



Promulgation Details for 1 RCNY 104-21

This rule became effective on March, 11, 2015.

Since such date, one or more amendments have been made to this rule. Each rule amendment has its own effective date and Statement of Basis and Purpose.

Below you will find one or more rule amendments (the most recent appearing at the top), followed by the original rule.

The effective date of each amendment and the original rule can be found at the top of each "NOTICE OF ADOPTION OF RULE."

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to its rules relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and to repeal its rules regarding private elevator inspection agencies and climber or tower crane rigger licenses.

This rule was first published on March 14, 2017 and a public hearing thereon was held on April 14, 2017.

Dated: _____

4.18.17

New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

The Department of Buildings (DOB) is amending sections 104-05, 104-06, 104-20 and 104-21 of Title 1 of the Rules of the City of New York relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and repealing sections 11-01 and 25-01 relating to elevator inspection agencies and climber and tower crane riggers.

The amendments to sections 104-05, 104-06, 104-20 and 104-21 more accurately reflect the current process for reinstatement of licenses as well as continuing education requirements. Applicants need to be able to demonstrate employment when not on the payroll of a licensee in order to be reinstated. The rule spells out what is necessary to provide as proof of employment and complies with a recent New York Supreme Court decision on the subject.

In addition, the rule requires Construction Superintendents to take an eight (8)-hour course for renewal. This brings the course requirements in line with section 3301-02 of Title 1 of the Rules of the City of New York. To keep requirements consistent across disciplines, the rule also requires Site Safety Managers and Site Safety Coordinators to take an eight (8)-hour refresher course.

Sections 11-01 and 25-01 are repealed because their provisions have been moved to Chapter 4 of the City Administrative Code.

The rule also includes minor plain language revisions.

DOB's authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter, Sections 28-401.13 and 28-401.14, and Articles 404 and 415 of the City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 11-01 of Title 1 of the Rules of the City of New York, relating to the certification and qualification of private elevator inspection agencies and for the performance of inspections and filing of inspection reports for elevators and escalators by such agencies, and section 25-01 of Title 1 of the Rules of the City of New York, relating to licensing persons as climber or tower crane rigger, are REPEALED.

§2. Paragraph (1) of subdivision (b) and subdivision (d) of section 104-05 of Title 1 of the Rules of the City of New York are amended to read as follows:

(1) Continued competence shall be demonstrated by the applicant's full-time active and legal engagement in the trade for which the applicant's license was issued in accordance with the relevant provisions of Chapter 4 of Title 28 of the Administrative Code. The applicant [shall]must supply the Department with the following:

- (i) A [~~resume detailing~~]detailed employment history and the duties the applicant performed in each position during the time the license was expired;
- (ii) A signed and notarized statement from the applicant's employer stating the nature of the applicant's duties and the dates of such employment;
- (iii) For work in the trade requiring the direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, a signed and notarized (or sealed) statement from the supervising licensee stating that he or she supervised the applicant, the dates of such supervision and the nature of the applicant's duties; and
- (iv) Proof of payment or compensation from employer during applicable time period.
- (v) For work in the trade that did not require direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, applicants must provide a letter from their employer or supervisor and documentary proof of their business arrangement with the employer or supervisor. This may include contracts and proof of payment for services.
- (vi) Any other documentation the Department deems appropriate.

(d) Exceptions to reinstatement provisions. If an application for renewal of a registration for Construction Superintendent, Concrete Safety Manager, General Contractor, Welder or Safety Registration is not filed within one (1) year of a registration's expiration, the applicant must reapply for a new registration and meet all applicable qualifications.

