



Labor and Employment Law Seminar

**2026
LAS VEGAS**

SAFETY, CYBER, PRIVACY, AND REGULATED WORKPLACES: HEAT, OSHA, AND NEVADA WORKSITES: WHAT EMPLOYERS NEED TO KNOW



Presented by

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**SAFETY, CYBER, PRIVACY, AND REGULATED
WORKPLACES:
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Agenda

- Status of Federal OSHA's Heat Stress Rulemaking
- Developing Heat Illness Rules in State Plans
- Nuts and Bolts of Nevada's Heat Rule
- Best Practices for Heat Illness Prevention in the Current Regulatory Climate



FEDERAL OSHA HEAT ILLNESS PROPOSED STANDARD

Proposed Rule Stage – Heat Illness Prevention in Outdoor and Indoor Work Settings

- The proposal would create a comprehensive federal heat standard covering indoor and outdoor work across general industry, construction, maritime, and agriculture, with key trigger points at a heat index of 80°F (initial protections) and 90°F (high-heat requirements).
- Commenters have raised significant feasibility, cost, and scope concerns, and the rule has drawn substantial business-community opposition along with strong support from labor and advocacy groups.
- OSHA’s permanent heat illness prevention rule “has stalled,” with no target date for final action in the Unified Agenda and little indication it will advance in the near term under the current administration.
- The informal public hearing on OSHA's *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings* proposed rule concluded on July 2, 2025. The post-hearing comment period for individuals who submitted a Notice of Intention to Appear (NOITA) ended on October 30, 2025.

National Emphasis Program – Outdoor and Indoor Heat-Related Hazards

- Released April 10, 2026, after original issuance in April 2022.
- Heat NEP prioritizes on-site (in person) response for complaints and for all employer-reported hospitalizations (i.e., severe injury reports) related to heat hazards.
- Focuses on acclimatization when heat index is 80°F or higher.
- NEP recommends usage of OSHA-NIOSH Heat Safety Tool App to find the forecasted and current heat index.
- Federal OSHA continues to enforce workplace heat safety through the General Duty Clause (Section 5(a)(1)) and National Emphasis Program (NEP).



STATE HEAT ILLNESS STANDARDS

States With Heat Illness Standards

- **California** - Covers both indoor and outdoor workers; requires cool down recovery periods, access to cool drinking water, and “effective” employee training
- **Maryland** – Protects indoor and outdoor workers with break requirements and cooling provisions
- **Oregon** – Applies to indoor and outdoor workers, with break and cooling requirements
- **Colorado** – Limited to agricultural workers
- **Minnesota** – Limited to indoor workers
- **Nevada** – One-time review requirement re job hazard assessment for heat exposure
- **Washington** – Limited to outdoor workers



NEVADA – BASED ON JOB HAZARD ASSESSMENT

Nevada OSHA – Outdoor and Indoor Heat Illness Prevention

Application and Requirements

- Applies to all employers in Nevada with more than ten employees
- Employers must conduct a one-time, written ***Job Hazard Analysis*** before a task is undertaken for the first time
- The ***Job Hazard Analysis*** must contain:
 - List of all job classifications where majority of employees have occupational exposure to heat illness for more than 30 minutes of any 60-minute period, not including breaks
 - List of all tasks and procedures, or groups of closely related tasks and procedures, performed by employees where occupational exposure to heat illness may occur and which are performed by employees in the job classifications above
 - Identification of working conditions that may cause occupational exposure to heat illness
 - Identification of measures to mitigate/eliminate the heat illness hazard if identified.

Nevada OSHA – Outdoor and Indoor Heat Illness Prevention

Requirements (cont'd)

- Employers must *create a written safety program that includes* provisions for potable water, rest breaks, cooling measures, emergency medical response procedures, identification and mitigation of any work process that may generate additional heat or humidity, and training.
- Employers must *designate a person* responsible for monitoring working conditions and ensuring compliance with the safety program.
- Employers must *train employees* to recognize the hazards of heat illness and the procedures to minimize these risks.



