

By Council Members Williams, Menchaca, Kallos, Crowley, Lancman, Miller, Dromm, Salamanca, Torres, Constantinides, Johnson, Rose, Reynoso, Levin, Espinal, Grodenchik, Koslowitz, Rodriguez, Eugene, Maisel, Vacca, Gentile, Cabrera, Treyger, Palma, King, Ferreras-Copeland, Van Bramer, Levine, Garodnick, Richards, Rosenthal, Gibson, Cohen, Cornegy, Lander, Chin, Cumbo, Vallone, Barron, Perkins, Deutsch, Mendez, Koo, Borelli, Ulrich and the Public Advocate (Ms. James) (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to construction site safety training and repealing section 3310.10.2 of the New York city building code

Be in enacted by the Council as follows:

1 Section 1. Chapter 5 of title 22 of the administrative code of the city of New York is
2 amended by adding a new section 22-509 to read as follows:

3 § 22-509 Construction site safety training courses. The department, or an agency or office
4 designated by the mayor, shall by March 1, 2018 develop a program to provide equal access to
5 construction site safety training required by section 3321 of the New York city building code.
6 Such program shall address the needs of individuals who do not have equal access to such
7 training.

8 § 2. Article 103 of title 28 of the administrative code of the city of New York is amended
9 by adding new sections 28-103.28, 28-103.29 and 28-103.30 to read as follows:

10 **§ 28-103.28 Site safety training (SST) task force.** The commissioner shall convene and provide
11 staff for an SST task force in accordance with the following:

12
13 1. Such task force shall be composed as follows:

14
15 1.1. The commissioner, or the designee of such commissioner, shall serve as the
16 chairperson of such task force.

17
18 1.2. The task force shall consist of 14 members, in addition to the chairperson. Seven of
19 the additional members of such task force shall be appointed by the mayor or the
20 mayor's designee, and seven of the additional members of such task force shall be
21 appointed by the speaker of the council. Such task force shall include members who

1 represent (i) parts of the construction industry that are represented by labor unions or
2 labor organizations, (ii) parts of such industry that are not represented by such unions
3 or organizations, (iii) minority-owned business enterprises or women-owned business
4 enterprises that are certified in accordance with section 1304 of the New York city
5 charter and primarily engaged in construction work and (iv) day laborers.
6

7 1.3 All members of the task force shall have significant experience (i) in a construction or
8 demolition related field or (ii) developing or providing construction site safety
9 training, except that one of the members appointed by the mayor pursuant to Item 1.2
10 may be a municipal officer with experience related to the program to be established
11 pursuant to section 22-509 of the code.
12

13 2. Such task force shall meet at least quarterly each year for the first two years of its
14 existence and at least annually for three years thereafter.
15

16 3. Such task force shall from time to time on its own initiative or upon request of the
17 commissioner provide the commissioner with recommendations relating to training
18 required by section 3321 of the New York city building code.
19

20 4. Such task force shall establish a mechanism for receiving and reviewing
21 recommendations from the public relating to training required by such section.
22

23 5. By no later than March 1, 2018, such task force shall provide the commissioner with
24 recommendations relating to the amount of additional SST credits required for satisfying
25 item 1.1 of the definition of limited SST card and the topics that such additional SST
26 credits must cover. Such task force shall consider, but need not include in its
27 recommendations, the following topics insofar as such topics relate to safeguarding the
28 public from potential dangers posed by building sites:
29

30 5.1. Fall protection.

31
32 5.2. Personal protection equipment.

33
34 5.3. Safely working with machines.

35
36 5.4. Working with hazardous chemicals or other materials.

37
38 5.5. OSHA and its role in construction industry safety and health.

39
40 5.6. Handling heavy materials and proper lifting techniques.

41
42 5.7. Exit routes, emergency action plans, fire prevention and fire protection.

43
44 5.8. Confined space awareness.

45
46 5.9. Walking and working surfaces.

1
2 5.10. Electrical safety.

3
4 5.11. Hazard communication.

5
6 5.12. Concrete operations.

7
8 5.13. Demolition work.

9
10 5.14. Excavation work.

11
12 5.15. Construction and demolition work at major building sites.

