

1 RCNY §9-03

CHAPTER 9 RIGGING OPERATIONS

§9-03 Minimum Requirements for Individuals Working on Suspension Scaffolds

(a) *Applicability.* In accordance with section 26-172 and 26-182 of the Administrative Code and Subchapter 19 of Chapter 1 of Title 27, "Safety of Public and Property During Construction Operations," the rules in this section establish minimum requirements for all individuals working on or operating suspension scaffolds, either performing construction or alteration work pursuant to a permit issued by the Department, or performing rigging or sign hanging work under the supervision of a licensed master or special rigger or a master or special sign hanger.

(b) *Minimum Requirements.* Only the following individuals may work on or operate a suspension scaffold:

(1) Where work is performed either by or under the supervision of a licensed rigger or sign hanger, the following persons may work on or operate a suspension scaffold:

- (i) a licensed master or special rigger,
- (ii) a licensed master or special sign hanger,
- (iii) a rigging or sign hanging foremen as described in §9-01 and §9-02, or

(iv) a rigging or sign hanging crew member issued a certificate of fitness by the licensed rigger or sign hanger or his or her designate rigging or sign hanging foreman.

(2) (i) Where construction or alteration work is performed pursuant to a permit issued by the Department and, in accordance with §26-173 and §26-184 of the Administrative Code, such work is not performed by or under the supervision of a licensed rigger or sign hanger, the following persons may work on or operate a suspension scaffold:

(A) a person who holds a certificate of completion from a recognized scaffold safety training course as set forth in subdivision (d)(1) and (d)(3) of this section, or

(B) an apprentice in a recognized program, as set forth in subdivision (d)(2) of this section, or

(C) a person who holds a challenge examination certificate

(D) from a recognized administrator of challenge examinations, as set forth in subdivision (d)(4) of this section.

(ii) In accordance with §27-1045, it shall be the responsibility of the superintendent of construction to ensure that any person working on or operating a suspension scaffold on or the job site has the necessary certificate of completion or challenge examination certificate or is enrolled in a recognized apprenticeship program. The superintendent of construction must maintain written records to such effect.

(3) In addition to those persons listed in (b)(1) and (b)(2) above, a registered architect or professional engineer who is familiar with rigging hardware, rigging equipment setup and operation, pertinent Building Code provisions, Federal OSHA and State safety standards, emergency procedures, and recommended industry safe work practices may work on or operate a suspension scaffold, provided, however, that a registered architect or professional engineer not familiar with such codes, standards, procedures and practices may ride on a scaffold to perform inspections as long as the architect or engineer does not perform work from or operate the scaffold.

(b) *Certificate of Fitness.*

(1) *Minimum Requirements.* A person 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, and

(ii) be able to communicate without difficulty with the supervising licensed rigger, licensed sign hanger, rigging or sign hanging foreman, or superintendent of construction on site, and either

(iii) possess a certificate of completion from a recognized scaffold safety training course in accordance with subdivision (d)(1) and (d)(3) of this section, or

(iv) be enrolled in a recognized scaffold apprenticeship program in accordance with subdivision (d)(2) of this section, or

(v) possess a challenge examination certificate in accordance with subdivision (d)(4) of this section.

(2) *Persons Authorized to Issue a Certification of Fitness.* The following persons may issue a certificate of fitness:

(i) a licensed master or special rigger,

(ii) a licensed master or special sign hanger, or

(iii) a rigging or sign hanging foreman designated pursuant to sections 9-01 or 9-02 of these rules, as agent of the licensee.

(3) *Duty of Licensee to Ensure Compliance.* 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 subdivision (c)(1) of this section 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 of completion from a recognized scaffold safety training course or apprentice program or challenge examination certificate, which substantiates the individual's fitness. If a person issued a certificate of fitness is later found to be unqualified or to have failed to work on a suspension scaffold in a safe and workmanlike manner, it shall be the licensee's responsibility to rescind the certificate of fitness and to remove the subject person from the job.

