



NYC Dept. of Buildings has shortage of site safety managers and site safety coordinators

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On August 25, 2014 the New York Post published an article regarding the shortage of site safety managers (SSM) and site safety coordinators (SSC) who are certified by the New York City Department of Buildings ("DOB") for major building construction projects in the City of New York.

The article estimated that there are only 500 "active" SSM's in the NYC construction "universe". Although specific data have not been made available, "certifications" issued during the past 12 months are estimated at fewer than 10. The delay in issuing certifications may be in part due to the sometimes lengthy process of the background investigation conducted by the Department of Investigation ("DOI"), a process of confirming a candidate's eligibility based on prior construction industry experience.

When asked about the backlog at a recent industry organization meeting, DOB representatives responded that there are only approximately 30 candidates currently in the DOI background queue. The DOB also recently conducted a sweep of facade-related projects and new building and alteration projects where site safety parameters are required. It found that at many sites there was no appropriate SSM or SSC coverage. In addition, findings indicated that many sites were being manned by a SSM or SSC other than the one designated (by permit) for the site. In addition, in many cases a SSM or SSC was improperly designated for more than one site.

As a result of the sweep, two companies were indicted and their principals arrested for providing coverage at sites by unqualified and uncertified individuals.

The reason for the crisis remains unclear, but some facts may shed light on the issue.

During the application background phase, a candidate is required to establish a certain number of years' experience. Candidates must also demonstrate that they have worked on a specific "type" of structure (Hi-Rise), and that their work included "supervisory" responsibilities. Because many candidates have worked for numerous employers, as is common in the industry, securing sufficient documentation regarding the type of project and the supervisory nature of the candidate's role on the project, can be very difficult. Although there may only be 30 plus candidates currently in the DOI background queue, it is reasonable to assume that many have not been certified and many qualified candidates rejected because of an inability to substantiate their work experience. Local Law 11 (facade) work, though not involving the same complexity as a new building or major alteration, requires the same safety regulatory compliance. Although the DOB has recently exhibited some flexibility with respect to the full time safety requirement on these projects, by considering specific written requests for alternative coverage based on the scope of work, the volume of these projects has nonetheless put additional stress on the safety market.

These issues and the shortage of SSMs and SSCs contribute to increased delays in projects and skyrocketing costs of site safety compliance due to market demand.

One potential solution is to issue a temporary, or "contingent", license for one year to those SSM candidates who possess the qualifications for the SSC position and/or have passed the exam for the SSM position. The contingent license could automatically expire in 12 months unless the candidate has proactively provided, within that time frame, the information and documentation required to demonstrate the requisite work background.

A solution to these issues is imperative or the boom in our industry will turn to a bust, projects will be delayed indefinitely, workers will remain on the sidelines and developers will be at a loss to get their projects off the ground.

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