

**DIVISION OF INDUSTRIAL RELATIONS ADVISORY COUNCIL**  
**Minutes of the Meeting, Wednesday, January 10, 2018**

**1. Call to Order and Roll Call**

At 10:09 a.m. January 10, 2018, the meeting of the Advisory Council for the Division of Industrial Relations (DIR) via videoconference between the Henderson DIR office and the Carson City DIR office was called to order by Chairman Gary Milliken.

Council members present at the Henderson Office were Raymond McAllister and Warren Hardy. Council members present at the Carson City office were Joseph Riney and Ian Langtry. It was determined a quorum was present.

DIR staff present in the Henderson Office were Joseph "JD" Decker, Ray Fierro, Brennan Paterson, Charles Verre, Jess Lankford, and Todd Schultz. Others present were John Wiles, James Halsey, Angelia Yllas, and Blanca Villarreal-Rodriguez. DIR staff present in the Carson City office were Jeff Bixler and Sherry Cusato. Others present were Lea Cartwright and Kerrie Dalton.

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

James Halsey a member of the OSHA Review Board wanted to speak on Item number 12 of the agenda. Mr. Halsey stated the OSHA Review Board is hoping for a quick resolution regarding the OSHA Review Board contract attorney.

John Wiles was asked to wait and speak when Item number 12 was presented on the agenda.

**3. Approval of Minutes of Previous Meeting** – January 4, 2017. Gary Milliken motioned to approve the minutes of the previous meeting, seconded by Warren Hardy, Joe Riney, and Ian Langtry. Raymond McAllister abstained from voting. Motion was approved by all other members in attendance.

**4. Administrator's Report**

DIR Administrator Joseph "JD" Decker gave an overview of management changes since the last Advisory Council meeting held on January 4, 2017. He introduced new employees Deputy Administrator Ray Fierro and CAO of Mechanical Compliance Section Brennan Paterson. Administrator Decker stated that due to what they call an off year, non-legislative year, DIR is working on budget items. DIR qualified and is receiving a Federal Department of Labor Grant and is working on spending the one time money. SCATS and OSHA programs are going through Federal Audits. A DIR lease proposal for the office move was approved by the Board of Examiners (BOE) and the Interim Finance Committee (IFC), and the new office is located on West Sahara. Administrator Decker briefly went over AB458 and the updating of the actuarial annuity table, changing of policies and priorities in the division to bring them in line with the Governor's strategic vision and the Department of Business and Industry's goals and their Administrative procedures. A brief overview of AB190 was noted. He also discussed the LCB's main focus this audit was Mine Safety and Training and Mechanical Compliance Section. Administrator Decker discussed that CSHO's are now training in the Henderson office and no longer have to attend the

OSHA Training Institute (OTI) out of state. The agency is saving money by taking over this training.

5. **Legal Section**

Donald C. Smith, Senior Division Counsel, gave a report on the legislative update and directed council members to view the supporting documents in the meeting binder provided.

6. **Mechanical Compliance Section**

CAO Brennan Paterson gave a brief overview of the changes they will be implementing in MCS; quality control of inspections, invoicing prior to expiration of operating permits, vacancy of inspector positions, identifying the issues with the database provider and transferring to a portal system, fire service testing, and updating NAC 455C and the fee schedule.

7. **Mine Safety and Training Section**

CAO Jeff Bixler gave a brief year in review report, including training statistics. Salary continues to be a challenge in recruiting and retaining qualified personnel, resulting in vacancies in the section. The new mining start-up, McEwen Gold Bar Project, will create jobs along with an increase to the local economy. Training was provided to the United States Marines and Douglas and Washoe County Hasty teams, and the Section expects to train the San Bernardino Sheriff's Department.

8. **Occupational Safety and Health Section**

CAO Jess Lankford summarized OSHA activities, referred the council to supporting documentation in the meeting binder. There was a discussion regarding a reduction in fatalities due to less construction activity. Complaint investigation inquiry letters are sent to employers, which assist in determining if OSHA will need to complete an investigation. Control and management of the Voluntary Protection Program (VPP) was changed to the SCATS section. Administrator Joseph "JD" Decker discussed the difference between SHARP and the VPP program. SHARP is for small businesses that are not large enough to afford their own security and safety measures, while larger businesses go into VPP.

Mr. Milliken asked how OSHA will handle the new construction. Mr. Lankford responded that each project will submit pre-construction applications, they will go on notice at that point and receive regular site visits often. The construction crews will be offered training courses focusing on things that have not been done well in the past.

Mr. Hardy asked if we will need to staff up to the level we need to meet the construction requirements or do we have the statutory regulatory authority to sub-let, privatize, or contract some of the services. Mr. Decker responded that the money that was freed up by eliminating travel for training may be used operationally if we need to draw inspectors from the North for specific projects.

9. **Safety Consultation and Training Section**

CAO Todd Schultz gave an overview of SCATS training classes. Over 3500 businesses participated and over 5900 students received training. The Safety Practitioner program has had over 700

graduates, with many going on to pursue jobs leading in safety throughout the state. The administration of VPP and SHARP programs was also discussed.

Mr. Hardy asked how consultation activity compares from the previous year. Mr. Schultz answered that consultations have increased but they are able to meet the demand due to being fully staffed.

#### **10. Workers' Compensation Section**

CAO Charles Verre reported that the medical fee schedule was adjusted in accordance with the medical component of the Consumer Price Index (CPI). Other changes included new billing codes for physical and occupational therapy. Workers' Compensation launched the new Claims Registry Data System (CARDS), which was designed to take care of WCS internal record keeping issues as well as to facilitate the interaction with the regulated community. WCS hosted its Seventh Annual Nevada Worker's Compensation Educational Conference in August 2017 with over 280 people in attendance, which increased from the previous year. WCS staff attended the IAABC 103<sup>rd</sup> Convention in October 2017, which brings together workers' compensation administrators, regulators and leaders to discuss major policy and regulatory issues. WCS has been invited to work with the Division of Insurance to prepare testing material for new claims adjusters licensing requirements. Filling vacancies and hiring employees with claims experience is tough due to the private sector offering more in wages. Mr. Verre reported that Workers' Compensation in 2017 issued over \$2,000,000.00 in fines and over \$1,000,000.00 was collected, approximately 47% - 50%.

#### **11. Write-off Recommendations**

A Motion was made by Council member Hardy to approve write-off debt. Raymond McAllister seconded the motion. Motion was approved unanimously by those members in attendance.

#### **12. Public Comment**

Attorney John Wiles came before the Board to express his concern regarding the OSHA Review Board submission of a proposed contract to retain the board share to replace the advocate attorney and the amount of the contract. Administrator Joseph "JD" Decker informed Mr. Wiles and the Advisory Board that as the Administrator he submits the contract as directed by the Director of Business & Industry and he does not have budget authority to expend any more than what was approved in the legislature.

#### **13. Adjournment**

Chairman Milliken called for a motion to adjourn. Council member Raymond McAllister moved to adjourn. Council member Warren Hardy seconded the motion. The motion was approved unanimously by those members in attendance. The meeting was adjourned at 12:02 p.m.