, through negotiations utilizing NRS 288 and requests for information. This information is critical and will show that City of Sparks, Fire Department is not meeting NFPA standards. The city is clearly not releasing this documentation because it would be detrimental to their argument. If Local 1265 can get this data released, we can provide proof of this fact.

The city provides four-person staffing when they dispatch Type 1 and Type 3 apparatus to wildland fires outside the City to meet California and federal safety standards. Why does the City necessitate meeting federal safety standards only when not within the City of Sparks? Apparatus does not fight fire or save lives, personnel do. This includes saving the lives of the personnel at the Fire Department. This is precisely why the “2 in 2 out” rule exists. Without a fourth person in an apparatus or timely arrival of secondary units, the Sparks Firefighters are put in a difficult moral and ethical position. Should we stand outside and not make entry when a civilian may die? Firefighters then must live with a decision that would negatively affect any reasonable person’s future, as well as, with the consequences of the decision’s effect on the community’s view towards its firefighters.

- On March 12th, 2022, E31 was dispatched to a smell of smoke in a residence. The crew met with the reporting party and ultimately found that the smoke was not coming from that apartment but a neighboring one. E31 decided that due to the time of night that this occurred, there was a strong likelihood that we could not wait for the next due engine before checking for possible victims. E31 arrived at 2333 hours, and E21 arrived at 2345 hours. If E31 would have waited outside that apartment, a civilian would be dead and the conscience of the crew of E31 that day would suffer long after that call. I say this because they found a man in bed, unconscious, in blackout smoke conditions from the floor to the ceiling. He survived that fire because of the actions of that crew that necessitated them sacrificing their safety for the good of the citizens regardless of the situation the City put them in.



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The City previously had four-person staffing and elected to reduce it during the economic downturn. Even though the city's population has grown by as much as 30,000 people and the call volume has gone from approximately 7,500 calls per year to 14,500 calls per year, this staffing has not increased on apparatus nor has the total daily staffing increased from 21-line personnel since. Furthermore, the number of personnel employed in 2007 was over 100-line personnel. Sparks Fire Department currently has 63 qualified line personnel to cover 21 positions over three battalions. Sparks Fire Department is operating on 1 to 1 employee to position ratio. The standard for operating a fire department's staffing is 1.25 minimum but preferably 1.5. The City has told Local 1265 that they are hiring more people, but these individuals are going to take months to years to be qualified and trained. This hiring plan won't even keep up with attrition, so the Sparks Fire Department is not actually on track to increase staffing. Due to these circumstances, our members have worked over 11,000 hours of forced overtime in the last year. Staff was asked to put into policy a rule allowing personnel to refuse force hires if they were mentally or physically unfit. Administrative staff refused this idea and stated, "If we did that then you (firefighters) would use it." This abundance of overwork leads not only to burnout but to a severe lack of safety for our members. It has caused an increase in mental and physical injuries to our members. Workers' Compensation injuries have increased exponentially since this decline in working conditions began in 2007. The City has chosen to operate their public safety agency with zero elasticity in the system, subsequently placing the burden of 100+ hour weeks, lack of sleep, and physical and mental stress on members of Local 1265. These conditions ultimately cause extreme levels of stress to not only our members, but their families as well.

The City cites that it has the ability to request mutual aid from its neighboring departments if necessary. This is true, and we have asked them to do so. Local 1265 even filed a safety grievance asking them to do so after Sparks Fire Department had 12 personnel respond to a multi-story commercial motel that required 26 personnel. The City denied this grievance stating that it was not a structure fire, but an exterior trash fire. The truth is that the fire was an exterior trash fire that broke exterior windows on multiple floors, discharging fire suppression sprinklers inside residents' rooms. This is a high occupancy type building with people living in the building full time. This type of building would take a large number of personnel to search and evacuate. The building is also a center hall structure that has no ventilation in the hall. If the hall had filled with smoke, the residents would have all needed to be rescued through each room's window, which is also a labor-intensive operation.

There is a serial nature to the covering up of these situations. Instead of simply saying let's do it differently moving forward, they cite rights of management, deny the grievance and attempt to prove they have done nothing wrong by changing business in the future until they feel they can go back to the prior way of doing business.



