

DIVISION OF INDUSTRIAL RELATIONS ADVISORY COUNCIL
Minutes of the Meeting, Tuesday, April 12 ,2022

1. Call to Order and Roll Call

At 10:00 a.m. on April 12, 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. Ian Langtry, 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, Chuck Verre, Todd Schultz, Christopher Eccles, William Gardner, and Marisa Santizo. Jeff Bixler 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: stated they oppose R134-20RP1 Workers' Compensation SB381 changes from the 2019 Legislative Session. Mr. Dunn feels proposed language changes impact the benefits listed in the statute go beyond the legislative intent of NRS 616C.180, NRS 617.455, and NRS 617.457.

Kevin Kampschor on behalf of Nevada Justice Association and Shook and Stone: In pursuant to R134-20R1 Workers' Compensation SB381 changes from the 2019 Legislative Session the Nevada Justice Association testified against sections 24, 31, and 34. Mr. Kampschor stated that section 24 unlawfully limits the definition of grievous bodily harm attempting to unlawfully constrain the definition in a way that the statute amended SB381 does not limit. NJA is opposing section 31 due to DIR seeking to limit the definition of a concurrent wage violation to the statutory changes that were made by SB324. Lastly, the Nevada Justice Association opposes section 34 due to DIR seeking to limit the Benefit Penalties against insurers for violating heart and lung benefits to police officers and fire fighters by essentially rendering time frames as a "clock running" for the pure benefit of insurers and insurers only.

Mike Pilcher, president of Northern Nevada Central Board on behalf of Sparks Firefighters: Sparks Firefighters are being trained to National Fire Protection Association (NFPA) industry standards, and equipment meets those standards, but they are unable to execute those standards operationally due to staff levels and response times. Staff levels are putting them in a situation to go against the two in and two out staff rule due to being an only 3-man crew. They are left waiting for a 6 -10-minute time frame, which can leave someone trapped for a dangerous amount of time. Station 3 in Sparks is also finding themselves with a mobility challenge due to traffic affecting response times.

3. Approval of Minutes of Previous Meeting – January 05, 2022. Raymond McAllister made a motion to approve the minutes of the January 05, 2022, meeting as presented. William

Stanley seconded the motion. The motion was approved unanimously.

4. Regulation Update (Victoria Carreon, Christopher Eccles, William Gardner, Chuck Verre)

a. Mechanical Compliance Section (Brennan Paterson)

Victoria Carreon provided a brief update on two of MCS' regulations in place of Brennan Paterson's absence.

1. **R033-21P:** There was a workshop in January 2022 they are with stakeholders on some new language to address the concerns that were raised during that meeting. They are specifically better defining the term equipment and apparatus disease and the connection with water heaters and trying to ensure that larger gas fire units that are systems of water heaters are interconnected. Along with looking for gas shut-off valves and elements of international building codes concerned with things such as exits in rooms and that rooms are fire-safe, narrowing down to units that exceed a million BTU that are gas fire.
2. **R034-21P:** This a general clean-up regulation including certification requirements to do construction and alterations on an elevator. MCS is working with stakeholders in terms of section 14, that talks about the A173 code, which is the baseline safety code for existing elevators. The goal is to provide a specific time to comply instead of saying upon alteration or immediately. Victoria reminded members and the public that this is not the code for new construction, that it's the baseline code for existing elevators.

b. OSHA (William Gardner).

1. **R044-20AP: Violence in Medical Facilities.** This regulation was adopted on 12/21/2021 and made effective on 12/22/21. OSHA has added a section to the website to guide employers and provide necessary forms. A webinar was hosted through the Department of Health and Human Services to provide education to affected establishments. A copy of the outreach webinar was posted to the website. OSHA is providing establishments enforcement digression to allow time for them to come into compliance.
2. **R053-20RA: Heat Illness.** This regulation includes requirements to create a heat illness program at a trigger of 90 Degrees Fahrenheit. When a program is needed, employers are also required to provide training. The regulation requires procedures to be created to address heat-related emergencies. As of April 4, 2022, this regulation will be continued to the next legislative committee meeting.
3. **R069-20A: OSHA Penalty Reduction Factors and other clean-up.** This regulation identifies penalty reduction factors and applicable citations. This regulation adds an additional industry-standard reference to eyewash stations and updated addresses. On April 4, 2022, this regulation was approved during the legislative committee meeting and is currently pending adoption by the secretary of state.

C. Workers' Compensation (Chuck Verre).

1. **R134-20RP1: Workers' Compensation SB381 changes from 2019 Legislative Session.** This regulation supports changes to SB381. A workshop was held in March 2022, where testimony was received to make changes. R134-20 was sent to LCB, and a hearing will be held. Once the LCB version is received Workers' Compensation can do a stakeholder meeting or workshop. Chuck Verre and Chris Eccles will follow up with stakeholders to discuss further.
2. **R032-21I- 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 is currently waiting on the language from the LCB to conduct a workshop.

5. Review and comments on OSHA quarterly complaint reports July – September 2021 and October- December 2021 (NRS 618.336 and NRS 232.600) (William Gardner)

William Gardner provided the council with a list of compliance for the time period of September 2021 to December 2021. OSHA was commended by federal OSHA on staff levels and the quantity of work received and completed. Paul McKenzie thanked William Gardner on the format of the OSHA quarterly complaint report.

There was no other questions or comments.

6. Review of OSHA quarterly reports on violations of NRS 618.375 July – September 2021 and October- December 2021 (NRS 618.347) (William Gardner)

William Gardner provided the council with three violations. Mr. Gardner explained that the violations were currently being addressed during the OSHA review board meeting being conducted this week, April 11-12, 2022.

No questions or comments.

7. 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 and Jeff Bixler)

William Gardner informed members OSHA has had one site walk at the loop and two quarterly safety meetings with the key management officials. Mr. Gardener also noted that the tunneling project is inspected daily. On 2/23/2022, a recovery drill was performed that covered 2,300 feet of tunnel space, and fire safety systems were inspected during this process. There are currently no illnesses or injuries related to this project. Mr. Bixler informed board members that on November 1, 2021, a site walk was conducted. During this site walk the were able to go underground and noticed all safety practices were spot-on. Mr. Bixler was able to spend time with the drill operator and was shown how the segments are installed. Mr. McKenzie asked if there was secondary egress. Mr. Bixler informed the council members there's only one egress where they originally came in from, but they can come in on the right or left side.

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

Bill Stanley motioned to continue item #7 on the agenda in the next meeting. Rusty McAllister and 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)

Paul McKenzie requested for OSHA to do a study on the Sparks Fire Department 3-man crew issues. William Gardner will reach out to Sparks Fire Department to find out how they address the issue and how they are able to follow OSHA regulations to ensure they are working safely.

10. Public Comment (Chair)

Tom Dunn with Professional Fire Fighters stated they are looking forward to seeing the amended draft for R134-20RP1.

Kevin Kampschorr with NV Justice Association stated that they object to changes that were sent to the LCB regarding R134-20RP1 due to not seeing any of these changes firsthand.

11. Adjournment:

Motion to adjourn at 11:00 am by Bill Stanley and seconded by Raymond McAllister.