



Promulgation Details for 1 RCNY 104-08

This rule became effective on July, 1, 2008.

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."

NEW YORK CITY DEPARTMENT OF BUILDINGS

NOTICE OF ADOPTION

K. Chung
4/19/24

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner 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 regarding licensing. This rule was first published on January 3, 2024, and a public hearing thereon was held on February 5, 2024.

Dated: 4/19/2024
New York, New York

James S. Oddo
James S. Oddo
Commissioner

Statement of Basis and Purpose of Rule

Local Law 126 of 2021 became effective on November 7, 2022. Among other changes, Local Law 126 amended Chapter 4 of Title 28 of the Administrative Code regarding various licensing provisions.

Various rules are being amended to reflect these changes. Specifically, the amendments:

- Repeal Section 19-01 regarding examination, license, and conduct of the business of master plumbers and master fire suppression piping contractors as the provisions have either been superseded or now appear in Article 408 or 410 of Title 28 of the Administrative Code or in Sections 104-01 and 104-06 of Title 1 of the Rules of the City of New York.
- Increase the fees for licensing written and practical examinations and add fees for limited Hoist Machine Operator licenses.
- Amend the title of section 104-01 to reflect its contents more accurately.
- Remove the reference to Class A and B oil-burning equipment installer as those classifications were deleted from Section 28-412.2 of the Administrative Code.
- Remove the reference to portable high pressure boiler operating engineer as that term was deleted from Section 28-413.4 of the Administrative Code.
- Add language that used to be in Section 28-401.7 of the Administrative Code regarding commencing the license application process within one year of passing the examination. In response to comments received at the public hearing, language is added to clarify what constitutes commencing the license application process.
- Delete subdivision (l) of section 104-01 regarding obsolete Zoning Resolution references to place of business and add a new subdivision (l) stating that licensees with a New York City location must comply with all applicable Zoning provisions.
- Add a list of license holders who are not required to have a New York City location by either Chapter 4 of Title 28 of the Administrative Code or the Department's rules. The following license holders have not been included in that list for the reasons below:
 - Elevator Agency Inspector, Technician and Helper. These licensees work for an Elevator Agency Director who is required to maintain a place of business in the city, which should cover these other licenses. Also, Technicians need a state elevator mechanic's license as well as the city's, so presumably they may be located elsewhere in the state.
 - Concrete testing laboratories. §28-406.2 of the Administrative Code requires the concrete testing lab to be within 50 miles of the city, which exempts them from the requirement to maintain a place of business within the city. However, if they choose to locate within the city, they have to comply with zoning in accordance with the language added by this rule.

- Journeyman plumber and journeyman fire suppression pipe installer. Sections 28-409.4 and 28-411.4 of the Administrative Code specifically state that journeyman registrations are not licenses and are, therefore, exempt from the place of business requirements.
- Add language from rule 19-01 requiring licensed master plumbers and licensed master fire suppression piping contractors to have a sign outside their place of business that includes their license number.
- Repeal Section 104-03 – term of license – since it was intended to address those licenses for which an examination was not required, as was specified in Section 28-401.11 of the Administrative Code. The reference to examinations has been removed by Local Law 126; therefore, the provisions of section 104-03 are now covered by the language of section 28-401.11.
- Remove all references to reinstatement of licenses from various sections and repeal Section 104-05 – reinstatement of license – since the term “reinstatement” was deleted from Section 28-401.13 and the rest of Chapter 4 of Title 28 of the Administrative Code.
- Remove requirements from Section 104-08 regarding alternate experience pathways for Site Safety Manager and Site Safety Coordinator applicants as these pathways have been incorporated into Sections 28-402.2 and 28-403.2, respectively, of the Administrative Code.
- Revise references to the Administrative Code and Building Code in Section 104-08 to reflect section renumbering made by Local Law 126.
- Delete the 30-hour course requirement for site safety managers and site safety coordinators from Section 104-08 as this requirement is satisfied by the new requirement in Administrative Code Sections 28-402.2, item 2 and 28-403.2, item 2, that the site safety manager or coordinator possess a valid Site Safety Training Supervisor Card.
- Add language to Section 104-08 clarifying that the term of the site safety coordinator certificate is one year, to distinguish it from the other license terms covered by section 28-401.11 of the Administrative Code.
- Delete course requirements for licensed riggers from Section 104-10 as these course requirements have been incorporated and modified into Section 28-404.3 of the Administrative Code.
- Repeal Section 104-25 regarding requirement of a seal for use by licensed oil-burning equipment installers as that language is now in Section 28-412.6 of the Administrative Code and the fees are in Section 28-401.15.

