Attachment 6

Local 4041
AFSCME
We Make Nevada Happen

Sent via: US Mail & Email

February 1, 2013

James G. Cox, Director
Nevada Department of Corrections
3955 West Russell Road
Las Vegas, NV 89118

Re: FOIA Request, compliance with Nevada Department of Corrections Administrative Regulation 319 – Workplace Safety

Dear Mr. Cox:

Pursuant to NRS Chapter 329, the Nevada Public Records Act, I request the following documents relating to the Department's compliance with Nevada Department of Corrections Administrative Regulation – 319:

1) Copy of all safety and health training programs and material presented to Department employees, reviewed and approved by the Department Safety Coordinator 3 during the calendar years, 2010, 2011, and 2012.
2) Name and contact information of the Department Safety Coordinator 3.
3) Copies of the OSHA Form 300A of each institution from each of the calendar years of 2010, 2011 and including this year's completed forms (2012) posted during the required annual period from February 1 to April 30.
4) Copy of all safety rules and procedures as identified by the Department or the Occupational Safety and Health Administration that employees are expected to follow.
5) Lists of the furnished proper and safe tools and equipment, including any personal protective equipment necessary, for each employee of each workplace, institution, and related facility.
6) List of all investigated reported accidents and injuries in accordance with Administrative Regulation 329, in calendar years 2010, 2011, 2012, and 2013.
7) Lists of the members of the Central Office Safety Committee of the calendar years, 2010, 2011, and 2012, including its current members, their functional areas, the term(s) of their serving on the Committee. Identify the elected employee representative(s), the notice(s) of vacancy/election(s), date of election(s), and describe how the employee representative(s) were elected, i.e. ballot election.
8) List of all safety teams, including its members and their purpose in calendar years 2010, 2011, 2012, and 2013.

9) List of all identified training assessment needs, inspections performed, including what was inspected, date of inspection(s), and finding(s) of the Safety Committee during the calendar years, 2010, 2011, and 2012.
10) The Safety Committee's identified patterns that indicated causes and severity of safety incidents and identified changes that corrected the hazards over the calendar years, 2010, 2011, and 2012.
11) Current procedure(s) used by the Safety Committee to ensure that appropriate staff is trained to respond to and investigate reported accidents and hazards.
12) List of all safety trainings, the dates and subjects of the safety training during the calendar years, 2010,2011, and 2012
13) Copies of all Safety Committee reviewed safety reports and recommendations made to management based upon those reviews during the calendar years, 2010, 2011, and 2012.
14) Copies of all Safety Committee records provided to the Compliance Enforcement Officer during the calendar years, 2010, 2011, and 2012
15) Name and contact information of the Compliance Enforcement Officer(s) during the calendar years, 2010, 2011, 2012, and current.
16) Copies of the minutes of all Safety Committee meetings held during the calendar years, 2010, 2011, and 2012.
17) Verifiable proof that Central Office Safety Committee members are compensated as if she/he is engaged in her/his usual work activities whether attending meetings, conducting authorized inspections, or any other Committee related activity.
18) Verifiable proof that Central Office Safety Committee members related activities are conducted during regular working hours, unless otherwise approved by the Warden and Compliance Enforcement Supervisor; or Department Head and Compliance Enforcement Supervisor.
19) List of all Institutions' Safety Committees established by the Wardens for their institution and related facilities, for calendar years, 2010, 2011, 2012, and current Safety Committees, including the names of the respective Safety Committee members, their functional area, the name of the employee representative of each Safety Committee who was elected by the employees, and the date of the term of the elected employee representative for calendar years, 2010, 2011, and 2012.
20) Copies of all vacancy/election notices of each institution and related facilities Safety Committee for calendar years 2010, 2011, 2012, and any current notice(s). Said notices shall include the purpose and duties of the committee and the frequency of the meetings.
21) Copy of all assessments made by each institution and related facilities Safety Committee of the vulnerability of workplace safety based upon incident reports for calendar years 2010, 2011, 2012, and any 2013 assessments.
22) Copy of all coordinated and recommended preventative action(s) submitted to the Wardens during calendar years 2010, 2011, 2012, and any 2013 coordinated and recommended preventative actions.
23) Copy of each institution's and related facility's current workplace safety program.
24) Copy of each institution's and related facility's Safety Committee's identified training needs for calendar years 2010, 2011, 2012, and any 2013 identified training needs.
25) Copy of each institution's and related facility's Safety Committee's assessment of training needs for calendar years 2010, 2011, 2012, and any 2013 assessment of training needs.
26) Copy of each institution's and related facility's Safety Committee's inspections conducted in calendar years 2010, 2011, 2012, and any inspections conducted in 2013.

