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**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**

May 14, 2021

To Whom It May Concern:

Scope: Updated Guidance for Business Operations under the State of Nevada's Declaration of Emergency and Centers for Disease Control and Prevention Guidance

This guidance, effective May 14, 2021, applies to all businesses currently authorized to operate in Nevada and includes updates from provisions of Declaration of Emergency Directive #045 and new guidance from the Centers for Disease Control and Prevention (CDC) issued on May 13, 2021. This guidance supersedes previous guidance released on May 10, 2021.

Declaration of Emergency Directives #045, along with #024, #028 and #044, require businesses to comply with guidelines promulgated by the Nevada Occupational Safety and Health Administration (NV OSHA) to minimize the risk of spread of COVID-19, including sanitation measures and face coverings. Directive #044 also encourages employers to take proactive measures to implement social distancing guidelines promulgated by the US Centers for Disease Control (CDC). NV OSHA is also responsible for enforcing all violations of its guidelines, protocols, and regulations promulgated pursuant to the Governor's Directives.

To support the continued efforts of the State of Nevada, NV OSHA is providing this guidance, and the requirements found within, for businesses authorized to operate under current Directives. The measures contained in the document are required of each business and should be applied to all employees of that business. As we battle the coronavirus pandemic, this guidance may continue to evolve.

The NV OSHA requirements for all businesses currently authorized to operate include, but are not limited to, the following:

General Operations Requirements:

- ▶ Employers should encourage employees to receive a COVID-19 vaccine and may implement incentives such as:
 - Providing onsite vaccination clinics,
 - Providing paid leave for employees to get vaccinated,
 - Using promotional posters/flyers to advertise locations offering COVID-19 vaccination, and
 - Posting articles in employer communications about the importance of COVID-19 vaccination and where to get the vaccine in the community.

(Recommended/CDC [FAQs about COVID-19 Vaccination in the Workplace: For Employers \(cdc.gov\)](https://www.cdc.gov/workplace/faq-covid-19-vaccination-workplace-employers))

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- ▶ Face coverings:
 - Pursuant to CDC guidance released on May 13, 2021, “fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.” See: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>
 - Private entities and organizations may have mask policies that are more restrictive than the CDC guidance. Employers will need to conduct a job hazard analysis to determine if face coverings need to be worn by vaccinated employees to prevent the spread of COVID-19. See the Job Hazard Analysis section of this guidance for more information.
 - All employers must provide face coverings* for unvaccinated employees and shall require these employees to wear the face coverings* in all instances where required by emergency directives and associated guidance issued on the NVHealthResponse website or by Nevada OSHA. (Required/Ref. Declaration of Emergency Directive #021, section 12; Declaration of Emergency Directive #044, section 6; Declaration of Emergency Directive #045, section 6)
 - All employers shall require unvaccinated employees to wear a face covering* in any space visited by the general public, even if no one else is present. (Required/Ref. NVHealthResponse Guidance on Directive 024: Face Coverings, Declaration of Emergency Directive #044, section 6; Declaration of Emergency Directive #045, section 6)
 - All employers must require unvaccinated employees to wear a face covering* in any space where food is prepared or packaged, for sale, or generally distributed to others. (Required/Ref. NVHealthResponse Guidance on Directive 024: Face Coverings)
- ▶ Close or limit access to common areas where employees are likely to congregate and interact. When in common areas, face coverings* are required for unvaccinated employees. (Required/ Ref. NVHealthResponse Guidance on Directive 024: Face Coverings)
- ▶ 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. See: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>
- ▶ Provide sanitation and cleaning supplies for addressing common surfaces in multiple users’ mobile equipment and multiple user tooling. Recommended based on the specifics of a business’s services and procedures. (Required/Ref. Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- ▶ 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.** (Required/Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- ▶ Ensure that any identified first responders in the labor force are provided and use the

needed Personal Protective Equipment (PPE) and equipment for protection from communicable or infectious disease. (Required/29 CFR 1910.1030)

