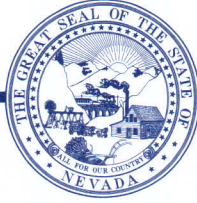


STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
MOISES DENIS, *Senator, Chairman*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
DEBBIE SMITH, *Senator, Chairman*
Cindy Jones, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*

RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

February 11, 2013

Chris C. Davis
Division of Industrial Relations
Department of Business and Industry
Occupational Safety and Health Administration
4600 Kietzke Lane, Building F, Suite 153
Reno, NV 89502

Dear Ms. Davis,

This letter is being submitted in response to the request for information received by the Legislative Counsel Bureau (LCB) on February 4, 2013, regarding a complaint filed with the Occupational Safety and Health Administration. The specific nature of the alleged hazard was described by the complainant as follows:

1. There is an unstable and dangerous employee that has been allowed to remain at this building despite many of our colleague's concerns regarding his frightening behavior, history of violence, known threats against other employees, arrests, psychiatric commitments, and multiple recent instances of brandishing deadly weapons. He has a grudge against a colleague and has been obsessing about getting vengeance. This issue has not been resolved and there does not seem to be any clear direction from administration as to what we are supposed to do, even though many of us have continued to express that we do not feel safe coming to work. I have not been made aware of any crisis response plan for this situation, and I am not aware of any expert being consulted as to how to keep the rest of us safe.

Please note that every Nevada employer per Nevada Revised Statute 618.375(a)(1) has a duty to provide a workplace free of recognized hazards.

Although the complainant has not revealed the name of the "unstable and dangerous employee" or the colleagues and employees whom the complainant believes have been affected, we assume that the complaint refers to Assemblyman Steven Brooks who was arrested before the

commencement of the legislative session for allegedly making threats against Speaker Marilyn Kirkpatrick. Thereafter, there were media reports indicating that Assemblyman Brooks was also held for evaluation to determine whether he was a danger to himself or others and that he was released without restriction after a few days. Because Assemblyman Brooks is an elected official, there has been a great deal of attention from the media surrounding the events leading up to the commencement of the legislative session which has continued to the present date, much of which has not been verified. We have also been informed that Assemblyman Brooks was arrested on February 10, 2013 on charges of domestic battery and obstructing an officer. As of this time, we have no further information regarding those charges.

Despite the characterization in the complaint that the person complained of is an employee, if indeed the complaint is about Assemblyman Brooks, it is important to recognize that Assemblyman Brooks is an elected official and not an employee of the LCB or of the Nevada Assembly. Therefore, he cannot be fired, suspended or otherwise disciplined in the same manner as an employee. This does not mean that the LCB and the Nevada Legislature are prevented from ensuring a safe work environment for all employees. Rather, the plan of action for ensuring a safe work environment may look much different than might be expected from an employer in other circumstances. For example, in any other case an employee who may present a risk would generally be summarily removed from the work environment until the facts could be sorted out and media accounts verified or found to be false.

In addition, the LCB and the Nevada Assembly have been following this situation closely and have been taking actions to ensure the safety of everyone in the Legislative Building. Assemblyman Brooks has been very cooperative and cordial with the Legislative Police and clearly understands that some people who are employed in the Legislative Building may have concerns regarding the reports of his recent behavior. Assemblyman Brooks voluntarily agreed to various measures designed to alleviate any such concerns, including having a legislative police officer accompany him when he is present in the Legislative Building. He did not object when his keycard was deactivated so that he could not gain access to the Legislative Building outside regular business hours without first contacting the Legislative Police. Assemblyman Brooks further allowed the legislative police officers to take whatever precautionary measures they requested to ensure that he is not armed when he enters the building.

