

By Council Members Williams and Menchaca (by request of the Manhattan Borough President)

A Local Law to amend the New York city building code, in relation to training and qualifications of persons engaged in the construction and demolition of buildings

Be in enacted by the Council as follows:

1           Section 1. Section 3302.1 of the New York city building code is amended by adding new  
2 definitions to read as follows:

3 **APPRENTICE.** A worker who is employed and registered to learn a skilled trade through a  
4 New York state department of labor or United States department of labor registered  
5 apprenticeship program.

6 **APPRENTICESHIP PROGRAM.** A plan containing all terms and conditions for the  
7 qualification, recruitment, selection, employment and training of apprentices, and registered with  
8 the New York state department of labor or the United States department of labor.

9 **BONA FIDE CONSTRUCTION SITE SAFETY TRAINING PROGRAM.** A training  
10 program authorized and approved by the commissioner for the trade or craft for which a person  
11 is employed that provides a minimum number of required hours for completion in safety related  
12 instruction and a minimum number of required hours of on the job training commensurate with,  
13 at least, one year of apprenticeship training in accordance with the standards set forth in section  
14 815 of the New York state labor law and paragraph (4) of subdivision (c) of section 601.5 of the  
15 New York codes, rules and regulations.

16           § 2. The title of section BC 3310 of the New York city building code is amended to read  
17 as follows:

18                                   **SECTION BC 3310**  
19                                   **REQUIREMENTS FOR THE CONSTRUCTION OR DEMOLITION OF**  
20                                   **[MAJOR] BUILDINGS**  
21

22           § 3. Section 3310.10 of the New York city building code is amended to read as follows:

23 **3310.10 [Orientation and] Orientation, training and qualifications.** All workers employed at  
24 a major building site shall receive orientation [and training] as required by this section. All  
25 workers employed at a building site shall receive training and have qualifications as required by  
26 this section.

27           § 4. Section 3310.10.2 of the New York city building code is amended to read as follows:

1 **3310.10.2 Training.** All workers employed at a [major building] site shall have successfully  
2 completed, within the previous five calendar years, a course that is at least ten-hours in length and  
3 approved by the United States Department of Labor Occupational Safety and Health Administration  
4 (OSHA) in construction industry safety and health, or by the commissioner covering substantially  
5 the same material.

6  
7 **Exception:** A worker need not take a subsequent course that is at least ten-hours in length and  
8 approved by OSHA in construction industry safety and health, or a subsequent course approved  
9 by the commissioner covering substantially the same material, provided the worker has, within  
10 the previous five calendar years, accumulated at least five safety education units (SEU) for  
11 construction safety and health through training courses offered by a safety training program  
12 conducted by a New York State Department of Labor approved training provider registered  
13 apprenticeship program. A worker shall be credited one SEU for every four hours of  
14 construction safety and health related training completed, with a maximum of two SEUs  
15 assigned for any single course. Such SEU courses shall be conducted by, or under the  
16 supervision of, OSHA authorized construction safety trainers. Instructors who are not OSHA  
17 authorized construction trainers must be experienced in presenting the related course subject  
18 matter, and use a curriculum approved by their supervising OSHA authorized construction  
19 safety trainer.

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21 § 5. Section 3310.10 of the New York city building code is amended by adding a new  
22 section 3310.10.3 to read as follows:

23 **3310.10.3 Additional training and qualifications.** In addition to the requirements of Section  
24 3310.10.2, each worker employed at a site shall satisfy the requirements of Sections 3310.10.3.1  
25 through Section 3310.10.3.2, as applicable.

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27 **3310.10.3.1 Workers at major building sites.** Each worker at (i) a major building site or (ii)  
28 a site that satisfies such other criteria as the commissioner may establish by rule, shall be;

- 29  
30 1. A registered apprentice or graduate of an apprenticeship program registered by the  
31 New York state or United States department of labor in the trade for which such  
32 worker is employed, or  
33  
34 2. An experienced, trained, and skilled person that has received training commensurate  
35 with that required for registered apprentices including related instruction and on the  
36 job training in accordance with the standards set forth in section 815 of the New York  
37 state labor law and paragraph (4) of subdivision (c) of section 601.5 of the New York  
38 codes, rules and regulations.

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41 **3310.10.3.2 Workers on certain demolition sites.** Each worker at the site of a building that  
42 is four or more stories, or 40 or more feet (12 192 mm), in height, and undergoing full or  
43 partial demolition shall be:  
44

1 1. A registered apprentice or graduate of an apprenticeship program registered with the  
2 New York state or United States department of labor in the trade for which such  
3 worker is employed; or

4  
5 2. An experienced, trained, and skilled person that has received training commensurate  
6 with that required for registered apprentices including related instruction and on the  
7 job training in accordance with the standards set forth in section 815 of the New York  
8 state labor law and paragraph (4) of subdivision (c) of section 601.5 of the New York  
9 codes, rules and regulations.

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11 **3310.10.3.3 Workers at other sites.** Each worker at a site that is not covered by Section  
12 3310.10.3.1 or 3310.10.3.2 shall be:

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14 1. A registered apprentice or graduate of an apprenticeship program registered by the  
15 New York state or United States department of labor in the trade for which such  
16 worker is employed;

17  
18 2. An experienced, trained, and skilled person that has received training commensurate  
19 with that required for registered apprentices including related instruction and on the  
20 job training in accordance with the standards set forth in section 815 of the New York  
21 state labor law and paragraph (4) of subdivision (c) of section 601.5 of the New York  
22 codes, rules and regulations; or

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24 3. A worker that has successfully completed a bona fide construction site safety training  
25 program that is approved by the commissioner.

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27 § 6. This local law takes effect 120 days after it becomes law, except that the commissioner  
28 of buildings may take such actions as are necessary for its implementation, including the  
29 promulgation of rules, before such effective date.

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