The Department of Buildings’ authority for this rule is found in sections 643 and 1043 of the New York City Charter, and section 28-112.7.2 and Chapter 4 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]
 Asterisks (***) indicate ellipses, i.e., unamended text.

Section 1. Section 19-01 of chapter 19 of Title 1 of the Rules of the City of New York regarding Examination, License, and Conduct of the Business of Master Plumbers and Master Fire Suppression Piping Contractors is REPEALED.

§2. The licensing fees in section 101-03 of subchapter A of chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows and section 101-03 is further amended by adding the following entries at the end of the table set forth in that section:

Licensing:	
• Written examination	\$ [525] <u>585</u>
• Practical examination	\$ [350] <u>530</u>
• Background investigation class 1 (includes experience)	\$500
• Background investigation class 2 (does not include experience)	\$330

	<u>Initial</u>	<u>Renewal</u>	<u>Late Renewal Fee</u>	<u>Reissuance Fee</u>
<u>Limited License for Articulating Boom Crane</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Boom Trucks</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Mini Cranes</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Sign Hanging Cranes</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>
<u>Limited License for Telehandler</u>	<u>\$100</u>	<u>\$75</u>	<u>\$50</u>	<u>\$50</u>

§3. The title of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

§104-01 License [Qualifications] qualifications and other requirements.

§4. Subparagraph (v) of paragraph (1) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended, subparagraph (vi) is deleted and subparagraphs (vii) through (xi) are renumbered subparagraphs (vi) through (x), to read as follows:

- (v) Oil Burning Equipment Installer [(Classes A and B)]
- [(vi) Portable High Pressure Boiler Operating Engineer]

§5. Subparagraph (viii) of paragraph (1) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, as renumbered by section 4 of this rule, is amended to read as follows:

(viii) Rigger (Master/Special/[Climber or] Tower Crane)

§6. Paragraph (2) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subparagraph (x) to read as follows:

(x) An applicant who passes a required examination must commence the license application process by submitting an application as defined in subdivision (e) with the department within one year of passing the examination for licensure. Where both written and practical tests are required, the license application process must be commenced within one year of passing the practical test.

§7. Paragraph (3) of subdivision (e) of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(3) Where the code requires supervision in the [design and] installation of plumbing [or fire suppression] systems, the planning or design of plumbing systems, or the performance of fire suppression piping work, including the planning or design of fire suppression piping systems, evidence that the supervising licensees performed such work as demonstrated by permits, completed contracts or such other documentation as the Department may require.

§8. Paragraphs (1) and (2) of subdivision (f) of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

(1) An applicant for a license issued by the Department, other than a Master, Special[, Climber] or Tower Crane Rigger or Hoisting Machine Operator, must provide evidence of fitness to perform the work authorized by the license.

(2) An applicant for license renewal [or reinstatement], other than a license for Master, Special[, Climber] or Tower [crane rigger] Crane Rigger or Hoisting Machine Operator, must provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the applicant. A renewal applicant must satisfy these requirements at every subsequent renewal.

§9. Subdivision (l) of section 104-01 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, relating to place of business is REPEALED and a new subdivision (l) is added to read as follows:

(l) Place of business.

(1) Where a licensee has a place of business in New York City, that location must comply with all applicable provisions of the Zoning Resolution.

(2) Pursuant to section 28-401.18 of Chapter 4 of Title 28 of the Administrative Code, a place of business in New York City is not required for holders of the following licenses:

- (i) Concrete Safety Manager
- (ii) Construction Superintendent
- (iii) Filing Representative
- (iv) General Contractor
- (v) High-Pressure Boiler Operating Engineer
- (vi) Hoisting Machine Operator
- (vii) Lift Director
- (viii) Safety Registrant
- (ix) Site Safety Coordinator
- (x) Site Safety Manager
- (xi) Welder

(3) A Licensed Master Plumber or Licensed Master Fire Suppression Piping Contractor must have a place of business within New York City and must display prominently to the public in the window of the place of business designated in his or her application or on a sign securely attached to the premises, the licensee's full name with the words "Licensed Master Plumber" or "Licensed Master Fire Suppression Piping Contractor" and the Department-issued license number immediately thereunder. If the business is conducted under a trade name, or by a co-partnership or corporation, such trade name or co-partnership or corporation name must be placed immediately above the full name or names of the licensee(s) conducting the business as provided by sections 28-408.6.2 and 28-410.7.2 of the Administrative Code.

§10. Paragraph (7) of subdivision (a) of section 104-02 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (7) Rigger (Master/Special/[Climber or] Tower Crane)

§11. Section 104-03 regarding term of license and section 104-05 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York regarding reinstatement of licenses are REPEALED.

§12. Paragraph (1) of subdivision (a) of section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, relating to equivalent education and construction experience for site safety managers is REPEALED, and paragraphs (2) and (3) are renumbered paragraphs (1) and (2).

§13. The introductory language of paragraph (2) of subdivision (a) of section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, as renumbered by section 12 of this rule, is amended to read as follows:

(2) For the purposes of satisfying the requirements of paragraph [(4)] 3.8 of section 28-402.2, an acceptable 18 month on-the-job training program [shall consist of successful completion] must be completed within two years prior to application [of an OSHA 30-hour safety course] and must meet the following criteria:

§14. Paragraph (1) of subdivision (b) of Section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, relating to equivalent education and construction experience for site safety coordinators is REPEALED, paragraphs (2) and (3) are renumbered paragraphs (1) and (2), and a new paragraph (3) is added to read as follows:

(3) The term of a site safety coordinator certificate issued to a new or renewal applicant is one (1) year, measured from the date the certificate is issued.

§15. Subdivision (c) of Section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(c) The term “major building” as used in this rule shall have the meaning given to it in [Chapter 33] section 202 of the New York City Building Code.

§16. Subdivision (b) of section 104-11 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(b) Fitness requirements for renewal [and reinstatement]. As a condition of license renewal [or reinstatement], a licensed or previously licensed welder [shall] must provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the licensee. Such evidence shall consist of:

§17. Section 104-25 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, regarding Requirement of a seal for use by licensed oil-burning equipment installers, is REPEALED.

§18. Paragraph (2) of subdivision (c) of section 104-26 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) If the licensee cannot satisfactorily demonstrate active and legal engagement in the relevant trade, in order to prevent the license from expiring, the licensee must reactivate the license for at least one license term. If the license expires, applicants must comply with late renewal [and reinstatement] requirements of Administrative Code section 28-401.13, and any other applicable rules and regulations.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and Title 28 of the Administrative Code of the City of New York, and in accordance with Section 1043 of the Charter, that the Department of Buildings (DOB) hereby adopts amendments to its rules regarding site safety managers, site safety coordinators and construction superintendents. This rule was first published on May 26, 2022, and a public hearing thereon was held on June 27, 2022.

Dated: 7/7/2022
New York, New York



Eric A. Ulrich
Commissioner

Statement of Basis and Purpose of Rule

The 2014 Construction Codes require a Department-registered Construction Superintendent to be designated for work subject to Building Code section 3301.13.3 on buildings up to 9 stories in height. The 2014 Codes further require either a Department-certified Site Safety Manager or Site Safety Coordinator to be designated for work subject to Building Code section 3310.1 on buildings 10 stories or greater in height.

The 2022 Construction Codes will require both a Construction Superintendent and either a Site Safety Manager or Coordinator to be designated for work subject to Building Code sections 3301.13.3 and 3310.1 on buildings 10 stories or greater in height.

The amendments to rule 104-08 remove the prohibition on a Site Safety Manager or Site Safety Coordinator also holding a Construction Superintendent registration. This allows qualified individuals to register or certify as both a Construction Superintendent and as a Site Safety Manager or Site Safety Coordinator, giving an individual flexibility to determine which role they wish to assume at any given jobsite.

