

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

LCB File No. R048-20

July 31, 2020

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

AUTHORITY: §§1-11, NRS 618.295 and 618.9908; §§12-15, NRS 618.295, 618.9908 and 618.9909; §§16-24, NRS 618.295; §§25-28, NRS 618.295 and 618.9927.

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

Legislative Counsel’s Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to certain 10-hour and 30-hour health and safety courses which are developed by the Occupational Safety and Health Administration of the United States Department of Labor for certain employees in the entertainment and convention services industries. (NRS 618.9901-618.9913; 618.9920-618.9931) **Sections 2-15** of this regulation apply to the entertainment industry and the substantially similar **sections 16-28** of this regulation apply to convention services.

Sections 11 and 24 of this regulation require all OSHA-10 and OSHA-30 courses described in this regulation to be conducted and made available in a language and format understandable to each person employee taking the courses.

Sections 12 and 25 of this regulation provide that OSHA-10 and OSHA-30 courses which meet or exceed certain guidelines issued by the Occupational Safety and Health Administration shall be deemed by the Division to be approved.

Sections 13 and 26 of this regulation provide for an employee’s renewal of a valid completion card for an OSHA-10 or OSHA-30 course.

Sections 14 and 27 of this regulation provide for proof of completion of OSHA courses, including continuing education courses, and the retention of records thereof.

Sections 15 and 28 of this regulation govern the requirements for instructors for continuing education courses.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 28, 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 9, 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. *“Trainer” has the meaning ascribed to it in NRS 618.991.*

Sec. 9. *“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. 10. *For the purposes of sections 2 to 15, inclusive, of this regulation, the Division interprets the term:*

- 1. “Site,” as defined in NRS 618.9904, to include an outdoor stage.*
- 2. “Worker,” as defined in NRS 618.9906, as not including:*
 - (a) An actor;*
 - (b) An athlete;*
 - (c) A musician;*
 - (d) A singer; or*

(e) Any other person,

↳ who performs entertainment at a 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 person taking the course.

Sec. 12. 1. An OSHA-10 course 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 approved 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 renews a valid completion card for an approved OSHA-10 course must present 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 approved 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 renews a valid completion card for an approved OSHA-30 course must present 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 must:*

(a) Provide the employee with written proof of completion of the course;

(b) On request by the Division, provide the Division with written proof of the employee's completion of the course; and

(c) Retain a copy of the written proof of completion of the course for not less than 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 trainer or qualified continuing education course instructor.

Sec. 15. *1. No person other than a trainer or 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. As used in sections 16 to 28, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 17 to 23, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 17. “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. 18. *“Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to section 25 of this regulation.*

Sec. 19. *“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. 20. *“Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to section 25 of this regulation.*

Sec. 21. *“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 28 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. 22. *“Trainer” has the meaning ascribed to it in NRS 618.9928.*

Sec. 23. *“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. 24. *All courses described in sections 16 to 28, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each person taking the course.*

Sec. 25. 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. 26. 1. *An employee may renew a valid completion card for an approved 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 renews a valid completion card for an approved OSHA-10 course must present 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 approved 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 renews a valid completion card for an approved OSHA-30 course must present 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. 27. 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 must:

(a) Provide the employee with written proof of completion of the course;

(b) On request by the Division, provide the Division with written proof of the employee's completion of the course; and

(c) Retain a copy of the written proof of completion of the course for not less than 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 trainer or qualified continuing education course instructor.

Sec. 28. 1. No person other than a trainer or 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 convention services industry; or

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