§3. Paragraphs (2), (3), (6), (7), (8), (9), (10) and (11) of subdivision (b) of section 104-06 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) Construction Superintendent. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7) hour Site Safety Manager refresher] an eight- (8) hour Site Safety Coordinator course approved by the Department or any equivalent course(s) approved by the Department, including those in electronic format.
- (3) Electrician (Master/Special). [Beginning July 1, 2015, during]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a course approved by the Department of at least eight (8) hours, [at least four (4) hours of] which must focus on the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter. [The Department will accept for each license year up to four (4) credit hours earned from an electrical continuing education course offered in another jurisdiction as part of a licensed electrician renewal process in that jurisdiction, provided that the course is at least eight (8) credit hours per license year in that jurisdiction, the credits were earned during the three (3) years immediately prior to renewal and:
- (i) the jurisdiction follows the National Electrical Code/NFPA 70;
 - (ii) the course provider is a certified provider within that jurisdiction; and
 - (iii) the course is taught by an instructor with experience in the electrical field who is certified as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.

Credit hours earned in another jurisdiction will not count toward the at least four (4) hours that must focus on the New York City Electrical Code and other requirements pursuant to section 105-03.]

- (6) Master Fire Suppression Piping Contractor and Master Plumber. During the [two (2) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a one- (1) day (seven- (7) hour) continuing education course approved by the Department.
- (7) Master Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry

practice with regards to:

- (i) Rigging methods, hardware, and equipment;
 - (ii) Hoisting machines, including cranes and derricks;
 - (iii) Climber/tower crane assembly, jumping, and disassembly;
 - (iv) Suspended scaffolds;
 - (v) Critical picks; and
 - (vi) Fall hazards and fall protection.
- (8) Special Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
- (i) Rigging methods, hardware, and equipment;
 - (ii) Hoisting machines with a manufacturer's rated capacity of one ton or less;
 - (iii) Suspended scaffolds;
 - (iv) Critical picks; and
 - (v) Fall hazards and fall protection.
- (9) Climber or Tower Crane Rigger. During the [three (3) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
- (i) Climber/tower crane assembly, jumping, and disassembly; and
 - (ii) Fall hazards and fall protection.
- (10) Site Safety Coordinator. During the [two (2) years]one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a]an eight- (8) hour Site Safety Manager refresher course approved by the Department.
- (11) Site Safety Manager. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7)]an eight- (8) hour Site Safety Manager refresher course approved by the Department.

§4. Paragraph (3) of subdivision (i) of section 104-20 of Title 1 of the Rules of the City of

New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all rigging foremen designated by the licensee[shall be filed]. The new notification [shall]must be filed in a manner required by the department and [shall]must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

§5. Paragraph (3) of subdivision (h) of section 104-21 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] 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[shall be filed]. The new notification [shall]must be filed in the manner required by the department and [shall]must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

This amendment has an effective date of 03-11-15.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 9-01, 9-02 (renumbered 104-20 and 104-21), 102-01 and 104-10 and the repeal of sections 9-03 and 9-04 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding licensed riggers and licensed sign hangers.

This rule was first published on December 9, 2014 and a public hearing thereon was held on January 9, 2015.

Dated: 1.30.15
New York, New York


Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

The Department of Buildings (“Department”) is making the following changes to Title 1 of the Rules of the City of New York (“Rules”):

- amend and renumber sections 9-01 and 9-02; and
- repeal sections 9-03 and 9-04.

The Department is amending section 9-01, regarding supervisory responsibilities of licensed riggers, and section 9-02, regarding supervisory responsibilities of licensed sign hangers, by

- updating the sections to reflect changes made to the New York City Administrative Code (“Administrative Code”) by Local Law 141 of 2013 and renumbering them as sections 104-20 and 104-21, respectively;
- clarifying how foremen are designated; and,
- moving the process under which licensed riggers and sign hangers issue certificates of fitness for qualified scaffold users from section 9-03 of the Rules to new sections 104-20 and 104-21 in order to include this process within the context of licensee supervision of such work.

The Department is also repealing sections 9-03 and 9-04, as these provisions are, or will be, addressed elsewhere in the Administrative Code or the Rules.

