

# 1 RCNY §104-20

## CHAPTER 100

### Subchapter D Licensing and Registration of Businesses, Trades and Occupations Engaged in Building Work

#### §104-20 Supervisory Responsibilities of a Licensed Rigger.

- (a) Applicability. This section shall apply to all rigging work performed by or under the direct and continuing supervision of a licensed rigger pursuant to section 28-404.1 of the Administrative Code.
- (b) Definitions.
  - (1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in Chapter 2 of the Building Code.
  - (2) For the purposes of this section, the term “direct and continuing supervision” shall have the same meaning as set forth in section 28-401.3 of the Administrative Code.
  - (3) For the purposes of this section, the term “registered design professional” shall have the same meaning as set forth in section 28-101.5 of the Administrative Code.
  - (4) For the purposes of this section, the term “rigging foreman” shall mean an individual designated by a licensed rigger in accordance with subdivision (i) of this section. Such person shall have the qualifications set forth in subdivision (h) of this section. The term shall also refer to “suspended scaffold foreman” where such term is used in Chapter 2 of the Building Code.
- (c) Planning. Except where the design prepared by a registered design professional is authorized by chapter 33 of the Building Code or as otherwise specifically provided in paragraph (2) of subdivision (g) of this section, the licensee must personally plan the equipment set-up and operation of all rigging operations. This responsibility may not be delegated.
- (d) Supervision of rigging operations other than critical picks and tower crane erection, jumping, climbing or dismantling. Except as otherwise provided in subdivision (e) of this section, the licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision (i) of this section is continuously on site and that such rigging foreman performs and/or manages the work under the off-site supervision of the licensee as follows:
  - (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation;
  - (2) for work involving the use of cranes, derricks, work platforms, suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. placed atop sidewalks, roadways or yards where vaults or other subsurface structures exist; or where the person performing a suspended scaffold inspection in accordance with Section 3314.4.3.1 or 3314.4.3.2 of the Building Code has identified a concern, etc.), the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes;
  - (3) the licensee is readily available to provide on-site supervision should the need arise; and
  - (4) the rigging foreman has in his or her possession at the work site the “Designated Foreman Card” issued by the department pursuant to subdivision (j) of this section, which shall be presented upon the demand of any authorized enforcement officer.
- (e) Supervision of critical picks and tower crane erection, jumping, climbing, or dismantling. The licensee must be continuously on site during critical picks and tower crane erection, jumping, climbing, or dismantling, and must personally perform or personally supervise all such work. Off-site supervision of such work is not permitted.
- (f) Rigging Crew. Except as otherwise provided in subdivision (g) of this section, all members of the rigging crew must be under the direct and continuing supervision of the licensee.

- (g) Specialty Crew. Notwithstanding the provisions of section 28-401.17 of the Administrative Code, where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or tower crane erection, jumping, climbing, or dismantling) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade by making an application on a form provided by the department subject to the following conditions:
- (1) the department must approve the licensee's application for such proposed rigging operation;
  - (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team;
  - (3) for loads of two thousand pounds or more, for all critical picks, and for tower crane erection, jumping, climbing, or dismantling, the licensee must provide continuous on-site personal supervision to the rigging crew;
  - (4) for loads below two thousand pounds and which are not critical picks, or which are not related to tower crane erection, jumping, climbing, or dismantling, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site. The rigging foreman shall manage the work under the off-site supervision of the licensee in accordance with the conditions set forth in subdivision (d) of this section;
  - (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job;
  - (6) the licensee is responsible for all aspects of rigging safety on the job; and
  - (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 28-401.9 of the Administrative Code and are covered by worker's compensation under the specialty crew's employer.
- (h) Qualifications for designation as a rigging foreman.
- (1) An individual designated as a rigging foreman by a licensed special or master rigger shall:
    - (i) be an employee on the payroll and covered by the worker's compensation insurance of the licensee or the business association of the licensee;
    - (ii) be at least 18 years of age;
    - (iii) be able to read and write English;
    - (iv) be able to identify critical picks;
    - (v) be familiar with the relevant sections of Chapter 33 of the Building Code, OSHA safety standards as contained in 29 C.F.R. part 1926, and industry safety practices;
    - (vi) have been trained to react properly to mechanical malfunctions or adverse weather; and
    - (vii) be able to evaluate the fitness of the rigging crew, including, where applicable, the issuance of a certificate of fitness pursuant to subdivision (k) of this section.
  - (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
    - (i) at least one year's practical experience in the hoisting and rigging business; and
    - (ii) the knowledge of and ability to explain the risks related to such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith.
  - (3) An individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
    - (i) at least five years of practical experience in the hoisting and rigging business, or at least two years of practical experience in the hoisting and rigging business and possession of a Level II Rigging certification issued by the National Commission for the Certification of Crane Operators, or possession of both a Level II Rigging certification and a Lift Director certification issued by the National Commission for the Certification of Crane Operators; and
    - (ii) the knowledge of and ability to explain the risks related to such business and any particular job for which

the individual is designated, and precautions to be taken in connection therewith, including but not limited to:

- (A) rigging operations and precautions to be taken in connection therewith;
- (B) safe loads and computation thereof;
- (C) types and methods of rigging; and
- (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations.

(i) Designation of a Rigging Foreman.

- (1) The licensed rigger must submit a notification of designation, on a form provided by the department, which includes the following information:
  - (i) A list of all rigging foremen employed by the licensee or the business association of the licensee. Each rigging foreman's full name, home address, and home phone number shall be included as part of the list.
  - (ii) A photograph of any newly designated rigging foreman.
  - (iii) The notification shall be signed and notarized by the licensee and shall contain his or her license number.
  - (iv) The notification shall contain a representation by the licensee that all of the rigging foremen designated by him or her have the qualifications specified in subdivision (h) of this section.
- (2) A newly designated rigging foreman cannot perform foreman duties until such notification is received by the department and the department has issued a "Designated Foreman Card" pursuant to subdivision (j), below.
- (3) The list must be updated within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all rigging foremen designated by the licensee. The new notification must be filed in a manner required by the department and must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv) of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.
- (4) The designation of one or more rigging foremen shall not detract from the licensee's responsibility or liability, individually and/or through his business, for all aspects of rigging safety. This includes, but is not limited to, the actions of rigging foremen, rigging crews and specialty crews, if any.

(j) Designated Foreman Card.

- (1) The department shall issue a "Designated Foreman Card" for each designated rigging foreman. Such card and a photo identification card acceptable to the department shall be carried by the rigging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer.
- (2) It shall be the responsibility of the licensee to take possession of the "Designated Foreman Card" when such designation is terminated and return the card to the department. A designation shall be terminable by the licensee at any time, including if:
  - (i) the person leaves the employ of the licensee or business associated with the license holder under section 28-401.17 of the Administrative Code;
  - (ii) the licensee finds that the designee is not competently performing his or her duties; or
  - (iii) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

(k) Certificate of Fitness for Scaffold Users. In addition to the training requirements of section 3314.4 of the Building Code, individuals who use a suspended scaffold under the direct and continuing supervision of the licensed rigger shall possess a certificate of fitness.

- (1) An individual issued a certificate of fitness must:
  - (i) be found capable of performing the scaffold work in a safe and responsible manner by the issuer at

the time of issuance;

- (ii) be able to communicate without difficulty with the supervising licensed rigger or rigging foreman; and
  - (iii) have been trained in accordance with section 3314.4 of the Building Code and possess a valid certificate card from the training provider evidencing successful completion of the training.
- (2) Certificates of fitness may be issued by the licensed master or special rigger and the rigging foreman designated pursuant to this section.
  - (3) It shall be the sole responsibility of the licensee who issues the certificate of fitness, either personally or through a designated foreman, to ensure that the individual who receives the certificate meets the requirements of paragraph one of this subdivision for the particular job. It shall be the licensee's responsibility to maintain written records and copies relating to whom and when certificates were issued, as well as each certificate holder's certificate card. If a person issued a certificate of fitness is later found to be unqualified or to have failed to use a suspended scaffold in a safe and workmanlike manner, it shall be the licensee's responsibility to rescind the certificate of fitness and to remove the individual from the job.
  - (4) The certificate of fitness must be issued in a form acceptable to the department and include the name of the holder, the date of the issuance, the name and license number of the licensee, the name, address, and telephone number of the licensee's company, and the signature of the issuer.
  - (5) Such certificate of fitness, as well as the certificate card issued pursuant to 3314.4.5.8 of the Building Code, and photo identification of the certificate holder acceptable to the department, must be available on site for inspection.
- (l) Failure to comply with rule. If this rule is not complied with, the department may order that rigging operations stop, initiate disciplinary action against the licensee and/or contractor, and/or initiate proceedings for the impositions of fines or civil penalties.