27) Copy of each institution's and related facility's Safety Committee's analysis and response of reported incidents in calendar years 2010, 2011, 2012, and any analysis and response of reported incidents in 2013.
28) Copy of each institution's and related facility's Safety Committee's audit of the institution's workplace safety program for calendar years 2010, 2011, 2012 and any audits conducted in 2013.
29) Copy of each and every review of safety incidents from each institution, camp or facility associated with the institution for calendar years 2010, 2011, 2012, and any review performed during 2013.
30) Copy of each and every analysis and review of existing records identifying patterns that may indicate causes and severity of safety incidents, and a copy of each and every recommended change necessary to mitigate hazards as a result of said analysis and review for calendar years 2010, 2011, 2012, and any analysis and review, and any related recommended change in 2013.
31) Copy of each record of safety inspections conducted and/or assisted by each institution's and related facility's Safety Committee to determine the underlying causes of incidents or hazards and the assistance provided in developing preventative measures in calendar years, 2010, 2011, 2012, and any such inspections and assistance performed and provided in 2013.
32) Copy of each institution's and related facility's Safety Committee's identified and controlled unsafe working conditions, practices and procedures in calendar years, 2010, 2011, 2012 and any identified and controlled unsafe working conditions in 2013.
33) Copy of each institution's and related facility's Safety Committee's alerts to management to the need for proper tools, equipment, and safety mechanisms in calendar years 2010, 2011, 2012, and any said alerts in 2013.
34) Copy of each institution's and related facility's Safety Committee's scheduled safety checks and forwarded reports of said safety checks to the Compliance Enforcement Supervisor for calendar years 2010, 2011, 2012, and any scheduled safety checks and forwarded reports for 2013.
35) Name of each Compliance Enforcement Supervisor in calendar years 2010, 2011, 2012, and 2013.
36) Copy of the procedure(s) used by each institution and related facility Safety Committee to ensure that all required safety posters and information are posted in a place accessible to all employees, and the location(s) of such accessible place in each institution and related facility in 2010, 2011, 2012, and 2013.
37) Copy of each and every employee safety concern communicated by each institution and related facility Safety Committee to management in 2010, 2011, 2012, and 2013.
38) Copy of each and every unresolved safety issue(s) and hazard(s) communicated by each institution's and related facility's Safety Committee to the Compliance Enforcement Supervisor in 2010, 2011, 2012, and 2013.
39) Copy of all institutions' and related facilities' Safety Committee minutes for 2010, 2011, 2012, and 2013.
40) Verifiable proof that each member of each institution and related Safety Committee has been compensated as if he/she is engaged in his/her usual work activities whether attending meetings, conducting authorized inspections, or any other Committee related activity.
41) Verifiable proof that Committee related activities are conducted during regular working hours, unless otherwise approved by the Warden and Compliance Enforcement Supervisor; or Department head and Compliance Enforcement Supervisor.
42) Copy of each current Operational Procedure required by this Administrative Regulation.
43) Copy of the Audit required by this Administrative Regulation.

Please provide the above documents to me by email in an electronic, searchable format if available. AFSCME Local 4041 agrees to reasonable costs associated with responding to this request. My email address is below.

If you have any questions, please do not hesitate to contact me at any of the below contact information.

Sincerely,

Keith Uriarte, Chief of Staff
AFSCME Local 4041

709 East Robinson Street
Carson City, NV 89701
keith@nvafscme.org
Office: 775-882-3910
Cell: 408-643-5658

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
319

WORKPLACE SAFETY

Supersedes: AR 319 (Temporary, 05/02/10)
Effective Date: 08/13/10

AUTHORITY: NRS 199.300, 200.571, 200.575, 201.255, 202.840, 203.119; 207.180, 209.131, 618.353, 618.375, NAC 284.650, 618.540, SAM 0521.0

RESPONSIBILITY

Department employees are responsible to have knowledge of and comply with this regulation.

319.01 TRAINING

1. At time of new hire appointment new employees must sign an acknowledgement of receipt of the pamphlet, *Nevada Workplace Safety*, and must acknowledge viewing the safety video, *Workplace Safety: Your Rights and Responsibilities*.

A. The signed acknowledgement form will be placed in the Department personnel file.

2. The Department Staff/designee shall present topics on workplace safety during Pre-Service Training (PST).

3. The Department Staff/designee shall present topics on workplace safety in refresher training every 2 years or as required.

A. Employees are required to sign an acknowledgement form indicating they received this training.

B. The signed acknowledgement form will be placed in the employee's training file.

4. All proposed safety and health training programs and material shall be submitted to the Department Safety Coordinator 3 (compliance enforcement supervisor) for review and approval prior to implementation.

5. Safety responsibilities must be included in work performance standards.

319.02 SAFETY RULES

1. Employees are expected to follow safe practices and cooperate with the safety committees.

2. All rules and procedures as identified by the Department or the Occupational Safety and Health Administration (OSHA) are to be followed:

3. All work-related injuries and illnesses are to be reported as outlined in AR 329.

4. Safety hazards are to be reported immediately through the chain of command.

   A. Supervisors shall enforce safety rules.

   B. Supervisors shall maintain a safe and healthy work environment by identifying and controlling unsafe work practices and procedures.

   C. Supervisors are required to forward a copy of all workers' compensation documents to the loss control coordinator, the insurer and the institution's workers' compensation liaison per AR 329.

5. The Department shall furnish proper and safe tools and equipment to include any personal protective equipment necessary.

