

1 RCNY §104-21

CHAPTER 100

Subchapter D Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work

§104-21 Supervisory Responsibilities of a Licensed Sign Hanger.

- (a) Applicability. This section shall apply to all sign hanging work performed by or under the direct and continuing supervision of a licensed sign hanger pursuant to section 28-415.1 of the Administrative Code.
- (b) Definitions.
 - (1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in section 3302.1 of the Building Code.
 - (2) For the purposes of this section, the term “direct and continuing supervision” shall have the same meaning as set forth in section 28-401.3 of the Administrative Code.
 - (3) For the purposes of this section, the term “registered design professional” shall have the same meaning as set forth in section 28-101.5 of the Administrative Code.
 - (4) For the purposes of this section, the term “sign hanging foreman” shall mean an individual designated by a licensed sign hanger in accordance with subdivision (h) of this section. Such person shall have the qualifications set forth in subdivision (g) of this section.
- (c) Planning. Except where the design prepared by a registered design professional is authorized by chapter 33 of the Building Code, the licensee must personally plan the equipment set-up and operation of all sign hanging operations. This responsibility may not be delegated.
- (d) Supervision of sign hanging operations other than critical picks. Except as otherwise provided in subdivision (e) of this section, the licensee need not be personally on site during sign hanging operations provided that a sign hanging foreman designated by the licensee pursuant to subdivision (h) of this section is continuously on site and that such sign hanging foreman performs and/or manages the work under the off-site supervision of the licensee as follows:
 - (1) the licensee and the sign hanging foreman at the work site are in frequent and direct contact with each other during the course of the sign hanging operation;
 - (2) for work involving the use of cranes, derricks, work platforms, suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.), the licensee personally visits the work site to inspect and approve the sign hanging equipment founding and setup prior to commencement of sign hanging operations and each time the founding or support changes;
 - (3) the licensee is readily available to provide on-site supervision should the need arise; and
 - (4) the sign hanging foreman has in his or her possession at the work site the “Designated Foreman Card” issued by the department pursuant to subdivision (i) of this section, which shall be presented upon the demand of any authorized enforcement officer.
- (e) Supervision of critical picks. The licensee must be continuously on site during critical picks and must personally perform or personally supervise all critical picks. Off-site supervision of critical picks is not permitted.
- (f) Sign Hanging Crew. All members of the sign hanging crew must be under the direct and continuing supervision of the licensee.
- (g) Qualifications for designation as a sign hanging foreman.
 - (1) An individual designated as a sign hanging foreman by a licensed special or master sign hanger shall:

- (i) be an employee on the payroll of and covered by the worker compensation insurance of the licensee or the business association of the licensee;
 - (ii) be at least 18 years of age;
 - (iii) be able to read and write English;
 - (iv) be able to identify critical picks;
 - (v) be familiar with the relevant sections of Chapter 33 of the Building Code, OSHA safety standards as contained in 29 C.F.R. part 1926, and industry safety practices;
 - (vi) have been trained to react properly to mechanical malfunctions or adverse weather;
 - (vii) be able to evaluate the fitness of the sign hanging crew, including where applicable, the issuance of a certificate of fitness pursuant subdivision (j) of this section;
 - (viii) be able to read plans and specifications relating to sign construction and erection, including supporting framework and other supports;
 - (xi) have a knowledge of the problems and practices of sign construction and hanging; and
 - (xii) be familiar with the equipment and tools used in sign installations.
- (2) An individual designated as a sign hanging foreman by a licensed special sign hanger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have at least three years practical experience in sign hanging work.
 - (3) An individual designated as a sign hanging foreman by a licensed master sign hanger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have at least five years practical experience in sign hanging work.
- (h) Designation of a Sign Hanging Foreman.
- (1) The licensed sign hanger must submit a notification of designation, on a form provided by the department, which includes the following information:
 - (i) A list of all sign hanging foremen employed by the licensee or by the business association of the licensee. Each sign hanging foreman's full name, home address, and home phone number shall be included as part of the list.
 - (ii) A photograph of any newly designated sign hanging foreman.
 - (iii) The notification shall be signed and notarized by the licensee and shall contain his or her license number.
 - (iv) The notification shall contain a representation by the licensee that all of the sign hanging foremen designated by him or her have the qualifications specified in subdivision (g) of this section.
 - (2) A newly designated sign hanging foreman cannot perform foreman duties until such notification is received by the department and the department has issued a "Designated Foreman Card" pursuant to subdivision (i), below.
 - (3) The list must be updated within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all sign hanging foremen designated by such licensee. The new notification must be filed in the manner required by the department and must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv) of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.
 - (4) The designation of one or more sign hanging foremen shall not detract from the licensee's responsibility or

liability, individually or through his licensed business, for all aspects of sign hanging safety. This includes, but is not limited to, the actions of sign hanging foremen and sign hanging crews.

- (i) Designated Foreman Card.
 - (1) The department shall issue a "Designated Foreman Card" for each designated sign hanging foreman. Such card and a photo identification card acceptable to the department shall be carried by the sign hanging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer of the city.
 - (2) It shall be the responsibility of the licensee to take possession of the "Designated Foreman Card" when such designation is terminated and return the card to the department. A designation shall be terminable by the licensee at any time, including if:
 - (i) the person leaves the employ of the licensee or the business associated with the license holder under section 28-401.17 of the Administrative Code;
 - (ii) the licensee finds that the designee is not competently performing his or her duties; or
 - (iii) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.
- (j) Certificate of Fitness for Scaffold Users. In addition to the training requirements of section 3314.4 of the Building Code, individuals who use a suspended scaffold under the direct and continuing supervision of the licensed sign hanger shall possess a certificate of fitness.
 - (1) An individual issued a certificate of fitness must:
 - (i) be found capable of performing the scaffold work in a safe and responsible manner by the issuer at the time of issuance;
 - (ii) be able to communicate without difficulty with the supervising licensed sign hanger or sign hanging foreman; and
 - (iii) have been trained in accordance with section 3314.4 of the Building Code and possess a valid certificate card from the training provider evidencing successful completion of the training.
 - (2) Certificates of fitness may be issued by the licensed master or special rigger and the sign hanger foreman designated pursuant to this section.
 - (3) It shall be the sole responsibility of the licensee who issues the certificate of fitness, either personally or through a designated foreman, to ensure that the individual who receives the certificate meets the requirements of paragraph one of this subdivision for the particular job. It shall be the licensee's responsibility to maintain written records and copies relating to whom and when certificates were issued, as well as each certificate holder's certificate card. If a person issued a certificate of fitness is later found to be unqualified or to have failed to use a suspended scaffold in a safe and workmanlike manner, it shall be the licensee's responsibility to rescind the certificate of fitness and to remove the individual from the job.
 - (4) The certificate of fitness must be issued in a form acceptable to the department and include the name of the holder, the date of the issuance, the name and license number of the licensee, the name, address, and telephone number of the licensee's company, and the signature of the issuer.
 - (5) Such certificate of fitness, as well as the certificate card issued pursuant to 3314.4.5.8 of the Building Code and photo identification of the certificate holder acceptable to the department, must be available on site for inspection.
- (k) Failure to comply with rule. If this rule is not complied with, the department may order that sign hanging operations stop, initiate disciplinary action against the licensee and/or contractor, and/or initiate proceedings for the imposition of fines or civil penalties.