



Promulgation Details for 1 RCNY 3321-01

This rule became effective on January, 19, 2020.

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 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 in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 101-03 and 105-03 of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York regarding course providers, and the repeal of sections 3301-03 and 3321-01 of Chapter 3300 of Title 1 regarding construction worker safety information signs, and construction site safety training, respectively. This rule was first published on December 31, 2024, and a public hearing thereon was held on January 30, 2025.

Dated: _____

5/12/2025
New York, New York


James S. Oddo
Commissioner

Statement of Basis and Purpose of Rule

Since the enactment of Local Law 196 of 2017, which mandated construction site safety training, the course provider program has expanded and the costs of administering the program, including contract costs and staffing needs, have increased. In 2017 there were approximately 40 course providers.

Today there are over 150, significantly increasing the Department's workload in terms of approving the providers, requiring the imposition of registration fees. Under section 1 of this rule, Rule 101-03 is amended to include a new initial registration fee of \$3,250 and a new renewal registration fee of \$3,185.

Under section 2, Rule 105-03 is amended to improve compliance by course providers. Specifically, the rule:

- Creates a registration for course providers as of July 1, 2025 and subjects them to the suspension and revocation provisions of Section 28-401.19 of the Administrative Code.
- States that the Department may refuse to renew a registration pursuant to Section 28-401.19 of the Administrative Code.
- Provides that course provider approvals issued prior to July 1, 2025 will continue to be valid and that course providers may continue to offer Department-approved courses after July 1, 2025, provided they submit an application to register by June 30, 2025.
- Adds language about investigations and audits.
- Clarifies recording-keeping requirements.
- Provides guidance on how providers can advertise.
- Provides guidance on how to conduct non-traditional course/class formats.
- Removes sections that are no longer relevant because the deadlines have passed or the described processes are no longer followed.
- Creates a requirement for providers to upload data to DOB's online platform.
- Adds a requirement that a course provider upload certificates of completion prior to withdrawing from the course provider program.

In addition, two sections of Chapter 3300 of Title 1 of the Rules of the City of New York - sections 3301-03, regarding construction worker safety information signs, and 3321-01, regarding construction site safety training - are repealed, as their provisions are currently in effect and covered by Section 3321 of the Building Code.

In response to comments received prior to and at the public hearing, the following changes have been made:

- Added that live and virtual training is limited to 9½ hours per day, including meal breaks and administrative matters.
- Clarified that notification of approved courses on the provider's website applies to any course provider who offers Department-approved training to the general public.
- Added a requirement that instructors add an attestation in the log verifying that they taught the class and the students who attended the class.

- Clarified that SST cards are to be issued upon verification of course completion certificates by an applicant.

There were many comments received regarding third-party providers claiming that barring delegation to a third party would drive up costs and limit the number of providers offering courses. These comments were rejected because the Department has no enforcement authority over third-party providers. In addition, third parties have caused confusion over whether the provider is legitimate. The third-party providers can register with the Department in accordance with this rule and can continue to operate if they do so.

Comments were received stating that the registration fees are too high. The fees were approved by the City's Office of Management and Budget after the Department performed a user cost analysis, taking into account staff time and resources and other costs to determine the fee amount. The fee amounts will therefore not be changed.

In addition, the following changes were made to better reflect current practice:

- Added that failure to submit any missing or additional documentation requested by the Department within 6 months of the request will result in the denial of the application.
- Clarified that worker certifications must be issued via the Training Connect platform.
- Specified that any required approval, license, accreditation or certification must reflect the exact name of the entity registering.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

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

Section 1. Section 101-03 of subchapter A of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding the following entry at the end of the table set forth in that section:

<u>Course provider registration</u>	<u>Initial:</u> <u>\$3,250</u>	<u>Renewal:</u> <u>\$3,185</u>

§2. Section 105-03 of subchapter E of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

§105-03 Course Provider Registration and Department-Approved Courses.

(a) **[Scope.** This section outlines the requirements for Department-approved courses required by the Administrative Code and Department rules for training, license qualification and licensee continuing education. Unless otherwise authorized under the Administrative Code or Department rules, only Department-approved courses may be offered to fulfill Department course requirements] **Registration.** Beginning on July 1, 2025, no course provider may offer Department-approved courses unless such course provider is registered with the Department in accordance with this section. Such registration is valid for one year from the date of registration.

- (1) Current course providers may continue to offer courses until July 1, 2025, provided they apply for registration between the effective date of this section and July 1, 2025, in accordance with the provisions of subdivision (b) of this section. Providers who fail to apply must complete any course currently being offered and upload the certificates as provided in this section but may not offer any additional courses.
- (2) Once the department approves the application, the provider will be considered registered as of that date.
- (3) In the event the department denies the application, the applicant may reapply or may challenge the determination in accordance with the provisions of Section 28-401.21 of the Administrative Code. The provider may continue to operate until the reapplication or challenge is decided.

(b) Course Provider Application and Renewal Process.

