



STATE OF NEVADA
Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
4600 Kietzke Lane, Bldg. F-153
Reno, NV 89502
Phone: (775) 688-3700 Fax: (775) 688-1378

*Rec 3/17/2022
HS*

Inspection Number: 1561579
Inspection Date(s): 11/02/2021-01/21/2022
Issuance Date: 03/15/2022

Citation and Notification of Penalty

Company Name: MINERAL COUNTY SCHOOL DISTRICT - ADM. BUILDING AND ITS SUCCESSORS
Inspection Site: 751 A Street Hawthorne, NV 89415

Citation: 1, Item: 1 - Type of Violation: Regulatory Notices

Nevada Revised Statutes 618.383(1): Except as otherwise provided in subsections 8 and 9, an employer shall establish a written safety program and carry out the requirements of the program within 90 days after it is established.

The employer had 144 employees and a written safety program had not been established.

Date By Which Violation Must be Abated:	April 18, 2022
Proposed Penalty:	\$0.00



Jacob La France
District Manager



STATE OF NEVADA

Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
4600 Kietzke Lane, Bldg. F-153
Reno NV 89502
Phone: (775) 688-3700 Fax: (775) 688-1378

INVOICE/ABATEMENT NOTICE REMINDER

Company Name: MINERAL COUNTY SCHOOL DISTRICT - ADM. BUILDING AND ITS SUCCESSORS

Inspection Site: 751 A Street, Hawthorne, NV 89415

Issuance Date: 03/15/2022

Summary of Penalties for Inspection Number: 1561579

Citation: 1 Item: 1 , Regulatory Notices \$0.00

TOTAL PROPOSED PENALTIES: \$0.00

To avoid additional charges, please remit payment promptly to this District Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DIR-OSHA". Please indicate the Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist. If, however, payment is for portions uncontested, please note which items are being paid directly on this invoice and return it with your remittance.

In extraordinary cases where payment of a penalty places an extreme burden on the employer, the Administrative Assistant III should be contacted regarding an alternate method of payment. Otherwise, if payment is not received once your time to contest has lapsed and the assessed penalties are deemed a final order of the Occupational Safety and Health Review Board, OSHA will have no alternative but to refer this matter to our legal counsel.

For violations you do not contest, promptly notify the District Manager, using the Abatement Certification form, page 8 of the citation, how you have corrected the cited conditions by the abatement date set forth in the citation. Please be sure to include all supporting documents (i.e. photos, receipts, training documentation, programs, etc.).



Jacob La France
District Manager

3-15-22

Date



STATE OF NEVADA

Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
4600 Kietzke Lane, Bldg. F-153
Reno, NV 89502
Phone: (775) 688-3700 Fax: (775) 688-1378

Citation and Notification of Penalty

To:
MINERAL COUNTY SCHOOL DISTRICT - ADM.
BUILDING
AND ITS SUCCESSORS
P.O. Box 1540
Hawthorne, NV 89415

Inspection Number: 1561579
Inspection Date(s): 11/02/2021-01/21/2022
Issuance Date: 03/15/2022
CSHO ID: X0854

Inspection Site:
751 A Street
Hawthorne, NV 89415

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

To the Reader - The Nevada Occupational Safety and Health Act was created in order to "assure so far as possible every working man and woman in the State safe and healthful working conditions". OSHA is expending every effort to make this goal a reality, but we cannot do it without your continuing help and support. Therefore, we are providing you with this information so that you can help us help you. This information is also designed to explain the options available to you and is part of our ongoing program to promote cooperation among labor, management, and government.

Employer Rights and Responsibilities - An inspection of your workplace was recently conducted in accordance with the Nevada Occupational Safety and Health Act (Chapter 618, Nevada Revised Statutes). The inspection revealed conditions which we believe to be in violation of the Act. The detailed nature of the violation(s) and the penalty(ies) are described in this Citation and Notification of Penalty. The items listed on the citation were discussed generally with your representative by the Occupational Safety and Health Administration (OSHA) Compliance Safety and Health Officer (CSHO). The following passages contain important information regarding your responsibilities and opportunities to respond to this notice. Please refer to the inspection number, located in the upper right-hand corner of these documents, in all correspondence.

