

Silver State Summary by Peter Krueger

This includes the latest information on bills passed and signed in the Nevada Legislative Session II, July and August 2020. Governor Sisolak signed Senate Bill 4 (SB4) which provides limited liability protection for Nevada businesses as well as casino worker protections from COVID-19 exposure while on the job. This bill is NOT blanket protection for businesses from lawsuits. To gain some form of protection a business ***MUST be in substantial compliance with controlling health standards.***

The current *controlling health standards* (SB4) states that controlling health means any of the following that are clearly and conspicuously related to COVID-19, and that prescribed in the manner in which an entity (business) ***MUST*** operate at the time of the alleged exposure:

- 1. A federal, state, or local law, regulation or ordinance; or**
- 2. A written order or other document published by a federal, state or local government or regulatory body.**

Listed below are what we believe to be the federal, state, or local laws or regulations currently in place, as well as the web paths to the various resources where this information is available. This list may be updated and/or changed, please consult your HR and legal consultants to ensure you are in ***substantial compliance***. Also, it is very important that you train your managers, supervisors and front-line employees regarding these standards and DOCUMENT EVERYTHING.

Nevada OSHA (Updated July 29):

[http://dir.nv.gov/uploadedFiles/dir.nv.gov/content/OSHA/Features/07-29-20%20\(Phase%20II%20Face%20Coverings\).pdf](http://dir.nv.gov/uploadedFiles/dir.nv.gov/content/OSHA/Features/07-29-20%20(Phase%20II%20Face%20Coverings).pdf)

- ✓ “All employers must provide face coverings for employees serving the public and shall require employees to wear face covering.”
- ✓ “All employers should require employees to wear a face covering in any space visited by the general public, even if no one is present.”
- ✓ “All employers must require employees to wear a face covering in any space where food is prepared or packaged, for sale or generally distributed to others.”
- ✓ “All businesses are required to mandate the use of face coverings by patrons, customers, patients, or clients and will notify/inform all patrons, customers, patients, and clients of the requirement prior to their entry into the establishment, with exceptions delineated in Section 7 of Declaration of Emergency, Directive #024.”

Directive #024, Section 7:

<https://nvhealthresponse.nv.gov/wp-content/uploads/2020/06/Directive-024-Face-Coverings.pdf>

- Individuals who cannot wear a face covering due to a medical condition or disability, or who are unable to remove a mask without assistance. Persons exempted under this provision should wear a non-restrictive alternative, such as a face shield. Persons exempted under this provision shall not be required to produce documentation verifying the condition.
- Individuals for whom wearing a face covering would create a risk to the person related to their work, determined by local, state, or federal regulators or workplace safety guidelines.
- Individuals who are seated at a restaurant or other establishment that offers food or beverage services, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- ✓ “Face coverings must be used in public spaces incorporated in or controlled by a business.”
- ✓ “Close or limit access to common areas where employees are likely to congregate and interact. When in common areas, face coverings are required for employees.”
- ✓ “Promote frequent and thorough hand washing, including providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.”
- ✓ “Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces and equipment with Environmental Protection Agency-approved cleaning chemicals from List N or that have label claims against the coronavirus.”
- ✓ “Provide sanitation and cleaning supplies for addressing common surfaces in multiple user mobile equipment and multiple user tooling. Recommended based on the specifics of a business’s services and procedures.”

✓ “

Conduct daily surveys of changes to staff/labor health conditions. NV OSHA is emphasizing the need for business leadership to be working with and aware of the health and well-being of its staff.”

✓ “Provide access to potable and sanitary water.”

*** “For employees, Nevada OSHA does not recognize face shields as an alternative to or as an effective ‘face covering.’” ***

Social Distancing:

The following measures are required to be implemented by the employer when employees are conducting specific job functions where 6 feet of social distancing is infeasible/impractical.

✓ “A Job Hazard Analysis (JHA) may be completed for each task, procedure, or instance that is identified where social distancing is infeasible/impractical. Any JHA drafted for this purpose must be equivalent in detail and scope as identified in Federal OSHA publican 3071.”

✓ “A JHA developed for this purpose must identify the task being addressed, hazard being addressed (spread of COVID-19), and controls to be used to address the hazard.”

✓ “Any policy, practice, or protocol developed pursuant to the JHA must be as effective as or more effective than the 6 feet social distancing mandate.”

✓ “Engineering controls, administrative controls, and PPE identified and developed through the JHA to address the hazard must be supplied by the employer.”

✓ “Training must be provided to the staff for any policy, practice, or protocol that address the hazard via a JHA.”

✓ “Training must be provided to staff for any equipment, engineered process, administrative control, or PPE that was identified and developed through the JHA to address the social distancing requirements or alternative policies, practices, or protocols implemented when social distancing is infeasible/impractical.”

“NV OSHA is aware that social distancing requirements are not always followed by employees despite the efforts of the employer. The following measures are recommended for all businesses open during Phase 2.”

✓ “Employers are recommended to monitor employees during break, lunch/dinner, and slack periods to ensure that they are maintaining proper social distancing protocols.”

✓ “If an employer representative identifies an instance where proper social distancing protocols are not being followed, the employee will be subject to the employer’s existing methods established for ensuring compliance with safety rules and work practices per NAC 618.540(1)(e).”

✓ “These observations apply to parking lots, staging areas, and any other location identified by the employer to be a supportive part of the overall business.”

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