- (1) The course provider applicant must submit:
 - (i) an application form provided by the Department;
 - (ii) proof that the applicant has met the requirements of paragraph (2) of subdivision [(e)](f) of this section; [and]
 - (iii) a statement attesting that the applicant will ensure that all instructors comply with the requirements of subdivision [(d)](e) of this section and, if applicable, subdivision [(g)](h) of this section[. Course providers who are already approved as of the effective date of this subparagraph must comply with its provisions by January 1, 2020.]; and
 - (iv) a fee as set forth in section 101-03 of these rules.
- (2) [A listing of the providers of the approved courses will be available through the Department's website.] Incomplete [or inaccurate] applications will be rejected.
- (3) [Incomplete or inaccurate applications will be returned to the applicant and may be resubmitted once complete or corrected.] Applications for renewal must be accompanied by the renewal fee and such additional information as the commissioner may require. Such applications must be made at least 30 days but not more than 60 days prior to the expiration of the applicant's registration.

(c) Investigation of applicant. The Department or its designee will conduct an investigation of each applicant to determine its qualification to become a course provider. The burden of proving that an applicant meets the required qualifications is on the applicant. An applicant's failure to meet the requirements specified by the Administrative Code or by the Department's rules, and/or an applicant's refusal to cooperate with an investigation will result in denial of the application. If an applicant fails to provide all requested documents within six (6) months of the date of the request the application will be denied.

(d) Approved Courses. Unless otherwise authorized under the Administrative Code or Department rules, only Department-approved courses may be offered to fulfill Department course requirements. A listing of registered providers of approved courses is available on the Department's website. The course provider must ensure compliance with the provisions of this subdivision [(c)].

(1) Course Requirements.

(i) All courses must comply with the Department's course [curricula] requirements published on its website, which lists the relevant citations for statutory or other requirements listed in this paragraph.

[(ii)] No more than four (4) hours of any curriculum may consist of course materials or credits to be applied to multiple license types.

Exception: Subparagraph (ii) does not apply to course curricula for Master and Special Electrician, Master Plumber and Master Fire Suppression Piping Contractor.]

[(iii)] (ii) All [curricula] requirements must include the following information as applicable to the relevant construction trade:

- (A) Business practices;
- (B) Relevant Building Code provisions, rules, and policy and procedure notices enacted or promulgated by the Department;
- (C) Administrative Code provisions, rules and policy and procedure notices enacted or promulgated by any other City agency;
- (D) Overview of Occupational Safety and Health Standards ("OSHS") for the Construction Industry;
- (E) Relevant Department of Buildings filing and inspection requirements;
- (F) Safety/hazardous materials;
- (G) New technology;
- (H) Corruption prevention standards; and
- (I) Other subjects identified by the Commissioner.

[(iv)](iii) All courses must reflect any changes in the Department's published course [curricula] requirements or any applicable laws, rules and regulations within ninety (90) days.

(iv) Class Duration: Live and virtual training sessions may not exceed 9½ hours in total per day, including time spent covering course content, lunch/meal and other

breaks, and administrative matters such as attendance and hands on and written assessments.

(2) Notification of Approved Courses. [(i)]The course provider must have [a]its own website and any course provider who offers Department-approved training to the general public must publish course schedules on its website, including dates, times, locations, the cost of the training and whether such cost includes the cost of issuing the identification card or site safety training card required by this section, the cost of such card if it is not included in the training cost, and must [otherwise make] submit all course schedules [available in writing] to the Department [upon request]. The course provider must also notify the Department of any changes to a scheduled course at least three (3) business days prior to it being offered. All information on the course provider's website, including the location of courses and the courses taught, must be current.

[(ii) The course provider must notify the Department of any changes to the course within fourteen (14) days of such change.]

(3) Course Review. At the end of each course, the instructor(s) must conduct a review of the materials taught. The Department may require that a hands-on or written performance evaluation be given to attendees.

(4) Course Facilities. The course facilities must:

(i) Have sufficient room to accommodate all expected attendees and the equipment needed to perform hands-on exercises where required as part of the course;

(ii) Make provisions for the presentation of training material in all media types (e.g., computer, projectors, video/DVD players); and

(iii) Comply with all applicable laws, rules and regulations relating to occupancy, zoning, egress, fire detection, fire suppression, light, ventilation, cleanliness, sanitary facilities, emergency notification and evacuation procedures.

(5) Attendance Record. The course provider must have in place fraud- resistant procedures for confirming the identity and attendance of individuals taking any course(s), including logs reflecting those in attendance at different times during the course, and be able to produce the logs and any other documentation demonstrating that an attendee attended the course(s). The logs must include:

(i) The student's full name (printed);

(ii) The student's signature;

(iii) The name of the course;

(iv) The name of instructor(s);

(v) The time the course began;

(vi) The time the course ended;

(vii) The time of a break (if any), including when the break began and when the break ended;

(viii) The address where the class/course or course was conducted;

(ix) The format in which the class was conducted: in-person, virtual, webinar, hybrid online/in-person training (for hands-on training courses); and

(x) An attestation by each instructor confirming that they taught the class and verifying the attendance list. Each instructor must print their name, sign it, and add the date.

(6) Course Completion.

(i) [For training courses, the course provider must issue a wallet-size identification card to attendees upon course completion. Such card must contain the following information:

- (A) The name of the person to whom it was issued;
- (B) A photograph of the person to whom it was issued;
- (C) The name and address of the issuing organization;
- (D) The date of issuance;
- (E) An indication of the type of training and the number of credit hours completed; and
- (F) The signature of the course provider.