In an abundance of caution, the Legislative Police have established various additional measures to alleviate any fears that Assemblyman Brooks may present a danger while in the Legislative Building. The Legislative Police have rearranged their duties and shifts so that the number of officers monitoring the areas frequented by Assemblyman Brooks could be increased from the number that monitored those areas last session. In fact, because Mr. Brooks' office and the meeting rooms for the committees to which he has been appointed are all on the third floor, the number of officers assigned to the third floor of the Legislative Building has been doubled from the number assigned to that area during the 2011 Session. Similar measures have been taken in the Assembly Chambers since it is the only other area in the building that Assemblyman Brooks is likely to spend a substantial amount of time.

The Legislative Counsel Bureau and the Nevada Legislature take the safety of employees, Legislators and the public very seriously. During the legislative session, there are 29

Legislative Police Officers assigned to monitor and protect the Legislative Building and the people in the building in shifts 24 hours per day, 7 days a week. The Legislative Police Officers are highly trained professional law enforcement officers. Although the Legislative Police Officers are only required to obtain certification from the Peace Officers' Standards and Training Commission as a category II peace officer, all of the current officers have obtained the highest certification which is certification as a category I peace officer. All of the peace officers have served as part of the management team of various law enforcement agencies and have a tremendous amount of experience in all aspects of law enforcement. In addition, all of the officers recently received additional training in crisis intervention and behavioral management.

Additional protection is provided through the use of surveillance cameras which have been placed strategically within and outside the Legislative Building and the Sedway Office Building. Surveillance cameras have also been placed in the garage of the Legislative Building and in the parking lot of the Sedway Office Building. The surveillance cameras were made available, to a large extent, through federal and state grants and the placement of the cameras is in alignment with the recommendations made by the Federal Department of Homeland Security. The surveillance cameras are monitored by the Legislative Police 24 hours a day, 7 days a week.

The Legislative Police also has an ongoing relationship with other law enforcement agencies, including the Carson City Sheriff's Office and the Department of Public Safety. Both agencies have offered to provide immediate additional support to the Legislative Police at any time. Those agencies have made themselves available to our Legislative Police for years and have proven to be reliable backup.

The Legislative Police have met with employees individually who have indicated concern for their safety based upon the media reports regarding Assemblyman Brooks. As has been provided in previous years, before the legislative session, the Legislative Police conducted classes for employees regarding situational safety which included instruction on the manner in which to provide a safe work environment. All employees of the Senate and the Assembly also received training on the anti-harassment policy and the manner in which to make a complaint of harassment. Two personal safety videos are available to all employees through the LCB intranet. New employees are informed of these videos and are encouraged to watch them during work time. Additional training from the Health Division and the State Health Officer regarding mental health responses was also recently provided to employees of the Nevada Assembly and certain employees of the LCB.

As Director of the LCB, I have also provided additional protection when determined necessary and appropriate. For example, a panic alarm button was installed at the desks of certain employees, either upon their request or because it was deemed advisable. I also sent out an email to all LCB employees before the commencement of the legislative session to assure employees that measures were being taken to ensure the safety of everyone in the building and that there was absolutely no reason to believe that anyone at the LCB was in any danger.

In conclusion, safety is a major concern for the LCB. Ongoing measures have been put in place to ensure the safety of the employees and others in the Legislative Building. In addition, in response to the recent allegations regarding Assemblyman Brooks, additional extraordinary

measures have been implemented to ensure the safety of employees and others in the Legislative Building. On Thursday, February 7, 2013, Assemblyman Brooks announced during the Assembly Floor Session that he would be taking 3 weeks of medical leave. Therefore, we do not anticipate that Assemblyman Brooks will appear at the Legislative Building during that time. In addition, because of the recent arrest of Assemblyman Brooks, we will need to evaluate whether any additional measures are necessary to protect employees and others in the Legislative Building. We will continue to monitor this situation and re-evaluate based upon verified facts, and we will take any additional precautionary measures we deem necessary based on that re-evaluation. If there are any further questions or concerns regarding the manner in which this situation is being handled, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Richard S. Combs". The signature is written in a cursive style with a large, stylized 'R' and 'C'.

Richard S. Combs
Director, Legislative Counsel Bureau