

SENATE BILL NO. 119—SENATORS CANCELA, PARKS,
CANNIZZARO AND SPEARMAN

PREFILED JANUARY 28, 2019

JOINT SPONSOR: ASSEMBLYWOMAN MARTINEZ

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain health and safety training for workers and supervisors performing work at sites where exhibitions, conventions or trade shows occur. (BDR 53-570)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to occupational safety; requiring certain employees performing work at sites where certain exhibitions, conventions or trade shows occur to receive certain health and safety training; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain employees performing work on construction sites or certain sites related to the entertainment industry to complete certain training courses relating to occupational health and safety. (NRS 618.950-618.9911) This bill enacts similar requirements for workers who perform work at certain sites where exhibitions, conventions or trade shows occur.

Section 11 of this bill requires: (1) supervisory employees working at such sites to complete a specified 30-hour health and safety course not later than 15 days after being hired; and (2) certain other workers working at such a site to complete a specified 10-hour course not later than 15 days after being hired. **Section 7** of this bill defines “worker” to include only those persons whose primary occupation is to perform work at such a site, and **section 8** of this bill provides that the requirements in this bill do not apply to a person who is a volunteer or other person who is not paid to work at such a site.

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations approving courses which may be used to fulfill the requirements of **section 11**. **Section 10** of this bill



17 requires providers of approved courses to display the card evidencing their
18 authorization by the Occupational Safety and Health Administration of the United
19 States Department of Labor to provide such a course at the location at which the
20 course is being provided.

21 **Section 12** of this bill requires employers to suspend or terminate the
22 employment of an employee at an applicable site who fails to provide proof of
23 obtaining the required training not later than 15 days after being hired. **Section 13**
24 of this bill provides for administrative fines for employers who fail to suspend or
25 terminate certain employees on a site after the 15-day period if those employees
26 have not obtained the required training.

27 **Section 16** of this bill: (1) allows employees to satisfy the requirements of
28 **section 11** by completing an alternative course offered by their employer; (2)
29 requires an employee that satisfies the requirements of **section 11** by completing an
30 alternative course to take an approved course by January 1, 2021; and (3) requires
31 an employer to maintain and make available to the Division of Industrial Relations
32 a record of all employees that have completed an alternative course until a date to
33 be established by the Division by regulation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

4 **Sec. 2.** *As used in sections 2 to 13, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 7, inclusive, of this act, have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3.** *“OSHA-10 course” means a 10-hour course in*
9 *general industry safety and health hazard recognition and*
10 *prevention developed by the Occupational Safety and Health*
11 *Administration of the United States Department of Labor.*

12 **Sec. 4.** *“OSHA-30 course” means a 30-hour course in*
13 *general industry safety and health hazard recognition and*
14 *prevention developed by the Occupational Safety and Health*
15 *Administration of the United States Department of Labor.*

16 **Sec. 5.** *“Site” means a facility which incorporates both space*
17 *for exhibitions and a substantial number of smaller spaces for*
18 *meetings and which is primarily for use by trade shows, public*
19 *shows, conventions or related activities.*

20 **Sec. 6.** *“Supervisory employee” means any person having*
21 *authority in the interest of the employer to hire, transfer, suspend,*
22 *lay off, recall, promote, discharge, assign, reward or discipline*
23 *other employees or responsibility to direct them, to adjust their*
24 *grievances or effectively to recommend such action, if in*
25 *connection with the foregoing, the exercise of such authority is*
26 *not of a merely routine or clerical nature but requires the use of*



1 *independent judgment. The exercise of such authority shall not be*
2 *deemed to place the employee in supervisory employee status*
3 *unless the exercise of such authority occupies a significant portion*
4 *of the employee's workday.*

5 **Sec. 7.** *"Worker" means a person whose primary occupation*
6 *is to perform work at a site.*

7 **Sec. 8.** *The provisions of sections 2 to 13, inclusive, of this*
8 *act do not apply to a volunteer or any other person who is not paid*
9 *to perform work at a site.*