(ii) For qualification and continuing education courses, the] The course provider must issue a certificate of completion to the attendees upon course completion. The course provider must also upload a photograph of the person and a digital copy of the certificate of completion to the Department of Buildings' platform NYC DOB Training Connect, which is only accessible to registered course providers. The course provider must upload the certificate within 60 days of course completion. Such certificate must contain the following information:

- (A) The name of the course;
- (B) The name of the person to whom it was issued;
- ~~[(B)]~~ (C) The name and address of the issuing organization;
- (D) The certificate number;
- ~~[(C)]~~(E) The date of issuance and expiration (if any);
- ~~[(D)]~~(F) An indication of the type of course and the number of credit hours completed; [and]
- ~~[(E)]~~(G) The name and signature of the course provider;
- (H) The name of the instructor; and

(l) The course provider ID number.

~~[(iii)]~~ (ii) For worker certification courses, the course provider must issue an identification card to attendees upon course completion. Such card must be issued using the Department of Buildings' platform NYC DOB Training Connect, which is only accessible to registered course providers and can found at <https://dob-trainingconnect.cityofnewyork.us/>.

~~[(iv)]~~ (iii) The course provider must maintain a record of all the information required on the identification cards and the certificates of completion for a minimum period of seven (7) years from the date of completion. The course provider must make these records available to the Department upon request.

(7) Department Observation and Evaluation. The Department may observe any Department-approved course without prior notification to the course provider or instructor. The Department may evaluate courses taught by course providers through audit or other means at such intervals as it deems necessary and may require additional information as it deems necessary.

(8) Audits. The Department may periodically audit the course provider to ensure compliance with this section and any rules or other Department requirements related to such training.

(9) Cooperation. The course provider must cooperate with investigations related to the course provider's compliance with the requirements of this rule or other applicable law.

~~[(d)]~~(e) Course Instructor(s). Course providers must require that course instructor(s) demonstrate that they are credentialed or trained in instructional methods and learning processes. Course providers must also require that the instructor(s) successfully demonstrate their ability to solve or resolve problems relating to the subject matter by possession of a recognized degree, certificate, licensure or professional standing, or by extensive knowledge, training, and experience, in the subject matter being taught. To the extent that the course instructor(s) holds, or has held, a trade license issued by the Department, such license must be in good standing and not be surrendered to, suspended by or revoked by the Department.

(1) For Supported Scaffold, Suspended Scaffold and Mast-Climber training courses, the instructor(s) must also be authorized by the Occupational Safety and Health Administration ("OSHA") as a trainer(s) for its Construction and Outreach Program.

(2) For Hoisting Machine Operator courses, the instructor(s) must also hold a valid New York City Hoisting Machine Operator's license or hold a national certification for crane operation.

(3) For Master and Special Electrician courses, the instructor(s) must demonstrate credentials or training in instructional methods and learning processes through licensure or certification, including but not limited to, certification as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.

(4) The course instructor(s) must comply with all applicable Federal, State and local laws, rules and regulations.

(5) The course instructor(s) must be in compliance with the Department's Industry Code of Conduct.

[(e)](f) Course Provider Requirements.

(1) The course provider must be a sole proprietorship, a partnership or a corporation that provides training, an educational institution, a governmental agency or authority, a trade union, or a trade association, provided that a governmental agency or authority need not comply with paragraph (2) of this subdivision.

(2) The course provider must provide proof that it is:

(i) approved by or licensed as an educational institution by the New York State Department of Education;

(ii) registered as a New York State Department of Labor vocational, trade or apprenticeship program;

(iii) accredited by an accrediting organization recognized by the United States Department of Education or the Council for Higher Education Accreditation; or

(iv) certified by an organization accredited by the American National Standards Institute (ANSI) as a Standards Developing Organization with published standards for continuing education and training.

For alternative Mast-Climbing work platform training course provider requirements to those listed in paragraph (2) of subdivision [(e)](f), herein, see section 3314-01(m).

(3) Course providers must continuously maintain the qualifications required by paragraphs (1) and (2) of this subdivision and by subdivision [(h)](i), if applicable, and must provide a copy of such approval, license, accreditation or certification to the Department upon request. The documentation must reflect the exact name of the entity registering. The course provider must immediately notify the Department of any lapse or expiration of its approval, license, accreditation or certification, including any qualification required by subdivision [(h)](i).

(4) The course provider must comply with all applicable Federal, State and local laws, rules and regulations.

(5) The course provider must notify the Department of any changes to the course provider's name within fourteen (14) days of such change.

(6) Course providers must ensure that all their instructors comply with all applicable provisions of this section.

(7) Course providers must be in compliance with the Department's Industry Code of Conduct and Course Provider Program Handbook.

(8) Course providers must notify the Department within thirty (30) days if the course provider makes changes to its business name, its website domain, or the owner/director of the business by submitting a new application for provider approval with supporting documentation. The provider may continue to offer courses under its current name pending approval of the new application.

(9) Course providers must collect, process and retain student data records as set forth herein. Course providers must implement privacy and data security practices to guard against the unauthorized access, fraud, theft, and other misuse of such information. Course providers may not use the data collected pursuant to this rule for any other purpose, including but not limited for advertisements, without the student's consent. Course providers must comply with all applicable City, State, and federal laws relating to personally identifying information and to privacy, including but not limited to those included in the New York State General Business Law.

[(f)](g) Department as course provider. Notwithstanding the foregoing, the Department may act as a provider, or the sole provider, of any course offered to fulfill a Department course requirement. [A listing of available Department courses will be posted on the Department's website.]

