

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

LCB File No. R058-12

Effective February 26, 2014

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

AUTHORITY: §1, NRS 618.295.

A REGULATION relating to industrial relations; repealing provisions that require employers to maintain records of certain occupational injuries and illnesses; and providing other matters properly relating thereto.

Section 1. NAC 618.550, 618.5502, 618.5504, 618.5506, 618.5508, 618.551, 618.5512, 618.553, 618.556, 618.559, 618.562, 618.565, 618.571, 618.574, 618.577, 618.580, 618.583, 618.586 and 618.589 are hereby repealed.

TEXT OF REPEALED SECTIONS

618.550 Definitions. (NRS 618.295) As used in NAC 618.550 to 618.589, inclusive, unless the context otherwise requires, the words and terms defined in NRS 618.029 to 618.165, inclusive, and NAC 618.5502 to 618.5512, inclusive, have the meanings ascribed to them in those sections.

618.5502 “Act” defined. (NRS 618.295) “Act” means the Nevada Occupational Safety and Health Act set forth in chapter 618 of NRS.

618.5504 “Establishment” defined. (NRS 618.295) “Establishment” means:

1. For a private employer, a single physical location where the private employer’s business is conducted or where services or industrial operations are performed, including a factory, mill, store, hotel, restaurant, movie theater, farm, bank, sales office, warehouse or central administrative office. If distinctly separate activities are performed at a single physical location, for example, where construction activities under contract are operated from the same physical location as a lumber yard, each activity will be treated as a separate establishment.

2. For a public employer:

(a) A single physical location where a specific governmental function is performed; or

(b) A location which is the lowest level where attendance or payroll records are kept for a group of employees who perform the same governmental function or who are in the same organizational unit, even if its activities are carried on at more than a single physical location.

618.5506 “First aid” defined. (NRS 618.295) “First aid” means a single treatment and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters and other injuries which do not ordinarily require medical care. Such treatment and any follow-up visit for the purpose of observation are considered first aid, even if the treatment or visit is provided by a physician or registered professional personnel.

618.5508 “Lost workdays” defined. (NRS 618.295) “Lost workdays” means the days, whether consecutive or not, after, but not including, the day of injury or illness during which the employee would have worked, but could not perform all or any part of his or her normal

assignment during all or any part of the workday or shift because of an occupational injury or illness.

618.551 “Medical treatment” defined. (NRS 618.295) “Medical treatment” means treatment administered by a physician or by registered professional personnel pursuant to the orders of a physician. The term does not include first aid, even if the first aid is provided by a physician or registered professional personnel.

618.5512 “Recordable occupational injury or illness” defined. (NRS 618.295)
“Recordable occupational injury or illness” means an occupational injury or illness that results in:

1. A fatality, regardless of the time between the injury and death, or the length of the illness;
2. A lost workday, other than for a fatality; or
3. A nonfatal injury or illness without a lost workday which results in a transfer to another job or the termination of employment, or requires medical treatment other than first aid, or involves the loss of consciousness or the restriction of work or motion.

↪ The term includes a diagnosed occupational illness that is reported to the employer, but is not classified as a fatality or does not result in a lost workday.

618.553 Scope. (NRS 618.295) The provisions of NAC 618.550 to 618.589, inclusive, provide for:

1. Recordkeeping and reporting by employers covered under the act as necessary or appropriate for the enforcement of the act;
2. Developing information regarding the causes and prevention of occupational injuries and illnesses; and

3. Maintaining a program of collection, compilation and analysis of statistics concerning occupational safety and health.

618.556 Employer's log and summary. (NRS 618.295)

1. Except as otherwise provided in subsection 2 and NAC 618.589, each employer shall maintain in each of his or her establishments a log and summary of all recordable occupational injuries and illnesses for that establishment. Each employer shall enter each recordable occupational injury and illness on the log and summary as early as practicable, but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose, Occupational Safety and Health Administration Form No. 200 or any state or private form which is equivalent may be used. Form No. 200 or its equivalent must be completed in detail as provided in the form and the instruction contained in it. If an equivalent form is used, such as a printout from data processing equipment, the information must be as readable and comprehensible as Form No. 200 to a person not familiar with the data processing equipment.

2. Any employer may maintain the log and summary of occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, if:

(a) There is available at the place where the log and summary are maintained sufficient information to complete the log and summary within 6 working days after receiving information that a recordable case has occurred; and

(b) At the particular establishment, there is available a copy of the log and summary which reflects separately the occupational injuries and illnesses which have occurred at that establishment and is complete and current to a date within 45 calendar days after the date of occurrence.

618.559 Log and summary: Period covered. (NRS 618.295) Logs and summaries must be kept on the basis of a calendar year.

618.562 Supplementary records. (NRS 618.295) Except as otherwise provided in NAC 618.580 and 618.589, each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record must be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration Form No. 101. Reports relating to workers' compensation or other reports are acceptable alternative records if they contain the information required in Form No. 101. If no acceptable alternative record is maintained for other purposes, Form No. 101 must be used or the necessary information must be otherwise maintained.

