

ASSEMBLY BILL NO. 111—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF COMMISSION ON WORKPLACE SAFETY)

FEBRUARY 4, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises requirements for workplace safety programs. (BDR 53-772)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to safety in the workplace; requiring the establishment of a written safety program in all workplaces where explosives are manufactured or handled; requiring an employer to furnish certain documents and programs related to safety in the workplace in a language and format that is understandable to each of his employees; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 618.376 is hereby amended to read as follows:
2 618.376 1. Every employer shall, upon hiring an employee, provide
3 the employee with a document or videotape setting forth the rights and
4 responsibilities of employers and employees to promote safety in the
5 workplace. The document, or evidence of receipt of the videotape, must be
6 signed by the employer and employee and placed in the employee's
7 personnel file. The document or videotape shall not be deemed to be a part
8 of any employment contract.
9 2. ***The document or videotape must be in a language and format that***
10 ***is understandable to each employee.***
11 3. The division shall adopt regulations specifying the contents of such
12 a document . ~~[and establishing requirements for issuing the document in~~
13 ~~different languages.]~~

1 **Sec. 2.** NRS 618.383 is hereby amended to read as follows:

2 618.383 1. Except as otherwise provided in subsection ~~[7.]~~ 8, an
3 employer shall establish a written safety program and carry out the
4 requirements of the program within 90 days after it is established.

5 2. The written safety program must include:

6 (a) The establishment of a training program for employees concerning
7 safety in the workplace, particularly in those areas where there have been
8 recurring injuries ~~[.]~~ *or where explosives are manufactured or handled.*

9 (b) If an employer has more than 25 employees, *or if an employer's*
10 *employees are engaged in the manufacture or handling of explosives,* the
11 establishment of a safety committee. The safety committee must include
12 representatives of employees. If the employees are represented by a labor
13 organization, the representatives of employees must be selected by the
14 employees and not appointed by the employer.

15 3. A representative of employees while engaging in the business of a
16 safety committee, including attendance at meetings, authorized inspections
17 or any other activity of the committee, must be paid by his employer as if
18 that employee were engaged in his usual work activities.

19 4. *The written safety program and all training programs required*
20 *pursuant to this section must be conducted and made available in a*
21 *language and format that is understandable to each employee.*

22 5. The administrator of the division shall adopt regulations
23 establishing the minimum requirements for a written safety program.

24 ~~[5.]~~ 6. The administrator of the division shall develop and provide
25 each employer with a written guide for establishing a written safety
26 program.

27 ~~[6.]~~ 7. An employer who contracts with a temporary employment
28 service shall provide specialized training concerning safety for the
29 employees of the service before they begin work at each site or as soon as
30 possible thereafter.

31 ~~[7.]~~ 8. An employer who has 10 or fewer employees is exempted from
32 the provisions of this section unless the employer ~~[has]~~ :

33 (a) *Has* been identified pursuant to NRS 616B.206 as having excessive
34 losses ~~[.]~~ ; or

35 (b) *Has employees engaged in the manufacture or handling of*
36 *explosives.*

37 9. *As used in this section, "explosives" means gunpowders, powders*
38 *used for blasting, all forms of high explosives, blasting materials, fuses*
39 *other than electric circuit breakers, detonators and other detonating*
40 *agents, smokeless powders, other explosive or incendiary devices and any*
41 *chemical compound, mechanical mixture or device that contains any*

1 *oxidizing and combustible units, or other ingredients, in such*
2 *proportions, quantities or packing that ignition by fire, friction,*
3 *concussion, percussion or detonation of the compound, mixture or device*
4 *or any part thereof may cause an explosion.*

5 **Sec. 3.** Section 119.5 of chapter 580, Statutes of Nevada 1995, at page
6 2038, is hereby amended to read as follows:

7 Sec. 119.5. NRS 618.383 is hereby amended to read as
8 follows:

9 618.383 1. Except as otherwise provided in subsection 8, an
10 employer shall establish a written safety program and carry out the
11 requirements of the program within 90 days after it is established.

12 2. The written safety program must include:

13 (a) The establishment of a training program for employees
14 concerning safety in the workplace, particularly in those areas
15 where there have been recurring injuries or where explosives are
16 manufactured or handled.

17 (b) If an employer has more than 25 employees, or if an
18 employer's employees are engaged in the manufacture or handling
19 of explosives, the establishment of a safety committee. The safety
20 committee must include representatives of employees. If the
21 employees are represented by a labor organization, the
22 representatives of employees must be selected by the employees
23 and not appointed by the employer.

24 3. A representative of employees while engaging in the
25 business of a safety committee, including attendance at meetings,
26 authorized inspections or any other activity of the committee, must
27 be paid by his employer as if that employee were engaged in his
28 usual work activities.

29 4. The written safety program and all training programs
30 required pursuant to this section must be conducted and made
31 available in a language and format that is understandable to each
32 employee.

33 5. The administrator of the division shall adopt regulations
34 establishing the minimum requirements for a written safety
35 program.

36 6. The administrator of the division shall develop and provide
37 each employer with a written guide for establishing a written safety
38 program.

39 7. An employer who contracts with a temporary employment
40 service shall provide specialized training concerning safety for the
41 employees of the service before they begin work at each site or as
42 soon as possible thereafter.

1 8. An employer who has 10 or fewer employees is exempted
2 from the provisions of this section unless the employer ~~is~~
3 ~~—(a) Has been identified pursuant to NRS 616.380 as having~~
4 ~~excessive losses; or~~
5 ~~—(b) Has~~ **has** employees engaged in the manufacture or handling
6 of explosives.

7 9. As used in this section, “explosives” means gunpowders,
8 powders used for blasting, all forms of high explosives, blasting
9 materials, fuses other than electric circuit breakers, detonators and
10 other detonating agents, smokeless powders, other explosive or
11 incendiary devices and any chemical compound, mechanical
12 mixture or device that contains any oxidizing and combustible
13 units, or other ingredients, in such proportions, quantities or
14 packing that ignition by fire, friction, concussion, percussion or
15 detonation of the compound, mixture or device or any part thereof
16 may cause an explosion.

17 **Sec. 4.** This act becomes effective upon passage and approval.

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