13
14 5.16. Material handling.

15
16 5.17. Material hoisting.

17
18 5.18. Site perimeter protection.

19
20 5.19. Sidewalk sheds and fences.

21
22 5.20. Steel erection.

23
24 5.21. Tenant and occupant protection.

25
26 5.22. Ladders and stairs.

27
28 5.23. Drug and alcohol awareness.

29
30 5.24. Asbestos awareness.

31
32 5.25. Lead awareness.

33
34 5.26. First aid, including cardiopulmonary resuscitation (CPR) and automated external
35 defibrillator (AED) use.

36
37 **§ 28-103.29 Reporting regarding implementation of section 3321 of the New York city**
38 **building code. No later than three months after the end of each fiscal year, the commissioner**
39 **shall report to the mayor and the speaker of the council, and make publicly available online, a**
40 **report on implementation of section 3321 of the New York city building code. In addition to any**
41 **information the commissioner deems relevant, such report shall include:**

42
43 1. The number of SST providers in existence at the end of such fiscal year.

44
45 2. The number of SST cards issued in such fiscal year.

1
2 3. The number of temporary SST cards issued in such fiscal year.

3
4 4. The number of violations of such section issued in such fiscal year, disaggregated by
5 violation type.

6
7 5. A list of building sites where violations of such section were issued and, for each such
8 site, the following information disaggregated by violation type:

9
10 5.1. The number of follow-up inspections conducted pursuant to section 28-204.1.1.

11
12 5.2. The average frequency of such follow-up inspections.

13
14 5.3. The number of violations of section 3321 of the New York city building code issued
15 as a result of such inspections.

16
17 6. A description of the enforcement mechanisms used by the department to ensure the
18 integrity of training provided by SST providers in connection with section 3321 of the
19 New York city building code and that such training satisfies the requirements of such
20 section and any rules or department requirements relating to such training.

21
22 **§ 28-103.30 Audits of training provided in connection with section 3321 of the New York**
23 **city building code.** In addition to any other enforcement mechanisms, the department shall
24 periodically audit SST providers and training provided in connection with section 3321 of the
25 New York city building code by such providers in order to ensure the integrity of such training
26 and compliance with such section and any rules or department requirements relating to such
27 training.

28
29 § 3. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York
30 is amended by adding a new section 28-105.12.9 to read as follows:

31 **§ 28-105.12.9 Safety training required.** No permit for construction or demolition work for
32 which training is required by section 3321 of the New York city building code shall be issued or
33 renewed until the applicant has certified that all workers who will be working under such permit
34 will have the requisite training throughout the duration of such permit.

35
36 § 4. Article 112 of title 28 of the administrative code of the city of New York is amended
37 by adding a new section 28-112.12 to read as follows:

1 **§ 28-112.12 Reduction in fees or penalties for sponsoring site safety training.** The
2 commissioner shall establish by rule a program for reducing the amount of any fee to be imposed
3 upon a person or any civil penalty to be imposed upon a person for a violation, other than an
4 immediately hazardous violation, where one or more of the following conditions is satisfied:

5
6 1. Such person demonstrates, in a form and manner established by the commissioner, that
7 such person has paid, either directly or indirectly, for the costs of one or more workers to
8 obtain the training needed to comply with section 3321 of the New York city building
9 code or has otherwise arranged for such workers to receive such training at no cost to
10 such workers, provided that this shall not include any worker trained pursuant to an
11 agreement that such person was required to enter into pursuant to section 28-204.1.1 or
12 any worker trained under a program developed pursuant to section 22-509.

13
14 2. The fee or penalty to be imposed upon such person relates to a building site for which the
15 owner of such site, or a person acting on such owner's behalf, demonstrates, in a form
16 and manner established by the commissioner, that such owner or such person acting on
17 such owner's behalf has paid, either directly or indirectly, for the costs of one or more
18 workers to obtain the training needed to comply with section 3321 of the New York city
19 building code or has otherwise arranged for such workers to receive such training at no
20 cost to such workers, provided that this shall not include any worker trained pursuant to
21 an agreement such person was required to enter into pursuant to section 28-204.1.1 or any
22 worker trained under a program developed pursuant to section 22-509.