618.565 Annual summary. (NRS 618.295)

1. Except as otherwise provided in NAC 618.589, each employer shall post an annual summary of occupational injuries and illnesses for each of his or her establishments. The summary must be entered on Form No. 200 of the Occupational Safety and Health Administration and may consist of a copy of the year's totals from the last form submitted by the employer for the year. The summary must include:

- (a) The calendar year covered;
- (b) The name of the company;
- (c) The name and address of the establishment; and
- (d) The certification required by subsection 3, including the title of the person making the certification and the date on which it is made.

↪ If no injuries or illnesses occurred in the year, zeros must be entered on the lines indicating the year's totals.

2. The summary must be completed no later than February 1 of each year.

3. Each employer or the officer or employee of the employer who supervises the preparation of the log and annual summary of occupational injuries and illnesses shall certify that the annual summary is true and complete by affixing his or her signature at the bottom of the last page of the log and summary or by appending a separate statement to the log and summary certifying that the summary is true and complete.

4. The employer shall post a copy of the establishment's summary in the establishment at the place or places where notices to employees are normally posted. The summary covering the previous calendar year must remain posted from February 1 until March 1. If an employee does not primarily report to or work at a single establishment or does not report to any fixed establishment on a regular basis, the employer shall present or mail a copy of the summary during the month of February to the employee if he or she receives pay during that month. If an employer has more than one establishment and the operations in some of the establishments have closed during the calendar year, the employer need not post any summaries for the closed establishments.

618.571 Copies of required forms. (NRS 618.295) If copies of Form Nos. 200 and 101, or their equivalent, are not readily available, they may be obtained at the local offices of the Enforcement Section or by mail upon request to the Enforcement Section.

618.574 Retention of records. (NRS 618.295)

1. The records provided for in NAC 618.556, 618.562, 618.565 and 618.571, including Form Nos. 101 and 200, must be retained in each establishment for 5 years following the end of the year to which they relate.

2. If the ownership of an establishment changes, the new employer is responsible for maintaining records and filing reports only for the period of the year during which he or she owns the establishment, but the new employer shall preserve the records, if any, which the prior employer was required by this section to keep at the establishment.

618.577 Access to records. (NRS 618.295)

1. Each employer shall, upon request, make available the records provided for in NAC 618.556, 618.562, 618.565 and 618.571 for inspection and copying by representatives of the Enforcement Section during any inspection provided for by the Act.

2. The employer shall, upon request, make available the log and summary of all recordable occupational injuries and illnesses, including Form No. 200 or its equivalent, to the employee or former employee or his or her representative for examination and copying in a reasonable manner and at reasonable times for any establishment in which the employee is or has been employed.

3. This section does not preclude employees or their representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section.

618.580 Small employers. (NRS 618.295) An employer who had no more than 10 employees at any one time during the calendar year immediately preceding the current calendar year need not comply with any of the provisions of NAC 618.550 to 618.589, inclusive, except the employer shall:

1. Report any fatal accident or accident resulting in the hospitalization of three or more employees;
2. Maintain a log and summary of occupational injuries and illnesses; and
3. Make reports upon being notified in writing by the Enforcement Section that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

618.583 Retention of records for employees not in fixed establishments. (NRS 618.295)

1. Employers of employees engaged in physically dispersed operations, such as occur in construction, installation, repair or service activities, who do not report to any fixed establishment on a regular basis, but are subject to common supervision, may satisfy the provisions of NAC 618.556, 618.562 and 618.574 with respect to such employees by:

- (a) Maintaining the required records for each operation or group of operations which is subject to common supervision in an established central place;
- (b) Having the address and telephone number of the central place available at each work site; and
- (c) Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.

2. For firms engaged in activities such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, which may be physically dispersed, records may be maintained at a place to which employees report each day.

3. Records for personnel who do not primarily work at a single establishment and who are generally not supervised in their daily work, such as traveling salespersons, technicians and

engineers, may be maintained at the location from which they are paid or the base from which they operate to carry out their activities.

618.586 Petitions for relief from regulations. (NRS 618.295)

1. Any public employer who wishes to maintain records in a manner different from that required by NAC 618.550 to 618.589, inclusive, may submit to the Enforcement Section, a petition containing:

- (a) The name and address of the applicant;
- (b) The address of the place and places of employment involved;
- (c) Specifications of the reasons for seeking relief;
- (d) A description of the different recordkeeping procedures which are proposed by the applicant;
- (e) A statement that the applicant has informed his or her affected employees of the petition by giving a copy thereof to them or to their authorized representative, by posting a statement giving a summary of the petition and by other appropriate means;
- (f) A statement that the applicant has informed his or her affected employees of their rights under subsection 2; and
- (g) If the applicant has more than one establishment, a list of all his or her establishments which would be affected by the petition.