- Section 9-03 concerns minimum qualifications for scaffold users. The substance of this rule is being moved to sections 104-20 and 104-21. Additionally, the training course requirements under this rule have been codified under Section 3314 of the New York City Building Code (“Building Code”) by Local Law 141 of 2013.
- Section 9-04 concerns the process and conditions under which the Department may revoke, suspend or not renew rigger and sign hanger licenses. The substance of this rule has already been codified under Article 401 of Chapter 4 of Title 28 of the Administrative Code and section 104-07 of Title 1 of the Rules.

The Department is also amending subdivision (j) of Section 102-01 to reflect the renumbering of Section 9-01 and paragraph (6) of subdivision (a) of Section 104-10 to reflect the repeal of Section 9-03.

The Department’s authority for these rules is found in sections 643 and 1043(a) of the New York City Charter, sections 28-404.1 and 28-415.1 of the Administrative Code, and section 3314 of the Building Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 9-01 of Title 1 of the Rules of the City of New York is renumbered 104-20 and is amended as follows:

§ [9-01] 104-20 Supervisory Responsibilities of a Licensed [Master or Special]Rigger.

(a) Applicability. [In accordance with section 26-172 of the Administrative Code, all rigging work, other than work exempted under section 26-173 of such code, must be performed by or under the supervision of a licensed special or master rigger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master rigger.]This section shall apply to all rigging work performed by or under the direct and continuing supervision of a licensed rigger pursuant to section 28-404.1 of the Administrative Code.

(b) Definitions.

[Rigging Foreman. “Rigging Foreman” shall mean an individual, male or female, designated by a licensed master or special rigger in accordance with subdivision i of this section. Such person shall have the qualifications set forth in subdivision h of this section.

Critical Picks. The term "critical picks" shall mean rigging operations involving loads that:

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
- (ii) are asymmetrical or have a wind sail area exceeding 500 square feet,
- (iii) may present a problem because of clearance, drift, or other interference,
- (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
- (v) require multiple cranes or derricks (tandem picks), or
- (vi) require out of the ordinary rigging equipment, methods or setup.]

(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 “rigging foreman” shall mean an individual designated by a licensed rigger in accordance with subdivision (i) of this section. Such person shall have the qualifications set forth in subdivision (h) of this section. The term shall also refer to “suspended scaffold foreman” where such term is used in Chapter 33 of the Building Code.

(c) Planning. Except where the design prepared by a registered design professional is authorized by chapter 33 of the Building Code or as otherwise specifically provided in paragraph (2) of subdivision (g)[(2)] of this section, the licensee must personally plan the equipment set-up and operation of all rigging operations. This responsibility may not be delegated.

(d) Supervision of rigging operations other than critical picks and tower or climber crane erection, jumping, climbing or dismantling. Except as otherwise provided in subdivision [e] (e) of this section, [a] the licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision [i] (i) of this section is continuously on site and [he or she] that such rigging foreman performs and/or manages the work under the [off site] off-site supervision of the licensee as follows:

- (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation[.];
- (2) for work involving the use of cranes, derricks, work platforms, [suspension] 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 rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes[.];
- (3) the licensee is readily available to provide [on site]on-site supervision should the need arise[.]; and,
- (4) the rigging foreman has in his or her possession at the work site the [“Certificate of License Record” of the licensee (tear-off)] “Designated Foreman Card” issued by the [D]department pursuant to subdivision (j) of this section, which shall be presented upon the demand of any authorized enforcement officer.

(e) Supervision of critical picks and tower or climber crane erection, jumping, climbing, or dismantling. The licensee must be continuously on site during critical picks and tower or climber crane erection, jumping, climbing, or dismantling, and must personally perform or personally supervise all [critical picks] such work. [Off site] Off-site supervision of [critical picks] such work is not permitted.

