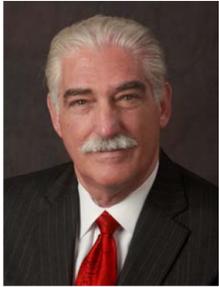


UPDATE REGARDING NYC DOB COVID-19 WELLNESS REGULATION-RELATED VIOLATIONS



Lou Coletti
President
BTEA

The Building Trades Employers Association has been in constant discussions with the Governor's Office and Mayor's Office in order to determine how contractors should proceed with the various Executive Orders set forth by NYS Empire State Development Corporation and NYC Department of Buildings. Here is what we know as of the date of this publication.

We will continue these efforts in coordination with our Member Associations and report them to you through reports of this nature which you can find on the website we set up to focus on information relating to the Coronavirus. Please go to www.bteany.com/covid19/ where these updates will be posted and for other critical information designed for contractors.

Questions?

Please submit any questions you may have and the BTEA will make every effort to get them answered and report it to the membership. Forward those questions to: dranshte@bteany.com

Disclaimer

The information included in this BTEA Publication is for advisory purposes only. Please contact your attorney and other business advisors.

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REMINDER: Beginning Wednesday, July 8th, Department of Buildings will be issuing COVID-19 Wellness Regulation-Related Violations

In a recent call with the Commissioner of Buildings, Melanie La Rocca, the BTEA was asked to remind all its contractors that the initial 30-day violation moratorium ends on July 7th. Therefore, starting on Wednesday, July 8th, inspectors from the Department of Buildings will be issuing COVID-19 Wellness regulation-related violations.

In accordance with the NYC Construction Restart Guidance issued on June 8, 2020, (www1.nyc.gov/assets/buildings/pdf/restart_enforcement_guidance.pdf) noncompliance with the following three regulations will result in a Stop Work Order (and civil penalty of up to \$5,000):

- Missing NY Forward Business Affirmation for reopening.
- Missing NY Forward Safety Plan(s) that should be conspicuously posted on site and include a copy of the submitted NY State affirmation.
- Inadequate numbers of hand hygiene stations available on site and readily accessible to workers.

Violations issued for noncompliance with these regulations will result in civil penalties of up to \$5,000:

- Not keeping 6 feet of social distance between personnel unless safety or core function of the work activity requires a shorter distance.
- Missing face coverings for all personnel, and visitors to construction sites, appropriate for their task (unless medically unable to do so).
- Over occupancy of tightly confined spaces (e.g., elevators, hoists). Maximum occupancy is 50% of the normally allowable number of persons, or weight. Signs for 50% capacity must be posted within the cab AND at each landing.
- Not having a designated site safety monitor, whose responsibilities include continuous compliance with all aspects of the site safety plan.
- Missing signage posted throughout the site to remind personnel to adhere to proper hand hygiene, physical distancing rules, appropriate use of personal protective equipment, and cleaning and disinfecting protocols.
- Lacking a communication plan for employees, visitors, and clients at the site.
- Missing daily continuous logs of every person who may have had close contact with other individuals at the work site or area.
- Missing daily cleaning and disinfection log present at the site.

Please take every available measure to make sure these regulations are adhered to.

If you still do not have your NYS Forward Business Affirmation or Safety Plan you can find them here:

NY Forward Business Affirmation
<https://forms.ny.gov/s3/ny-forward-affirmation>

NY Forward Safety Plan
https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf