



Legislation Text

File #: Int 1811-2017, **Version:** *

Int. No. 1811

By Council Member Lancman

A Local Law to amend the administrative code of the city of New York, in relation to penalties for leaving the scene of a construction workplace fatality without reporting.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 10 of the administrative code of the city of New York is amended by adding a new section 10-177 to read as follows:

§ 10-177 Penalties for leaving the scene of a construction workplace fatality without reporting. a. This section shall be known and may be cited as the “Construction Workplace Fatality Accountability Act.”

b. As used in this section the following terms shall be defined as follows:

1. “Construction workplace” shall mean a place of work where construction, reconstruction, altering, maintaining, moving, rehabilitating, repairing, renovating or demolition of any building, structure or improvement, or relating to the excavation of or other development or improvement to land is occurring.

2. “Employee” shall mean any “employee” as defined in section 190(2) of the labor law who performs work on a full-time or part-time basis, not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

3. “Employer” shall mean any “employer” as defined in section 190(3) of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

4. “Supervisor” shall mean any person who had the authority to direct and control the work performance of other employees of an employer.

5. “Owner” shall mean any person with an ownership interest in an employer, who also works at the workplace of

the employer and makes decisions about the operation of the employer.

c. Whenever an accident or an act of violence causes the death of an employee at a construction workplace of the employer, any supervisor or owner who witnessed the accident or act that caused such death who leaves the construction workplace without complying with subdivision e of this section shall be shall be guilty of a class A misdemeanor punishable by a term of imprisonment of not more than one year, a fine of not more than one thousand dollars, or both.

d. In the case of an accident or act of violence that causes the death of an employee when no supervisor or owner witnessed such accident or act, at least one owner or supervisor present at the construction workplace at the time of such accident or act, or who immediately arrives at the construction workplace upon being informed of such accident or act, shall remain at the construction workplace until such owner or supervisor has complied with subdivision e of this section. In such cases, the supervisor or owner with the most direct supervisory power over the employee killed in the construction workplace who does not comply with subdivision e of this section shall be subject to a civil penalty of not more than one thousand dollars.

e. After an employee has been killed in an employer's construction workplace, any supervisor or owner of such employer required to remain present at such construction workplace pursuant to subdivisions c or d of this section shall be permitted to leave such construction workplace only after such supervisor or owner has been interviewed by the police or been informed by the police such supervisor or owner that continued presence at the construction workplace is no longer necessary.

§ 2. This local law shall take effect ninety days after enactment.

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