(f) Rigging Crew. Except as otherwise provided in subdivision (g) of this section, all members of the rigging crew must be [employees on the payroll of such licensee or where the license is used by the holder thereof for or on a behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the administrative code such members must be employees on the payroll of such partnership, corporation or business association.] under the direct and continuing supervision of the licensee.

(g) Specialty Crew. [Except as otherwise provided in this subdivision and except as provided for in section 26-138(b) of the administrative code, the licensee and/or a rigging foreman designated by a licensee may not perform or supervise rigging work for another person, corporation, partnership or business association. Where] Notwithstanding the provisions of section 28-401.17 of the Administrative Code, where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or [climbing, erecting or dismantling tower cranes] tower or climber crane erection, jumping, climbing, or dismantling) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade[,] by making an application on a form provided by the department subject to the following conditions:

- (1) the [Cranes and Derricks Division of the] department must approve the licensee's [written request] application for such proposed rigging operation[.,];
- (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team[.,];
- (3) for loads of [one thousand two hundred] two thousand pounds or more, [and] for all critical picks, and for tower or climber crane erection, jumping, climbing, or dismantling, the licensee must provide continuous [on site]on-site personal supervision to the rigging crew[.,];
- (4) for loads below [one thousand two hundred] two thousand pounds and which are not critical picks, or which are not related to tower or climber crane erection, jumping, climbing, or dismantling, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site[and he or she manages]. The rigging foreman shall manage the work under the [off site] off-site supervision of the licensee in accordance with

the conditions set forth in [items (1), (2), (3), and (4) of] subdivision (d) of this section[.];

- (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job[.];
- (6) the licensee is responsible for all aspects of rigging safety on the job[.]; and
- (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section [26-178] 28-401.9 of the [code] Administrative Code and are covered by worker's compensation [by] under the specialty crew's employer.

(h) Qualifications for designation as a rigging foreman.

- (1) An individual designated as a rigging foreman by a licensed special or master rigger shall:
 - (i) be an employee on the payroll and covered by the worker's 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[.]; and
 - (vii) be able to evaluate the fitness of the rigging crew, including, where applicable, the issuance of a certificate of fitness pursuant to [section 9-03 of this chapter] subdivision (k) of this section.
- (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in the first paragraph [one] of this subdivision, have the following additional qualifications:
 - (i) [have] at least [1]one year's practical experience in the hoisting and rigging business[.]; and
 - (ii) [be able] the ability to explain the risks [incident] related to such business and precautions to be taken in connection therewith.
- (3) [a]An individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in the first paragraph [one] of this subdivision, have the following additional qualifications:
 - (i) [have] at least [5]five years of practical experience in the hoisting and rigging business; and

- (ii) [be]the knowledge [about] of and [be able] ability to explain the risks [incident] related to the following, where applicable to the particular job:
 - (A) rigging operations and precautions to be taken in connection therewith[.,];
 - (B) safe loads and computation thereof[.,];
 - (C) types and methods of rigging[.,]; and
 - (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations.

(i) Designation of a Rigging Foreman. [Designation shall consist of the filing of written notification with the Department’s Licensing Division of]

(1) The licensed rigger must submit a notification of designation, on a form provided by the department, which includes the following information:

[(1)] (i) A list of all rigging [foreman] foremen employed by the licensee or by the business association of the licensee. Each rigging foreman’s full name, home address, and home phone number shall be included [on] as part of the list.

(ii) A photograph of any newly designated rigging foreman.

[(2)] (iii) The notification shall be signed and notarized by the licensee[.,] and shall contain his or her license number[and shall be on the business letterhead of the licensee or of the business association of the licensee].

(iv) The notification shall contain a representation by the licensee that all of the rigging [foreman] foremen designated by him or her have the qualifications specified in subdivision [h] (h) of this section.

(2) A newly designated rigging 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 (j), below.