The information relevant to the conditions found were evaluated by the CSHO's supervisor and it was determined that the violation(s) do(es) exist(s), and you have been issued this Citation and Notification of Penalty which explains in detail the exact nature of the violation(s) and any associated penalty(ies). For each apparent violation found during the inspection, the CSHO discussed with you the following:

- Nature of the violation;
- Possible abatement measures which you may take to correct the violative conditions;
- Possible abatement dates you may be required to meet; and
- Possible penalties.

The CSHO is a highly trained professional who can help you recognize and evaluate hazards, as well as suggest appropriate methods of correcting violations. To minimize employee exposure to possible hazardous conditions, abatement efforts should always begin as soon as possible.

The following general information defines the types of violations:

Willful: A Willful violation is defined as a violation in which either: (1) the employer committed an intentional and knowing violation of the Act, or (2) the employer knew that a hazardous condition existed and made no reasonable effort to eliminate it.

Serious: A Serious violation exists when the workplace hazard could cause an accident or illness which would most likely result in death or serious physical harm, unless the employer did not know or could not have known with reasonable diligence of the violation.

Repeat: An employer may be cited for a Repeat violation if that employer has been cited previously for a substantially similar condition and the citation has become a Final Order of the Nevada Occupational Safety and Health Review Board. A citation is currently viewed as a Repeat violation if it occurs within 5 years either from the date that the earlier citation become a Final Order or from the final abatement date, whichever is later.

For purposes of determining whether a violation is repeated the following criteria generally apply:

1. Fixed Establishments: Citations issued to employers having fixed establishments (such as factories, terminals, and stores) are not normally limited to the cited establishment. A multi-facility employer, for example, can be cited for a Repeat violation if the violation recurred at any plant statewide and if a citation is obtained and reveals a repeated violation.

2. Non-fixed Establishments: For employers engaged in businesses having no fixed establishments (such as construction sites), Repeat violations are alleged based on prior violations occurring anywhere, and at any of the employer's identified establishments statewide, based on employer history.

Other-Than-Serious: An Other-Than-Serious violation is defined as a situation in which the most serious injury or illness that would likely result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to their safety and health.

Failure to Abate: A Failure to Abate violation exists when the employer has not corrected a violation for which OSHA has issued a citation and the abatement date has passed or is covered under a Settlement Agreement. A Failure to Abate also exists when the employer has not complied with interim measures involved in a long-term abatement within the time given.

This Citation and Notification of Penalty describe violations of the Nevada Occupational Safety and Health Act of 1973. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the date(s) listed and pay the penalty(ies) proposed, unless within 30 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to OSHA at the address on page 1. **OSHA must receive your Notice of Contest by 5:00 P.M. Pacific Standard Time (PST) on the 30th calendar day.** Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Nevada Occupational Safety and Health Review Board or a court.

Posting - Upon receipt of this Citation and Notification of Penalty, you must post the citation or copy of it at or near the place each violation occurred to inform employees of the hazard to which they may be exposed. If, because of the nature of the employer's operation, it is not practical to post the citation at or

See pages 1 through 8 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

near the place where each violation occurred, the citation must be posted in a prominent place where it will be readily observed by all affected employees. The citation must remain posted for three working days or until the violation is corrected, whichever is longer. Saturdays, Sundays, and legal holidays are not counted as working days. **You must comply with these posting requirements even if you contest the citation. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

The abatement certification documents (such as abatement certifications, abatement plans and progress reports) also must be posted at or near the place where the violation occurred. For movable equipment found to be in violation and where the posting of violations would be difficult or impractical, the employer has the option to identify the equipment with a "Warning" tag specified in the Nevada Administrative Code 618.6465.

Notification of Corrective Action - For each violation which you do not contest, you are required to submit an **Abatement Certification form(s), located on page 8**, to the OSHA District Manager. The certification **must** be emailed, mailed or faxed to our office within ten calendar days after the abatement date indicated on the citation. You are also required to submit documents that provide proof of abatement (examples: evidence of the purchase or repair of equipment, photographs, video tape, training records, or other written records, etc.) with the Abatement Certification. If the citation indicates that the violation item was corrected during the inspection (Abated During Inspection), no Abatement Certification is required for that item.

