

**STATE OF NEVADA
OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD**

NOTICE OF MEETING

You are hereby given notice that the NEVADA OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD will conduct a public hearing on Wednesday, February 10, 2021, and Thursday, February 11, 2021, commencing at 9:00 a.m. This meeting will be held *via* a Webex meeting only. Webex allows for video and teleconferencing. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b), that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate against the possible exposure or transmission of the COVID-19 (Corona Virus). Accordingly, any person planning to participate in the meeting must participate by using the Webex Access information immediately below.

Webex Access

For Wednesday, February 10, 2021

Meeting number (access code): 133 975 3229

Meeting password: 2Gnp4ACeJH2

Tap to join from a mobile device (attendees only)

+1-415-655-0001,,1339753229## US toll

Join by phone

+1-415-655-0001 US Toll

Join from a video system or application

Dial [1339753229@nvbusinessandindustry.webex.com](tel:1339753229@nvbusinessandindustry.webex.com)

You can also dial 173.243.2.68 and enter your meeting number

Join using Microsoft Lync or Microsoft Skype for Business

Dial [1339453229.nvbusinessandindustry@lync.webex.com](tel:1339453229.nvbusinessandindustry@lync.webex.com)

For Thursday, February 11, 2021

Meeting number (access code): 133 644 0028

Meeting password: ujHPCXkv545

Tap to join from a mobile device (attendees only)

+1-415-655-0001,,133644028## US toll

Join by phone

+1-415-655-0001 US Toll

Join from a video system or application
Dial [1336440028@nvbusinessandindustry.webex.com](tel:1336440028)
You can also dial 173.243.2.68 and enter your meeting number

Join using Microsoft Lync or Microsoft Skype for Business
Dial [1336440028.nvbusinessandindustry@lync.webex.com](tel:1336440028)

Need help? Go to <http://help.webex.com>

AGENDA

Notice: (1) Items on the Agenda may be taken out of order; (2) The Board may combine two or more Agenda items for consideration; (3) The Board may remove an item from the Agenda or delay discussion relating to an item on the Agenda at any time; and (4) The public is advised all participating will join the meeting using the Webex Access referenced above.

Persons wishing to provide public comment or address a specific item on the Agenda may participate during the scheduled meeting using the above Webex Access to participate by telephone or video conferencing. Also, the public may address their comments, data, views, arguments in written form to: Steve Ingersoll, Chairman, c/o Charles R. Zeh, Esq., Board Legal Counsel, 50 West Liberty Street, Suite 950, Reno, NV 89501; Fax number (775) 786-8183; e-mail address: crzeh@aol.com. Written submission should be received by the Board on or before February 3, 2021, by 11:00 a.m., in order to make copies available to members of the Board of Review and the public.

1. Roll Call.
2. Public Comment - The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Board. No action on such an item may be taken by the Board unless and until the matter has been noticed as an action item. Comment from the public is limited to three minutes per person. Public comment is not permitted during Review Board contested hearings which are specifically governed by NRS 618, NRS 233B, and NAC 618. The applicable legislation and codified procedures mandate assurance of a fair and impartial administrative hearing, a transcribed record, and a protected appellate process for an aggrieved party to seek redress in the district courts.
3. Contested Case Hearings - The contested matters shall be heard in a quasi-judicial forum pursuant to Chapter 618 of the Nevada Administrative Code and applicable Nevada Revised Statutes conferring jurisdiction. The hearing proceedings will be transcribed by a certified court reporter. You are further notified: Meetings and contested hearings are open to the public; deliberations which involve alleged misconduct, professional competence, and/or character may be held privately; any final decisions will be made in public - all in accordance with Chapter 241 of Nevada Revised Statutes, commonly

known as the Nevada Open Meeting Law. Unless settled or otherwise removed from the Review Board's stacked docket, the contested cases will be heard in the order set forth below:

- (1) LV 18-1939, Olson Precast Co. (Fatality) - **For Possible Action**
- (2) RNO 20-2031, Broken Arrow Communications, Inc. (Fatality) - **For Possible Action**
- (3) RNO 20-2045, Lennar Reno, LLC - **For Possible Action**
- (4) RNO 20-2044, Cruz Construction Company, Inc. - **For Possible Action**
- (5) RNO 20-2043, Silverwing Development - **For Possible Action**
- (6) RNO 20-2020, Herc Rentals, Inc. - **For Possible Action**
- (7) RNO 20-2047, Encore Steel Builders - **For Possible Action**
- (8) RNO 20-2023, State Roofing Systems, Inc. - **For Possible Action**

If a case is not heard during the two-days set aside on this Agenda to decide contested matters, the case(s) will be rescheduled for hearing at a later date.

