

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 219

Introduced by The Public Advocate (Mr. Williams) and Council Members Menchaca, Kallos, Barron, Ayala, Vallone, Perkins, Lander, Rosenthal, Levin and Eugene.

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to clarifying the requirements for site safety training providers and persons required to obtain site safety training

Be it enacted by the Council as follows:

Section 1. Section 28-103.29 of the administrative code of the city of New York, as added by local law number 196 for the year 2017, is amended to read as follows:

§ 28-103.29 Reporting regarding implementation of section 3321 of the New York city building code. No later than three months after the end of each fiscal year, the commissioner shall report to the mayor and the speaker of the council, and make publicly available online, a report on implementation of section 3321 of the New York city building code. In addition to any information the commissioner deems relevant, such report shall include:

1. The number of SST providers in existence at the end of such fiscal year. *Such number shall also be disaggregated by which condition of item 1 of the definition of “site safety training (SST) provider” set forth in section 3302.1 of the New York city building code is satisfied by each such provider.*
2. The number of SST cards issued in such fiscal year.
3. The number of temporary SST cards issued in such fiscal year.
4. The number of violations of such section issued in such fiscal year, disaggregated by violation type.
5. A list of building sites where violations of such section were issued and, for each such site, the following information disaggregated by violation type:

- 5.1. The number of follow-up inspections conducted pursuant to section 28-204.1.1.
- 5.2. The average frequency of such follow-up inspections.
- 5.3. The number of violations of section 3321 of the New York city building code issued as a result of such inspections.
6. A description of the enforcement mechanisms used by the department to ensure the integrity of training provided by SST providers in connection with section 3321 of the New York city building code and that such training satisfies the requirements of such section and any rules or department requirements relating to such training.

§ 2. The definition of “site safety training (SST) provider” in section 3302.1 of the New York city building code, as added by local law number 196 for the year 2017, is amended to read as follows:

SITE SAFETY TRAINING (SST) PROVIDER. [A person who] *An entity that* satisfies the requirements of Items 1 and 2:

1. Such [person] *entity* satisfies [at least one of] the [following] conditions *of Item 1.1, 1.2, 1.3 or 1.4:*
 - 1.1. Such [person] *entity is a not-for-profit organization with a history of at least three years of experience in providing construction-related workforce development, construction-related education or site safety training, which may be demonstrated by submitting training logs to the department or in a form and manner otherwise determined by the department, and training offered by such entity is offered by a person who* has (i) successfully completed all applicable OSHA or department requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and is authorized to conduct such classes and (ii) if such person is conducting training for SST credits other than training that is part of an OSHA 10-hour class or OSHA 30-hour class, such person demonstrates sufficient knowledge of this chapter in a form and manner established by the department. Such [person] *entity shall not be required to [possess a degree, certificate, license or] demonstrate any professional standing, approval, licensure, accreditation or certification, including approval, licensure, accreditation or certification pursuant to paragraph (2) of subdivision d of section 105-03 of subchapter E of chapter 100 of title 1 of the rules of the city of New York, as in effect on January 1, 2018, beyond showing that such [person has completed all applicable OSHA or department requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and that such person is authorized to conduct such classes] entity and a person offering training on behalf of such entity satisfy the requirements*

set forth in the preceding sentence. Where the department provides content, developed in accordance with department-approved course requirements, for the delivery of SST credits, such entity shall deliver SST credits in accordance with such content. Where the department does not provide content for the delivery of SST credits, such entity shall be responsible for the development of content in accordance with department-approved course requirements. Such content and the delivery of such content may be subject to approval or audit by the department.

1.2. Such [person] *entity* is providing training through a 100-hour training program.

1.3. Such [person] entity has been approved by the department to conduct a 40-hour course approved by the department pursuant to Article 402 of Chapter 4 of Title 28 of the *Administrative Code*.

1.4. [Such person satisfies alternative requirements that the department establishes by rule.] *The department may establish by rule additional ways for an entity to satisfy the requirements of this Item 1. If the department elects to promulgate such rules, an entity shall be deemed to satisfy this Item 1 if such entity satisfies the requirements set forth in such rules or if such entity satisfies the requirements set forth in Item 1.1, 1.2 or 1.3.*

2. On and after the SST full compliance date, such [person] *entity* has certified to the department that such [person] *entity* satisfies at least one of the following conditions:

2.1. Such [person] *entity* has a language access plan for training that relates to SST credits such [person] *entity* offers and such plan complies with requirements established by an agency or office designated by the mayor.

2.2. Such [person] *entity* satisfies each of the following conditions:

2.2.1. Such [person] *entity* is able to provide instruction in a language that students understand.

2.2.2. If a student's vocabulary is limited, such [person] *entity* will accommodate that limitation.

2.2.3. [Such] A person *offering training on behalf of such entity* is fluent in the training language or will use translators or interpreters and any such translators or interpreters will have a background in occupational safety and health.

§ 3. Section 3321.1 of the New York city building code, as added by local law number 196 for the year 2017, is amended to read as follows:

3321.1 Site safety training required. In addition to any other applicable city, state or federal law or rule, each permit holder at a building site for which a construction superintendent, site safety manager or site safety coordinator is required shall be responsible for the following:

1. On and after March 1, 2018, and until the day before the SST second compliance date, ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder has successfully completed (i) an OSHA 10-hour class, (ii) an OSHA 30-hour class or (iii) a 100-hour training program.
2. On and after the SST second compliance date, and until the day before the SST full compliance date, ensuring that (i) each such worker has an SST card, a limited SST card or a temporary SST card and (ii) each such worker who is serving as a site safety manager, site safety coordinator, concrete safety manager, construction superintendent or a competent person at such site, *as required by Section 3301.13.12*, has an SST supervisor card.
3. On and after the SST full compliance date, ensuring that (i) each such worker has an SST card or a temporary SST card and (ii) each such worker who is serving as a site safety manager, site safety coordinator, concrete safety manager, construction superintendent or a competent person at such site, *as required by Section 3301.13.12*, [shall have] *has* an SST supervisor card.

Exception: The department may by rule establish alternative training requirements for workers who are (i) working on a building that is four stories or less in height or working on a new building that will, upon completion of such work, be four stories or less in height and (ii) engaged on a volunteer basis by a not-for-profit humanitarian organization that is registered with the New York state charities bureau.

§ 4. This local law takes effect immediately, and sections 1 and 2 are retroactive and deemed to have been in full force and effect as of the date that local law number 196 for the year 2017 took effect.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 14, 2019 and returned unsigned by the Mayor on December 16, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 219 of 2019, Council Int. No. 720-C of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.