In anticipation of Site Safety Managers and Site Safety Coordinators seeking to obtain a Construction Superintendent registration so that they may serve as a Construction Superintendent at buildings 10 stories or greater in height, the amendments to rule 3301-02 create a pathway for Site Safety Managers and Site Safety Coordinators to register as a Construction Superintendent.

The rule also recognizes a “Certified Safety Professional” designation from the Board of Certified Safety Professionals as an acceptable pathway to registering as a Construction Superintendent. This certification is presently recognized as an acceptable pathway to be certified as a Site Safety Manager.

Lastly, the rule revises outdated language concerning the courses required to be completed by an individual seeking a Construction Superintendent registration and recognizes the completion of Site Safety Supervisor Training required by Local Law 196 of 2017 as being an acceptable alternative.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section BC 3301.13.17 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) represent ellipses (i.e., unamended text).

Section 1. Paragraph (2) of subdivision (a) of section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) A holder of a site safety manager certificate may not simultaneously hold [either] an active site safety coordinator certificate [or an active registration as a superintendent of construction].

§2. Paragraph (2) of subdivision (b) of section 104-08 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) A holder of a site safety coordinator certificate may not simultaneously hold [either] an active site safety manager certificate [or an active registration as a superintendent of construction].

§3. Paragraphs (1) and (2) of subdivision (b) of section 3301-02 of chapter 3300 of Title 1 of the Rules of the City of New York are re-numbered (2) and (3), respectively and a new paragraph (1) is added to read as follows:

(1) Holds a valid site safety manager or site safety coordinator certificate; or

§4. Subparagraphs (i) through (v) of paragraph (3) of subdivision (b) of section 3301-02 of chapter 3300 of Title 1 of the Rules of the City of New York, as re-numbered by section 3 of this rule, are amended to read as follows:

(i) Is a registered design professional and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department;

(ii) Holds a Certified Safety Professional (“CSP”) designation or a Construction Health and Safety Technician (“CHST”) designation from the Board of Certified Safety Professionals (“BCSP”) and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department;

(iii) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code, and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;

(iv) Has five (5) years of full-time field experience in the United States, within 10 years prior to the date of the application, working on buildings as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition and has satisfactorily completed, within one (1) year prior to the date of the application, [an 8-hour Site Safety Coordinator] a course in site safety that is at least 8 hours in length and approved by the department; or

(v) Has five (5) years of full-time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to the date of the application, a [40-hour Site Safety Manager] course in site safety that is at least 40 hours in length and approved by the department.

§5. Subdivision (c) of section 3301-02 of chapter 3300 of Title 1 of the rules of the City of New York is amended to read as follows:

(c) Credits. For purposes of paragraph (3) of subdivision (b) of this section, the following credits may be applied:

(1) Educational credit. [For purposes of paragraph (2) of this subdivision, each] Each year of full-time formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of work experience, up to a maximum of three years.

(2) Training credit. Possession of a valid Site Safety Training Supervisor Card will be accepted in lieu of providing proof that the applicant has completed the OSHA and site safety courses specified in paragraph (3) of subdivision (b) of this section.

This amendment has an effective date of 12-19-14.

NEW YORK CITY DEPARTMENT OF BUILDINGS
NOTICE OF ADOPTION OF RULE AMENDMENT

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 amendments to Sections 12-01, 101-06, 101-07, 102-01, 104-08, 3500-01, and 3500-02 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding extending the effective dates of such rule sections.

This rule was first published on October 1, 2014. The Department did not hold a public hearing on the proposed rule amendment on the grounds that a hearing would have served no public purpose.

Dated: 11.10.14
New York, New York


Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

Local Law 52 of 2014 changed the effective dates of amendments of the New York City Construction Codes pursuant to Local Law 141 of 2013 and certain other local laws as set forth in Local Law 52 from October 1, 2014 to December 31, 2014. These amendments together are commonly referred to as “the 2014 NYC Construction Codes”.

Therefore, the Department of Buildings (DOB) is amending rules previously adopted pursuant to the 2014 NYC Construction Codes to conform the effective dates of such rules to the new effective date of such code (December 31, 2014) as set forth in Local Law 52 of 2014.

