

Assembly Bill No. 111–Committee on Commerce and Labor

CHAPTER.....

AN ACT relating to safety in the workplace; requiring the establishment of a written safety program in certain workplaces where explosives are manufactured; providing exceptions; requiring safety programs and related training programs to be in a language and format that is understandable to each employee; revising the provisions governing the manner in which rights and responsibilities of employers and employees relating to safety are furnished to employees; and providing other matters properly relating thereto.

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

Section 1. NRS 618.376 is hereby amended to read as follows:

618.376 1. Every employer shall, upon hiring an employee, provide the employee with a document or videotape setting forth the rights and responsibilities of employers and employees to promote safety in the workplace. The document, or evidence of receipt of the videotape, must be signed by the employer and employee and placed in the employee's personnel file. The document or videotape shall not be deemed to be a part of any employment contract.

2. The division shall adopt regulations specifying the contents of such a document *or videotape* and establishing requirements for ~~issuing~~ *making* the document *or videotape available* in different languages.

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

618.383 1. Except as otherwise provided in ~~subsection 7,~~ *subsections 8 and 9*, an employer shall establish a written safety program and carry out the requirements of the program within 90 days after it is established.

2. The written safety program must include:

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

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

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

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

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

~~{5.}~~ 6. The administrator of the division shall develop and provide each employer with a written guide for establishing a written safety program.

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

~~{7.}~~ 8. An employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer ~~{has}~~ :

(a) *Has* been identified pursuant to NRS 616B.206 as having excessive losses ~~{.}~~ ; or

(b) *Has employees engaged in the manufacture of explosives.*

9. *For the purposes of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.*

10. *Except as otherwise provided in subsection 11, as used in this section, "explosives" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compound, mechanical mixture or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device or any part thereof may cause an explosion.*

11. *For the purposes of this section, an explosive does not include:*

(a) *Ammunition for small arms, or any component thereof;*

(b) *Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:*

(1) *In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or*

(2) *In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or*

(c) *Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.*

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

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

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

2. The written safety program must include:

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

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

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

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

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

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

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

8. An employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer ~~is~~

~~—(a) Has been identified pursuant to NRS 616.380 as having excessive losses; or~~

~~—(b) Has~~ **has** employees engaged in the manufacture of explosives.

9. For the purpose of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.

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

11. For the purposes of this section, an explosive does not include:

- (a) Ammunition for small arms, or any component thereof;
- (b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

- (1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

- (2) In an antique device which is exempted from the definition of “destructive device” pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

- (c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.

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