23
24 § 5. Section 28-201.2.1 of the administrative code of the city of New York is amended by
25 adding a new item 20 to read as follows:

26 20. A second or subsequent violation of section 3321.1 of the New York city building code.

27
28 § 6. Section 28-202.1 of the administrative code of the city of New York, as amended by
29 local law number 59 for the year 2016, is amended to read as follows:

30 **§ 28-202.1 Civil penalties.** Except as otherwise specified in this code or other law, violations of
31 this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the
32 department shall be punishable by civil penalties within the ranges set forth below:

33 1. For immediately hazardous violations, a civil penalty of not less than one thousand
34 dollars nor more than \$25,000 may be imposed for each violation. In addition to such
35 civil penalty, a separate additional penalty may be imposed of not more than \$1,000 for
36 each day that the violation is not corrected. The commissioner may by rule establish such
37 specified daily penalties.

- 1 2. For major violations, a civil penalty of not more than \$10,000 may be imposed for each
2 violation. In addition to such civil penalty, a separate additional penalty may be imposed
3 of not more than \$250 for each month that the violation is not corrected. The
4 commissioner may by rule establish such specified monthly penalties.
- 5 3. For lesser violations, a civil penalty of not more than \$500 may be imposed for each
6 violation.

7 **Exceptions:**

- 8 1. The owner, lessee, occupant, manager or operator of a building affected by a natural
9 or man-made disaster, as determined by the commissioner, shall not be subject to a
10 civil penalty for a violation involving such building if (i) notice of such violation is
11 issued by the department during the 90-day period immediately after such disaster or,
12 in the case of a major natural or man-made disaster as determined by the
13 commissioner, during the six-month period immediately after such disaster, and (ii)
14 such violation is corrected on or before 40 days after such disaster period or such
15 greater amount of time as determined by the commissioner for such violation. The
16 notice of such violation shall state that such violation is subject to this exception and
17 shall set forth the procedure and time period for correcting such violation without
18 incurring a civil penalty. This exception shall not apply to immediately hazardous
19 violations, violations charged as aggravated violations or violations without
20 connection to such disaster, as determined by the department.
- 21 2. The owner, lessee, occupant, manager or operator of a building where a violation
22 occurs shall not be subject to a civil penalty for such violation if (i) such violation
23 was connected to a natural or man-made disaster, as determined by the commissioner,
24 and (ii) such building is undergoing, or scheduled or under evaluation for, work or
25 acquisition through a city-operated disaster recovery program responding to such
26 disaster.
- 27 3. The owner, lessee, occupant, manager or operator of a building shall not be subject to
28 a civil penalty for a violation resulting from work done by a city employee, or by a
29 third party under contract with the city, in response to a natural or man-made disaster,
30 provided that such violation is corrected on or before 60 days after the issuance of
31 such violation, or such greater amount of time as determined by the commissioner for
32 such violation. If such owner, lessee, occupant, manager or operator of a building can
33 demonstrate to the satisfaction of the department that a city employee or third party
34 under contract with the city has committed to correcting such violation then such
35 violation shall be rescinded, without penalty. The notice of such violation shall state
36 that such violation is subject to this exception and shall set forth the procedure and
37 time period for correcting such violation without incurring a civil penalty. This

1 exception shall not apply to immediately hazardous violations or violations charged
2 as aggravated violations.

3 4. The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of
4 this code shall be \$2,500 for a first violation and \$5,000 for a second violation, in
5 addition to any separate daily penalty imposed pursuant to item 1 of this section.

6 5. For a violation of section 28-210.1:

7
8 5.1. Unless exception 5.2 applies, the minimum civil penalty for a violation of section
9 28-210.1 in any building involving the illegal conversion, maintenance or
10 occupancy of three or more dwelling units above the number of dwelling units
11 that is legally authorized by the certificate of occupancy or if no certificate of
12 occupancy is required as evidenced by official records shall be \$15,000. Each
13 dwelling unit above the number that is legally authorized by the certificate of
14 occupancy or if no certificate of occupancy is required as evidenced by official
15 records shall constitute a separate offense that shall be charged separately and
16 shall be punishable by a separate civil penalty. Provided, however, that the
17 penalties for multiple violations of this exception may be based on the same
18 evidence; and