In accordance with Section 1043(e)(iii) of the City Charter, DOB did not hold a public hearing on this rule amendment on the grounds that a hearing would have served no public purpose.

Further, in accordance with Section 1043(d)(4)(iii) of the City Charter, this rule is not subject to review pursuant to Section 1043(d) of same.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 2 of the rule which repealed Section 12-01 of Chapter 12 of Title 1 of the Rules of the City of New York, regarding emergency power system requirements, as adopted on August 29, 2014, is amended to read as follows:

§2. This rule shall take effect on [October 1, 2014] December 31, 2014.

§2. Section 22 of the rule which promulgated Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, regarding special inspectors and special inspection agencies, as adopted on August 1, 2014, is amended to read as follows:

§ 22. This rule amendment shall take effect on [October 1, 2014] December 31, 2014.

§3. Section 2 of the rule which promulgated Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, regarding pipe welder certifying agencies, as adopted on July 16, 2014, is amended to read as follows:

§2. This rule shall be effective on [October 1, 2014] December 31, 2014.

§4. Paragraphs (9) and (10) of Subdivision (i) of Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York, regarding the classification of violations, as adopted on August 4, 2014, are amended to read as follows:

(9) 2008 code. References to the 2008 code pertain to the New York City Construction Codes effective on July 1, 2008 and any applicable subsequent amendments prior to [October 1, 2014] December 31, 2014.

(10) 2014 code. References to the 2014 code pertain to the amendments and additions to the New York City Construction Codes effective on [October 1, 2014] December 31, 2014 and any applicable subsequent amendments.

§5. Section 3 of the rule which promulgated Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York, regarding the classification of violations, as adopted on August 4, 2014, is amended to read as follows:

§3. This rule shall take effect on [October 1, 2014] December 31, 2014.

§6. Section 104-08 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, regarding the qualification of site safety managers and site safety coordinators, as adopted on September 11, 2014, shall take effect on December 31, 2014.

§7. Section 2 of the rule which promulgated Sections 3500-01 and 3500-02 of Chapter 3500 of Title 1 of the Rules of the City of New York, regarding ACI and ANSI reference standards, as adopted on August 29, 2014, is amended to read as follows:

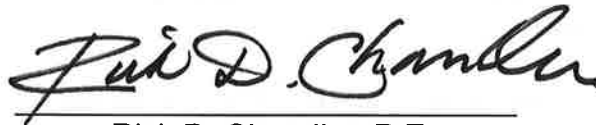
§2. This rule takes effect on [October 1, 2014] December 31, 2014.

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 Section 104-08 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the qualification of site safety managers and site safety coordinators.

This rule was first published on July 25, 2014 and a public hearing thereon was held on August 25, 2014.

Dated: 9.3.14
New York, New York


Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

The Department of Buildings (“Department”) is amending section 104-08 of Title 1 of the Rules of the City of New York (“Rules”).

The Department is amending section 104-08 by updating the section to reflect changes made to the New York City Administrative Code (“Administrative Code”) by local law number 141 for the year 2013, and by clarifying the eighteen month on-the-job training program and OSHA course requirements.

The Department’s authority for these rules is found in sections 643 and 1043 of the New York City Charter, sections 28-402.2 and 28-403.2 of the 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 104-08 of chapter 100 of title 1 of the rules of the City of New York is amended to read as follows:

§104-08 Qualifications for site safety manager and site safety coordinator certificates.

(a) Site safety managers. The Department of Buildings shall issue a site safety manager certificate to an individual who shall have satisfied the requirements of section 28-402.2 of the Administrative Code.

- (1) For purposes of satisfying the requirements of paragraph (5) of section 28-402.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years [of] prior to application [for certification] of an OSHA 30-hour safety course and one of the following:
 - (i) Eight years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings; or

- (ii) Eight years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition. The experience must have included 4 years relevant work on major buildings under construction or demolition; or
- (iii) Successful completion of a New York State Apprenticeship Program for Site Safety Manager approved by the Department; or
- (iv) Ten years of experience within 12 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction or demolition, five years of which must have been on major buildings under construction or demolition and three of those five years must have been in an on-site supervisory position.
 - (A) For purposes of this [subdivision] subparagraph, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of three years.