[(g)](h) Site Safety Training (SST) Course Instructors. For the purposes of providing training in accordance with section 3321.1 of the Building Code and this section 105-03, a site safety training (SST) provider, as defined in item 1 of the definition of "Site Safety Training (SST) Provider" in section [3302.1]202 of the Building Code, means a course instructor as used in this section 105-03. In addition to the foregoing requirements for course instructors, an SST course instructor must meet one of the following requirements:

- (1) has successfully completed all applicable OSHA or Department requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and is authorized to conduct such classes, except that such course instructor is not required to possess a degree, certificate, licensure or demonstrate any professional standing as required by subdivision [(d)](e), beyond what is required in this paragraph;
- (2) is providing training through a 100-hour training program; or
- (3) is approved by the Department to conduct a 40-hour Site Safety Manager training course in accordance with article 402 of Chapter 4 of the Administrative Code.

[(h)](i) Site Safety Training (SST) Course Providers. A site safety training (SST) provider as defined in item 2 of the definition of "Site Safety Training (SST) Provider" in section [3302.1]202 of the Building Code must comply with the requirements for course providers in this section 105-03 as well as with the applicable requirements of this subdivision [(h)].

- (1) If a not-for-profit organization or a governmental agency or authority is an SST provider, it must meet the standards set forth by the Department instead of the requirement in paragraph (2) of subdivision [(e)](f).
- (2) [Not later than March 1, 2021, an] An SST provider must certify to the Department that it has a language access plan that complies with requirements established by another City agency or office designated by the Mayor, as required by item 2.1 of the definition of SST provider in section 202 of the Building Code.

(3) Training may be conducted in person or in an actively proctored online format and must comply with the following:

(i) If conducted in person in a classroom setting, the SST provider must confirm the identification of the individual taking such training and must ensure that the site of such training is actively observed for the duration of the training.

(ii) If the online training is not performed in person, the SST provider must confirm the identification of the individual prior to providing secure access to the online training. The individual must attest that he/she is the individual who received the online access and will complete the training without assistance. The online program must have secure access and monitor participation during the course of training to ensure that the individual receiving the training is present for the entirety of the training.

(4) Upon completion of the SST course, the SST provider [or, if applicable, a third party,] must issue an SST card in accordance with subdivision [(i)](i) of this section. [The provisions of paragraph (6) of subdivision (c) of this section do not apply to SST courses.]

(5) If the SST provider is not the provider of the OSHA course that is required for an SST card, as defined in section [3302.1]202 of the Building Code, the SST provider must ensure that the OSHA course was conducted either in person or, if online, was actively proctored before issuing an SST card as provided in subdivision [(i)](i) of this section.

(6) The SST provider [or, if applicable, a third party,] must accept documentation, including identification cards or certificates of completion, from [a Department-approved] registered course providers. Course providers must accept SST course equivalent, as set out on the Department's website, and must apply such course hours to satisfy the training requirements of this section and section BC 3321 of the Building Code.

[(7) Beginning October 1, 2019, and on January 1, April 1 and October 1 of each year thereafter, the course provider must report the number of SST, temporary SST, limited SST and supervisory SST cards issued each quarter in a format required by the Department.]

[(i)](i) SST cards to be issued upon verification of course completion. [The Department may require SST course completion cards to be issued by a third party. Until such time as a third party process is instituted, an] An SST provider must[, upon completion of the SST course,] issue a temporary SST card, [limited SST card,] SST card, or SST supervisor card, only after verifying that the applicant has successfully completed all required training and in accordance with subdivision [(h)](i), this subdivision and section [3302.1]202 of the Building Code. The SST provider must issue the appropriate card using the Department of Buildings' platform NYC DOB Training Connect, which is only accessible to registered course providers.

[(1) Such card must be wallet-sized and must conform to the guidelines posted on the Department's website.

(2) Any SST card issued prior to the effective date of this rule must conform to the guidelines posted on the Department's website. The course provider who issued such SST card must replace non-conforming cards by April 1, 2020 with cards that comply.]

[(j)](k) Record-keeping and verification of SST Cards.

[(1)] The SST course provider [or, if applicable, a third party,] must maintain a record of all temporary SST cards, [limited SST cards,] SST cards, or SST supervisor cards issued for a minimum of seven years. The SST course provider [or, if applicable, a third party,] must make these records available to the Department or its designee upon request.

[(2)] The SST course provider or, if applicable, a third party, must maintain a secure online verification system containing an up-to-date list of the name of the card holder, the unique identification card number, and the issuance and expiration date of the card. Such verification must be available to the City, including the Department or its designee, and contractors, to enable readily accessible confirmation of the names of SST card holders who have completed the SST training through the particular course provider.]

(l) Advertising. Course providers may only advertise courses/classes that they are authorized by the Department to deliver.

(m) Third Parties. The course provider may not delegate or outsource any of its duties, responsibilities or functions to any third party that is not registered with the Department. The course provider must maintain full accountability for its operations and ensure that all services provided are conducted in compliance with all applicable Federal, State and local laws, rules and regulations.

(n) Non-traditional Format Courses/Classes.

(1) The course provider may conduct training in a non-traditional format. A non-traditional format is any format other than the traditional in-person classroom format. Non-traditional formats may include virtual classrooms, webinars, on-demand training, or hybrid virtual classroom/in-person training for hands-on courses.