10 **Sec. 9. 1.** *The Division shall, by regulation, approve*
11 *OSHA-10 courses and OSHA-30 courses for the purposes of*
12 *fulfilling the requirements of section 11 of this act.*

13 **2.** *The Division shall establish a registry to track the*
14 *providers of courses approved pursuant to subsection 1.*

15 **3.** *The Division shall adopt regulations that set forth*
16 *guidelines for job-specific training to qualify as continuing*
17 *education for the purposes of section 11 of this act.*

18 **Sec. 10. 1.** *Each trainer shall display his or her trainer*
19 *card in a conspicuous manner at each location where the trainer*
20 *provides an OSHA-10 course or an OSHA-30 course.*

21 **2.** *No person other than a trainer may provide an OSHA-10*
22 *course or OSHA-30 course.*

23 **3.** *As used in this section:*

24 **(a)** *"Trainer" means a person who is currently authorized by*
25 *the Occupational Safety and Health Administration of the United*
26 *States Department of Labor as a trainer, including, without*
27 *limitation, a person who has completed OSHA 501, the Trainer*
28 *Course in OSHA Standards for General Industry.*

29 **(b)** *"Trainer card" means the card issued upon completion of*
30 *OSHA 501, the Trainer Course in OSHA Standards for General*
31 *Industry, which reflects the authorization of the holder by the*
32 *Occupational Safety and Health Administration of the United*
33 *States Department of Labor to provide OSHA-10 courses and*
34 *OSHA-30 courses.*

35 **Sec. 11. 1.** *Not later than 15 days after the date a worker*
36 *other than a supervisory employee is hired, the worker must:*

37 **(a)** *Obtain a completion card for an OSHA-10 course which is*
38 *issued upon completion of a course approved by the Division*
39 *pursuant to section 9 of this act; or*

40 **(b)** *Complete an OSHA-10 alternative course which is offered*
41 *by his or her employer.*

42 **2.** *Not later than 15 days after the date a supervisory*
43 *employee is hired, the supervisory employee must:*



1 (a) Obtain a completion card for an OSHA-30 course which is
2 issued upon completion of a course approved by the Division
3 pursuant to section 9 of this act; or

4 (b) Complete an OSHA-30 alternative course which is offered
5 by his or her employer.

6 3. Any completion card used to satisfy the requirements of
7 this section expires 5 years after the date it is issued and may be
8 renewed by:

9 (a) Completing an OSHA-10 course or OSHA-30 course, as
10 applicable, within the previous 5 years; or

11 (b) Providing proof satisfactory to the Division that the worker
12 has completed continuing education within the previous 5 years
13 consisting of job-specific training that meets the guidelines
14 established by the Division pursuant to section 9 of this act in an
15 amount of:

16 (1) For a completion card issued for an OSHA-10 course,
17 not less than 5 hours; or

18 (2) For a completion card issued for an OSHA-30 course,
19 not less than 15 hours.

20 4. As used in this section:

21 (a) "OSHA-10 alternative course" means a 10-hour course
22 offered to the employees of an employer that meets or exceeds the
23 guidelines issued by the Occupational Safety and Health
24 Administration of the United States Department of Labor for an
25 OSHA-10 course, including, without limitation, federal safety and
26 health regulatory requirements specific to the industry in which
27 the employer participates.

28 (b) "OSHA-30 alternative course" means a 30-hour course
29 offered to the employees of an employer that meets or exceeds the
30 guidelines issued by the Occupational Safety and Health
31 Administration of the United States Department of Labor for an
32 OSHA-30 course, including, without limitation, federal safety and
33 health regulatory requirements specific to the industry in which
34 the employer participates.

35 **Sec. 12.** 1. If a worker other than a supervisory employee
36 fails to:

37 (a) Present his or her employer with a current and valid
38 completion card for an OSHA-10 course; or

39 (b) Complete an OSHA-10 alternative course offered by his or
40 her employer,

41 ➔ not later than 15 days after being hired, the employer shall
42 suspend or terminate his or her employment.

