

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

LCB FILE NO. R131-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/17/2024**

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

LCB File No. Unassigned

June 17, 2024

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

AUTHORITY: §§ 1-13, NRS 618.295 and 618.315.

A REGULATION relating to occupational safety and health; imposing certain duties on employers of employees exposed to working conditions that may cause occupational exposure to heat illness; requiring an employer to provide employees with training relating to heat illness; imposing certain duties on an employer of an employee who shows signs of possible heat illness; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 through 5, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Designated Individual” means a person designated by the employer to monitor conditions that could cause heat illness as required in Section 7 of this Regulation, to contact emergency medical services when needed, and who can designate individuals if the Designated Individual is unavailable; and ensure, in an emergency, that emergency medical services are contacted, and provide all necessary information, as immediately as possible (including contact information and directions to reach the employee(s)), and that*

(if necessary and appropriate) employees are transported to where responders can reach them.

Sec. 4. *“Heat illness” means a medical condition resulting from the body’s inability to cope with a particular heat load and includes, without limitation, heat cramps, heat rash, heat exhaustion, fainting and heat stroke.*

Sec. 5. *“Occupational Exposure” means any working condition that creates the reasonable likelihood that heat illness could occur including, but not limited, to:*

(1) Air temperature;

(2) Relative humidity;

(3) Radiant heat from the sun and other sources;

(4) Conductive heat from the ground and other sources;

(5) The movement of air;

(6) The severity and duration of workloads; and

(7) Protective clothing and personal protective equipment worn by an employee.

Sec. 6. *1. Employers required to have a written safety program pursuant to NRS 618.383 are required to make a one-time documented job hazard analysis to assess the working conditions that may cause occupational exposure to heat illness before a job task is undertaken for the first time by an employee or the job task materially changes.*

2. A job hazard analysis pursuant to subsection 1 must include:

(a) A list of all job classifications in which the majority of employees in those job classifications have occupational exposure for more than thirty minutes of any sixty-minute period, not including breaks.

(b) A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure may occur and that are performed by employees in job classifications listed in accordance with the provisions of paragraph (a) of this section.

(c) This job hazard analysis shall be made without regard to employee access to water, rest, or shade.

Sec. 7. *If the employer has, within the job hazard analysis required in Section 6 of this Regulation, determined that employees may be exposed to hazardous working conditions that may cause heat illness, then the employer must:*

- 1. Identify a Designated Individual as defined in Section 3 of this regulation; and*
- 2. Address potential hazardous working conditions for employees that may cause heat illness in the written safety program required by NRS 618.383. The written safety program must include:*

(a) Provision of potable water as required by 29 CFR 1910.141(b)(1)(i) and 29 CFR 1926.51(a)(1);

(b) Provision of rest periods for employees who are exhibiting signs of heat illness;

(c) Provision of means of cooling;

(d) To the extent practicable, monitoring by a Designated Individual of working conditions that could cause heat illness;

i. Monitoring shall not be required for working conditions covered under NRS 618.315(2)(b), while loading or unloading a vehicle.

(e) Identification and mitigation of work processes which may generate additional heat or humidity;

(f) Training; and

(g) Procedures for responding to an emergency.

Sec. 8. *Employers shall provide a training program for those employees identified in Section 6(2)(a). The program shall enable each employee to recognize the hazards of heat illness and shall train each employee in the procedures to be followed in order to minimize these hazards.*

Sec. 9. *Any provision which an employer implements pursuant to Section 6 through 8 of this regulation to prevent or mitigate the risk of heat illness must, at a minimum, reasonably mitigate the risk of heat illness to the affected employees.*

Sec. 10. *1. For employees working indoors in a climate-controlled environment, including a vehicle with a properly functioning climate control mechanism, the provisions of Sections 6 through 9 of this regulation do not apply.*

2. If climate control becomes nonfunctional or does not effectively address the hazard of heat illness the employer must make a good faith effort to reestablish an effective climate control system as soon as practicable and, until the climate control is rendered effective, implement provisions that address potential hazards for employees that can cause heat illness.

Sec. 11. *If an employee shows signs of possible heat illness, his or her employer must:*

- 1. Carry out the measures required by Section 7, Subsection 2, and*
- 2. The Designated Individual shall monitor the employee to determine whether medical attention is necessary.*

Sec. 12.

- 1. Employers, on their own or under a collective bargaining agreement with a labor union, are not precluded from providing protections that exceed the requirements in*

this regulation.

2. *Collective bargaining agreements cannot waive or reduce the requirements in this regulation.*
3. *Nothing in this regulation relieves employers from their contractual obligations under collective bargaining agreements.*
4. *A copy of the collective bargaining agreement must be made available upon request by the Division.*

Sec. 13. *Nothing in these regulations changes the application of NRS 616A to 616D, inclusive, and NRS 617.*