2. The applicant must post, at the place or places where notices to employees are normally posted, a notice summarizing the petition and a statement specifying where a copy of the full petition may be examined. The affected employees or their representatives may submit written data, views or arguments concerning the petition to the Enforcement Section within 10 working days after the notice is posted.

3. The Enforcement Section will consult with appropriate representatives of the Bureau of Labor Statistics of the United States Department of Labor to ensure that the procedure in this section may be carried out effectively.

618.589 Exceptions to reporting requirements; adoption of standards by reference.
(NRS 618.295)

1. If an employer's establishment is classified within major groups 55 to 67, inclusive, 72, 73, 78 or 81 to 89, inclusive, of the Standard Industrial Classification Manual, 1987 edition, the employer is not required to comply with the reporting requirements contained in NAC 618.550 to 618.589, inclusive, for that establishment, except that he or she shall:

(a) Report fatal accidents or accidents requiring the hospitalization of three or more employees pursuant to NRS 618.378; and

(b) Maintain a log and summary of occupational injuries and illnesses and provide reports upon receiving written notification from the Bureau of Labor Statistics of the United States Department of Labor that he or she has been selected to participate in a statistical survey of occupational injuries and illnesses.

2. The Standard Industrial Classification Manual, 1987 edition, prepared by the Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the National Technical Information Service, Springfield, Virginia 22161, for the price of \$30.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS

IN THE MATTER OF THE ADOPTION OF
PERMANENT REGULATION RELATING TO
INDUSTRIAL RELATIONS; REPEALING PROVISIONS
THA T REQUIRE EMPLOYERS TO MAINTAIN
RECORDS OF CERTAIN OCCUPATIONAL INJURIES
AND ILLNESSES; AND PROVIDING OTHER
MATTERS PROPERLY RELATING THERETO

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R058-12

AMENDED INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 618.

1. A clear and concise explanation of the need for the adopted regulation.

The proposed regulation repeals existing Nevada regulations, which duplicate the recordkeeping requirements in federal occupational safety and health regulations including 29 CFR 1904, Recordkeeping and Reporting Occupational Injuries and Illness. The repeal of these regulations will eliminate duplicative and unnecessary regulations.

2. A description of how public comment was solicited, a summary of public responses, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon a regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of the Nevada Occupational Safety and Health Act, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Department of Business and Industry, Division of Industrial Relations, Occupational Safety and Health Administration, www.dirweb.state.nv.us/OSHA/osha.htm, mailed to all county libraries in Nevada and posted at the following locations:

Division of Industrial Relations
400 W. King Street, #400
Carson City, NV 89703

Department of Business and Industry
555 E. Washington Ave., #4900
Las Vegas, NV 89101

NVOSHA
1301 N. Green Valley Pkwy., #200
Henderson, NV 89074

Grant Sawyer Building
555 E. Washington Ave,
Las Vegas, NV 89101

Nevada State Library and Archives
100 Stewart Street
Carson City, NV 89701

NVOSHA
4600 Kietzke Lane, Bldg. F, #153
Reno, NV 89502

Bradley Building
2501 E. Sahara Ave.
Las Vegas, NV 89104

A workshop was held via videoconference on May 15, 2012, at 10:00 am at the Nevada OSHA offices located at 1301 N. Green Valley Pkwy., 15t Floor, Video Conference Room, Henderson, Nevada and 4600 Kietzke Lane, Bldg. F, #153, Conference Room, Reno, Nevada. Thereafter on or about July 17, 2012, the Administrator of the Department of Business and Industry, Division of Industrial Relations (Administrator) issued a Notice of Intent to Repeal Permanent Regulations which was unchanged from the May 15 workshop. A public hearing was held via videoconference on August 20, 2012, at 9:00 am at the Nevada OSHA offices located at 1301 N. Green Valley Pkwy., 15t Floor, Video Conference Room, Henderson, Nevada and 4600 Kietzke Lane, Bldg. F, #153, Conference Room, Reno, Nevada.

A copy of this summary of the public response to the proposed regulation may be obtained from Kim Toledo at Nevada OSHA, 1301 N. Green Valley Pkwy., #200, Henderson, NV 89074, 702-486-9168, or email to toledo.kim@dol.gov.

3. The number of persons who:

- (a) Attended each hearing: Henderson-3; Reno-2**
- (b) Testified at each hearing: Henderson- None; Reno-None**
- (c) Submitted to the agency written comments: None received**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

As noted above, there was no testimony offered at the hearing and no written comments submitted to the agency. The only attendees at the hearing were agency employees.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the Response to Question number 1, above.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulations without change.

The permanent regulation was adopted on December 20, 2013. As there was no testimony at the public hearing and no written comments received regarding the proposed regulation, no changes were made.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects.

There are no adverse effects, either immediate or long-term, that would negatively impact business or the general public. The adoption of this regulation, which repeals existing regulations, will have beneficial effects, both immediate and long-term, by eliminating confusion caused by duplicative references to employer injury and illness recordkeeping requirements.

(b) Both immediate and long-term effects.

See Response to Question number 5(a), above.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

