



The City of New York
Department of Investigation

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DOI RECOMMENDATIONS TO THE CITY DEPARTMENT OF BUILDINGS REGARDING SITE SAFETY TRAINING COURSE PROVIDERS, INSTRUCTORS AND PROCESS

Below are the recommendations DOI has issued to the New York City Department of Buildings (“DOB”) in connection with the enterprise corruption indictment against Valor Security & Investigations, Inc., and individuals acting as SST (“SST”) card brokers. These recommendations enhance DOB’s oversight of the construction Site Safety Training requirements mandated by [Local Law 196 of 2017](#). While DOB has accepted all of these recommendations, the agency indicated that certain of the recommendations will require legislative and rule changes and many also will require additional funding. DOB agreed to continue working with DOI on possible implementation.

I. Recommendation to Enhance DOB’s Authority Over Site Safety Training Instructors

Local Law 196 of 2017 and Local Law 219 of 2019 collectively require construction workers to complete construction site safety training¹ provided by a DOB-approved course provider, and subjects course providers to certain requirements relating to SST. The Local Laws empower DOB to take corrective action against approved providers who fail to meet these requirements.² Existing law and rules do not authorize DOB to oversee or take enforcement action against the SST instructors, who provide training through a DOB-approved course provider. While the law requires instructors to have certain qualifications³ and to follow DOB’s Industry Code of Conduct,⁴ oversight of SST instructors is largely left to the approved provider.⁵ **DOI recommends that DOB pursue the appropriate legislative or regulatory changes necessary to enhance DOB’s authority over SST instructors, so that DOB can more directly seek to ensure the qualifications and integrity of course instructors, in order to promote safety in the City’s construction industry.**⁶

II. Recommendations to Enhance DOB’s Oversight of Approved Course Providers

DOI recommends that DOB pursue the legislative or regulatory changes necessary to increase the requirements it imposes on DOB-approved course providers, in order to ensure that course providers issue SST cards only to trainees who have completed the required courses taught by qualified instructors

¹ N.Y.C. BUILDING CODE § 3321.1.

² Rules of the City of New York (RCNY) § 105-03(k).

³ RCNY § 105-03(d).

⁴ RCNY § 105-03(d)(5).

⁵ RCNY § 105-03(e)(6).

⁶ https://www.bls.gov/regions/northeast/news-release/fatalworkinjuries_newyorkcity.htm

affiliated with a DOB-approved course provider, pursuant to DOB guidelines. In particular, DOB should require the DOB-approved course provider to:

- A. Document the beginning and ending time that each individual trainee attended each SST course, using an automated system that generates an electronic time stamp unique to each trainee, reflecting the times that trainee began and ended the course;
- B. Direct each instructor to make a sworn statement in writing that, for each course that the instructor taught, the instructor provided SST training in accordance with DOB guidelines, and that each trainee attended all required training hours and successfully completed the training;
- C. Video- and audio-record the entirety of each training class, including the instructor and the participants;
- D. Upload or otherwise ensure that the information and documentation referenced above is reflected in a DOB database (either Training Connect or an alternative) (“the DOB System”); and
- E. Issue SST cards only through the DOB System, which will prevent the issuance of an SST card unless the requirements in II (A)-(D) above are met, and the system-generated electronic time stamps unique to each trainee establish that the trainee has completed all required training hours.

III. Recommendations to Enhance DOB’s Oversight of the SST Training Process

DOI recommends that DOB take immediate action to further enhance its oversight of the SST training process, as set forth below.

- A. DOB should design and implement a DOB database (either Training Connect or an alternative) (“the DOB System”) and require the DOB-approved course provider to complete steps (I) and (II) below, and to ensure that the information collected thereby is uploaded or otherwise referenced in the DOB System:
 - 1. Pre-register all courses at least three (3) days in advance of the scheduled course dates. Pre-registration information must include: (1) course title; (2) course date, time and length; (3) course location; (4) intended course instructor; and (5) names and identifying information for all registered trainees;
 - 2. Update pre-registration information as needed to account for any changes to the data between pre-registration and the course itself;
 - 3. Issue SST cards only through the DOB system, which will prevent the issuance of an SST card unless the requirements in III.A(1) and (2) are met.
- B. DOB should identify and investigate “red flags,” through queries of the DOB System that may indicate that DOB-approved providers are fraudulently issuing cards. Such “red flags” include, but are not limited to, course instructors providing in-person training at multiple locations simultaneously or providing more hours of training than possible in a given time frame.
- C. DOB should invalidate training cards issued by a DOB-approved provider who lacked the required qualifications or employed an instructor who lacked the required qualifications to serve as course provider and/or instructor, or otherwise violated any other law, rule or regulation governing DOB approved course providers.

- D. In partnership with DOI, DOB should give periodic ethics, compliance, and other integrity-related training to a member of the senior executive staff of DOB-approved course providers on the rules governing construction site safety training requirements.
- E. DOB should hire additional Training Compliance Investigators to increase the audit capabilities of the DOB Training Compliance Unit in order to:
 - 1. Assist in the design and implementation of the DOB System; and
 - 2. Conduct audits of approved course providers at a frequency consistent with best practices, including:
 - i. A review of approved course providers' compliance with all rules and regulations governing DOB-approved course providers;
 - ii. Random "spot checks" of trainings scheduled on weekends or non-business hours and at locations outside the New York City metropolitan area, or other random checks to confirm that trainings have occurred as scheduled;
 - iii. Review the qualifications of course instructors providing training for DOB-approved course providers;
 - iv. Review the functionality of the DOB System and the scheduling, attendance, completion and certification data within the System; and
 - v. Review the DOB-approved providers' (and their instructors') compliance with requirements in Recommendation II and III.A. above, concerning gathering and uploading of documentation into the System, pending the requisite legislative and rule changes.

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