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The second point, alleging that response times are secondary to the current state of the CBA is absurd. The number of units a city can staff is their right, outside of the circumstance of safety. The minimum number of personnel on a unit being three puts them at an even higher burden to make it safer for their employees because they choose to operate a Fire Department with long response times. The City also knows that this is the circumstance because they created response maps utilizing 140% of the speed limit. This allows a visual representation alleging staff can get to every corner of the city in a six-minute response standard. These facts are undeniable and point to the fact that the City is aware of the situation and actively trying to make it appear as if this was not the situation. It also gives a hint of why the City will not release any response data. It would prove that they are attempting to cover up egregious problems with the safety of the citizens and department members.

The fact that they utilize the ISO as an excuse for this safety concern is an interesting argument. Local 1265 has requested the information that was submitted to the ISO in order to obtain this rating. The City stated in response to my request for this documentation, "From what I understand of the ISO process, it will likely take a while to gather all the documentation that we have regarding that request, so thank you in advance for your patience." I'm not sure why this would take so long as these documents are subject to records retention laws and should be readily available. I am very curious as to whether or not they used the response maps previously mentioned to obtain this ISO rating.

Again, we are working to get response information from the city for over a year. As soon as we have it, we will provide you with exactly how often we do and/or do not meet industry safety standards. I would like to know why the letter used as evidence of the ISO rating has no signature nor does it have a letterhead.

Lastly, the city denies that the fire apparatuses are in a state of disrepair because they are not old enough according to NFPA. The age of the apparatus has no bearing on the fact that the doors routinely have metal wires routed through the doors to the exterior to bypass the latching system.

- Reserve Engine – 2 recently had 3 out of 4 doors operating in this manner. This issue with the doors would constitute out-of-service criteria according to NFPA. Engine 31 has had a non-functioning foam proportioner system for many months. This system is how we would be expected to suppress liquid fuel fires. We have a policy that states we will have a hose line charged at an extrication for exactly this situation. Why has this front-line apparatus been in service? When can we expect this system to be operational again?



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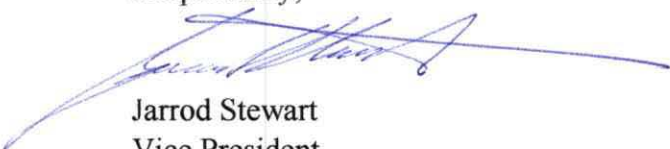
- A city with a hotel that rises over 30 stories has been without an aerial truck that exceeds 100 feet in height for over six months. The only aerials left in the city are two 75' Quints.

These are only a few of many accounts of a system that again is operated at such a low bottom line that it fails and falls apart under any increased stress.

Firefighters, by definition, operate in emergency conditions. It is extremely unsafe to have equipment that is not operational in all areas. During emergency operations, our equipment supports life safety operations and must function without fail. For months now, we have not had any qualified fire apparatus mechanics in the City. There are 2 vacant positions currently. How can the City say that its apparatus' are mechanically sound and up to standards when there is no one qualified to even work on them? This adds additional stress on staff and the system by not being able to trust our apparatus. These conditions lower the safety of the working conditions for our members.

OSHA has the ability to cite NFPA according to NRS 618.305. OSHA has the ability to say "NFPA is the industrial standard for fire departments". NFPA is followed by many states and the federal government as the operational standard. There is no other standard for fire departments outside of the General Duty Clause which can also be cited in response to our complaint.

Respectfully,



Jarrod Stewart
Vice President
Sparks Firefighters

STEVE SISOLAK
Governor

TERRY REYNOLDS
Director

STATE OF NEVADA



Item 8a
VICTORIA CARREÓN
Administrator

PERRY FAIGIN
Deputy Administrator

WILLIAM GARDNER
Chief Administrative Officer

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

9-2-22

Jarrod Stewart
Vice President
International Association of Fire Fighters
Sparks Firefighters – Local 1265
P.O. Box R
Sparks, NV 89432

Mr. Stewart,

Thank you for your response regarding UPA No. 1891656. Within your response, you allege safety and health hazards exist, summarized as follows:

1. The City of Sparks is not ensuring firefighters can be rescued after entering a structural fire. To do so, the City must ensure either every apparatus is staffed with four people or response times are improved.
2. Because firefighters must work 100+ hours per week, they suffer physical and mental stress, causing an increase in mental and physical injuries to firefighters.
3. In two reserve engines, three of the four doors have metal wires routed through the doors to the exterior to bypass the latching system.
4. Engine 31 has had a non-functioning foam proportioner system for many months.
5. Although there are hotels that rise over 30 stories, the only aerial lifts available are 75' Quints.
6. There are no qualified mechanics to work on apparatus.