- ▶ Provide access to potable and sanitary water. (Required/29 CFR 1926.15 or 29 CFR 1910.141)
- ▶ Post signage with the latest CDC mask guidance for vaccinated and unvaccinated guests. Recommended/Nevada Health Response Press Release 5/13/2021)

**Section 4 of Nevada Declaration of Emergency Directive #024 states “For the purposes of this Directive, “face covering” is defined as a covering that fully covers a person’s nose and mouth, including without limitation, cloth face masks, surgical masks, towels, scarves, and bandanas.” For employees, Nevada OSHA does not recognize face shields as an alternative to or as an effective “face covering.” The face covering must effectively control the breathing zone and restrain any expelled or exhaled water droplets within the covering.*

Further, any guidance, protocol, plan or regulation that is produced by the State of Nevada or County shall be enforced by Nevada OSHA per Section 7 of Declaration of Emergency #044. Following these guidelines does not constitute, and is not a substitute for, compliance with all laws and regulations applicable at any particular time. Individuals and businesses are responsible to ensure that they comply with all laws and regulations that apply to them, including, but not limited to, federal and state health and safety requirements. Additionally, compliance with these regulations does not ensure against the spread of infections from COVID-19 or any other cause.

COVID-19 Prevention Plan:

Nevada OSHA considers COVID-19 a recognized hazard. Nevada OSHA will continue to require all businesses to protect employees from all recognized hazards which includes COVID-19. Employers shall implement COVID-19 Prevention Programs in the workplace. The most effective programs engage workers and their union or other representatives in the program's

identifying a combination of measures that limit the spread of COVID-19 in the workplace; adopting measures to ensure that workers who are infected or potentially infected are separated and sent home from the workplace; and implementing protections from retaliation for workers who raise COVID-19 related concerns.

The COVID – 19 Prevention Program will be recognized by and added to the Written Workplace Safety Program (WWSP) required by Nevada Revised Statutes 618.383 and Nevada Administrative Code 618.538 for businesses with more than 10 employees. Businesses with 10 or fewer employees are highly encouraged to have a written COVID – 19 Prevention Program.

Job Hazard Analysis:

- ▶ A Job Hazard Analysis (JHA) will be completed for each task, procedure, or instance that is identified where transmission of the COVID 19 virus is an immediate concern. Any JHA drafted for this purpose must be equivalent in detail and scope as identified in Federal OSHA publication 3071. <https://www.osha.gov/Publications/osha3071.pdf>
- ▶ 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.

- ▶ 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 staff for any policy, practice, or protocol that is used to 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 emphasizes that slowing/addressing the spread of COVID-19 is a required aspect of all activities/tasks/services associated with open businesses and will continue to enforce or promote the use of identified measures to address this public health crisis.

NV OSHA seeks to ensure that all businesses authorized to operate under current Directives implement the aforementioned mandates and also seeks to distribute this information so that all included sectors of business are fully aware of these requirements. If your business, group, or association is receiving this memo, then please recognize this memo as notice to your business, group, or association that the previously mentioned mandates and guidance may be adopted and put into effect.

Need Additional Assistance?

The Division of Industrial Relations Safety Consultation and Training Section (SCATS) offers free consultations to businesses to help them understand and implement the requirements in order to comply with the health and safety guidance and directives for all businesses, and specific requirements for each industry. SCATS can be reached by calling 1-877-4SAFENV.

For further guidance, please see the following links:

- ▶ Federal OSHA COVID – 19 Prevention Program resources-
 - <https://www.osha.gov/coronavirus/safework>
 - <https://www.osha.gov/coronavirus/guidance/industry>
- ▶ Centers for Disease Control and Prevention - <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- ▶ State of Nevada- <https://nvhealthresponse.nv.gov/>
- ▶ Mine Safety and Health Administration: <https://www.msha.gov/coronavirus>
- ▶ NV OSHA Information: <http://dir.nv.gov/OSHA/Home/>

THIS GUIDANCE IS SUBJECT TO REVISION. PLEASE CHECK HERE FREQUENTLY FOR UPDATES.

If you have questions, please call the number below.

Sincerely,
Jess Lankford
Chief Administrative Officer
Phone # 702.486.9020