



Legislation Text

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Int. No. 1447

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, Wills, Perkins, Deutsch, Mendez, Koo, Borelli and Ulrich, and the Public Advocate (Ms. James), (by request of the Manhattan Borough President)

A Local Law to amend the New York city building code, in relation to training and qualifications of persons engaged in the construction and demolition of buildings

Be in enacted by the Council as follows:

Section 1. Section 3302.1 of the New York city building code is amended by adding new definitions to read as follows:

APPRENTICE. A worker who is employed and registered to learn a skilled trade through a New York state department of labor or United States department of labor registered apprenticeship program.

APPRENTICESHIP PROGRAM. A plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, and registered with the New York state department of labor or the United States department of labor.

BONA FIDE CONSTRUCTION SITE SAFETY TRAINING PROGRAM. A training program authorized and approved by the commissioner for the trade or craft for which a person is employed that provides a minimum number of required hours for completion in safety related instruction and a minimum number of required hours of on the job training commensurate with, at least, one year of apprenticeship training in accordance with the standards set forth in section 815 of the New York state labor law and paragraph (4) of subdivision (c) of section 601.5 of the New York codes, rules and regulations.

§ 2. The title of section BC 3310 of the New York city building code is amended to read as follows:

SECTION BC 3310 REQUIREMENTS FOR THE CONSTRUCTION OR DEMOLITION OF [MAJOR] BUILDINGS

§ 3. Section 3310.10 of the New York city building code is amended to read as follows:

3310.10 [Orientation and] Orientation, training and qualifications. All workers employed at a major building site shall receive orientation [and training] as required by this section. All workers employed at a building site shall receive training and have qualifications as required by this section.

§ 4. Section 3310.10.2 of the New York city building code is amended to read as follows:

3310.10.2 Training. All workers employed at a [major building] site shall have successfully completed, within the previous five calendar years, a course that is at least ten-hours in length and approved by the United States Department of Labor Occupational Safety and Health Administration (OSHA) in construction industry safety and health, or by the commissioner covering substantially the same material.

Exception: A worker need not take a subsequent course that is at least ten-hours in length and approved by OSHA in construction industry safety and health, or a subsequent course approved by the commissioner covering substantially the same material, provided the worker has, within the previous five calendar years, accumulated at least five safety education units (SEU) for construction safety and health through training courses offered by a safety training program conducted by a New York State Department of Labor approved training provider registered apprenticeship program. A worker shall be credited one SEU for every four hours of construction safety and health related training completed, with a maximum of two SEUs assigned for any single course. Such SEU courses shall be conducted by, or under the supervision of, OSHA authorized construction safety trainers. Instructors who are not OSHA authorized construction trainers must be experienced in presenting the related course subject matter, and use a curriculum approved by their supervising OSHA authorized construction safety trainer.

§ 5. Section 3310.10 of the New York city building code is amended by adding a new section 3310.10.3 to read as follows:

3310.10.3 Additional training and qualifications. In addition to the requirements of Section 3310.10.2, each worker employed at a site shall satisfy the requirements of Sections 3310.10.3.1 through Section 3310.10.3.2, as applicable.

3310.10.3.1 Workers at major building sites. Each worker at (i) a major building site or (ii) a site that satisfies such other criteria as the commissioner may establish by rule, shall be;

1. A registered apprentice or graduate of an apprenticeship program registered by the New York state or United States department of labor in the trade for which such worker is employed, or
2. An experienced, trained, and skilled person that has received training commensurate with that required for registered apprentices including related instruction and on the job training in accordance with the standards set forth in section 815 of the New York state labor law and paragraph (4) of subdivision (c) of section 601.5 of the New York codes, rules and regulations.

3310.10.3.2 Workers on certain demolition sites. Each worker at the site of a building that is four or more stories, or 40 or more feet (12 192 mm), in height, and undergoing full or partial demolition shall be:

1. A registered apprentice or graduate of an apprenticeship program registered with the New York state or United States department of labor in the trade for which such worker is employed; or
2. An experienced, trained, and skilled person that has received training commensurate with that required for registered apprentices including related instruction and on the job training in accordance with the standards set forth in section 815 of the New York state labor law and paragraph

(4) of subdivision (c) of section 601.5 of the New York codes, rules and regulations.

3310.10.3.3 Workers at other sites. Each worker at a site that is not covered by Section 3310.10.3.1 or 3310.10.3.2 shall be:

1. A registered apprentice or graduate of an apprenticeship program registered by the New York state or United States department of labor in the trade for which such worker is employed;
2. An experienced, trained, and skilled person that has received training commensurate with that required for registered apprentices including related instruction and on the job training in accordance with the standards set forth in section 815 of the New York state labor law and paragraph (4) of subdivision (c) of section 601.5 of the New York codes, rules and regulations; or
3. A worker that has successfully completed a bona fide construction site safety training program that is approved by the commissioner.

§ 6. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

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