

SENATE BILL NO. 288—SENATOR CARLTON

MARCH 16, 2009

JOINT SPONSOR: ASSEMBLYMAN CONKLIN

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to occupational safety and health. (BDR 53-163)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)



1 **Sec. 4.** (Deleted by amendment.)

2 **Sec. 5.** (Deleted by amendment.)

3 **Sec. 6.** (Deleted by amendment.)

4 **Sec. 7.** (Deleted by amendment.)

5 **Sec. 8.** (Deleted by amendment.)

6 **Sec. 9.** (Deleted by amendment.)

7 **Sec. 10.** (Deleted by amendment.)

8 **Sec. 11.** (Deleted by amendment.)

9 **Sec. 12.** (Deleted by amendment.)

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

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

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

20 (a) *Information regarding the citation and abatement process;*

21 (b) *Information regarding the means by which the family may*
22 *obtain a copy of the final incident report and abatement decision*
23 *of the Division; and*

24 (c) *Any other information that the Division deems relevant and*
25 *necessary to inform the family of the outcome of the investigation*
26 *by the Division.*

27 **Sec. 13.** (Deleted by amendment.)

28 **Sec. 14.** (Deleted by amendment.)

29 **Sec. 15.** (Deleted by amendment.)

30 **Sec. 16.** (Deleted by amendment.)

31 **Sec. 17.** (Deleted by amendment.)

32 **Sec. 18.** (Deleted by amendment.)

33 **Sec. 19.** (Deleted by amendment.)

34 **Sec. 20.** (Deleted by amendment.)

35 **Sec. 21.** (Deleted by amendment.)

36 **Sec. 22.** (Deleted by amendment.)

37 **Sec. 23.** (Deleted by amendment.)

38 **Sec. 24.** (Deleted by amendment.)

39 **Sec. 25.** (Deleted by amendment.)

40 **Sec. 26.** (Deleted by amendment.)

41 **Sec. 27.** (Deleted by amendment.)

42 **Sec. 28.** (Deleted by amendment.)

43 **Sec. 29.** (Deleted by amendment.)

44 **Sec. 30.** (Deleted by amendment.)

45 **Sec. 31.** (Deleted by amendment.)



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- 1 **Sec. 32.** (Deleted by amendment.)
2 **Sec. 33.** (Deleted by amendment.)
3 **Sec. 34.** (Deleted by amendment.)
4 **Sec. 35.** (Deleted by amendment.)
5 **Sec. 36.** (Deleted by amendment.)
6 **Sec. 37.** (Deleted by amendment.)
7 **Sec. 38.** (Deleted by amendment.)
8 **Sec. 39.** (Deleted by amendment.)
9 **Sec. 40.** (Deleted by amendment.)
10 **Sec. 41.** (Deleted by amendment.)
11 **Sec. 42.** (Deleted by amendment.)
12 **Sec. 43.** (Deleted by amendment.)
13 **Sec. 44.** (Deleted by amendment.)
14 **Sec. 45.** (Deleted by amendment.)
15 **Sec. 46.** (Deleted by amendment.)
16 **Sec. 47.** NRS 618.475 is hereby amended to read as follows:
17 618.475 1. If, after an inspection or investigation, the
18 Division issues a citation under the provisions of this chapter, it
19 shall, within a reasonable time after the termination of the inspection
20 or investigation, notify the employer by certified mail of the penalty,
21 if any, proposed to be assessed under this chapter and that the
22 employer has 15 working days within which to notify the Division
23 that he wishes to contest the citation or proposed assessment of
24 penalty. If, within 15 working days from the receipt of the notice
25 issued by the Division, the employer fails to notify the Division that
26 he intends to contest the citation or proposed assessment of penalty,
27 and no notice is filed by any employee or representative of
28 employees under this chapter within such time, the citation and
29 assessment as proposed shall be deemed a final order of the review
30 board and not subject to review by any court or agency. Upon a
31 showing by an employer of a good faith effort to comply with the
32 abatement requirements of a citation, and that the abatement has not
33 been completed because of factors beyond his reasonable control,
34 the Division shall issue an order affirming or modifying the
35 abatement requirements in the citation.
36 2. *In the case of an accident occurring in the course of*
37 *employment which is fatal to one or more employees, if an*
38 *employer notifies the Division that the employer wishes to contest*
39 *a citation or proposed assessment of penalty, the Division shall*
40 *provide the Board with information as to how to contact the*
41 *immediate family of each deceased employee.*
42 3. Any employee or his representative alleging that the time
43 fixed in the citation for the abatement of a violation by his employer
44 is unreasonable may, within 15 working days after the date of
45 posting of the notice of abatement pursuant to this chapter, file an



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1 appeal with the Division to contest the reasonableness of the period
2 of time for abatement of the violation and must be notified in
3 writing as to the time and place of hearing before the review board.

4 ~~[3-]~~ 4. If no appeal is filed by an employee or his
5 representative under subsection 2 of this section within the time
6 limit of 15 working days, the period of time fixed for the abatement
7 of the violation is final and not subject to review by any court or the
8 review board.

9 Sec. 48. (Deleted by amendment.)

10 Sec. 49. (Deleted by amendment.)

11 Sec. 50. (Deleted by amendment.)

12 Sec. 51. (Deleted by amendment.)

13 Sec. 52. (Deleted by amendment.)

14 Sec. 53. (Deleted by amendment.)

15 Sec. 54. (Deleted by amendment.)

16 Sec. 55. (Deleted by amendment.)

17 Sec. 56. (Deleted by amendment.)

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

19 618.605 1. Upon the receipt of any written appeal or notice
20 of contest under NRS 618.475, the Division shall within 15 working
21 days notify the Board of such an appeal or contest.

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

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

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

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

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

34 Sec. 58. (Deleted by amendment.)

35 Sec. 59. (Deleted by amendment.)

36 Sec. 60. (Deleted by amendment.)

37 Sec. 61. (Deleted by amendment.)

38 Sec. 62. (Deleted by amendment.)

39 Sec. 63. (Deleted by amendment.)

40 Sec. 64. (Deleted by amendment.)

41 Sec. 65. (Deleted by amendment.)

42 Sec. 66. (Deleted by amendment.)

43 Sec. 67. (Deleted by amendment.)

44 Sec. 68. (Deleted by amendment.)

45 Sec. 69. (Deleted by amendment.)



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- 1 **Sec. 70.** (Deleted by amendment.)
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- 33 **Sec. 102.** (Deleted by amendment.)
- 34 **Sec. 103.** (Deleted by amendment.)
- 35 **Sec. 104.** (Deleted by amendment.)
- 36 **Sec. 105.** (Deleted by amendment.)
- 37 **Sec. 106.** (Deleted by amendment.)