Note: If this summary is inaccurate, please notify me.

As described in Chapter 9 of the Nevada Operations Manual (NOM), for Nevada OSHA to initiate an inspection, there must be **reasonable grounds to believe a violation of the NVOSH ACT, NVOSHA standards, or Federal OSHA standards exists** that exposes employees to physical harm or of imminent danger of death or serious injury, per NRS 618.425. For a violation to exist, there must be employee exposure, employer knowledge, and an **applicable standard that was violated**.

Your response references two NVOSHA Act statutes:

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

NRS 618.305 - Sources for standards. The Division may consider the following sources in adopting standards under this chapter:

1. American National Standards Institute (ANSI).
2. American Society of Mechanical Engineers (ASME).
3. American Society for Testing and Materials (ASTM).
4. Code of Federal Regulations (CFR).
5. National Electrical Code (NEC).
6. National Fire Protection Association (NFPA).
7. Any national consensus standard.
8. Any safety order legally adopted by the Division.

Please note, the language of this statute permits the Division of Industrial Relations (the Division) to consider the National Fire Protection Association (NFPA) as a source in adopting standards. However, as the Division has not adopted NFPA standards pertaining to firefighting staffing levels, response times, total working hours, and/or apparatuses, Nevada OSHA does not have the ability to directly cite such NFPA standards.

NRS 618.375 - Duties of employers. Every employer shall:

1. Furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his or her employees.

Please note, the following elements are necessary to prove a violation of the general duty clause:

- The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed;
- The hazard was **recognized**;
- The hazard was causing or was likely to cause **death or serious physical harm**; and
- There was a feasible and useful method to correct the hazard.

Additionally, NRS 618.375(1) does not mandate a particular abatement measure but only requires an employer to render the workplace free of recognized hazards by any feasible and effective means the employer wishes to utilize. To establish a recognized hazard, consensus standards (such as the NFPA) may be used in appropriate circumstances to provide evidence of industry recognition. However, the general duty clause shall be **used only where there is no standard that applies to the particular hazard** and in situations where a recognized hazard is created in whole or in part by conditions not covered by a standard. See 29 CFR 1910.5(f).

Because **29 CFR 1910.134(g)(4)** applies to interior structural firefighting, the general duty clause cannot be used for the first alleged safety/health hazard.

1910.134(g)(4)

Procedures for interior structural firefighting. In addition to the requirements set forth under paragraph (g)(3), in interior structural fires, the employer shall ensure that:

1910.134(g)(4)(i)

At least two employees enter the IDLH atmosphere and remain in visual or voice contact with one another at all times;

1910.134(g)(4)(ii)

At least two employees are located outside the IDLH atmosphere; and

1910.134(g)(4)(iii)

All employees engaged in interior structural firefighting use SCBAs.

Note 1 to paragraph (g): One of the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander in charge of the emergency or safety officer, so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at the incident.

Note 2 to paragraph (g): Nothing in this section is meant to preclude firefighters from performing emergency rescue activities before an entire team has assembled.

For clarity, a letter of interpretation dated March 12, 1999 (to Congressman Frelinghuysen) was issued and explained:

"[The standard] does not require fire departments to hire additional firefighters; it does not require four-person fire companies; it does not require four persons on a fire truck. Most fire departments have more than four firefighters and can assemble the numbers required on the scene by waiting for others to arrive. During this time the fire may be attacked from the outside, sizing-up operations may occur, and emergency rescue necessary to save lives may take place. Additional staff can be assembled by such means as calling for a second fire company at the scene, calling in additional firefighters who are on standby, and calling on other nearby fire departments when necessary. It is anticipated that small fire departments may rely on "mutual aid" agreements with neighboring jurisdictions to supply additional firefighters to assist with interior structural firefighting, if that is necessary to ensure compliance with "two-in, two-out." The intent of the "two-in, two-out" rule is a worker safety practice requirement, not a staffing requirement."

