

**PROPOSED REGULATION OF
THE DIVISION OF INDUSTRIAL RELATIONS OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R040-17

October 5, 2017

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

AUTHORITY: §§1, 2, 8, 10, 16 and 17, NRS 618.295 and section 8 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467; §§3-7 and 11-15, NRS 618.295 and sections 8 and 9 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467.

A REGULATION relating to occupational safety; providing for certain health and safety training for certain employees in the entertainment industry; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires: (1) supervisory employees working on certain sites related to the entertainment industry to complete a 30-hour health and safety course developed by the Occupational Safety and Health Administration of the United States Department of Labor (OSHA) not later than 15 days after being hired; (2) certain other workers on such a site to complete a 10-hour course developed by OSHA not later than 15 days after being hired; and (3) those supervisory employees and workers to obtain a completion card for the applicable required course. These courses are respectively designated as the “OSHA-30 course” and the “OSHA-10 course.” (Section 11 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467) Existing law also requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations to approve courses for the purposes of fulfilling these requirements. (Section 9 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467) **Section 12** of this regulation provides that OSHA-10 and OSHA-30 courses which meet or exceed guidelines issued by OSHA shall be deemed by the Division to be approved for the purposes of fulfilling these requirements. **Section 11** of this regulation requires that all courses approved by the Division be conducted and made available in a language and format understandable to each employee taking the course.

Existing law provides that a completion card expires 5 years after the date of issuance and sets forth the requirements for renewal by a supervisory employee or other worker in the entertainment industry. (Section 11 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467) **Section 13** of this regulation provides that an OSHA-10 course or OSHA-10

continuing education course and an OSHA-30 or OSHA-30 continuing education course, as applicable, satisfy the requirements for renewal of a completion card. **Section 14** of this regulation sets forth certain requirements of an employer that offers an OSHA-10 or OSHA-30 continuing education course. **Section 14** also authorizes the employer to offer those continuing education courses online if developed by, or with the assistance of, a qualified continuing education provider.

Section 15 of this regulation provides that only a trainer, as defined in section 10 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467, or a qualified continuing education course instructor may provide an OSHA-10 or OSHA-30 continuing education course. **Section 15** also sets forth the requirements for consideration by the Administrator of the Division in determining whether a person may act as a qualified continuing education provider.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Approved OSHA-10 continuing education course” means a 5-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

Sec. 4. *“Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to section 12 of this regulation.*

Sec. 5. *“Approved OSHA-30 continuing education course” means a 15-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States*

Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.

Sec. 6. *“Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to section 12 of this regulation.*

Sec. 7. *“Qualified continuing education course instructor” means a person who possesses credentials in the field of safety that the Administrator determines to be adequate, pursuant to subsection 2 of section 15 of this regulation, to prepare the person to provide:*

- 1. Approved OSHA-10 continuing education courses; and*
- 2. Approved OSHA-30 continuing education courses.*

Sec. 8. *“Valid completion card” means an unexpired completion card issued to a person for:*

- 1. An approved OSHA-10 course; or*
- 2. An approved OSHA-30 course.*

Sec. 9. *As used in section 5 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 466, the Division interprets the term “site” to include an outdoor stage.*

Sec. 10. *As used in section 7 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 466, the Division interprets the term “worker” as not including an actor, athlete, musician, singer or other person who performs entertainment at the site.*

Sec. 11. *All courses described in sections 2 to 15, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each employee.*

Sec. 12. 1. *An OSHA-10 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-10 course.*

2. An OSHA-30 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-30 course.

Sec. 13. 1. *An employee may renew a valid completion card for an OSHA-10 course by completing an approved OSHA-10 course or approved OSHA-10 continuing education course before the expiration of the valid completion card. An employee who has renewed a valid completion card for an OSHA-10 course must provide his or her employer with the valid completion card and written proof of completion of an approved OSHA-10 course or approved OSHA-10 continuing education course.*

2. An employee may renew a valid completion card for an OSHA-30 course by completing an approved OSHA-30 course or approved OSHA-30 continuing education course before the expiration of the valid completion card. An employee who has renewed a valid completion card for an OSHA-30 course must provide his or her employer with the valid completion card

and written proof of completion of an approved OSHA-30 course or approved OSHA-30 continuing education course.

Sec. 14. 1. *If an employer offers, and an employee completes, an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course, the employer shall:*

- (a) Provide to the employee written proof of completion of the course;*
- (b) On request, provide to the Division written proof of completion of the course; and*
- (c) Retain a copy of the written proof of completion of the course for at least 5 years.*

2. *An employer may offer, and an employee may complete, an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course online if the course is developed by, or with the assistance of, a qualified continuing education course instructor.*

Sec. 15. 1. *No person other than a trainer, as defined in subsection 3 of section 10 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 467, or a qualified continuing education course instructor may provide an OSHA-10 continuing education course or an OSHA-30 continuing education course.*

2. *The Administrator may determine that a person may act as a qualified continuing education course instructor if the person, without limitation:*

(a) Is authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, if the person has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry;

(b) Has 3 years of experience in overseeing matters of occupational safety and health in the entertainment industry; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the entertainment industry and has:

(1) A college degree in occupational safety and health; and

(2) Been designated as:

(I) A certified safety professional; or

(II) A certified industrial hygienist.

Sec. 16. 1. A worker who was hired before the effective date of this regulation shall comply with the provisions of sections 11 and 12 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at pages 467-8, by the later of:

(a) Fifteen days after the worker was hired; or

(b) The effective date of this regulation.

2. As used in this section, “worker” has the meaning ascribed to it in section 7 of Assembly Bill No. 190, chapter 105, Statutes of Nevada 2017, at page 466.

Sec. 17. This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.