4. Administrative Meeting:

- (a) Approval of the previous Review Board minutes of January 13/14, 2021 - **For Possible Action**
- (b) Review contested case settlements, motions, draft decisions, or procedural issues pending on status report, for approval and issuance of final orders:
 - i. LV 18-1933, Nalco Company, LLC, (Settlement) - **For Possible Action**
 - ii. RNO 20-2036, Tesla, Inc. dba Tesla Motors, Inc. (Settlement) - **For Possible Action**
 - iii. RNO 20-2037, Tesla, Inc. dba Tesla Motors, Inc. (Settlement) - **For Possible Action.**
 - iv. Depending on the outcome of the contested matters heard on this Agenda, the Board may assess the hearing process and may consider amending or otherwise disposing of its general emergency procedural order for handling documents offered for admission into evidence by the contesting parties, the acceptance of testimony from the witnesses and the handling of other evidentiary matters. This discussion may lead to an amended procedural order in light of the manner in which the hearings were conducted pursuant to this Agenda. The Board intends to be flexible in order to address problems with the procedure by which the hearings are conducted to insure that due process is preserved. Public comment will be accepted. The Board may decide to amend its general procedural order, discontinue it or make no changes in the order based upon the experience with the cases heard pursuant to this Agenda. - **For Possible Action**

- (2) General administration and/or procedural issues.
- i. General matters of import to Board members.
 - ii. Old and New Business.
 - iii. Conduct of contested case hearing. The Board will discuss the efficacy of using teleconferencing or video conferencing to hear cases or consider deferring hearings until "in-person" hearings may be held, or it may continue this issue to a later date. - **For Possible Action.**
- (3) Schedule of hearings on pending cases, calendar and status report. The Board has scheduled the following meetings. - **For Possible Action.**
- * **March 10 and 11, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **April 14 and 15, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **May 12 and 13, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **June 9 and 10, 2021** - 4600 Kietzke Lane, Building G, Suite 160, Reno, Nevada.
 - * **July 14 and 15, 2021** - 4600 Kietzke Lane, Building G, Suite 160, Reno, Nevada.
 - * **August 11 and 12, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **September 8 and 9, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **November 9 and 10, 2021** - *Location to be determined.*
 - * **December 8 and 9, 2021** - *Location to be determined.*

NOTE: **Depending upon the status of the Virus Pandemic, one or more of these hearing dates will be converted to a virtual hearing conducted through Webex or some other form of virtual medium.**

5. Public Comment - The opportunity for public comment is reserved for any matter listed on the Agenda as well as any matter within the jurisdiction of the Board. No action on such an item may be taken by the Board unless and until the matter has been noticed as an action item. Comment from the public is limited to three minutes per person. Public comment is not permitted during Review Board contested hearings which are specifically governed by NRS 618, NRS 233B, and NAC 618. The applicable legislation and codified procedures mandate assurance of a fair and impartial administrative hearing, a transcribed record, and a protected appellate process for an aggrieved party to seek redress in the district courts.

6. Adjournment. **For Possible Action.**

Anyone with a disability, as defined by the Americans with Disabilities Act, and requiring special assistance to participate in the meeting, may contact the Board at the following address, at least

five (5) days prior to the hearing in order to try and make arrangements for reasonable accommodations that would enable participation in the hearing by contacting Charles R. Zeh, Esq., The Law Offices of Charles R. Zeh, Esq., 50 West Liberty Street, Suite 950, Reno, Nevada 89501, or by calling (775) 323-5700, contacting the offices of the Division of Industrial Relations, Nevada OSHA Legal Counsel, Salli Ortiz, Esq., 400 West King Street, Suite 201, Carson City, Nevada, 89703, or by calling (775) 684-7286, or by contacting the Division of Industrial Relations, Nevada OSHA General Legal Counsel, Donald C. Smith, Esq., at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9070. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the Notice of Posting this Notice has been suspended except as stated, below.


This Notice and agenda have been posted on or before the third working day before the meeting at the websites listed below and the aforementioned locations:

- State of Nevada, Department of Business and Industry, Industrial Relations (DIR) website at <http://dir.nv.gov/Meetings/Meetings>
- Nevada Public Notices at <http://www.notice.nv.gov>

An electronic copy may be obtained of the supporting (not privileged and confidential) material provided to the Board Members in advance of the hearing upon request made to: Charles R. Zeh, Esq., The Law Offices of Charles R. Zeh, Esq., 50 West Liberty Street, Suite 950, Reno, Nevada 89501, or by calling (775) 323-5700.

Copies of the supporting (not privileged and confidential) material may also be obtained upon request at the offices of the Division of Industrial Relations, Nevada OSHA Legal Counsel, Salli Ortiz, Esq., 400 West King Street, Suite 201, Carson City, Nevada, 89703, or by calling (775) 684-7286, or by contacting the Division of Industrial Relations, Nevada OSHA General Legal Counsel, Donald C. Smith, Esq., at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9070.

DATED this 7th day of January, 2021.

By: 

Charles R. Zeh, Esq.
Legal Counsel for the Board