Nevada OSHA – Outdoor and Indoor Heat Illness Prevention

Indoor Workplace Exceptions

- Nevada's regulation does not require the employer to conduct a Job Hazard Analysis, designate a person to perform certain functions, create a plan in the written safety program, or provide training for:
 - Indoor workers in climate-controlled environments
 - Workers who work in motor vehicles



But Remember the General Duty Clause

Nevada employers have an independent obligation to:

- Furnish employment and a place of employment which are *free from recognized hazards* that are causing or are likely to *cause death or serious physical harm*
- *Furnish and use such safety devices and safeguards*, and adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and places of employment safe and comply with all orders issued by the Division.

General Duty Clause (NRS 618.375)



PRACTICAL APPLICATIONS OF HEAT RULE FOR INDOOR AND OUTDOOR WORKERS

Best Practices to Mitigate or Eliminate Heat Illness and Remain OSHA Compliant

1. Develop the Required JHA

- Make sure that JHA accurately describes the job classification in which employees may be exposed to heat illness and the tasks/procedures to be performed, and the specific working conditions that may cause heat illness
- At minimum, capture: how you monitor temperature/heat index; your internal trigger points; expected controls (hydration, engineering fixes, breaks, rotation); acclimatization practices for new or returning staff; and who does what in an emergency
- Designate a supervisor/manager responsible for monitoring working conditions and ensuring compliance with the safety program

Best Practices to Mitigate or Eliminate Heat Illness and Remain OSHA Compliant

2. Implement Control Measures Where Feasible

- *Engineering controls:* Use air conditioning, increase ventilation, provide cooling fans, and use reflective shields to block radiant heat, as feasible
- *Administrative controls:* Schedule hot jobs for cooler parts of the day, provide adequate drinking water, and use work/rest schedules
- *Personal protective equipment:* Provide hats for outdoor work, cooling vests, and appropriate clothing to prevent heat stress

Best Practices to Mitigate or Eliminate Heat Illness and Remain OSHA Compliant

3. Make hydration and short cool-down breaks non-negotiable

- Make water easy: dedicated hydration stations (coolers, water fountains, or dispensers) near the line and in dish/prep areas so staff can drink frequently without leaving the floor.
- In hot conditions, set the norm at “a few big sips every 15–20 minutes,” and build micro-breaks into service flow (e.g., drink before tickets, between seatings, after runs to the walk-in).
- At higher internal thresholds, provide short, regular cool-down breaks (5–10 minutes in a cooled area) during peak heat—even when not explicitly required by law—because this is one of the most effective, low-cost controls.
- Allow new workers to gradually acclimate to hot environments over seven to fourteen days and inform employees of health risk factors that may increase their susceptibility to heat illness

Best Practices to Mitigate or Eliminate Heat Illness and Remain OSHA Compliant

4. Kitchens and Other Indoor Work Areas Impacting Hospitality Employers

- Make measuring the **heat index and temperature** in hot spots a daily routine: cook line, dish room, and enclosed prep areas, not just the dining room
- Establish internal action levels (e.g., “yellow” at 80–82°F and “red” at ≥87–90°F) that automatically trigger added controls like extra breaks, rotation, and supervisory checks
- Ensure kitchen hood systems, make-up air, and fans are maintained and actually pulling hot air off the line; dirty hoods and weak exhaust are a direct heat-stress risk, not just a fire/food-safety issue
- When “hot” thresholds are reached, use scheduling and task rotation: move people off the hottest stations periodically, shift heavy prep to cooler times of day, and avoid doubling up high-heat tasks in the same window.
- Provide a nearby cooled break area (AC or at least strong ventilation, below roughly the mid-80s) where staff can get real relief; fans alone are not enough once indoor temperatures are elevated

Best Practices to Mitigate or Eliminate Heat Illness and Remain OSHA Compliant

5. Train managers and staff on symptoms and emergency response

- Train everyone—brief, focused toolbox-style talks work well—on early heat illness signs (cramps, headache, dizziness, confusion, nausea, unusual fatigue) and on the idea that “if you feel off, speak up and cool down now”
- Managers should be explicitly empowered and expected to: pull someone off the line at the first sign of heat illness, move them to a cool area, cool them actively (cool compresses, fans, sips of water if alert), and call 911 immediately for any confusion, loss of consciousness, or very hot/dry skin
- Incorporate heat into your existing safety or pre-shift talks at the start of warm seasons and during heat waves so it becomes part of the restaurant’s safety culture, not an occasional reminder



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Questions?



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Thank you.