(3) The list must be updated within two weeks of any change in the reported information relating to current designated [individuals] foremen or within [two weeks] one week of the termination of a designation. When a list is updated, a new notification listing all rigging foreman designated by the licensee shall be filed. The new notification shall be filed in a manner required by the department and shall contain the information set forth in [items (1) and (2)] subparagraphs (i), (ii), (iii) and (iv), above. The new list will supersede any earlier filed notification.

(4) The designation of one or more rigging foremen shall not detract from the licensee’s responsibility or liability, individually and/or through his business, for all aspects of rigging safety. This includes, but is not limited to, the actions of rigging foremen, rigging crews and specialty crews, if any.

(j) [Photo Identification Card] Designated Foreman Card.

- (1) The [licensee] department shall issue a [photo identification card (see Exhibit 1) to] “Designated Foreman Card” for each designated rigging foreman [designated by him or her with the licensee’s signature affixed thereto]. Such card and a photo identification card acceptable to the department shall be carried by the rigging 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.
- (2) It shall be the responsibility of the licensee to [retrieve the identification card] take possession of the “Designated Foreman Card” when such designation is terminated and return the card to the department. A designation shall be [terminated] terminable by the licensee at any time, including if:
 - [(1)] (i) the person leaves the employ of the licensee or the business [association of the licensee] associated with the license holder under section 28-401.17 of the Administrative Code;
 - [(2)] (ii) the licensee finds that the designee is not competently performing his or her duties; or
 - [(3)] (iii) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

[(k) Responsibility. The designation of one or more rigging foreman shall not affect the licensee’s and/or business association’s responsibility or liability for all aspects of rigging safety including but not limited to the actions of rigging foreman, rigging crews and specialty crews, if any.]

(k) 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 rigger 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 rigger or rigging 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 rigging 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.

(l) Failure to comply with [rules] rule. If [these] this rule [rules are] is not complied with, the Department may order that rigging operations stop, initiate disciplinary action against the licensee and/or contractor, and/or initiate proceedings for the impositions of fines or civil penalties.

§ 2. Section 9-02 of Title 1 of the Rules of the City of New York is renumbered 104-21 and is amended as follows:

§ [9-02]104-21 Supervisory Responsibilities of a Licensed [Master or Special] Sign Hanger.

(a) Applicability. [In accordance with section 26-182 of the Administrative Code, all sign hanging work, other than work exempted under section 26-184 of such code, must be performed by or under the supervision of a licensed sign hanger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master sign hanger.] 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.

[Sign Hanging Foreman. The term "sign hanging foreman" shall mean an individual, male or female, designated by a licensed master or special sign hanger in accordance with subdivision h of this section. Such person shall have the qualifications set forth in subdivision g of this section.

Critical Picks. The term "critical picks" means sign hanging operations involving loads that:

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
- (ii) are asymmetrical or have a wind sail area exceeding 1500 square feet,
- (iii) may present a problem because of clearance, drift, or other interference,
- (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
- (v) require multiple cranes or derricks (tandem picks), or
- (vi) require out of the ordinary rigging equipment, methods or setup.]

(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. [The]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] (e) of this section, [a] 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] (h) of this section is continuously on site and [he or she] 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, [suspension] 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 [rigging] sign hanging equipment founding and setup prior to commencement of [rigging] sign hanging operations and each time the founding or support changes[.]; [and]

- (3) the licensee is readily available to provide [on site] on-site supervision should the need arise[.]; and
- (4) [T]the sign hanging foreman has in his or her possession at the work site the ["Certificate of License Record" of the licensee (tear off)] "Designated Foreman Card" issued by the [D]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] Off-site supervision of critical picks is not permitted.

