

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.

~

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 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:

- 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 division shall adopt regulations specifying the contents of such
10 a document ***or videotape*** and establishing requirements for ~~issuing~~
11 ***making*** the document ***or videotape available*** in different languages.
12 **Sec. 2.** NRS 618.383 is hereby amended to read as follows:
13 618.383 1. Except as otherwise provided in ~~subsection 7,~~
14 ***subsections 8 and 9,*** an employer shall establish a written safety program

1 and carry out the requirements of the program within 90 days after it is
2 established.

3 2. The written safety program must include:

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

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

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

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

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

22 ~~{5-}~~ 6. The administrator of the division shall develop and provide each
23 employer with a written guide for establishing a written safety program.

24 ~~{6-}~~ 7. An employer who contracts with a temporary employment
25 service shall provide specialized training concerning safety for the
26 employees of the service before they begin work at each site or as soon as
27 possible thereafter.

28 ~~{7-}~~ 8. An employer who has 10 or fewer employees is exempted from
29 the provisions of this section unless the employer ~~{has}~~ :

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

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

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

35 10. *Except as otherwise provided in subsection 11, as used in this*
36 *section, "explosives" means gunpowders, powders used for blasting, all*
37 *forms of high explosives, blasting materials, fuses other than electric*
38 *circuit breakers, detonators and other detonating agents, smokeless*
39 *powders, other explosive or incendiary devices and any chemical*
40 *compound, mechanical mixture or device that contains any oxidizing and*
41 *combustible units, or other ingredients, in such proportions, quantities or*
42 *packing that ignition by fire, friction, concussion, percussion or*

1 *detonation of the compound, mixture or device or any part thereof may*
2 *cause an explosion.*

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

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

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

9 *(1) In an antique firearm, as that term is defined in 18 U.S.C. §*
10 *921(a)(16), as that section existed on January 1, 1999; or*

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

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

19 **Sec. 3.** Section 119.5 of chapter 580, Statutes of Nevada 1995, at page
20 2038, is hereby amended to read as follows:

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

23 618.383 1. Except as otherwise provided in subsections 8 and
24 9, an employer shall establish a written safety program and carry
25 out the requirements of the program within 90 days after it is
26 established.

27 2. The written safety program must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) In an antique firearm, as that term is defined in 18 U.S.C.
42 § 921(a)(16), as that section existed on January 1, 1999; or

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

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

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

~