(4) *The Certificate of Fitness.* The certificate of fitness must 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 company, and the signature of the issuer.

(i) Job-specific certificate of fitness for crew members employed only for a particular job or jobs. The certificate of fitness must contain the job location for which such certificate is valid as well as the duration of the job (see exhibit 2). Such certificate of fitness, as well as a photo identification of the certificate holder acceptable to the Department, must be available on site for inspection.

(ii) Certificate of fitness for regular members of the licensee's rigging or sign hanging crew. Notwithstanding the provisions of subdivision (c)(4)(i) of this section, at the option of the issuer, a permanent non job-specific photo identification or certificate of fitness may be issued to regular members of the licensee's business association's rigging or sign hanging crews.

(d) *Recognized Scaffold Safety Training Courses and Apprenticeship Programs.* (1) *Recognized Scaffold Safety Training Course.* Any organization (e.g. private, governmental, non-profit, or trade union) or institute may apply to the Department for recognition of its scaffold safety training course. Such application shall be made to the Department's Cranes and Derricks Division and shall include: instructors' qualifications, curriculum, teaching schedule, and materials used. The training course must include a significant field component, including instruction in rigging hardware (e.g. ropes, blocks, motors, scaffolds, controls, etc.), methods (e.g. reeving, suspension, startup procedures, netting, etc.), and applicable laws (NYC Building Codes and Rules, OSHA standards, etc.) The Department may participate in or observe any training course without prior notification, and reserves the right to rescind recognition. The Department shall inform or approve a recognized course in writing, and shall maintain a list of approved training courses. Any organization or institute that offers the recognized scaffold safety training course must also offer a challenge examination outlined in subdivision(d)(4) of this section, either free or at a nominal cost to all applicants.

(2) *Recognized Apprenticeship Program.* Any organization (e.g. private, governmental, non-profit, trade union) may apply to the Department for recognition of its scaffold safety training apprenticeship program. The requirements for recognition are the same as for a recognized scaffold safety training course as set forth in subdivision (d)(1) of this section. (3) *Certificate of Completion.* The organization providing a recognized scaffold safety training course or apprenticeship program may issue identification cards or certificates of completion to individuals who successfully complete the recognized course or program. The certificate of completion issued must include the name and address of the issuing organization, the date of issuance, and the name of the recipient, and must state "NYC DOB Recognized Scaffold Safety Training Course" or "Apprenticeship Program." Such certificate must be signed by the course administrator.

(4) *Challenge Examination and Challenge Examination Certificate.* The challenge examination shall be administered by organizations or institutes that conduct a recognized scaffold safety training course or recognized apprenticeship program. The challenge examination shall consist of written and hands-on tests that enable successful candidates to demonstrate a minimum level of knowledge and skills equivalent to graduates of a recognized scaffold safety training course or apprenticeship program. A person passing the challenge examination shall be issued a challenge examination certificate by the course or examination administrator. This challenge examination certificate shall be the equivalent to the certificate of completion and shall consist of similar data, format and signature as set forth in subdivision (d)(3) of this section. Written and hands-on tests for the challenge examination shall be submitted to and pre-approved in writing by the Department of Buildings, Cranes and Derricks Division. The Cranes and Derricks Division reserves the right to monitor the test to ensure its quality and fairness, and to revoke any approval if guidelines are not adhered to. Organizations or institutes that offer recognized scaffold safety training or apprenticeship programs in English or in any other language must offer an equivalent challenge examination in the appropriate language to any applicant regardless of his or her gender, race, national origin, organization or union membership, religion or creed.

(e) *Compliance.* Failure to comply with the above rules, including but not limited to any person working on a suspension scaffold unable to produce either a valid certificate of fitness or, where applicable, a certificate of completion or a challenge examination certificate and a photo identification card, may result in the Department's ordering all work stopped, issuing violations, and commencing disciplinary action against the licensee, and/or commencing proceedings for the imposition of fines or civil penalties.

(f) *Effective date.* The provisions of this section 9-03 shall take effect on and after May 1, 2001.