

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

LCB File No. R141-09

November 18, 2009

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

AUTHORITY: §§1, 2, 13, 14 and 15, section 7 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2421; §§3-10 and 12, sections 7 and 8 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2421; §11, sections 7 and 15 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at pages 2421 and 2425, respectively.

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

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 3 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, 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 8 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 8 of this regulation.*

Sec. 7. *“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. 8. 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. 9. 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 shall 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 shall 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. 10. 1. *An employer shall provide to an employee and the Division, on request, written proof of completion of a course if the employer provides to the employee:*

- (a) An approved OSHA-10 continuing education course; or*
- (b) An approved OSHA-30 continuing education course.*

2. 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 retain a copy of the written proof of completion of the course for at least 5 years.

Sec. 11. *If an employer provides to an employee an OSHA-10 alternative course or an OSHA-30 alternative course, the employer shall:*

- 1. Provide to the employee written proof of completion of the course;*
- 2. On request, provide to the Division written proof of completion of the course; and*
- 3. Retain a copy of the written proof of completion of the course for at least 1 year.*

Sec. 12. *All courses described in sections 3 to 13, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each employee.*

Sec. 13. *An employer may elect, but is not required, to pay:*

- 1. An employee to take time off from work to take a course described in sections 3 to 13, inclusive, of this regulation; or*
- 2. The fees for an employee to take a course described in sections 3 to 13, inclusive, of this regulation.*

Sec. 14. 1. A construction worker who was hired before the effective date of this regulation shall comply with the provisions of this regulation by the later of:

- (a) Fifteen days after the construction worker was hired; or
- (b) The effective date of this regulation.

2. As used in this section, “construction worker” has the meaning ascribed to it in section 3.5 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2420.

Sec. 15. 1. This regulation becomes effective on January 1, 2010, or upon filing with the Secretary of State, whichever occurs later.

2. Section 14 of this regulation expires by limitation on December 31, 2010.