

Amendment No. 59

Senate Amendment to Senate Bill No. 119	(BDR 53-570)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/BJF



Date: 4/3/2019

S.B. No. 119—Requires certain health and safety training for workers and supervisors performing work at sites where exhibitions, conventions or trade shows occur. (BDR 53-570)



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 certain 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~~ workers 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~~) 618.950-618.9913). 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 convention services work at such a site, ~~and section~~ which includes certain work related to the construction, installation, maintenance, operation, repair or removal of trade show or exhibition displays. **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 requires providers of approved courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course at the location at which the course is being provided.

Section 12 of this bill requires employers to suspend or terminate the employment of an employee at an applicable site who fails to provide proof of obtaining the required training not

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23 later than 15 days after being hired. **Section 13** of this bill provides for administrative fines for
 24 employers who fail to suspend or terminate certain employees on a site after the 15-day period
 25 if those employees have not obtained the required training.

26 **Section 16** of this bill: (1) allows employees to satisfy the requirements of **section 11** by
 27 completing an alternative course offered by their employer; (2) requires an employee that
 28 satisfies the requirements of **section 11** by completing an alternative course to take an
 29 approved course by January 1, 2021; and (3) requires an employer to maintain and make
 30 available to the Division of Industrial Relations a record of all employees that have completed
 31 an alternative course until a date to 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 thereto the
 2 provisions set forth as sections 2 to 13, inclusive, of this act.

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

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

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

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

17 **Sec. 6.** *“Supervisory employee” means any person having authority in the*
 18 *interest of the employer to hire, transfer, suspend, lay off, recall, promote,*
 19 *discharge, assign, reward or discipline other employees or responsibility to direct*
 20 *them, to adjust their grievances or effectively to recommend such action, if in*
 21 *connection with the foregoing, the exercise of such authority is not of a merely*
 22 *routine or clerical nature but requires the use of independent judgment. The*
 23 *exercise of such authority shall not be deemed to place the employee in*
 24 *supervisory employee status unless the exercise of such authority occupies a*
 25 *significant portion of the employee’s workday.*

26 **Sec. 7.** ~~“Worker”~~
 27 1. Except as otherwise provided in this subsection, “worker” means a
 28 person whose primary occupation is to perform convention services work at a
 29 site. The term does not include a person whose primary occupation is to:

30 (a) Perform catering;

31 (b) Perform janitorial services;

32 (c) Perform photography;

33 (d) Provide security; or

34 (e) Provide, maintain or arrange floral decorations or displays.

35 2. As used in this section, “convention services work” includes, without
 36 limitation:

37 (a) Constructing, installing, maintaining, operating or removing trade show
 38 or exhibition displays;

39 (b) Loading or unloading equipment and materials;

1 (c) Erecting or dismantling booths and structures;

2 (d) Rigging display areas; and

3 (e) Installing temporary electrical power for use in display areas.

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

6 **Sec. 9.** 1. *The Division shall, by regulation, approve OSHA-10 courses*
7 *and OSHA-30 courses for the purposes of fulfilling the requirements of section*
8 *11 of this act.*

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

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

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

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

19 3. *As used in this section:*

20 (a) *“Trainer” means a person who is currently authorized by the*
21 *Occupational Safety and Health Administration of the United States Department*
22 *of Labor as a trainer, including, without limitation, a person who has completed*
23 *OSHA 500, the Trainer Course in OSHA Standards for the Construction*
24 *Industry or OSHA 501, the Trainer Course in OSHA Standards for General*
25 *Industry.*

26 (b) *“Trainer card” means the card issued upon completion of OSHA 500, the*
27 *Trainer Course in OSHA Standards for the Construction Industry, or OSHA 501,*
28 *the Trainer Course in OSHA Standards for General Industry, which reflects the*
29 *authorization of the holder by the Occupational Safety and Health*
30 *Administration of the United States Department of Labor to provide OSHA-10*
31 *courses and OSHA-30 courses.*

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

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

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

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

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

44 (b) *Complete an OSHA-30 alternative course which is offered by his or her*
45 *employer.*

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

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

50 (b) *Providing proof satisfactory to the Division that the worker has completed*
51 *continuing education within the previous 5 years consisting of job-specific*
52 *training that meets the guidelines established by the Division pursuant to section*
53 *9 of this act in an amount of:*

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

3 (2) For a completion card issued for an OSHA-30 course, not less than
4 15 hours.