43 2. If a supervisory employee at a site fails to:

44 (a) Present his or her employer with a current and valid
45 completion card for an OSHA-30 course; or



1 (b) Complete an OSHA-30 alternative course offered by his or
2 her employer,

3 ↪ not later than 15 days after being hired, the employer shall
4 suspend or terminate his or her employment.

5 3. As used in this section:

6 (a) "OSHA-10 alternative course" means a 10-hour course
7 offered to the employees of an employer that meets or exceeds the
8 guidelines issued by the Occupational Safety and Health
9 Administration of the United States Department of Labor for an
10 OSHA-10 course, including, without limitation, federal safety and
11 health regulatory requirements specific to the industry in which
12 the employer participates.

13 (b) "OSHA-30 alternative course" means a 30-hours course
14 offered to the employees of an employer that meets or exceeds the
15 guidelines issued by the Occupational Safety and Health
16 Administration of the United States Department of Labor for an
17 OSHA-30 course, including, without limitation, federal safety and
18 health regulatory requirements specific to the industry in which
19 the employer participates.

20 **Sec. 13.** 1. If the Division finds that an employer has failed
21 to suspend or terminate an employee as required by section 12 of
22 this act, the Division shall:

23 (a) Upon the first violation, in lieu of any other penalty under
24 this chapter, impose upon the employer an administrative fine of
25 not more than \$500.

26 (b) Upon the second violation, in lieu of any other penalty
27 under this chapter, impose upon the employer an administrative
28 fine of not more than \$1,000.

29 (c) Upon the third and each subsequent violation, impose upon
30 the employer the penalty provided in NRS 618.635 as if the
31 employer had committed a willful violation.

32 2. For the purposes of this section, any number of violations
33 discovered in a single day constitutes a single violation.

34 3. Before a fine or any other penalty is imposed upon an
35 employer pursuant to this section, the Division must follow the
36 procedures set forth in this chapter for the issuance of a citation,
37 including, without limitation, the procedures set forth in NRS
38 618.475 for notice to the employer and an opportunity for the
39 employer to contest the violation.

40 **Sec. 14.** Section 11 of this act is hereby amended to read as
41 follows:

42 Sec. 11. 1. Not later than 15 days after the date a
43 worker other than a supervisory employee is hired, the worker
44 must ~~;~~



1 ~~—(a) Obtain~~ **obtain** a completion card for an OSHA-10
2 course which is issued upon completion of a course approved
3 by the Division pursuant to section 9 of this act. ~~}; or~~

4 ~~—(b) Complete an OSHA 10 alternative course which is~~
5 ~~offered by his or her employer.]~~

6 2. Not later than 15 days after the date a supervisory
7 employee is hired, the supervisory employee must ~~};~~

8 ~~—(a) Obtain~~ **obtain** a completion card for an OSHA-30
9 course which is issued upon completion of a course approved
10 by the Division pursuant to section 9 of this act. ~~}; or~~

11 ~~—(b) Complete an OSHA 30 alternative course which is~~
12 ~~offered by his or her employer.]~~

13 3. Any completion card used to satisfy the requirements
14 of this section expires 5 years after the date it is issued and
15 may be renewed by:

16 (a) Completing an OSHA-10 course or OSHA-30 course,
17 as applicable, within the previous 5 years; or

18 (b) Providing proof satisfactory to the Division that the
19 worker has completed continuing education within the
20 previous 5 years consisting of job-specific training that meets
21 the guidelines established by the Division pursuant to section
22 9 of this act in an amount of:

23 (1) For a completion card issued for an OSHA-10
24 course, not less than 5 hours; or

25 (2) For a completion card issued for an OSHA-30
26 course, not less than 15 hours.