(Reference: <https://www.osha.gov/laws-regs/standardinterpretations/1999-03-12>)

To properly evaluate if reasonable grounds exist for an inspection, Nevada OSHA requests the following information:

1. Staffing/Response Times
 - a. Has the City violated 29 CFR 1910.134(g)(4)? If so, please explain when and how.
 - b. If Local 1265 believes 29 CFR 1910.134(g)(4) is not applicable to the first alleged safety/health hazard, please explain why and identify which *specific* NFPA standard/code Local 1265 relies on to show a recognized hazard exists when each apparatus is not staffed with four firefighters and/or response times do not meet a specific threshold (and whether the threshold is being met).
 - c. Over the last six months, have any firefighters suffered illnesses/injuries due to working the existing staffing schedule and/or due to current response time parameters? What were the illnesses/injuries suffered, dates, and locations?
2. Hours Worked
 - a. Over the last six months, have any firefighters suffered illnesses/injuries due to working over 100+ hours per week?
 - b. What were the illnesses/injuries suffered?

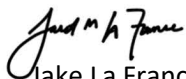
- c. Does Local 1265 rely on a *specific* NFPA standard/code to show a recognized hazard exists if firefighters work over a specific number of hours per week?

3. Apparatus

- a. When and how are firefighters exposed to a hazard because of metal wires being routed through the doors to the exterior to bypass the latching system?
- b. Does the hazard involving the use of metal wires only exist while traveling on public streets, or does it also exist elsewhere?
- c. When and how are firefighters exposed to a hazard because Engine 31 does not have a functioning foam proportioner system?
- d. When and how are firefighters exposed to a hazard because aerial lifts are only 75 feet?
- e. As a result of having no qualified mechanics, are apparatuses not being inspected and/or adequately repaired/serviced? Is there a third-party that addresses these when no in-house mechanic is available?

Thank you again for your response. I look forward to hearing from you. If you have any questions, please feel free to contact me directly using the information below.

Sincerely,



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TERRY REYNOLDS
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PERRY FAIGIN
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
DIVISION COUNSEL

Reply to: Las Vegas

Date: October 17, 2022

To: Division of Industrial Relations Advisory Council

Re: Item 8B: Potential tort liability and workers' compensation liability for fire fighter staffing and safety issues at the City of Sparks Fire Department

Disclaimer: Citations herein and any commentary related thereto are intended to familiarize you with the Nevada Supreme Court's handling of tort claims within the context of the Nevada Industrial Insurance Act ("NIIA"), NRS Chapters 616A to 616D, inclusive. It is not, nor is it intended to be, training or legal advice under federal, state or local law, nor should this be taken as legal advice. Citations herein merely highlight selected Nevada case law regarding tort claims and the NIIA. It does not contain all of the information contained in the cases, statutes, and/or regulations. Please refer to specific cases, statutes, and/or regulations as needed for this specific issue raised at the City of Sparks.

I. Statutes

NRS 616A.020 Rights and remedies exclusive; terms and conditions for payment of compensation conclusive, compulsory and obligatory; application of exclusive remedies to certain employers.

1. The rights and remedies provided in [chapters 616A to 616D](#), inclusive, of NRS for an employee on account of an injury by accident sustained arising out of and in the course of the employment shall be exclusive, except as otherwise provided in those chapters, of all other rights and remedies of the employee, his or her personal or legal representatives, dependents or next of kin, at common law or otherwise, on account of such injury.

2. The terms, conditions and provisions of [chapters 616A to 616D](#), inclusive, of NRS for the payment of compensation and the amount thereof for injuries sustained or death resulting from such injuries shall be conclusive, compulsory and obligatory upon both employers and employees coming within the provisions of those chapters.

3. The exclusive remedy provided by this section to a principal contractor extends, with respect to any injury by accident sustained by an employee of any contractor in the performance of the contract, to every architect, land surveyor or engineer who performs services for:

- (a) The contractor;
- (b) The owner of the property; or
- (c) Any such beneficially interested persons.

4. The exclusive remedy provided by this section applies to the owner of a construction project who provides industrial insurance coverage for the project by establishing and administering a consolidated insurance program pursuant to [NRS 616B.710](#) to the extent that

the program covers the employees of the contractors and subcontractors who are engaged in the construction of the project.

5. When an employee of a state or local government employer is injured by accident sustained during the course of employment while participating in an activity which is carried out cooperatively by the state or local government employer with another state or local government employer, the exclusive remedy provided by this section extends to the state or local government employer of the injured employee and any act or failure to act which creates liability on the part of any of the government employers participating in the activity shall be deemed to be the act or failure to act of the government employer of the injured employee for the purposes of the rights and remedies provided in [chapters 616A to 616D](#), inclusive, of NRS.

