

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

LCB File No. R141-09

Effective April 28, 2010

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

AUTHORITY: §§1, 2 and 17-19, section 7 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2421 (NRS 618.973); §§3-11 and 14-16, sections 7 and 8 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2421 (NRS 618.973 and 618.977); §§12 and 13, sections 7, 8 and 15 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at pages 2421 and 2425, respectively (NRS 618.973 and 618.977).

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 17, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 17, 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 10 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 10 of this regulation.*

Sec. 7. *“Qualified alternative 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 16 of this regulation, to prepare the person to provide:*

- 1. An OSHA-10 alternative course; and*
- 2. An OSHA-30 alternative course.*

Sec. 8. *“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. An approved OSHA-10 continuing education course; and*

2. An approved OSHA-30 continuing education course.

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. *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. 11. *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.

Sec. 12. *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.

Sec. 13. *1. If an employer provides to an employee an OSHA-10 alternative course or an OSHA-30 alternative 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 1 year.*

2. The Division will deem approved, and an employer may provide, an OSHA-10 alternative course or an OSHA-30 alternative course online if the course:

(a) Meets the requirements of paragraph (a) or (b) of subsection 4 of section 10 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2422 (NRS 618.983); and

(b) Is developed by, or with the assistance of, a qualified alternative course instructor.

Sec. 14. All courses described in sections 2 to 17, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each employee.

Sec. 15. 1. No person other than a trainer, as defined in subsection 3 of section 8.5 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2421 (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.

Sec. 16. 1. *No person other than a trainer, as defined in subsection 3 of section 8.5 of Assembly Bill No. 148, chapter 432, Statutes of Nevada 2009, at page 2421 (NRS 618.980), or a qualified alternative course instructor may provide an OSHA-10 alternative course or an OSHA-30 alternative course.*

2. The Administrator may determine that a person may act as a qualified alternative 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.

Sec. 17. *For the purposes of NRS 618.950 to 618.990, inclusive, and sections 2 to 17, inclusive, of this regulation:*

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. 18. 1. A construction worker who was hired before April 28, 2010, shall comply with the provisions of sections 2 to 17, inclusive of this regulation by the later of:

- (a) Fifteen days after the construction worker was hired; or
- (b) April 28, 2010.

2. As used in this section, “construction worker” has the meaning ascribed to it in NRS 618.957.

Sec. 19. 1. This regulation becomes effective on April 28, 2010.

2. Sections 7, 13 and 16 of this regulation expire by limitation on December 31, 2010.