(2) Training conducted in a non-traditional format must comply with the following:

(i) The non-traditional format course must be approved by the Department.

(ii) The provider must confirm the identification of the individual taking such training by adhering to the actively proctored online format requirements.

(iii) The provider must ensure that participants have their web-cameras activated and are on-camera for the duration of classes conducted virtually.

(iv) For courses that include hands-on training, providers may deliver the hands-on portion of the training in-person and the remaining portion through either a live virtual classroom or live webinar.

(v) The provider must notify the Department when the hands-on portion of the course/class is scheduled.

(vi) All students must be scheduled at the same time to receive the hands-on training.

(o) Denial of Registration Renewal. The department may, following notice and an opportunity to be heard, refuse to renew a registration on any grounds on the basis of which it could deny, suspend or revoke such registration pursuant to Section 28-401.19 of the Administrative Code.

[(k)](p) Suspension and Revocation of [Approval] Registration.

(1) [Following notice and an opportunity to be heard, the] The Department may, in accordance with the provisions of Section 28-401.19.1 of the Administrative Code, take corrective action, including probation, suspension, or revocation of a course provider's [authority to conduct classes and to distribute course completion cards] registration, for failure to comply with the requirements of this section or with the requirements of any applicable law, rule, or regulation. However, when the public safety may be imminently jeopardized, the Commissioner may, pending [an opportunity to be heard and Department determination] a hearing and determination of charges, suspend [approval] registration for a period not exceeding [thirty (30)] fifteen (15) days.

(2) The basis for the suspension or revocation of a course approval may form the basis for the suspension or revocation of any or all of that course provider's approved courses.

(3) The Department will post on its website that the approval of a course or course provider registration has been suspended or revoked.

(q) Withdrawal. The course provider must notify the Department and its students at least 30 days prior to its withdrawal from the course provider program. The course provider must be in compliance with the record-keeping provisions of this rule, including uploading certificates of completion into the Department's online platform, Training Connect, before its withdrawal.

§3. Section 3301-03 of Chapter 3300 of Title 1 of the Rules of the City of New York regarding construction worker safety information signs and section 3321-01 of Chapter 3300 regarding construction site safety training are REPEALED.

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 sections 105-03, 3301-03 and 3321-01 of Title 1 of the Rules of the City of New York regarding the full compliance date for site safety training.

This rule was published in the City Record on September 28, 2020. No public hearing was held as it was determined that a hearing would serve no public purpose.

Dated: November 2, 2020
New York, New York



Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose of Rule

Local law 96 of 2020 was passed by the City Council on August 27, 2020, lapsed into law on September 28, 2020, and is deemed to have been in force and effect on and after September 1, 2020.

It amended the full compliance date for site safety training from September 1, 2020 to March 1, 2021. These rules are amended to reflect that change for language access plans, worker safety information signs at construction sites and training card requirements.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter.

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 1. Paragraph (2) of subdivision (h) of section 105-03 of Subchapter E of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) Not later than [September 1, 2020] March 1, 2021, an SST provider must certify to the Department that it has a language access plan that complies with requirements established by another City agency or office designated by the Mayor.

§2. Paragraph (1) of subdivision (b) of section 3301-03 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

As of [September 1, 2020] March 1, 2021, workers will not be permitted to work on this site unless they have 40 hours of safety training, demonstrated by a Site Safety Training Card.

§3 Paragraph (3) of subdivision (b) of section 3321-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

(3) By [September 1, 2020] March 1, 2021, workers must have either (i), (ii), or (iii) of this paragraph (3):

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 105-03 of Subchapter E of Chapter 1 of Title 1, and the addition of a new section 3321-01 to such title of the Official Compilation of the Rules of the City of New York, regarding construction site safety training.

This rule was published in the City Record on February 5, 2018 and a public hearing was held on March 8, 2018.

Dated: 12/12/19

New York, New York



Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose of Rule

Local Law 196 of 2017 went into effect on October 16, 2017. It created new requirements for construction site safety training courses and course completion cards, beginning March 1, 2018.

Local Law 119 of 2019 went into effect on June 8, 2019 and changed some of the compliance dates in Local Law 196. This rule has been amended to reflect those changes.

This rule

- amends the existing course provider rule (section 105-03) to add requirements for site safety training course providers and course completion cards; and
- adds a new rule section 3321-01 regarding the type of and time frames for construction site safety training.

The amendments to the Department's penalty schedule (§ 102-01(k)), which appeared in the proposed rule, are no longer part of this rule. They were promulgated as part of a larger set of amendments to §102-01 that became effective on November 10, 2018.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 105-03 of Subchapter E of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

§ 105-03 Department-Approved Courses.

(a) Scope. This section outlines the requirements for Department-approved courses required by the Administrative Code and Department rules for training, license qualification and licensee continuing education. Unless otherwise authorized under the Administrative Code or Department rules, only Department-approved courses may be offered to fulfill Department course requirements.

(b) Course Provider Application Process.

- (1) The course provider applicant must submit:
 - (i) an application form provided by the Department; [and]
 - (ii) proof that the applicant has met the requirements of paragraph (2) of subdivision [(d)] (e) of this section[. Prior to the date provided in

that paragraph, an applicant that does not meet the requirements of that paragraph must submit upon application all documentation necessary for the department to determine whether the course would meet all the requirements of this section.]; and

(iii) a statement attesting that the applicant will ensure that all instructors comply with the requirements of subdivision (d) of this section and, if applicable, subdivision (g) of this section. Course providers who are already approved as of the effective date of this subparagraph must comply with its provisions by January 1, 2020.