6. Supervisors shall immediately investigate all reported accidents and injuries in accordance with AR 329.

7. Employees are encouraged to submit suggestions or comments regarding the workplace safety program through any safety committee member.

319.03 SAFETY COMMITTEES – CENTRAL OFFICE

1. The Department shall establish a safety committee at the central administration offices to develop and implement the statewide safety program. The safety committee will have a minimum of four members and will include at least one elected employee representative.

2. Members of the Safety Committee should include:

   A. One representative from each functional area, such as accounting, fiscal services, offender management, medical, purchasing, personnel, inmate services, and at least one employee representative who is elected by the employees.

   B. Each employee representative will serve a minimum term of one-year not to exceed a maximum of three years.

3. Elections should be announced and conducted at each location.

   A. A notice of vacancy/election shall be posted in an area accessible to all employees as committee vacancies occur.

   B. The notice shall include the purpose and duties of the committee and the frequency of meetings.

   C. Employees interested in serving on the committee should submit their names, through their chain of command.

   D. The election shall be by ballot distributed to all employees.

4. Duties of the Safety Committee in central office should include:

   A. Monitor all safety teams and provide guidance, information and assistance.

   B. Oversee the identification and assessment of training needs, perform inspections, and audit the overall workplace violence program.

   C. Identify patterns that may indicate causes and severity of safety incidents and identify changes necessary to correct these hazards.

   D. Ensure that appropriate staff is trained to respond to and investigate reported accidents and hazards.

   E. Make arrangements for, and provide updated training as necessary.

   F. Ensure that all required safety posters and information are posted in a place accessible to all employees.

   G. Review safety reports and make recommendations to management based upon those reviews.

   H. Ensure the safety committee's records are kept and a copy provided to the compliance enforcement supervisor.

5. Safety meetings shall be held on a quarterly basis.

   A. Additional meetings may be scheduled as deemed necessary.

   B. Minutes shall be taken at all meetings.

   C. Minutes of the meetings shall be maintained by the chairperson for at least three years.

D. A copy of the minutes shall be forwarded to the compliance enforcement supervisor.

6. Members of the safety committees should be compensated as if they are engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other committee related activity. Committee related activities should be conducted during regular working hours, unless otherwise approved by the Warden and Compliance Enforcement Supervisor; or Department head and Compliance Enforcement Supervisor.

319.04 SAFETY COMMITTEES – INSTITUTIONS

1. The Warden shall establish a safety committee for their institution and related facilities.

2. Members of the safety committee should include:

   A. An Associate Warden, who shall serve as chairperson.

   B. One representative from each functional area, such as food services, custody, maintenance, and at least one employee representative who is elected by the employees.

   C. Each facility that falls under an institution shall have one representative.

   D. Each employee representative will serve a minimum term of one-year and not to exceed three years.

3. Elections should be announced and conducted at each location.

   A. A notice of vacancy/election shall be posted in an area accessible to all employees.

   B. The notice shall include the purpose and duties of the committee and the frequency of the meetings.

   C. Employees interested in serving on the committee should submit their name through their chain of command.

   D. The election shall be by ballot. The ballots shall be distributed to all employees.

4. Duties of the safety committee should include:

   A. Assess the vulnerability of workplace safety based upon incident reports.

   B. Coordinate and recommend preventive actions to the Warden.

   C. Identify and assess training needs, perform inspections, respond to and analyze reported incidents and audit the institution's workplace safety program.

D. Review safety incidents from institution, camp or facility associated with institution.

E. Analyze and review existing records identifying patterns that may indicate causes and severity of safety incidents; recommend changes necessary to mitigate hazards.

F. Conduct or assist with safety inspections to determine underlying causes of incidents or hazards and assist in developing preventive measures.

G. Support a safe and healthy work environment by identifying and controlling unsafe working conditions, practices and procedures.

H. Alert management to the need for proper tools, equipment, and safety mechanisms.

I. Make scheduled safety checks and forward reports to the compliance enforcement supervisor.

J. Ensure that all required safety posters and information are posted in a place accessible to all employees.

K. Communicate safety concerns of employees to management.

L. Communicate unresolved safety issues and hazards to the compliance enforcement supervisor.

5. Safety meetings shall be held on a quarterly basis.

A. Additional meetings may be scheduled as deemed necessary.

B. Minutes shall be taken at all meetings.

C. Minutes of the meetings shall be maintained by the chairperson for at least three years.

D. A copy of the minutes shall be forwarded to the compliance enforcement supervisor.

6. Members of the safety committees should be compensated as if they are engaged in their usual work activities whether attending meetings, conducting authorized inspections, or any other committee related activity. Committee related activities should be conducted during regular working and hours, unless otherwise approved by the Warden and Compliance Enforcement Supervisor; or Department head and Compliance Enforcement Supervisor.

APPLICABILITY

1. This AR requires an operational procedure.

2. This AR requires an audit.

REFERENCES

SAM section 0521(8), CFR 29.1910, OSHA

Howard Skolnik, Director

7/20/10
Date