6. If an employee receives any compensation or accident benefits under [chapters 616A to 616D](#), inclusive, of NRS, the acceptance of such compensation or benefits shall be in lieu of any other compensation, award or recovery against his or her employer under the laws of any other state or jurisdiction and such employee is barred from commencing any action or proceeding for the enforcement or collection of any benefits or award under the laws of any other state or jurisdiction.

NRS 616A.030 “Accident” defined. “Accident” means an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury.

II. LexisNexis search term: "NRS 616" and "tort"

Hansen v. Harrah’s, 100 Nev. 60 (1984)

Nevada Supreme Court recognized the “established public policy concerning injured workmen and adopt the narrow exception to the at-will employment rule recognizing that retaliatory discharge by an employer stemming from the filing of a workmen’s compensation claim by an injured employee is actionable in tort.” Furthermore, the Court held that, “[a]s with any intentional tort, punitive damages are appropriate in cases where employees can demonstrate malicious, oppressive or fraudulent conduct on the part of their employers in accordance with NRS 42.010.”

Falline v. GNLV Corp., 823 P.2d 888 (1991)

Nevada Supreme Court reversed trial court’s dismissal of employee’s common law claims for negligence and bad faith. The court held that an employee who suffered damage as a result of the negligent or bad faith failure of a self-insured employer to timely pay claims could pursue a tort action.

Lipps v. S. Nev. Paving, 116 Nev. 497 (2000)

Regarding immunity under the NIIA, “The Nevada workers’ compensation system provides the exclusive remedy of an employee against his employer for workplace injuries...A corollary to the immunity rules is that claims for tort damages in connection with workplace injuries are only sustainable against persons or entities other than a statutory employer or persons in the same employ.” See NRS 616C.215(2)(a).

Harris v. Rio Hotel & Casino, 117 Nev. 482 (2001)

“The Nevada Industrial Insurance Act ("NIIA" or "the Act") provides exclusive remedies for Nevada workers injured by accidents arising out of and in the course of employment. The Act generally immunizes employers, who must procure workers' compensation coverage for their employees, from common law liability for workplace injuries.”

III. LexisNexis search term: "NRS 616a.020" and "tort"

Barjesteh v. Faye's Pub, 106 Nev. 120 (1990)

“Kathy's injuries occurred when respondent Martin Schwartz intentionally and "violently" closed a refrigerator door on her arm. Martin is the majority stockholder of respondent Faye's Pub, Inc., dba Michael's Pub, and was Kathy's employer on March 16, 1986.”

“In the instant case, the district court ruled that SIIS was Kathy's exclusive remedy against both defendants. That ruling was in error. When an employer commits an intentional tort upon an employee, "the employer will not be heard to say that his intentional act was an 'accidental' injury and so under the exclusive provisions of the compensation act." 2A Larson, *Workmen's Compensation Law*, § 68.00 (1989).

Conway v. Circus Circus Casinos, Inc., 116 Nev. 870 (2000)

“The order dismissing appellants' tort claims was affirmed, as all of appellants' claims sounded in negligence, and negligence claims were excluded by the Nevada Industrial Insurance Act (NIIA).”

“Employers do not enjoy immunity, under the exclusive remedy provisions of the workers' compensation statutes, from liability for their intentional torts. An employer who commits an intentional tort upon an employee cannot claim that the intentional act resulted in an accidental injury.”

Fanders v. Riverside Resort & Casino, Inc., 126 Nev. 543 (2010)

The Nevada Supreme Court reversed the district court's order granting summary judgment.

“The NIIA, with few exceptions, provides the exclusive remedy for an employee on account of an injury by accident sustained arising out of and in the course of the employment. NRS 616A.020(1) (emphasis added). The statute defines an accident as an unexpected or unforeseen event happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. NRS 616A.030. This court has recognized, however, that an employee may avoid the workers' compensation exclusive remedy provisions when an employer "deliberately and specifically intended to injure [the employee]." *Conway v. Circus Circus Casinos, Inc.*, 116 Nev. 870, 875, 8 P.3d 837, 840 (2000); accord *Barjesteh v. Faye's Pub*, 106 Nev. 120, 122, 787 P.2d 405, 406 (1990) (holding that an employer who commits an intentional tort against his employee cannot claim that the act was accidental, so that workers' compensation is the employee's exclusive remedy). A viable intentional tort claim, which subjects an employer to liability outside of the workers' compensation statute, requires the employee to plead facts in his or her complaint that establish "the deliberate intent to bring about the injury." *Conway*, 116 Nev. at 875, 8 P.3d 840.