(2) A listing of the providers of the approved courses will be available through the Department's website.

(3) Incomplete or inaccurate applications will be returned to the applicant and may be resubmitted once complete or corrected.

(c) Approved Courses. The course provider must ensure compliance with the provisions of this subdivision (c).

(1) Course Requirements.

(i) All courses must comply with the Department's course curricula published on its website, which lists the relevant citations for statutory or other requirements listed in this paragraph.

(ii) No more than four (4) hours of any curriculum may consist of course materials or credits to be applied to multiple license types.

Exception: Subparagraph (ii) does not apply to course curricula for Master and Special Electrician, Master Plumber and Master Fire Suppression Piping Contractor.

(iii) All curricula must include the following information as applicable to the relevant construction trade:

(A) Business practices;

(B) Relevant [building code] Building Code provisions, rules, and policy and procedure notices enacted or promulgated by the Department;

(C) Administrative [code] Code provisions, rules and policy and procedure notices enacted or promulgated by any other [city] City agency;

(D) Overview of Occupational Safety and Health Standards ("OSHS") for the Construction Industry;

- (E) Relevant Department of Buildings filing and inspection requirements;
 - (F) Safety/hazardous materials;
 - (G) New technology;
 - (H) Corruption prevention standards; and
 - (I) Other subjects identified by the Commissioner.
- (iv) All courses must reflect any changes in the Department's published course curricula or any applicable laws, rules and regulations within ninety (90) days.
- (2) Notification of Approved Courses.
 - (i) The course provider must have a website and must publish course schedules on its website, including dates, times, [and] locations, the cost of the training and whether such cost includes the cost of issuing the identification card or site safety training card required by this section, the cost of such card if it is not included in the training cost, and must otherwise make all course schedules available in writing to the Department upon request. The course provider must also notify the Department of a scheduled course at least three (3) business days prior to it being offered. All information on the course provider's website, including the location of courses and the courses taught, must be current.
 - (ii) The course provider must notify the Department of any changes to the course within fourteen (14) days of such change.
- (3) Course Review. At the end of each course, the instructor(s) must conduct a review of the materials taught. The Department may require that a hands-on or written performance evaluation be given to attendees.
- [(4) Course Instructor(s). Course providers must require that the course instructor(s) demonstrate that he or she is credentialed or trained in instructional methods and learning processes. The instructor(s) must also successfully demonstrate to the course provider his or her ability to solve or resolve problems relating to the subject matter by possession of a recognized degree, certificate, licensure or professional standing, or by extensive knowledge, training, and experience, in the subject matter being taught. To the extent that the course instructor(s) holds, or has held, a trade license issued by the Department, it must be in good standing and not be surrendered to, suspended by or revoked by the Department.
 - (i) For Supported Scaffold, Suspended Scaffold and Mast-Climber training courses, the instructor(s) must also be authorized by the

Occupational Safety and Health Administration (“OSHA”) as a trainer(s) for its Construction and Outreach Program.

- (ii) For Hoist Machine Operator courses, the instructor(s) must also hold a valid New York City Hoist Machine Operator’s license or hold a national certification for crane operation.
- (iii) For Master and Special Electrician courses, the instructor(s) must demonstrate credentials or training in instructional methods and learning processes through licensure or certification, including but not limited to, certification as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.]

[(5)] (4) Course Facilities. The course facilities must:

- (i) Have sufficient room to accommodate all expected attendees and the equipment needed to perform hands-on exercises where required as part of the course;
- (ii) Make provisions for the presentation of training material in all media types (e.g., computer, projectors, video/DVD players[, etc]); and
- (iii) Comply with all applicable laws, rules and regulations relating to occupancy, zoning, egress, fire detection, fire suppression, light, ventilation, cleanliness, sanitary facilities, emergency notification and evacuation procedures.

[(6)] (5) Attendance Record. The course provider must have in place fraud-resistant procedures for confirming the identity and attendance of individuals taking any course(s), including logs reflecting those in attendance at different times during the course, and be able to produce the logs and any other documentation demonstrating that an attendee attended the course(s).

[(7)] (6) Course Completion.

- (i) For training courses, the course provider must issue a wallet-size identification card to attendees upon course completion. Such card must contain the following information:
 - (A) The name of the person to whom it was issued;
 - (B) A photograph of the person to whom it was issued;
 - (C) The name and address of the issuing organization;
 - (D) The date of issuance;
 - (E) An indication of the type of training and the number of credit hours completed; and

(F) The signature of the course [administrator] provider.

(ii) For qualification and continuing education courses, the course provider must issue a certificate of completion to the attendees upon course completion. Such certificate must contain the following information:

- (A) The name of the person to whom it was issued;
- (B) The name and address of the issuing organization;
- (C) The date of issuance;
- (D) An indication of the type of course and the number of credit hours completed; and
- (E) The signature of the course [administrator] provider.

(iii) The course provider must maintain a record of all the [names of course attendees and the course they completed] information required on the identification cards and the certificates of completion for a minimum period of seven (7) years from the date of completion. The course provider must make these records available to the Department upon request.