5 4. As used in this section:

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

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

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

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

21 (b) Complete an OSHA-10 alternative course offered by his or her employer,
22 ➔ not later than 15 days after being hired, the employer shall suspend or
23 terminate his or her employment.

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

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

27 (b) Complete an OSHA-30 alternative course offered by his or her employer,
28 ➔ not later than 15 days after being hired, the employer shall suspend or
29 terminate his or her employment.

30 3. As used in this section:

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

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

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

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

47 (b) Upon the second violation, in lieu of any other penalty under this
48 chapter, impose upon the employer an administrative fine of not more than
49 \$1,000.

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

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

3 3. *Before a fine or any other penalty is imposed upon an employer pursuant*
4 *to this section, the Division must follow the procedures set forth in this chapter*
5 *for the issuance of a citation, including, without limitation, the procedures set*
6 *forth in NRS 618.475 for notice to the employer and an opportunity for the*
7 *employer to contest the violation.*

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

9 Sec. 11. 1. Not later than 15 days after the date a worker other than
10 a supervisory employee is hired, the worker must ~~[-~~

11 ~~-(a) Obtain]~~ *obtain* a completion card for an OSHA-10 course which is
12 issued upon completion of a course approved by the Division pursuant to
13 section 9 of this act. ~~[-or~~

14 ~~-(b) Complete an OSHA 10 alternative course which is offered by his~~
15 ~~or her employer.]~~

16 2. Not later than 15 days after the date a supervisory employee is
17 hired, the supervisory employee must ~~[-~~

18 ~~-(a) Obtain]~~ *obtain* a completion card for an OSHA-30 course which is
19 issued upon completion of a course approved by the Division pursuant to
20 section 9 of this act. ~~[-or~~

21 ~~-(b) Complete an OSHA 30 alternative course which is offered by his~~
22 ~~or her employer.]~~

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

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

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

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

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

35 ~~[-4. As used in this section:~~

36 ~~-(a) "OSHA 10 alternative course" means a 10-hour course offered to~~
37 ~~the employees of an employer that meets or exceeds the guidelines issued~~
38 ~~by the Occupational Safety and Health Administration of the United States~~
39 ~~Department of Labor for an OSHA 10 course, including, without limitation,~~
40 ~~federal safety and health regulatory requirements specific to the industry in~~
41 ~~which the employer participates.~~

42 ~~-(b) "OSHA 30 alternative course" means a 30-hour course offered to~~
43 ~~the employees of an employer that meets or exceeds the guidelines issued~~
44 ~~by the Occupational Safety and Health Administration of the United States~~
45 ~~Department of Labor for an OSHA 30 course, including, without limitation,~~
46 ~~federal safety and health regulatory requirements specific to the industry in~~
47 ~~which the employer participates.]~~

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

49 Sec. 12. 1. If a worker other than a supervisory employee fails to ~~[-~~
50 ~~-(a) Present]~~ *present* his or her employer with a current and valid
51 completion card for an OSHA-10 course ~~[-or~~

52 ~~-(b) Complete an OSHA 10 alternative course offered by his or her~~
53 ~~employer,~~

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

3 2. If a supervisory employee at a site fails to ~~f~~
4 ~~—(a) Present~~ *present* his or her employer with a current and valid
5 completion card for an OSHA-30 course ~~f~~ or

6 ~~—(b) Complete an OSHA 30 alternative course offered by his or her~~
7 ~~employer.~~

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

10 ~~[3.— As used in this section:~~

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

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

23 **Sec. 16.** 1. Not later than January 1, 2021, a worker or supervisory
24 employee who satisfies the requirements of subsection 1 or 2 of section 11 of this
25 act by completing an OSHA-10 alternative course or OSHA-30 alternative course,
26 as defined in section 11 of this act, must complete an OSHA-10 course or OSHA-
27 30 course, as defined in sections 3 and 4 of this act, as applicable, in order to
28 continue to satisfy the requirements of subsection 1 or 2 of section 11 of this act.

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

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

37 4. As used in this section, “worker” has the meaning ascribed to it in section 7
38 of this act.

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

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