

STATE OF NEVADA

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

November 25, 2020

To Whom It May Concern:

**Scope: Updated Guidance for Business Operations During Nevada's "Statewide Pause"
Effective November 24, 2020**

This guidance applies to all businesses currently authorized to operate in Nevada and includes updates from provisions of Declaration of Emergency Directive #035. This guidance supersedes previous guidance released on July 29, 2020.

Declaration of Emergency Directives #021 and #024 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 social distancing, sanitation measures, and face coverings. 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:

- ▶ Face coverings:
 - All employers must provide face coverings* for 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 #024, section 5)
 - All employers shall require 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)
 - 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.

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- (Required/Ref. NVHealthResponse Guidance on Directive 024: Face Coverings)
 - 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 #035 updated these requirements to require employees, trainers, instructors, and patrons to wear face coverings at gyms and related businesses at all times. (Required/Ref. Declaration of Emergency, Directive #024, sections 6 & 7 inclusive, Declaration of Emergency Directive #035, section 18)
 - Face coverings must be used in public spaces incorporated in or controlled by a business. (Required/Ref. Declaration of Emergency, Directive #024, section 5)
- ▶ 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. (Required/ Ref. NVHealthResponse Guidance on Directive 024: Face Coverings, Declaration of Emergency Directive #021, section 15 and CDC - Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020) <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- ▶ Comply with occupancy limitations for the specific industry and post signs at all public entrances identifying permitted occupancy. The establishment must implement methods to effectively track building occupancy when open to the public (Required/Ref. Declaration of Emergency Directive #035, section 12)
- ▶ 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. (Required/Ref. Declaration of Emergency Directive #021, sections 7 & 15)
- ▶ 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> (Required/Ref. Declaration of Emergency Directive #021, sections 7 & 15)
- ▶ 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)

*Section 4 of Nevada Declaration of Emergency Directive #24 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.

For the public, face shields may be used as an alternative to face coverings by individuals with a medical exemption pursuant to Directive #24 section 7(3).

Further, any guidance that is produced by the State of Nevada to support the *Nevada United: Roadmap to Recovery* plan (Phases 1 or 2), and other guidance published on the NVHealthResponse website will be enforced by NV OSHA. Specifically, any guidance that pertains to a particular industry sector may have a column of “mandatory” measures that apply to that industry sector. Any mandatory measures found in the state’s promulgated guidance will be deemed enforceable if not specifically addressed in previously published guidance, regulations, or memorandums. 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.

Social Distancing:

For businesses currently authorized to operate under the Governor’s directives, 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 publication 3071. <https://www.osha.gov/Publications/osh3071.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.
- ▶ 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 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.
- ▶ Unless demonstrated as infeasible, face coverings are required at all times when employees work within 6 feet of each other or the general public.

Social Distancing during breaks, lunches/dinners, and other slack periods:

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 authorized to operate under current Directives.

- ▶ 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.

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 - <https://www.osha.gov/SLTC/covid-19/>

- ▶ Centers for Disease Control and Prevention - <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- ▶ State of Nevada- <https://nvhealthresponse.nv.gov/>
- ▶ State of Nevada- Roadmap to Recovery for Nevada (Industry Specific Guidance for Phases 1 & 2)
[Industry-specific-Guidance-Documents.pdf \(nv.gov\)](#)
[Roadmap-to-Recovery-Phase-2-Industry-Specific-Guidance-UPDATED-8-11-20.pdf \(nv.gov\)](#)
- ▶ Mine Safety and Health Administration: <https://www.msha.gov/msha-response-covid-19>
- ▶ NV OSHA Information: <http://dir.nv.gov/OSHA/Home/>

THIS GUIDANCE IS SUBJECT TO REVISION AS ADDITIONAL INFORMATION IS GATHERED.
PLEASE CHECK HERE FREQUENTLY FOR UPDATES.

If you have questions, please call the number below.

Sincerely,
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