

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

LCB File No. R071-15

Effective April 4, 2016

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

AUTHORITY: §§1-5, NRS 618.295, 618.973 and 618.977, as amended by section 1 of Senate Bill No. 233, chapter 530, Statutes of Nevada 2015, at page 3657.

A REGULATION relating to occupational safety; revising and repealing obsolete provisions relating to the expiration and renewal of completion cards for OSHA-10 and OSHA-30 courses; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

During the 2015 Legislative Session, the Nevada Legislature passed Senate Bill No. 233 which eliminated provisions: (1) governing the expiration and renewal of completion cards for OSHA-10 and OSHA-30 courses; and (2) authorizing the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to continuing education for the renewal of such completion cards. (Chapter 530, Statutes of Nevada 2015, p. 3657) This regulation revises and repeals provisions relating to the renewal of completion cards for OSHA-10 and OSHA-30 courses, the requirements for continuing education and the persons who may provide continuing education courses.

Section 1. NAC 618.990 is hereby amended to read as follows:

618.990 As used in NAC 618.990 to ~~618.9927, 618.992,~~ inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~618.9902 to 618.9904, 618.9908 and 618.9912~~ ~~[-inclusive,]~~ have the meanings ascribed to them in those sections.

Sec. 2. NAC 618.9912 is hereby amended to read as follows:

618.9912 “Valid completion card” means ~~an unexpired~~ *a* completion card issued to a person for:

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

Sec. 3. NAC 618.9914 is hereby amended to read as follows:

618.9914 For the purposes of NRS 618.950 to 618.990, inclusive, and NAC 618.990 to ~~618.9927;~~ **618.992**, inclusive:

1. The phrase “person who actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project, including, without limitation, painting and decorating” from subsection 1 of NRS 618.957 is interpreted by the Division to mean a person who physically alters, adds to, subtracts from, improves, moves, wrecks or demolishes any building, highway, road, railroad, excavation or other structure, project, development or improvement, or does any part thereof, including the erection of scaffolding or other structures or works in connection therewith, at a construction site for the construction project.

2. The term “construction worker” does not include the following persons unless the persons are included within NRS 618.957 as interpreted by subsection 1:

(a) Any person engaged solely in architectural, building inspection, delivery, clerical, engineering, surveying or material testing work on a construction site;

(b) Any person engaged solely in administrative work on a construction site unless that person is a supervisory employee as defined NRS 618.967; or

(c) Any person who performs work on a construction site solely in his or her capacity as a public utility employee operating pursuant to safety regulations of the Public Utilities Commission of Nevada or 29 C.F.R. § 1910.

3. The phrase “components of the property” from subsection 2 of NRS 618.957 includes, without limitation, utility equipment.

Sec. 4. NAC 618.9917 is hereby amended to read as follows:

618.9917 All courses described in NAC 618.990 to ~~618.9927,~~ **618.992**, inclusive, must be conducted and made available in a language and format that is understandable to each employee.

Sec. 5. NAC 618.9902, 618.9906, 618.991, 618.9923, 618.9925 and 618.9927 are hereby repealed.

TEXT OF REPEALED SECTIONS

618.9902 “Approved OSHA-10 continuing education course” defined. (NRS 618.295, 618.973, 618.977) “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.

618.9906 “Approved OSHA-30 continuing education course” defined. (NRS 618.295, 618.973, 618.977) “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.

618.991 “Qualified continuing education course instructor” defined. (NRS 618.295, 618.973, 618.977) “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 NAC 618.9927, to prepare the person to provide:

1. An approved OSHA-10 continuing education course; and
2. An approved OSHA-30 continuing education course.

618.9923 Renewal of valid completion card. (NRS 618.295, 618.973, 618.977)

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.

618.9925 Requirements for continuing education courses provided by employer. (NRS 618.295, 618.973, 618.977, § 15 of ch. 432, Stats. 2009)

1. If an employer provides to an employee 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 provide 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.

618.9927 Persons who may provide continuing education courses. (NRS 618.295, 618.973, 618.977)

1. No person other than a trainer, as defined in subsection 3 of NRS 618.980, 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 500, the Trainer Course for the Construction Industry;
 - (b) Has 3 years of experience in overseeing matters of occupational safety and health in the field of construction; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the field of construction 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.