When the citation permits an extended time for abatement, you must ensure that employees are adequately protected during this time. For example, the citation may require the immediate use of Personal Protective Equipment by employees while engineering controls are being installed. When such is the case and where indicated on the citation, you must also provide OSHA with an abatement plan (steps you will take to protect employees and correct the hazards) and periodic progress reports on your actions.

Penalty Payment - The penalty(ies) itemized on the Citation and Notification of Penalty is/ (are) payable within 30 calendar days of receipt of the penalty notice. However, if you contest the citation or penalty in good faith, abatement and payment of penalty(ies) for those items contested are suspended until the Occupational Safety and Health Review Board reviews your case and issues a Final Order. The Review Board is an independent board and is **not** a part of OSHA. The final order of the Review Board will uphold, modify, or eliminate the penalties. However, penalties for items not contested are still due within 30 calendar days. For further details, see the section on **How to Contest**. Payment should be made by certified check, personal check, company check, postal money order, bank draft, or bank money order, payable to "**DIR-OSHA**". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Informal Conference - Before deciding whether to file a "Notice of Contest", you may request an informal conference with the OSHA District Manager to discuss the Citation and Notification of Penalty. You may use this opportunity to:

- Obtain a better explanation of the violations cited;
- Obtain a more complete understanding of the specific standards which apply;
- Discuss ways to correct the violations;
- Discuss problems with the abatement dates;
- Discuss problems concerning employee safety practices;
- Resolve disputed citation(s) and penalty(ies) (thereby eliminating the need for the more formal procedures associated with litigation before the Review Board);
- Present any evidence, or views, which you believe would support an adjustment to the citation(s) and (or) penalty(ies);
- Negotiate and enter into an Informal Settlement Agreement; and
- Obtain answers to any other questions you may have.

You are encouraged to take advantage of the opportunity to have an informal conference if you foresee any difficulties in complying with any part of the citation. **Please note, however, that an informal conference must be held within the 30 calendar day Notice of Contest period and will neither extend the 30 calendar day contest period, nor take the place of filing the written notice if you desire to contest.** If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the District Manager within 30 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference. Employee representative(s) have the right to participate in any informal conference, or negotiations, between the District Manager and the employer. **To schedule an informal conference, please call (775) 688-3700.**

If you agree that the citation violation(s) do exist, but you have a valid reason for wishing to extend the abatement date(s), you may discuss this with the District Manager in an informal conference. The District Manager may issue an amended citation which changes the abatement date prior to the expiration of the 15-working-day period without your filing a Notice of Contest.

If you do not contest within 30 calendar days, your citation will become a Final Order. After this occurs, the OSHA District Manager may continue to provide you with information and assistance on how to abate the hazards cited in your citation. However, the District Manager may not amend, or change, any citation, or penalty, which has become a Final Order. The District Manager may only advise you on abatement methods, or extend the time you need to abate the violation (see Petition for Modification of Abatement).

If you decide to request an informal conference, please complete, remove and post the page 9 "Notice to Employees" next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions, as well as any abatement steps taken thus far. If conditions warrant, the District Manager can enter into an Informal Settlement Agreement which amicably resolves this matter without litigation, or contest.

How to Contest – If you wish to contest any portion of a citation, you must submit, a Notice of Contest in writing, by mail or fax, within 30 calendar days after receipt of the NVOSHA-2. This applies even if you have stated your disagreement with a citation, penalty, or abatement date during a telephone conversation or an informal conference. **OSHA must receive your Notice of Contest by 5:00 P.M. (PST) on the 30th calendar day.** The notice must clearly state what is being contested; the citation, the penalty, or any combination of these

See pages 1 through 8 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

factors. In addition, the notice must state whether all violations on the Citation, or just specific violations, are being contested, (For example, "I wish to contest the citation and penalty proposed for Item 3 and 4 of the Citation issued March 31, 2012.")

