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## 2019 Legislature Ends – Industry Specific Changes

On June 3, 2019, the Nevada Legislature ended its 80<sup>th</sup> Session with the passage of many bills affecting Nevada employers. Below is a summary of new laws for Nevada employers that is specific to particular industries.

With new legislation, there are always a lot of questions about how a bill will be applied and interpreted. For each, we have provided links to Nevada's legislative website where you can view the final text of the bill (click on "**As Enrolled**" for the final text). We also encourage you to talk through your questions with a KZA attorney and stay tuned to the Employer Reports for continued updates on these new laws. In the coming days, we will also update you on additional new laws if and when they are approved by the Governor.

### Gaming Employers

**SB 72 – Gaming Control.** This Bill allows the Nevada Gaming Control Board to temporarily suspend the registration of a registered gaming employee upon his/her arrest by an agent of the Board. It also makes several changes to the requirements for gaming employees to register with the Nevada Gaming Control Board. Specifically, it revises provisions concerning the filing of a change of employment notice by certain registered gaming employees; revises provisions relating to the submission of an application for registration or renewal of registration as a gaming employee or a change of employment notice to the Board; requires an applicant for registration or renewal of registration as a gaming employee to submit certain fees; revises provisions relating to the suspension of or objection to the registration of an applicant as a gaming employee; and revises provisions relating to the revocation of registration as a gaming employee.



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**AB 221 – Hiring for Manufacturers & Distributors.** Nevada law prohibits a person who is under 21 years of age from being employed as a gaming employee, except in a counting room. AB 221 carves out an exception to this rule for manufacturers or distributors of gaming equipment and systems. Now, a person who is at least 18 years old can be employed as a gaming employee by a “licensed manufacturer or distributor” (as defined by NRS Chapter 463) *at the business premises of the licensed manufacturer or distributor if the employee:* (a) designs, develops, programs, produces or composes a control program or other software, source language or executable code of a gaming device, associated equipment or a gaming support system, subject to peer review and change management procedures adopted by the licensee; (b) fabricates or assembles the components of a gaming device, associated equipment or a gaming support system; or (c) installs, modifies, repairs or maintains a gaming device, associated equipment or a gaming support system. This law becomes effective July 1, 2019.

### **Convention/Trade Show Employers**

**SB 119 – Requires Mandatory OSHA-10, OSHA-30 Training.** This Bill expands mandatory OSHA-10 and OSHA-30 training requirements to workers performing “convention services work” where certain exhibitions, conventions or trade shows occur. OSHA-10 is a 10-hour safety and health hazard course for workers and OSHA-30 is a 30-hour safety and health hazard course for supervisors. The Bill defines “convention services work” to include constructing, installing, maintaining, operating or removing trade show or exhibition displays, loading or unloading equipment and materials, erecting or dismantling booths and structures, rigging display areas, and installing temporary electrical power for use in display areas. Most of the Bill’s requirements do not become effective until January 1, 2020, and certain provisions do not become effective until January 1, 2021.



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## Entertainment and Construction Employers

**AB 290** – **Changes to OSHA-10 and OSHA-30 Training.** Effective January 1, 2020, this Bill makes changes to the Nevada laws requiring employees and supervisors in the entertainment and construction industries to take OSHA-10 and OSHA-30 training courses.

Entertainment only: Nevada law requires each entertainment industry worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking an OSHA-10 or OSHA-30 course in general industry safety and health hazard recognition (NRS 618.9911). AB 290 changes this requirement in two ways: (1) the deadline to obtain the completion card for entertainment workers and supervisors is now within 15 days after the employee begins work on a “site” as opposed to his/her hire date; and (2) an entertainment worker or supervisor who is employed by a single employer for a period of less than 15 consecutive days is now exempt from the training requirement. “Site” means a “theater where live entertainment is performed, a sound stage, a showroom, a lounge, an arena or a remote site which has been designated as a location for the production of a motion picture or television program.”

Construction only: This Bill requires the Division of Industrial Relations to create a registry of employees who have completed OSHA-10 and OSHA-30 training for the construction industry and to make such data accessible via an Internet website to enable the public to verify a person’s completion of the required training.

**SB 243** – **Prevailing Wage.** This Bill makes changes to laws governing the prevailing wage that mechanics and workers employed on certain public construction projects must be paid (NRS 338.020). It changes requirements upon the Labor Commissioner for establishing and adjusting the prevailing wage and changes the geographical area for which the prevailing rate of wages is determined from a county to a region. The Bill



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establishes four regions: (1) the Washoe Prevailing Wage Region; (2) the Northern Rural Prevailing Wage Region; (3) the Clark Prevailing Wage Region; and (4) the Southern Rural Prevailing Wage Region. This Bill becomes effective on July 1, 2019.

### **Marijuana Establishments**

**AB 164** – **Changes to Registration Card Requirements.** This Bill expands registration requirements for employees, volunteers, and contractors working for medical marijuana establishments to all marijuana establishments and makes changes to the registration card requirements and laws for both industries.

### **Call Centers**

**AB 271** – **Relocations to Foreign Countries.** This Bill requires an employer of 50 or more employees who relocates a call center or certain operations of a call center to a foreign country to provide certain notice to the Labor Commissioner and the employees who will be displaced due to the relocation not later than 90 days before the relocation. An employer who has provided the required notice is ineligible, for a period of 5 years, to receive an incentive for economic development from a state agency, including, without limitation, a grant, loan, tax credit or abatement. The Bill gives the Labor Commissioner the ability to impose civil fines and other requirements upon an employer who fails to comply with this law. A “call center” is defined as “a facility or other operation whereby workers receive telephone calls or other electronic communication for the purpose of providing customer service or related functions.”



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## Medical Facilities

**AB 348 – Workplace Violence and Staffing Committees.** Effective July 1, 2020, this Bill makes changes to NRS 449.242 that requires certain health care facilities to establish a staffing committee to develop a written policy concerning the refusal of or objection to a work assignment by a nurse or nursing assistant and a documented staffing plan.

This Bill also requires a hospital or psychiatric hospital to develop and maintain a workplace violence plan and sets forth detailed requirements for such entities in relation to such plans. The Bill prohibits a hospital or psychiatric hospital from prohibiting an employee or other provider of care from reporting an incident of workplace violence or seeking the assistance of a public safety agency in response to an incident of workplace violence and authorizes an employee who is aggrieved by such prohibited actions to file a complaint with the Division of Industrial Relations of the Department of Business and Industry. The Bill also authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to take disciplinary action against a medical facility that retaliates against an employee for reporting workplace violence or seeking the assistance of a public safety agency in response to an incident of workplace violence.

Finally, on July 1, 2021, this Bill expands its workplace violence requirements to various other medical facilities to the same extent as they apply to hospitals and psychiatric hospitals. Such medical facilities include certain large agencies to provide nursing in the home, independent centers for emergency medical care, facilities for intermediate care, facilities for skilled nursing, facilities for modified medical detoxification and community triage centers.



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**SB 364** – **Protections Against Discrimination for “Vulnerable Persons.”** This Bill applies to a medical facility, a facility for the dependent, or a facility which is otherwise required by regulations adopted by the State Board of Health pursuant to NRS 449.0303 to be licensed. It prohibits such facilities from discriminating against a person based on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status of the person or a person with whom the person associates. It requires a facility to post notifications of this prohibition, train employees on this topic, take certain measures to protect the privacy of persons receiving care at such a facility, and take steps to ensure that a person and his/her records are addressed and identified by his/her preferred name and pronoun. This Bill becomes effective January 1, 2020.