19
20 5.2. The owner of a building shall not be subject to a civil penalty for a violation of
21 section 28-210.1 in such building if such owner can show the following:

22
23 5.2.1. Such violation was the first such violation issued for such building or was
24 issued within 30 days after such first violation;

25
26 5.2.2. At the time such violation was issued or, if such violation was issued within
27 30 days after such first violation was issued, the time such first violation was
28 issued, a registration for such building has been properly filed with the
29 department of housing preservation and development in accordance with
30 article two of subchapter 4 of the housing maintenance code; and

31
32 5.2.3. At the time such violation was issued or, if such violation was issued within
33 30 days after such first violation was issued, the time such first violation was
34 issued, such owner reasonably did not know of, or could not reasonably have
35 known of such illegal conversion, the maintenance thereof or occupancy
36 thereof and takes lawful immediate and diligent steps to cure said violation.
37

38 6. The minimum civil penalty for a violation of section 3321.1 of the New York city
39 building code shall be \$5,000. The department may by rule provide that, for a first
40 violation of such section or a first set of such violations that occur substantially at the
41 same time, the minimum penalty may be reduced to \$2,500.

42
43 7. The minimum civil penalty for a violation of section 3321.2 of the New York city
44 building code shall be \$2,500.

1
2 § 7. Article 204 of title 28 of the administrative code of the city of New York is amended

3 by adding a new section 28-204.1.1 to read as follows:

4 **§ 28-204.1.1 Violations of section 3321 of the New York city building code.** In addition to any
5 other penalties or remedies provided by law or rule, the following items shall apply to violations
6 of section 3321 of the New York city building code:

7
8 1. Upon determining that a worker at a building site is not in compliance with section
9 3321.1 of the New York city building code:

10
11 1.1. The commissioner shall issue a notice of violation to the owner of such site, each
12 permit holder responsible for ensuring that such worker complies with such section at
13 such site and the person who employed or otherwise engaged such worker at such site
14 if such person can reasonably be identified. Each such worker shall constitute a
15 separate violation that shall be noticed and charged separately and shall be punishable
16 by a separate civil penalty. It shall be an affirmative defense to such a violation that
17 such worker provided such owner, permit holder or the person who employed or
18 otherwise engaged such worker at such site with an SST card, SST supervisor card,
19 limited SST card, temporary SST card or documentation establishing training in
20 compliance with such section, as appropriate, that reasonably appeared to be valid
21 and applicable to such worker and such owner, permit holder or such person
22 reasonably relied thereon.

23
24 1.2. In addition to the requirements of any other law or rule, such violation shall not be
25 deemed corrected until the commissioner determines that, for each such worker, the
26 recipient of such violation shows, in a form and manner established by the
27 commissioner, that such owner, a person acting on behalf of such owner, a permit
28 holder responsible for ensuring that such worker complies with such section at such
29 site or the person who employed or otherwise engaged such worker at such site has
30 entered into a binding agreement that satisfies each of the following conditions:

31
32 1.2.1. Pursuant to such agreement, such owner, a person acting on behalf of such
33 owner or a permit holder responsible for ensuring that such worker complies with
34 such section at such site or the person who employed or otherwise engaged such
35 worker at such site shall pay, either directly or indirectly, for the costs of such
36 worker to obtain the training required to comply with such section or will
37 otherwise arrange for such worker to receive such training at no cost to such
38 worker.

39
40 1.2.2. Pursuant to such agreement, and provided that such worker is diligently
41 endeavoring to complete the training required by such section, such worker shall
42 continue to be employed or otherwise engaged under the same terms and
43 conditions that applied before such determination by the commissioner until (i)
44 such worker successfully completes the training required to comply with such

1 section, (ii) work for which such worker was employed or otherwise engaged at
2 such site concludes or (iii) 60 days elapses after such determination, whichever
3 occurs earlier, except that, during such period, such worker shall be paid as if
4 such worker were working at such site 40 hours each week at the same hourly or
5 effective hourly wage such worker was paid before such determination by the
6 commissioner.