Your contest must be made in good faith. A contest solely filed to avoid your responsibilities for abatement or payment of penalties will not be considered a good-faith contest. A proper contest of any item suspends your obligation to abate and pay until the item contested has been judicially resolved. If you contest only the penalty, you must still correct all violations by the dates indicated on the Citation. If only some items of the Citation are contested, the other items must be corrected by the abatement date and the corresponding penalties paid with 30 calendar days of notification.

After you file a Notice of Contest, your case is officially in litigation. If you wish to settle the case, you may contact the OSHA District Manager who will give you the name of the OSHA attorney handling your case. All settlements of contested cases are negotiated between you and the OSHA attorney according to the rules of practice of the Nevada Occupational Safety and Health Review Board.

The Contest Process - If the Notice of Contest has been filed within the required 30 calendar days, the OSHA attorney will forward your case to the Nevada Occupational Safety and Health Review Board and the Board will schedule a hearing. Both employers and employees have the right to participate in this hearing which contains all the elements of a trial, including examination and cross-examination of witnesses. You may choose to represent yourself, or be represented by an attorney. The Board may affirm, modify, or eliminate any contest item of the Citation, or penalty.

As with any other legal procedure, there is an appeals process. Once the Board has ruled, any party to the case may request a further review by the District Court for the area in which the case arose.

Unless you inform the District Manager in writing that you intend to contest the citation(s) and (or) proposed penalty(ies) within 30 calendar days after receipt, the citation(s) and the proposed penalty(ies) will become a Final Order of the Nevada Occupational Safety and Health Review Board and may not be reviewed by any court, or agency.

Petition for Modification of Abatement Date - Abatement dates are assigned on the basis of the best information available at the time the Citation is issued. If you are unable to meet an abatement date because of uncontrollable events or other circumstances, you may file a "Petition for Modification of Abatement" (PMA) with the District Manager. The petition must be filed in writing with the District Manager who issued the Citation on, or before, the original date set for the abatement. If the petition is filed later, it must be accompanied by the employer's statement of exceptional circumstances explaining the delay. To show clearly you have made a good faith effort to comply, the PMA must include all of the following information for the District Manager to consider it

- A list of all steps taken by the employer in an effort to achieve compliance during the prescribed period for the abatement and the dates those steps were taken;
- The additional time necessary in order to achieve compliance;
- The reasons the additional time is necessary, such as, the unavailability of personnel, materials or equipment, or the inability to complete the necessary construction or alteration by the original date for abatement;
- All steps which are being taken to safeguard the employees against the cited hazard during the abatement period;
- A certified statement that a copy of the petition has been posted, and served on the representative of the employees, if they have a representative, and the date on which the posting and service was made;

You must post a copy of the petition in a conspicuous place where all affected employees will have notice of it, or near the location where the violation occurred. The petition must remain posted for ten working days. Where the affected employees have a representative, the employer must serve them with a copy of the petition.

Affected employees, or their representative may file a written objection to a petition for a modification of the time for the abatement of a violation with the District Manager. Failure to file an objection within ten working days after the date of posting the petition or service of it upon the representative of the employees, whichever is later, constitutes a waiver of any further right to object to the petition. The filing of an employee contest does not suspend the employer's obligation to abate.

If the affected employees, or their representative, objects to the petition, the District Manager shall consult with the Chief Administrative Officer (CAO) and the CAO will make a determination. The CAO will furnish to the employer and the affected employees, or their representative, a written notice of his/her decision and the reasons for it. The CAO's decision is final.

If the petition is uncontested upon the expiration of 15 working days after the date on which a copy of it was posted, or served, upon the representative of the employees, the District Manager may approve or deny the petition.

If the District Manager denies a petition for a modification of the time for the abatement of a violation, the employer may request an informal review by the CAO. After considering all written and oral statements presented, the CAO will affirm, modify, or reverse the determination of the District Manager. The CAO's determination is final. Further information on PMAs may be obtained from the District Office.

Temporary and Permanent Variances - If you are unable to comply with a newly promulgated standard because of the unavailability of materials, equipment, or professional or technical personnel, you may apply to OSHA for a **temporary variance** from that standard.

To be eligible for a temporary variance, the employer must put into force an effective program for coming into compliance with the standard, or regulation, as quickly as possible. In the meantime, the employer must demonstrate to OSHA that all available steps are being taken to safeguard employees. A temporary variance may be granted for up to one year; and it can be renewed twice, each time for six months.