[(8)] (7) Department Observation and Evaluation. The Department may observe any Department-approved course without prior notification to the course provider or instructor. The Department may evaluate courses taught by course providers through audit or other means at such intervals as it deems necessary and may require additional information as it deems necessary.

(d) Course Instructor(s). Course providers must require that course instructor(s) demonstrate that they are credentialed or trained in instructional methods and learning processes. Course providers must also require that the instructor(s) successfully demonstrate their ability to solve or resolve problems relating to the subject matter by possession of a recognized degree, certificate, licensure or professional standing, or by extensive knowledge, training, and experience, in the subject matter being taught. To the extent that the course instructor(s) holds, or has held, a trade license issued by the Department, such license must be in good standing and not be surrendered to, suspended by or revoked by the Department.

(1) For Supported Scaffold, Suspended Scaffold and Mast-Climber training courses, the instructor(s) must also be authorized by the Occupational Safety and Health Administration ("OSHA") as a trainer(s) for its Construction and Outreach Program.

(2) For Hoisting Machine Operator courses, the instructor(s) must also hold a valid New York City Hoisting Machine Operator's license or hold a national certification for crane operation.

- (3) For Master and Special Electrician courses, the instructor(s) must demonstrate credentials or training in instructional methods and learning processes through licensure or certification, including but not limited to, certification as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.
- (4) The course instructor(s) must comply with all applicable Federal, State and local laws, rules and regulations.
- (5) The course instructor(s) must be in compliance with the Department's Industry Code of Conduct.

[(d)] (e) **Course Provider Requirements.**

- (1) The course provider must be a sole proprietorship, a partnership or a [corporate officer of a course provider] corporation that provides training, [a partner of a course provider partnership,] an educational institution, a governmental agency or authority, a trade union, or a trade association, provided that a governmental agency or authority need not comply with paragraph (2) of this subdivision.
- (2) [Beginning on August 31, 2014, the] The course provider must provide proof that it is:
 - (i) approved by the New York State Department of Education, such as through a registered New York State Department of Labor vocational, trade or apprenticeship program;
 - (ii) licensed as an educational institution by the New York State Department of Education;
 - (iii) accredited by an accrediting organization recognized by the United States Department of Education or the Council for Higher Education Accreditation; or
 - (iv) certified by an organization accredited by the American National Standards Institute (ANSI) as a Standards Developing Organization with published standards for continuing education and training.

[Upon a determination of good cause, including but not limited to the absence of approved courses needed to meet a Department requirement, the Commissioner may extend the time to meet the requirements of this paragraph beyond August 31, 2014.]

For alternative Mast-Climbing work platform training course provider requirements to those listed in [(d)(2)] paragraph (2) of subdivision (e), herein, see section 3314-01(m).

- (3) Course providers must continuously maintain the qualifications required by paragraphs (1) and (2) of this subdivision and by subdivision (h), if applicable, and must provide a copy of such approval, license, accreditation or certification to the Department upon request. The course provider must immediately notify the Department of any lapse or expiration of its approval, license, accreditation or certification, including any qualification required by subdivision (h).
- (4) The [individual] course provider[, the principals or partners of the course provider corporation or partnership and all course instructors] must comply with all applicable Federal, State and local laws, rules and regulations.
- (5) The course provider must notify the Department of any changes to the course provider's name within fourteen (14) days of such change.
- (6) Course providers must ensure that all their instructors comply with all applicable provisions of this section.
- (7) Course providers must be in compliance with the Department's Industry Code of Conduct.

(f) Notwithstanding the [forgoing] foregoing, the Department may act as a provider, or the sole provider, of any course offered to fulfill a Department course requirement. A listing of available Department courses will be posted on the Department's website.

(g) Site Safety Training (SST) Course Instructors. For the purposes of providing training in accordance with section 3321.1 of the Building Code and this section 105-03, a site safety training (SST) provider, as defined in item 1 of the definition of "Site Safety Training (SST) Provider" in section 3302.1 of the Building Code, means a course instructor as used in this section 105-03. In addition to the foregoing requirements for course instructors, an SST course instructor must meet one of the following requirements:

- (1) has successfully completed all applicable OSHA or Department requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and is authorized to conduct such classes, except that such course instructor is not required to possess a degree, certificate, licensure or demonstrate any professional standing as required by subdivision (d), beyond what is required in this paragraph;
- (2) is providing training through a 100-hour training program; or

- (3) is approved by the Department to conduct a 40-hour Site Safety Manager training course in accordance with Article 402 of Chapter 4 of Title 28 of the Administrative Code.

(h) Site Safety Training (SST) Course Providers. A site safety training (SST) provider as defined in item 2 of the definition of “Site Safety Training (SST) Provider” in section 3302.1 of the Building Code must comply with the requirements for course providers in this section 105-03 as well as with the applicable requirements of this subdivision (h).