7
8 2. Upon determining that a permit holder at a building site has not maintained a daily log in
9 compliance with section 3321.2 of the New York city building code, a notice of violation
10 shall be issued to the owner of such site and such permit holder. Failure to maintain such
11 a log establishes a rebuttable presumption that each worker for whom such permit holder
12 is responsible for ensuring compliance with section 3321 of the New York city building
13 code is not compliant with such section and shall result in the issuance of notices of
14 violation under Item 1.

15
16 3. Upon a finding by the office of administrative trials and hearings, acting pursuant to
17 section 1049-a of the New York city charter, or a court of competent jurisdiction that a
18 second or subsequent violation of section 3321 of the New York city building code has
19 occurred at a building site, the commissioner shall conduct at least one unannounced
20 inspection of such site at least once every three months to determine compliance with
21 such section. Such inspections shall continue until at least two consecutive inspections do
22 not result in the issuance of a notice of violation of such section.

23
24 4. Upon a finding by the office of administrative trials and hearings, acting pursuant to
25 section 1049-a of the New York city charter, or a court of competent jurisdiction that the
26 owner of a building site, a permit holder at such site or a person employing or otherwise
27 engaging workers at such site has violated section 3321 of the New York city building
28 code and such violation is a second or subsequent violation of such section by such
29 owner, permit holder or person, the commissioner shall conduct at least one unannounced
30 inspection of (i) each building site owned by such owner, if such violation is a second or
31 subsequent violation by such owner, (ii) each building site where such permit holder
32 works, if such violation is a second or subsequent violation by such permit holder and
33 (iii) each building site where such person works, if such violation is a second or
34 subsequent violation by such person.

35
36 § 8. Section BC 202 of the New York city building code is amended by adding a
37 definition for “OSHA” in appropriate alphabetical order:

38 **OSHA.** The United States Department of Labor Occupational Safety and Health Administration.

39
40 § 9. Section 3302.1 of the New York city building code is amended by adding definitions
41 for “100-HOUR TRAINING PROGRAM,” “ACTIVELY PROCTORED ONLINE
42 TRAINING,” “LIMITED SITE SAFETY TRAINING (SST) CARD,” “OSHA 10-HOUR

1 CLASS,” “OSHA 30-HOUR CLASS,” “SITE SAFETY TRAINING (SST) CARD,” “SITE
2 SAFETY TRAINING (SST) CREDIT,” “SITE SAFETY TRAINING (SST) FULL
3 COMPLIANCE DATE,” “SITE SAFETY TRAINING (SST) PROVIDER,” “SITE SAFETY
4 TRAINING (SST) SECOND COMPLIANCE DATE,” “SITE SAFETY TRAINING (SST)
5 SUPERVISOR CARD,” “SITE SAFETY TRAINING (SST) TASK FORCE” and
6 “TEMPORARY SITE SAFETY TRAINING (SST) CARD” in appropriate alphabetical order:

7 **100-HOUR TRAINING PROGRAM.** A program that (i) includes 100 or more hours of
8 training in technical subjects relating to a construction trade, including an apprenticeship
9 program registered with the New York State Department of Labor, (ii) is approved by OSHA,
10 the United States Department of Labor, the New York State Department of Education or the New
11 York State Department of Labor and (iii) provides training that the department determines is
12 equivalent to or exceeds the training required to comply with Section 3321.

13
14 **ACTIVELY PROCTORED ONLINE TRAINING.** Online training that satisfies each of the
15 following conditions:

- 16
17 1. The person responsible for conducting such training confirms the identification of the
18 person taking such training in a manner established by the department.
- 19
20 2. While such training is being conducted, the site of such training is actively observed by
21 or on behalf of the person responsible for conducting such training.
- 22
23 3. Such training complies with any other requirements the department establishes by rule.

24
25 **LIMITED SITE SAFETY TRAINING (SST) CARD.** A card that is issued before the SST full
26 compliance date, in a form and manner established by the department and that satisfies each of
27 the following conditions:

- 28
29 1. Such card is issued by an SST provider to a person who submits an application to such
30 provider demonstrating, in a form and manner established by the department, that such
31 applicant satisfies the requirements of Item 1.1, 1.2 or 1.3:
 - 32
33 1.1. Such applicant has successfully completed (i) an OSHA 10-hour class and (ii) 20
34 additional SST credits specified by the department, including eight SST credits
35 relating to safeguarding against the dangers posed by falling workers and objects.
 - 36
37 1.2. Such applicant has successfully completed an OSHA 30-hour class.
 - 38
39 1.3. Such applicant has successfully completed a 100-hour training program.

