

## Local Law 196 Background

Local Law 196 (2017) establishes Site Safety training requirements for most construction sites in New York City. Local Law 196 also requires that workers receive equal access to the required training. Through this component of the Law, the NYC Department of Small Business Services (“SBS”) will assist in offsetting the cost of this 40-hour required training and 62-hour training for supervisors. Small construction firms in New York City and M/WBE firms are eligible for training through the Construction Site Safety Grant Program (“Program”). By December 1<sup>st</sup>, 2019, workers are required to have at least a Limited Site Safety Card which includes 30-hours of training. The full 40 hours of training must be completed by September 1<sup>st</sup>, 2020. For more details, please visit the [DOB website](#).

## Equal Access to Training Program Overview

Eligible businesses will train their employees through an approved Department of Buildings (“DOB”) or Occupational Safety and Health Administration (“OSHA”) approved training provider. Once employees have received the full 40-hours of Site Safety Training, businesses can apply through SBS Connect to receive a reimbursement for the cost of training. Businesses can only receive one reimbursement and cannot apply again once reimbursement has been received.

## Process to Apply for Reimbursement

1. Businesses will select authorized course provider(s).
2. Businesses will send employees to be trained.
3. Employees will complete training and receive verified credentials issued by the authorized provider upon completion.
4. Businesses should review the [documentation checklist](#), gather the required documents (see below) and apply for reimbursement through [SBS Connect](#).
5. Applications that have been started can be saved and revisited in the future, if necessary.
6. Once an application is submitted, it will be assigned to an analyst for review.
7. Analysts will review submitted applications and flag any discrepancies in the application if necessary.
8. Upon approval, reimbursement will be sent to the bank account listed on application via Electronic Funds Transfer (EFT).
9. This process will take 30-60 days.



### **Rejected Applications**

If an application is incomplete or lacks the required documentation, an analyst will send a notice of deficiency to the business detailing issues in their application. Businesses have 30 days to respond to the first notice of deficiency before a final notice will be sent. If a business does not respond to the notices or fails to comply with the requirements, the application will be rejected. Rejected businesses may apply again after rejection.

### **Denied Applications**

Businesses that do not meet the eligibility requirements for this program will be denied from this program and may not reapply.

### **Withdrawn Applications**

Businesses may withdraw from the program and reapply at any time.

## **Eligibility Requirements**

To apply for training reimbursement, businesses must first meet the programs eligibility requirements as follows:

- Certified M/WBE owned construction firm with 15 employees or fewer
- Small construction firms in New York City with 15 employees or fewer

Pursuant to the [Construction Industry Fair Play Act](#), an employee is defined as someone doing work for a contractor or subcontractor is an employee unless:

- They are free from direction and control in performing your job, AND
- They perform work that is not part of the usual work done by the business that hired them, AND
- They have an independently established business

## **Eligible Expenses**

Through this program, construction firms can receive a reimbursement for the direct cost of training their employees.

- The direct cost of training includes only the fees paid to authorized instructors.
  - Any relevant training invoices from March 1, 2018, onwards is eligible for reimbursement.
- This does not include transportation to and from training, food, wages paid during training, etc.
- Pursuant to Fair Labor Standards Act (FLSA), businesses are responsible for paying their employees throughout the duration of training. For more information, please visit:

## **Eligible Training and Course Providers**

Only invoices from authorized course providers will be reimbursed. Businesses will only be reimbursed for the full 40 hours of Site Safety Training. The eligible training that businesses can send their employees to include OSHA 30 + 10 hours of Site Safety Training and 40 hours of Site Safety Training.

- OSHA 30 Outreach trainers: these must be authorized by OSHA to be eligible for reimbursement. A list of authorized providers can be found on [OSHA's site](#).

Note: this list is not exhaustive, and some authorized providers may not be listed here. You should only hire verifiable authorized outreach training providers. The inability to verify an outreach training provider will result in a reduced reimbursement.

- Site Safety Training (SST) Course Providers: these must be authorized by the Department of Buildings. A list of authorized providers can be found on [DOB's site](#).

## Supporting Documents

All businesses will be required to submit information that demonstrates their eligibility and completion of training for a minimum reimbursement of 65%. If a business wishes to seek a higher reimbursement, they may choose to submit additional documentation to receive up to 100%. Below is a breakdown of the reimbursement levels and the supporting documents needed. Please note, SBS has the right to audit these documents and ask for additional information if necessary.

Documentation for Minimum Reimbursement:	
Business Size	1. Signed and notarized form verifying 1-15 employees (link)
Completed 40-hours of Site Safety Training	1. Scanned copy of SST cards for all employees
Authorized Training Provider	1. Invoices from training provider
Payment to Authorized Training Provider	1. Canceled checks or; 2. A credit card statement with proof of payment to the credit card company
Business is located in NYC	1. Signed copy of federal tax form <a href="#">1120</a> or; 2. Three months Operational bill, billed to the business address.* <i>*operational bill includes: internet, phone health insurance or product delivery bill</i> 3. Signed copy of lease agreement.
Electronic Funds Transfer (EFT)	1. Copy of void check or; 2. Current bank statement or; 3. Letter from bank
Documentation for Full Reimbursement (Including the above documentation):	
Business Paid Employees During Training	1. Copies of every payroll record for each employee participating in training for each week of training
Proof of Training Attendance	1. Signed and notarized training attendance form (link) or; 2. Sign-in sheets for every training class signed by the trainee and training provider.