[(v)] Experience acquired pursuant to this [subdivision] paragraph must have been full-time experience acquired in the United States.

- (2) A holder of a site safety manager certificate may not simultaneously hold either an active site safety coordinator certificate or an active registration as a superintendent of construction.
- (3) [An]For the purposes of satisfying the requirements of paragraph (4) of section 28-402.2, an acceptable 18 month on-the-job training program shall [include] consist of successful completion within two years prior to application of an OSHA 30-hour safety course and the following:
 - (i) The buildings worked on must have been major buildings; and
 - (ii) The work must have been site safety work performed under the direct [and continuing] supervision of a certified site safety manager. For purposes of this subdivision, direct [and continuing] supervision shall include daily training at the location specified in the monthly summaries in the presence of the supervising certified site safety manager; and

- (iii) The [training program] trainee must have [been] worked on a paid and full-time [and paid]basis; and
- (iv) Dated and notarized summaries must have been completed by the certified supervising site safety manager at the end of every month [specifying]. Such summaries must specify the location and the precise nature of the construction activity the trainee was engaged in at the location for the month covered; and
- (v) [The program must cover all phases of construction and must specify precisely the activity in which the trainee was engaged for the month covered by each monthly summary, including but not limited to excavation, foundation work, plumbing, electrical, and mechanical;] The program must include at least four months of training in soil or foundation work, and at least four months of training in structural erection; and
- (vi) The supervising certified site safety manager may supervise a maximum of [two] three trainees simultaneously[;].
- [(vii) Completion within two years of application for certification of an OSHA 30-hour safety course.]

(b) Site Safety Coordinators. The Department of Buildings shall issue a site safety coordinator certificate to an individual who shall have satisfied the requirements of section 28-403.2 of the Administrative Code.

- (1) For purposes of satisfying the requirements of paragraph (4) of section 28-403.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years [of] prior to application [for certification] of an OSHA 30-hour safety course and one of the following:
 - (i) Five years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings; or
 - (ii) Five years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or

safety engineer for a safety consulting firm specializing in construction. The experience must have included 2.5 years relevant work on major buildings under construction or demolition; or

(iii) Five years of experience within 10 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction or demolition, three years of which must have been on major buildings under construction or demolition and two of those three years must have been in an on-site supervisory position.

(A) For purposes of this [subdivision] subparagraph, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of two years.

[(iv)] Experience acquired pursuant to this [rule] paragraph must have been full-time experience acquired in the United States.

(2) A holder of a site safety coordinator certificate may not simultaneously hold either an active site safety manager certificate or an active registration as a superintendent of construction.

(3) Applicants for a site safety coordinator certificate shall not be required to take an examination in order to qualify for the certificate.

(c) The term “major building” as used in this rule shall have the meaning given to it in Chapter 33 of the New York City Building Code.

This rule has an effective date of 07-01-08.



Robert D. LiMandri
Acting Commissioner

280 Broadway, 7th Floor
New York, NY 10007
Phone: (212) 566-3103
Fax: (212) 566-3785
E-mail: robertl@buildings.nyc.gov

Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the New York City Charter, and hereby represent to the Mayor, that there is substantial need for the implementation of new Section §104-08 of Title 1 of the Rules of the City of New York, governing the qualifications for site safety manager and site safety coordinator certificates, upon the publication in the City Record of its Notice of Adoption.

This is one of the rules needed to implement the City's new Construction Codes. The proposed rule implements provisions of the Administrative Code that authorize the Department to prescribe "equivalent education and construction experience" for site safety manager and site safety coordinator applicants to qualify for required certificates. In addition, pursuant to Administrative Code §28-401.7, it dispenses with the requirement of an examination for site safety coordinator certificates, as the Department has determined that these individuals can properly qualify on the basis of experience alone. The new codes require that these certificate holders be on-site at certain construction jobs to oversee site safety requirements. By making the rule effective upon publication, the City will more quickly enlarge the pool of potential certificate holders and thus advance public safety on construction sites.