40

1 2. If such applicant completed the training to comply with Item 1.1, 1.2 or 1.3 but did not
2 complete such training within the five years preceding submission of such application,
3 such applicant has, in the one-year period preceding submission of such application,
4 completed at least eight SST credits specified by the department.

5
6 3. Such card is issued by an SST provider who does not require applicants to submit any
7 information except for (i) the information necessary to establish that the requirements in
8 Item 1 have been satisfied, as specified by the department, (ii) a photograph of the
9 applicant and (iii) such additional information as the department may allow by rule.

10
11 4. Such card expires on the day before the SST full compliance date and is not renewable.

12
13 **OSHA 10-HOUR CLASS.** A class that includes 10 or more hours in construction industry
14 safety and health that is intended for workers and satisfies the following conditions:

15
16 1. Such class is (i) approved by OSHA and conducted in accordance with the OSHA
17 outreach training program or (ii) an equivalent 10 or more hour class approved by the
18 department.

19
20 2. Such class consists of in-person training, actively proctored online training or, if such
21 training is conducted before the effective date of the local law that added this definition,
22 online training.

23
24 **OSHA 30-HOUR CLASS.** A class that includes 30 or more hours in construction industry
25 safety and health that is intended for supervisors and satisfies the following conditions:

26
27 1. Such class is (i) approved by OSHA and conducted in accordance with the OSHA
28 outreach training program or (ii) an equivalent 30 or more hour class approved by the
29 department.

30
31 2. Such class consists of in-person training, actively proctored online training or, if such
32 training is conducted before the effective date of the local law that added this definition,
33 online training.

34
35 **SITE SAFETY TRAINING (SST) CARD.** A card that is issued in a form and manner
36 established by the department and that satisfies each of the following conditions:

37
38 1. Such card is issued by an SST provider to a person who submits an application to such
39 provider demonstrating, in a form and manner established by the department, that such
40 applicant satisfies the requirements of Item 1.1, 1.2 or 1.3:

41
42 1.1. Such applicant has successfully completed (i) an OSHA 10-hour class and (ii) 30-45
43 additional SST credits specified by the department, including eight SST credits
44 relating to safeguarding against the dangers posed by falling workers and objects.

1 1.2. Such applicant has successfully completed (i) an OSHA 30-hour class and (ii) 10-25
2 additional SST credits specified by the department, including eight SST credits
3 relating to safeguarding against the dangers posed by falling workers and objects.

4
5 1.3. Such applicant has successfully completed a 100-hour training program.

6
7 2. If such applicant completed the training to comply with Item 1.1, 1.2 or 1.3 but did not
8 complete such training within the five years preceding submission of such application,
9 such applicant has, in the one-year period preceding submission of such application,
10 completed at least eight SST credits specified by the department.

11
12 3. Such card is issued by an SST provider who does not require applicants to submit any
13 information except for (i) the information necessary to establish that the requirements in
14 Item 1 have been satisfied, as specified by the department, (ii) a photograph of the
15 applicant and (iii) such additional information as the department may allow by rule.

16
17 4. Such card expires five years after issuance and is renewable upon a showing by the
18 applicant that such applicant has, in the one-year period preceding submission of such
19 renewal application, successfully completed eight SST credits specified by the
20 department.

21
22 **SITE SAFETY TRAINING (SST) CREDIT.** One hour of training that satisfies each of the
23 requirements of Item 1, 2 and 3:

24
25 1. Such training relates to a topic identified by department rule.

26
27 2. If such training is conducted on or after the effective date of the local law that added this
28 definition, such training is in-person training or actively proctored online training.

29
30 3. If such training is conducted on or after March 1, 2018, such training is conducted by an
31 SST provider.