27 ~~[4. As used in this section:~~

28 ~~—(a) “OSHA 10 alternative course” means a 10 hour~~
29 ~~course offered to the employees of an employer that meets or~~
30 ~~exceeds the guidelines issued by the Occupational Safety and~~
31 ~~Health Administration of the United States Department of~~
32 ~~Labor for an OSHA 10 course, including, without limitation,~~
33 ~~federal safety and health regulatory requirements specific to~~
34 ~~the industry in which the employer participates.~~

35 ~~—(b) “OSHA 30 alternative course” means a 30 hour~~
36 ~~course offered to the employees of an employer that meets or~~
37 ~~exceeds the guidelines issued by the Occupational Safety and~~
38 ~~Health Administration of the United States Department of~~
39 ~~Labor for an OSHA 30 course, including, without limitation,~~
40 ~~federal safety and health regulatory requirements specific to~~
41 ~~the industry in which the employer participates.]~~

42 **Sec. 15.** Section 12 of this act is hereby amended to read as
43 follows:

44 Sec. 12. 1. If a worker other than a supervisory
45 employee fails to ~~};~~



1 ~~—(a) Present~~ **present** his or her employer with a current
2 and valid completion card for an OSHA-10 course ~~[- or~~
3 ~~—(b) Complete an OSHA-10 alternative course offered by~~
4 ~~his or her employer,~~
5 ~~→]~~ not later than 15 days after being hired, the employer shall
6 suspend or terminate his or her employment.

7 2. If a supervisory employee at a site fails to ~~[-~~
8 ~~—(a) Present~~ **present** his or her employer with a current
9 and valid completion card for an OSHA-30 course ~~[- or~~
10 ~~—(b) Complete an OSHA-30 alternative course offered by~~
11 ~~his or her employer,~~
12 ~~→]~~ not later than 15 days after being hired, the employer shall
13 suspend or terminate his or her employment.

14 [3. — As used in this section:

15 ~~—(a) “OSHA 10 alternative course” means a 10 hour~~
16 ~~course offered to the employees of an employer that meets or~~
17 ~~exceeds the guidelines issued by the Occupational Safety and~~
18 ~~Health Administration of the United States Department of~~
19 ~~Labor for an OSHA 10 course, including, without limitation,~~
20 ~~federal safety and health regulatory requirements specific to~~
21 ~~the industry in which the employer participates.]~~

22 ~~—(b) “OSHA 30 alternative course” means a 30 hour~~
23 ~~course offered to the employees of an employer that meets or~~
24 ~~exceeds the guidelines issued by the Occupational Safety and~~
25 ~~Health Administration of the United States Department of~~
26 ~~Labor for an OSHA 30 course, including, without limitation,~~
27 ~~federal safety and health regulatory requirements specific to~~
28 ~~the industry in which the employer participates.]~~

29 **Sec. 16.** 1. Not later than January 1, 2021, a worker or
30 supervisory employee who satisfies the requirements of subsection 1
31 or 2 of section 11 of this act by completing an OSHA-10 alternative
32 course or OSHA-30 alternative course, as defined in section 11 of
33 this act, must complete an OSHA-10 course or OSHA-30 course, as
34 defined in sections 3 and 4 of this act, as applicable, in order to
35 continue to satisfy the requirements of subsection 1 or 2 of section
36 11 of this act.

37 2. An employer shall maintain a record of all workers and
38 supervisory employees who have completed an OSHA-10
39 alternative course or OSHA-30 alternative course offered by the
40 employer and the date upon which the worker or employee
41 completed the course. The employer shall make the record available
42 at all times for inspection by the Division of Industrial Relations of
43 the Department of Business and Industry and its authorized agents.



1 3. The Division of Industrial Relations shall, by regulation,
2 establish the length of time that an employer must maintain the
3 record described in subsection 2.

4 4. As used in this section, "worker" has the meaning ascribed
5 to it in section 7 of this act.

6 **Sec. 17.** 1. This section and sections 1 to 13, inclusive, and
7 16 of this act become effective on January 1, 2020.

8 2. Sections 14 and 15 of this act become effective on
9 January 1, 2021.

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