

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 **R034-21P:** This is a general regulation that cleans up outdated language from the original NAC 455C and also clarifies requirements for who can work on an elevator and who can work in proximity to an elevator.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.