32
33 **SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE.** Five months after the SST
34 second compliance date, or, if the department publishes a finding that there is insufficient
35 capacity to provide the training required by Section 3321 of the New York city building code to
36 the workers who would need such training, a later date established by the department, provided
37 that such date is not later than September 1, 2020.

38
39 **SITE SAFETY TRAINING (SST) PROVIDER.** A person who satisfies the requirements of
40 Items 1 and 2:

41
42 1. Such person satisfies at least one of the following conditions:

43
44 1.1. Such person has (i) successfully completed all applicable OSHA or department
45 requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and
46 is authorized to conduct such classes and (ii) if such person is conducting training for

1 SST credits other than training that is part of an OSHA 10-hour class or OSHA 30-
2 hour class, such person demonstrates sufficient knowledge of this chapter in a form
3 and manner established by the department. Such person shall not be required to
4 possess a degree, certificate, license or demonstrate any professional standing
5 beyond showing that such person has completed all applicable OSHA or department
6 requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and
7 that such person is authorized to conduct such classes.

8
9 1.2. Such person is providing training through a 100-hour training program.

10
11 1.3. Such person has been approved by the department to conduct a 40-hour course
12 approved by the department pursuant to Article 402 of Chapter 4 of Title 28 of the
13 Administrative Code.

14
15 1.4. Such person satisfies alternative requirements that the department establishes by
16 rule.

17
18 2. On and after the SST full compliance date, such person has certified to the department
19 that such person satisfies at least one of the following conditions:

20
21 2.1. Such person has a language access plan for training that relates to SST credits such
22 person offers and such plan complies with requirements established by an agency or
23 office designated by the mayor.

24
25 2.2. Such person satisfies each of the following conditions:

26
27 2.2.1. Such person is able to provide instruction in a language that students
28 understand.

29
30 2.2.2. If a student's vocabulary is limited, such person will accommodate that
31 limitation.

32
33 2.2.3. Such person is fluent in the training language or will use translators or
34 interpreters and any such translators or interpreters will have a background in
35 occupational safety and health.

36
37 **SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE.** December 1, 2018, or,
38 if the department publishes a finding that there is insufficient capacity to provide the training
39 required by Section 3321 of the New York city building code to the workers who would need
40 such training, a later date established by the department, provided that such date is not later than
41 June 1, 2019.

42
43 **SITE SAFETY TRAINING (SST) SUPERVISOR CARD.** A card that satisfies each of the
44 following conditions:

1 2. On and after the SST second compliance date, and until the day before the SST full
2 compliance date, ensuring that (i) each such worker has an SST card, a limited SST card
3 or a temporary SST card and (ii) each such worker who is serving as a site safety
4 manager, site safety coordinator, concrete safety manager, construction superintendent or
5 a competent person at such site has an SST supervisor card.
6

7 3. On and after the SST full compliance date, ensuring that (i) each such worker has an SST
8 card or a temporary SST card and (ii) each such worker who is serving as a site safety
9 manager, site safety coordinator, concrete safety manager, construction superintendent or
10 a competent person at such site shall have an SST supervisor card.
11

12 **Exception:** The department may by rule establish alternative training requirements for
13 workers who are (i) working on a building that is four stories or less in height or working on
14 a new building that will, upon completion of such work, be four stories or less in height and
15 (ii) engaged on a volunteer basis by a not-for-profit humanitarian organization that is
16 registered with the New York state charities bureau.
17

18 **3321.2 Duties of permit holder.** On and after March 1, 2018, each permit holder at a building
19 site shall be responsible for the following:
20

21 1. Ensuring that each construction or demolition worker employed or otherwise engaged at
22 such site by or on behalf of such permit holder complies with the requirements of Section
23 3321.1.
24

25 2. Certifying to the department, in a form and manner established by the department, that
26 the requirements of Section 3321 have been met.
27

28 3. Maintaining at such site a daily log, in a form and manner established by the department,
29 that identifies each such worker and that includes, for each such worker, a copy of the
30 SST card, SST supervisor card, limited SST card, temporary SST card or proof of
31 compliance with Item 1 of Section 3321.1, as applicable.
32

33 4. Providing such log to the department upon request by the department.
34

35 § 13. This local law takes effect immediately except that section eleven of this local law
36 takes effect on March 1, 2018.