- (1) If a not-for-profit organization or a governmental agency or authority is an SST provider, it must meet the standards set forth by the Department instead of the requirement in paragraph (2) of subdivision (e).
- (2) Not later than September 1, 2020, an SST provider must certify to the Department that it has a language access plan that complies with requirements established by another City agency or office designated by the Mayor.
- (3) Training may be conducted in person or in an actively proctored online format and must comply with the following:
 - (i) If conducted in person in a classroom setting, the SST provider must confirm the identification of the individual taking such training and must ensure that the site of such training is actively observed for the duration of the training.
 - (ii) If the online training is not performed in person, the SST provider must confirm the identification of the individual prior to providing secure access to the online training. The individual must attest that he/she is the individual who received the online access and will complete the training without assistance. The online program must have secure access and monitor participation during the course of training to ensure that the individual receiving the training is present for the entirety of the training.
- (4) Upon completion of the SST course, the SST provider or, if applicable, a third party, must issue an SST card in accordance with subdivision (i) of this section. The provisions of paragraph (6) of subdivision (c) of this section do not apply to SST courses.
- (5) If the SST provider is not the provider of the OSHA course that is required for an SST card, as defined in section 3302.1 of the Building Code, the SST provider must ensure that the OSHA course was conducted either in person or, if online, was actively proctored before issuing an SST card as provided in subdivision (i) of this section.

(6) The SST provider or, if applicable, a third party, must accept documentation, including identification cards or certificates of completion, from a Department-approved SST course equivalent, as set out on the Department's website, and must apply such course hours to satisfy the training requirements of this section and section BC 3321 of the Building Code.

(7) Beginning October 1, 2019, and on January 1, April 1, July 1 and October 1 of each year thereafter, the course provider must report the number of SST, temporary SST, limited SST and supervisory SST cards issued each quarter in a format required by the Department.

(i) SST cards to be issued upon course completion. The Department may require SST course completion cards to be issued by a third party. Until such time as a third party process is instituted, an SST provider must, upon completion of the SST course, issue a temporary SST card, limited SST card, SST card, or SST supervisor card, in accordance with subdivision (h), this subdivision and section 3302.1 of the Building Code.

(1) Such card must be wallet-sized and must conform to the guidelines posted on the Department's website.

(2) Any SST card issued prior to the effective date of this rule must conform to the guidelines posted on the Department's website. The course provider who issued such SST card must replace non-conforming cards by April 1, 2020 with cards that comply.

(i) Record-keeping and verification of SST Cards.

(1) The SST course provider or, if applicable, a third party, must maintain a record of all temporary SST cards, limited SST cards, SST cards, or SST supervisor cards issued for a minimum of seven years. The SST course provider or, if applicable, a third party, must make these records available to the Department or its designee upon request.

(2) The SST course provider or, if applicable, a third party, must maintain a secure online verification system containing an up-to-date list of the name of the card holder, the unique identification card number, and the issuance and expiration date of the card. Such verification must be available to the City, including the Department or its designee, and contractors, to enable readily accessible confirmation of the names of SST card holders who have completed the SST training through the particular course provider.

[(e)] (k) Suspension and Revocation of Approval.

- (1) Following notice and an opportunity to be heard, the Department may [suspend or revoke approval of a course provider's courses based on the failure to comply with a Department requirement] take corrective action, including probation, suspension, or revocation of a course provider's authority to conduct classes and to distribute course completion cards, for failure to comply with the requirements of this section or with the requirements of any applicable law, rule, or regulation. However, when the public safety may be imminently jeopardized, the Commissioner may, pending an opportunity to be heard and Department determination, suspend approval for a period not exceeding thirty (30) days.
- (2) The basis for the suspension or revocation of a course approval may form the basis for the suspension or revocation of any or all of that course provider's approved courses.
- (3) The Department will post on its website that the approval of a course or course provider has been suspended or revoked.

§2. Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new section 3321-01 to read as follows:

§3321-01 Construction Site Safety Training (SST).

(a) Required training. Permit holders at building sites for which a construction superintendent, site safety manager or site safety coordinator is required must ensure that each worker at the site has completed the site safety training provided by approved course providers pursuant to section 105-03 of these rules and as required by section 3321 of the Building Code.

(b) Training deadlines. The required training must be completed in accordance with the following deadlines:

- (1) Beginning March 1, 2018, workers must have completed either:
 - (i) An OSHA 10-hour class, as defined in section 3302.1 of the Building Code;
 - (ii) An OSHA 30-hour class, as defined in section 3302.1 of the Building Code; or

- (iii) A 100-hour training program that DOB determines meets or exceeds the training in (i) or (ii).
- (2) By December 1, 2019, or June 1, 2020 if the Department determines that there is insufficient capacity to provide the training required by section 3321 of the Building Code, workers must have completed either (i), (ii), (iii), or (iv) of this paragraph (2):
 - (i) Temporary SST Card as defined in section 3302.1 of the Building Code, for workers who provide a written statement that they have not ever been issued a Limited SST, Temporary SST or SST Card;
 - (ii) Limited SST Card as defined in section 3302.1 of the Building Code;
 - (iii) SST Card as defined in section 3302.1 of the Building Code; or
 - (iv) If serving as a site safety manager, site safety coordinator, concrete safety manager, construction superintendent or a competent person designated by the construction superintendent at such site, an SST Supervisor Card as defined in section 3302.1 of the Building Code.
- (3) By September 1, 2020, workers must have either (i), (ii), or (iii) of this paragraph (3):
 - (i) SST Card;
 - (ii) Temporary SST Card as defined in section 3302.1 of the Building Code, for workers who provide a written statement that they have not ever been issued a Limited SST, Temporary SST or SST Card;
or
 - (iii) If serving as a site safety manager, site safety coordinator, concrete safety manager, construction superintendent or a competent person at such site, an SST Supervisor Card as defined in section 3302.1 of the Building Code.