Robert D. LiMandri
Acting Commissioner
Department of Buildings

APPROVED:
Michael R. Bloomberg
Mayor

DATE: 6/30/2008

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 and in accordance with sections 28-401.7, 28-402.2, and 28-403.2 of the NYC Administrative Code, that the Department of Buildings hereby adopts the addition of Section 104-08 to Subchapter D of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding qualifications for site safety manager and site safety coordinator certificates.

This rule was first published on April 23, 2008 and a public hearing thereon was held on May 29, 2008.

Dated: 6/26/08, 2008
New York, New York


Robert D. LiMandri
Acting Commissioner

Section 1. Subchapter D of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 104-08 to read as follows:

§104-08 Qualifications for site safety manager and site safety coordinator certificates.

(a) Site safety managers. The Department of Buildings shall issue a site safety manager certificate to an individual who shall have satisfied the requirements of section 28-402.2 of the Administrative Code.

(1) For purposes of satisfying the requirements of section 28-402.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years of application for certification of an OSHA 30-hour safety course and one of the following:

(i) Eight years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction and thus this basis for qualification excludes

officials whose primary role is to perform inspections of occupied or vacant buildings; or

(ii) Eight years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction. The experience must have included 4 years relevant work on major buildings under construction; or

(iii) Successful completion of a New York State Apprenticeship Program for Site Safety Manager approved by the Department; or

(iv) Ten years of experience within 12 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction, five years of which must have been on major buildings under construction and three of those five years must have been in an on-site supervisory position.

(A) For purposes of this subdivision, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of three years.

(v) Experience acquired pursuant to this subdivision must have been full-time experience acquired in the United States.

(2) A holder of a site safety manager certificate may not simultaneously hold either an active site safety coordinator certificate or an active registration as a superintendent of construction.

(3) An acceptable 18 month on-the-job training program shall include the following:

(i) The buildings worked on must have been major buildings;

(ii) The work must have been performed under the direct and continuing supervision of a certified site safety manager. For purposes of this subdivision, direct and continuing supervision shall include daily training at the location specified in the monthly summaries in the presence of the supervising certified site safety manager;

(iii) The training program must have been full-time and paid;

(iv) Dated and notarized summaries must have been completed by the certified supervising site safety manager at the end of every month specifying the location and nature of the construction activity at the location for the month covered;

(v) The program must cover all phases of construction and must specify precisely the activity in which the trainee was engaged for the month covered by each monthly summary, including but not limited to excavation, foundation work, plumbing, electrical, and mechanical;

(vi) The supervising certified site safety manager may supervise a maximum of two trainees simultaneously;

(vii) Completion within two years of application for certification of an OSHA 30-hour safety course.

(b) Site Safety Coordinators. The Department of Buildings shall issue a site safety coordinator certificate to an individual who shall have satisfied the requirements of section 28-403.2 of the Administrative Code.

(1) For purposes of satisfying the requirements of section 28-403.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years of application for certification of an OSHA 30-hour safety course and one of the following:

(i) Five years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings; or

(ii) Five years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction. The experience must have included 2.5 years relevant work on major buildings under construction; or

(iii) Five years of experience within 10 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction, three years of which must have

been on major buildings under construction and two of those three years must have been in an on-site supervisory position.

(A) For purposes of this subdivision, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of two years.

(iv) Experience acquired pursuant to this rule must have been full-time experience acquired in the United States.

(2) A holder of a site safety coordinator certificate may not simultaneously hold either an active site safety manager certificate or an active registration as a superintendent of construction.

(3) Applicants for a site safety coordinator certificate shall not be required to take an examination in order to qualify for the certificate.

(c) The term "major building" as used in this rule shall have the meaning given to it in Chapter 33 of the New York City Building Code.

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is adopted pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043(a) of the New York City Charter and pursuant to sections 28-401.7, 28-402.2, and 28-403.2 of the NYC Administrative Code.

The rule implements provisions of the Administrative Code that authorize the Department to prescribe "equivalent education and construction experience" for site safety manager and site safety coordinator applicants to qualify for required certificates. In addition, pursuant to Administrative Code §28-401.7, it dispenses with the requirement of an examination for site safety coordinator certificates, as the Department has determined that these individuals can properly qualify on the basis of experience alone.