(f) Sign Hanging Crew. All members of the sign hanging crew must be [employees on the payroll of such licensee or, where the license is used by the holder thereof for or on behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the administrative code, such members must be employees on the payroll of such partnership, corporation or business association. Except as provided for in section 26-138(b) of the administrative code, the licensee and/or a sign hanging foreman designated by a licensee may not perform or supervise sign hanging work for another person, corporation, partnership or business association.] 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 and covered by the worker's 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 to [section 9-03 of this chapter,] 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[,];
 - (ix) have a knowledge of the problems and practices of sign construction and hanging[,]; and
 - (x) 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 [one] of this subdivision, have at least three years of 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 [one] of this subdivision, have at least five years of practical experience in sign hanging work[,].

(h) Designation of a Sign Hanging Foreman. [Designation shall consist of the filing of written notification with the Department’s Licensing Division of the following information:]

- (1) The licensed sign hanger must submit a notification of designation, on a form provided by the department, which includes the following information:
 - [(1)] (i) A list of all sign hanging [foreman] 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 [on] as part of the list.
 - (ii) A photograph of any newly designated sign hanging foreman.
 - [(2)] (iii) The notification shall be signed and notarized by the licensee[,] and shall contain his or her license number[and shall be on the business letterhead of the licensee or of the business association of the licensee].
 - (iv) The notification shall contain a representation by the licensee that all of the sign hanging [foreman] foremen designated by him or her have the qualifications specified in subdivision [g] (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 two weeks of any change in the reported information relating to current designated [individuals] foremen or within [two weeks] one week of the termination of a designation. When a list is updated, a new notification listing all sign hanging foreman designated by such licensee shall be filed. The new notification shall be filed in the manner required by the department and shall contain the information set

forth in [items (1) and (2)] subparagraphs (i), (ii), (iii) and (iv), above. 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) [Photo Identification Card] Designated Foreman Card.

- (1) The [licensee] department shall issue a [photo identification card (see Exhibit 1) to] "Designated Foreman Card" for each designated sign hanging foreman [individual designated by him or her as a sign hanging foreman with the licensee's signature affixed thereto]. 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.
- (2) It shall be the responsibility of the licensee to [retrieve the identification card] take possession of the "Designated Foreman Card" when such designation is terminated and return the card to the department. A designation shall be [terminated] terminable by the licensee at any time, including if:
- [(1)] (i) the person leaves the employ of the licensee or the business [association of the licensee,] associated with the license holder under section 28-401.17 of the Administrative Code;
- [(2)] (ii) the licensee finds that the designee is not competently performing his or her duties[.]; or,
- [(3)] (iii) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

[(j) Responsibility. The designation of one or more sign hanging foreman shall not affect the licensee's and/or business association's responsibility or liability for all aspects of sign hanging safety including but not limited to the actions of sign hanging foremen and sign hanging crews.]

(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[s]. If [these] this rule[s are] is not complied with, the [D]department may order that sign hanging operations stop, initiate disciplinary action against the licensee and/or contractor, and/or initiate proceedings for the impositions of fines or civil penalties.

§3. Sections 9-03 and 9-04 of Title 1 of the Rules of the City of New York, along with Appendix A, are REPEALED.

§4. Subdivision (j) of Section 102-01 of Title 1 of the Rules of the City of New York is amended to read as follows:

Section of Law	Classification	Violation Description

1 RCNY [9-01]104-20	Class 1	Licensed Rigger designated an unqualified foreman.
1 RCNY [9-01]104-20	Class 2	Licensed Rigger designated an unqualified foreman.

§5. Paragraph (6) of subdivision (a) of Section 104-10 of Title 1 of the Rules of the City of New York is amended to read as follows:

(6) Additional requirements.

(i) Where a licensed master rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section [9-03 of title 1 of the rules of the city of] 3314.4.5.3 of the New York City Building Code.

(ii) Where a licensed master rigger chooses to personally supervise the assembly, jump, or disassembly of a climber/tower crane, the licensee shall have completed all additional training required by section 3319.10 of the building code.

(iii) Where a licensed special rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section [9-03 of title 1 of the rules of the city of] 3314.4.5.3 of the New York City Building Code.