

CHAPTER.....

AN ACT relating to occupational safety; revising provisions relating to occupational safety and health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 12.5 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to offer to discuss specified information with the immediate families of certain victims of fatal accidents.

Section 47 of this bill revises provisions relating to citations issued by the Division of Industrial Relations to provide that if an employer notifies the Division that the employer wishes to contest a citation after a fatal accident, the Division is required to provide the Occupational Safety and Health Review Board with information to contact the immediate family of each deceased employee. (NRS 618.475)

Section 57 of this bill revises provisions relating to formal fact-finding hearings held by the Occupational Safety and Health Review Board after a fatal accident to require the Board to notify the immediate family of each deceased employee of certain procedural information. (NRS 618.605)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-12. (Deleted by amendment.)

Sec. 12.5. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If, after an investigation of an accident occurring in the course of employment which is fatal to one or more employees, the Division issues a citation under the provisions of this chapter, the Division shall offer to enter into a discussion with the immediate family of each deceased employee within a reasonable time after the Division issues the citation.

2. During the discussion, the Division shall provide each family with:

- (a) Information regarding the citation and abatement process;*
- (b) Information regarding the means by which the family may obtain a copy of the final incident report and abatement decision of the Division; and*
- (c) Any other information that the Division deems relevant and necessary to inform the family of the outcome of the investigation by the Division.*

Secs. 13-46. (Deleted by amendment.)



Sec. 47. NRS 618.475 is hereby amended to read as follows:

618.475 1. If, after an inspection or investigation, the Division issues a citation under the provisions of this chapter, it shall, within a reasonable time after the termination of the inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under this chapter and that the employer has 15 working days within which to notify the Division that he wishes to contest the citation or proposed assessment of penalty. If, within 15 working days from the receipt of the notice issued by the Division, the employer fails to notify the Division that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under this chapter within such time, the citation and assessment as proposed shall be deemed a final order of the review board and not subject to review by any court or agency. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that the abatement has not been completed because of factors beyond his reasonable control, the Division shall issue an order affirming or modifying the abatement requirements in the citation.

2. *In the case of an accident occurring in the course of employment which is fatal to one or more employees, if an employer notifies the Division that the employer wishes to contest a citation or proposed assessment of penalty, the Division shall provide the Board with information as to how to contact the immediate family of each deceased employee.*

3. Any employee or his representative alleging that the time fixed in the citation for the abatement of a violation by his employer is unreasonable may, within 15 working days after the date of posting of the notice of abatement pursuant to this chapter, file an appeal with the Division to contest the reasonableness of the period of time for abatement of the violation and must be notified in writing as to the time and place of hearing before the review board.

~~3.1~~ 4. If no appeal is filed by an employee or his representative under subsection 2 of this section within the time limit of 15 working days, the period of time fixed for the abatement of the violation is final and not subject to review by any court or the review board.

Secs. 48-56. (Deleted by amendment.)

Sec. 57. NRS 618.605 is hereby amended to read as follows:

618.605 1. Upon the receipt of any written appeal or notice of contest under NRS 618.475, the Division shall within 15 working days notify the Board of such an appeal or contest.



2. The Board shall hold a formal fact-finding hearing and render its decision based on the evidence presented at the hearing.

3. *Prior to any formal fact-finding hearing involving a citation for an accident occurring in the course of employment which is fatal to one or more employees, the Board shall notify the immediate family of each deceased employee of:*

(a) The time and place of the hearing; and

(b) The fact that the hearing is open to the public.

4. Any employee of an employer or representative of the employee may participate in and give evidence at the hearing, subject to rules and regulations of the Board governing the conduct of such hearings.

Secs. 58-106. (Deleted by amendment.)