You may also apply for a **permanent variance** from a standard if you can prove that your present facilities, or methods of operation, are at least as safe and healthful as those required by the OSHA Standard.

In making a determination on a permanent variance, OSHA reviews the employer's evidence and, where appropriate, arranges a visit to the workplace to confirm the circumstances of the application. If the request has merit, OSHA may grant a permanent variance. Final variance orders detail the employer's specific responsibilities and requirements and explain exactly how the employer's method varies from the OSHA requirement.

Please note; however, that whenever an employer applies for either a temporary or a permanent variance, the employer must inform employees of the application and of their right to request a hearing. You should contact the District Manager for procedures, documents, or variance applications.

Employer Discrimination Unlawful - The law prohibits employers from discharging or otherwise

discriminating against an employee who has exercised any right under this law, including the right to make safety and health complaints or to request an OSHA inspection. OSHA will investigate complaints from employees who believe that they have been discriminated against. If the investigation discloses probable violations of employee rights, court action may follow. Employees who believe that they have been discriminated against must file their complaint within 30 days of the alleged act of discrimination to the District Office at the address shown on page 1.

Notice to Employees - The law gives an employee, or his/her representative, the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the OSHA District Office at the address shown on page 1 and postmarked within 30 calendar days of the receipt by the employer of this Citation and Notification of Penalty. **OSHA must receive your Notice of Contest, by fax or mail, by 5:00 P.M. (PST) on the 30th calendar day. The filing of an employee contest does not suspend the employer's obligation to abate.**

Follow-up Inspection and Failure to Abate - If you receive a citation, a follow-up inspection may be conducted to verify that you have done the following:

- Posted the citation as required;
- Corrected the violations as required in the citation; and (or)
- Protected employees adequately and made appropriate progress in correcting hazards during multi-step, or lengthy, abatement periods.

To achieve abatement by the date set forth in the citation, it is important that abatement efforts be promptly initiated. In addition to providing for penalties for failure to post citations and failure to abate violations, the Act clearly states that you have a continuing responsibility to comply with the Act and assure your employees of safe and healthful working conditions. Any new violations discovered during a follow-up inspection will be cited.

Providing False Information - All information reported to OSHA by employers and employees must be accurate and truthful. Providing false information on efforts to abate cited conditions or in required records is punishable under the Act.

Additional Information - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation is issued. You are encouraged to review the information concerning your establishment at www.osha.gov. For further information and assistance, please feel free to contact your OSHA District Manager.



STATE OF NEVADA
Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
4600 Kietzke Lane, Bldg. F-153
Reno, NV 89502
Phone: (775) 688-3700 Fax: (775) 688-1378

ABATEMENT CERTIFICATION

MINERAL COUNTY SCHOOL DISTRICT - ADM. BUILDING AND ITS SUCCESSORS
P.O. Box 1540
Hawthorne, NV 89415

The hazard referenced in Inspection Number 1561579 for the violation identified as Citation ____, Item ____
was corrected on (date) _____ by the following action(s):

The hazard referenced in Inspection Number 1561579 for the violation identified as Citation ____, Item ____
was corrected on (date) _____ by the following action(s):

The hazard referenced in Inspection Number 1561579 for the violation identified as Citation ____, Item ____
was corrected on (date) _____ by the following action(s):

The hazard referenced in Inspection Number 1561579 for the violation identified as Citation ____, Item ____
was corrected on (date) _____ by the following action(s):

The hazard referenced in Inspection Number 1561579 for the violation identified as Citation ____, Item ____
was corrected on (date) _____ by the following action(s):

I attest that the information contained in this document is accurate and that the affected employees and their
representatives have been informed of the abatement activities described in this certification.

Signature

Printed Name



STATE OF NEVADA

Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
4600 Kietzke Lane, Bldg. F-153
Reno, NV 89502
Phone: (775) 688-3700 Fax: (775) 688-1378

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with NV OSHA to discuss the citation(s) issued on 03/15/2022. The conference will be held at the OSHA office located at 4600 Kietzke Lane, Bldg. F-153, Reno, NV 89502 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.