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ASSEMBLY BILL NO. 148—COMMITTEE ON COMMERCE AND LABOR

FEBRUARY 9, 2009

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Referred to Committee on Commerce and Labor

SUMMARY—Requires certain health and safety training for construction workers and supervisors. (BDR 53-276)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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.

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AN ACT relating to occupational safety; requiring employees on a construction site to receive certain health and safety training; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 10** of this bill requires: (1) supervisory employees working on a  
2 construction site to obtain certification that they have completed a specified 30-  
3 hour health and safety course not later than 60 days after commencing work on the  
4 construction site; and (2) all other employees working on the construction site to  
5 obtain similar certification regarding a specified 10-hour course not later than 60  
6 days after commencing work on the construction site.

7 **Section 8** of this bill allows the Division of Industrial Relations of the  
8 Department of Business and Industry to adopt regulations approving courses for  
9 certification. **Section 9** of this bill requires the Division to issue a certification to  
10 any person who completes an approved course and provides that the certification  
11 expires after 10 years.

12 **Section 11** of this bill requires employers to terminate the employment of an  
13 employee on a construction site who fails to provide proof of obtaining the required  
14 certification not later than 60 days after commencing work. **Section 12** of this bill  
15 provides for administrative fines for employers who continue to employ uncertified  
16 employees on a construction site after the 60-day period.

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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 12, inclusive, of this  
3 act.

4       **Sec. 2.** *As used in sections 2 to 12 of this act, inclusive,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3 to 6 of this act, inclusive, have the meanings ascribed*  
7 *to them in those sections.*

8       **Sec. 3.** *“Construction site” means any location at which*  
9 *construction work is being commenced or is in progress.*

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

14       **Sec. 5.** *“OSHA-30” means a 30-hour course in construction*  
15 *industry safety and health hazard recognition and prevention*  
16 *developed by the Occupational Safety and Health Administration*  
17 *of the United States Department of Labor.*

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

29       **Sec. 7.** *The Division may adopt such regulations as are*  
30 *necessary to carry out the provisions of sections 2 to 12, inclusive,*  
31 *of this act.*

32       **Sec. 8. 1.** *Any OSHA-10 or OSHA-30 course offered by the*  
33 *Division is an approved course for the purposes of certification*  
34 *pursuant to section 9 of this act.*

35       **2.** *The Division may, by regulation, approve additional*  
36 *OSHA-10 or OSHA-30 courses for the purposes of certification*  
37 *pursuant to section 9 of this act.*

38       **Sec. 9. 1.** *The Division shall:*

39       **(a)** *Issue an OSHA-10 certification to any person who submits*  
40 *to the Division proof that he has completed an OSHA-10 course*  
41 *approved by the Division; and*



1       **(b) Issue an OSHA-30 certification to any person who submits**  
2 **to the Division proof that he has completed an OSHA-30 course**  
3 **approved by the Division.**

4       **2. A certification issued pursuant to this section expires 10**  
5 **years after the date it is issued.**

6       **Sec. 10. 1. Not later than 60 days after the date an**  
7 **employee other than a supervisory employee begins work on a**  
8 **construction site, the employee must obtain from the Division an**  
9 **OSHA-10 certification issued pursuant to section 9 of this act.**

10       **2. Not later than 60 days after the date a supervisory**  
11 **employee begins work on a construction site, the supervisory**  
12 **employee must obtain from the Division an OSHA-30 certification**  
13 **issued pursuant to section 9 of this act.**

14       **Sec. 11. 1. If an employee on a construction site other than**  
15 **a supervisory employee fails to present his employer with a current**  
16 **and valid OSHA-10 certification not later than 60 days after**  
17 **beginning work on a construction site, his employer shall**  
18 **terminate his employment.**

19       **2. If a supervisory employee on a construction site fails to**  
20 **present his employer with a current and valid OSHA-30**  
21 **certification not later than 60 days after beginning work on a**  
22 **construction site, his employer shall terminate his employment.**

23       **Sec. 12. If the Division finds that an employer has failed to**  
24 **terminate an employee as required by section 11 of this act, it**  
25 **shall:**

26       **1. Upon the first violation, in lieu of any other penalty under**  
27 **this chapter, impose upon the employer an administrative fine of**  
28 **not more than \$500.**

29       **2. Upon the second violation, in lieu of any other penalty**  
30 **under this chapter, impose upon the employer an administrative**  
31 **fine of not more than \$1,000.**

32       **3. Upon the third and each subsequent violation, impose**  
33 **upon the employer the penalty for a willful violation authorized by**  
34 **NRS 618.635.**



