



Legislation Text

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A Local Law to amend the New York city charter, in relation to records of the chief medical examiner that relate to work-related fatal injuries in the workplace, and to amend the administrative code of the city of New York, in relation to reporting on workplace fatalities

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 557 of the New York city charter, as amended by local law number 59 for the year 1996, is amended to read as follows:

(g) The chief medical examiner shall keep full and complete records in such form as may be provided by law.

(1) The chief medical examiner shall promptly deliver to the appropriate district attorney copies of all records relating to every death as to which there is, in the judgment of the medical examiner in charge, any indication of criminality. Such records shall not be open to public inspection except that information contained in such records may be disclosed where provided by law.

(2) The chief medical examiner shall promptly deliver to the commissioner of consumer and worker protection copies of all records relating to every death that, in the judgment of the medical examiner in charge, was the result of a work-related fatal injury in the workplace.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 16 to read as follows:

CHAPTER 16

WORKPLACE SAFETY

§ 20-1601 Workplace fatality reporting. a. Definitions. For purposes of this section, the following terms have the following meanings:

Contractor. The term “contractor” means a direct employer, contractor, or subcontractor. In the absence of a formal hiring agreement, the person who directs or provides compensation to the worker shall be considered the contractor unless such person is also directed and compensated by another. In such cases, the persons successively above the worker in the employment chain shall be considered the contractor. In the instance of the death of an intern or volunteer, the entity directing such intern or volunteer in his or her duties as such shall be considered the contractor.

Worker. The term “worker” includes, but need not be limited to, direct employees, contracted employees, subcontracted employees, independent contractors, temporary or contingency workers, apprentices, interns, volunteers, or any other persons who perform duties at the direction and discretion of an employer, contractor, or who provide services pursuant to a contract in the workplace.

Workplace. The term “workplace” includes, but need not be limited to, any location where a worker performs any work-related duty in the course of his or her work, or any other site where the worker may be as a result of the direction of a contractor.

b. Seventy-two-hour reports. 1. No later than 72 hours after making a determination as to the cause of death of a person, the chief medical examiner shall deliver to the commissioner a report of such death if, in the judgment of the medical examiner in charge, such death was the result of a work-related fatal injury in the workplace.

2. Information to be reported to the commissioner pursuant to this subdivision shall include,

but need not be limited to:

(a) The name of the deceased worker;

(b) The age of the deceased worker;

(c) The cause of death;

(d) The manner of death;

(e) The location of death;

(f) The name of the contractor of the deceased worker;

(g) The business address of such contractor;

(h) The name of the official or medical personnel making the declaration of death;

(i) The name of the person or persons charged with making the determination of the cause and manner of death; and

(j) Contact information for the office making notification to the commissioner, including contact information for the person or persons making the declaration of death, the person or persons determining the cause of death, and the person or persons determining the manner of death.

c. Ninety-day reports. 1. Upon receiving a report pursuant to subdivision b of this section, the commissioner shall notify the contractor that the reported death was determined to be the result of a work-related fatal injury in the workplace and shall require the

contractor to submit to the commissioner additional information regarding such death no later than 90 days after receiving such notification.

2. Information to be reported to the commissioner pursuant to this subdivision shall include, but need not be limited to:

(a) The name of the contractor;

(b) The business address of the contractor;

(c) The business purpose or industry of the contractor;

- (d) The name and age of the deceased worker;
- (e) The ethnicity of the deceased worker, if known;
- (f) The nationality of the deceased worker, if known;
- (g) The immigration status of the deceased worker, if known;
- (h) The occupation, craft, or trade of the deceased worker; and
- (i) The union status of the deceased worker.

3. Failure to report. A violation of any requirement of this subdivision by a contractor shall be punishable by a civil penalty of not less than \$1,000 nor more than \$2,500 for each violation.

d. Registry; accessibility. Subject to applicable federal and state law, the commissioner shall establish and maintain an online database to make available information regarding workplace fatalities reported pursuant to this section. Such database shall be publicly accessible and searchable, provided that no deceased worker's name shall be made publicly accessible or searchable in such database. The commissioner shall update such database with the information reported pursuant to this section within 5 business days of the receipt of such information.

§ 3. This local law takes effect 180 days after it becomes law.JC

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