

To: SUPERSEDED BY EI 14-021 EFFECTIVE 1/8/15		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 08-024
Title: WORKER SAFETY TRAINING			
Distribution: ☐ Manufacturers (18) ☒ Local Govt. (31) ☒ Agencies (32) ☒ Surveyors (33) ☒ Consultants (34) ☒ Contractors (39)		Approved:  James F. Tynan, P.E. Deputy Chief Engineer (Construction) 7-1-08 Date	

ADMINISTRATIVE INFORMATION:

- This Engineering Instruction (EI) is effective beginning with projects submitted for the letting of 09/04/08.
- This EI supersedes EI 06-025.
- These revisions will be incorporated into a future update of the Standard Specifications.

PURPOSE: This EI issues a revision to §107-05B of the Standard Specifications.

TECHNICAL INFORMATION:

- This revision to §107-5B. *Project Safety and Health Plan* requires contractors to ensure all laborers, workers and mechanics have attended an OSHA approved 10 hour course in construction safety training prior to performing any work.

IMPLEMENTATION:

- Main Office Design Quality Assurance Bureau will insert the standard specification shelf note beginning with projects submitted for the letting of 09/04/08.

TRANSMITTED MATERIALS:

This EI transmits standard specification shelf note *Worker Safety Training*.

BACKGROUND:

New York State Labor Law Section 220-h was amended, directing that specifications for public work projects of at least \$250,000 require all laborers, workers, and mechanics to have attended an OSHA approved 10 hour construction safety training course prior to performing any work. The law is effective with projects advertised on or after July 18, 2008. Because very few Department contracts are under \$250,000 the requirements will be added to all contracts for consistency. This requirement does not extend to construction inspection staff nor non prevailing wage Contractor employees.

CONTACT: Direct questions regarding this issuance to Tom Melander of the Office of Construction at (518) 457-6472 or via e-mail at TMelander@dot.state.ny.us.

WORKER SAFETY TRAINING

Make the following changes to the Standard Specifications of May 4, 2006:

Page 105, **Delete** §107-05B. *Project Safety and Health Plan* and **Replace** it with the following:

B. Project Safety and Health Plan. The Contractor shall perform all necessary planning, supervision, and training activities to ensure that all of the requirements of 29 CFR 1926 are fully met for all workers employed in the construction of the contract. The Contractor shall provide to the Department prior to the start of work satisfactory evidence that all current requirements of 29 CFR 1926 will be adequately addressed. As a minimum, the Contractor shall provide a written Project Safety and Health Plan which documents the Contractor's company policy relative to safety, and which identifies and addresses specific safety and health concerns to be encountered on the project. Before the work begins and periodically throughout the project, the Contractor's project supervision staff shall meet with the Engineer to review and discuss the status of safety issues on the project. An appropriate notice shall be posted on the contract site that the Project Safety and Health Plan is available for examination by any worker employed on the project. As a minimum this plan shall include the following items:

- Identification of project and company safety officers.
- Hazardous Materials Communications Plan.
- Employee Safety Training Program.
- Company safety policy.
- Procedures to address project safety and health concerns.
- Procedures to address distraught, emotionally disturbed persons and/or homeless persons.
- Procedures for compelling worker compliance with safety and health requirements.

Certain of these items may be submitted in the format of a Company Safety and Health Program, with the Project Safety and Health Plan limited to project-specific issues.

The Contractor shall ensure that each subcontractor employed on the project complies with this requirement. The Contractor shall provide to the Department a Project Safety and Health Plan covering all work to be done by the subcontractor prior to starting work. As an alternative, the Contractor may provide a certification that all activities performed by and workers employed by the subcontractor will be subject to the Contractor's Project Safety and Health Plan.

Submission of the required Project Safety and Health Plan by the Contractor and its acceptance by the Department shall not be construed to imply approval of any particular method or sequence for addressing safety and health concerns, or to relieve the Contractor from the responsibility to adequately protect the safety and health of all workers involved in the project as well as any members of the public who are affected by the project.

In accordance with NYS Labor law §220-h, all laborers, workers, and mechanics shall be certified prior to performing any work on the contract as having successfully completed a course in construction safety and health approved by the US Department of Labor's Occupational Safety and Health Administration (OSHA) that is at least ten hours in duration. The Contractor shall attach proof of completion to first certified payroll for initial workers, and to subsequent payrolls for new or additional workers. The Contractor shall clearly indicate on subsequent payrolls any workers not previously employed on that contract. If no proof of completion has been submitted for a worker listed on a certified payroll, the Engineer will alert the Contractor to this fact. If the Contractor cannot provide proof of completion and the worker continues to work, the Department will notify the Contractor in writing with a copy to the NYSDOL by e-mail at PWAsk@labor.state.ny.us.

WORKER SAFETY TRAINING

Make the following changes to the Standard Specifications of May 1, 2008:

Page 104 **Delete** §107-05B. *Project Safety and Health Plan* and **Replace** it with the following:

B. Project Safety and Health Plan. The Contractor shall perform all necessary planning, supervision, and training activities to ensure that all of the requirements of 29 CFR 1926 are fully met for all workers employed in the construction of the contract. The Contractor shall provide to the Department prior to the start of work satisfactory evidence that all current requirements of 29 CFR 1926 will be adequately addressed. As a minimum, the Contractor shall provide a written Project Safety and Health Plan which documents the Contractor's company policy relative to safety, and which identifies and addresses specific safety and health concerns to be encountered on the project. Before the work begins and periodically throughout the project, the Contractor's project supervision staff shall meet with the Engineer to review and discuss the status of safety issues on the project. An appropriate notice shall be posted on the contract site that the Project Safety and Health Plan is available for examination by any worker employed on the project. As a minimum this plan shall include the following items:

- Identification of project and company safety officers.
- Hazardous Materials Communications Plan.
- Employee Safety Training Program.
- Company safety policy.
- Procedures to address project safety and health concerns.
- Procedures to address distraught, emotionally disturbed persons and/or homeless persons.
- Procedures for compelling worker compliance with safety and health requirements.

Certain of these items may be submitted in the format of a Company Safety and Health Program, with the Project Safety and Health Plan limited to project-specific issues.

The Contractor shall ensure that each subcontractor employed on the project complies with this requirement. The Contractor shall provide to the Department a Project Safety and Health Plan covering all work to be done by the subcontractor prior to starting work. As an alternative, the Contractor may provide a certification that all activities performed by and workers employed by the subcontractor will be subject to the Contractor's Project Safety and Health Plan.

Submission of the required Project Safety and Health Plan by the Contractor and its acceptance by the Department shall not be construed to imply approval of any particular method or sequence for addressing safety and health concerns, or to relieve the Contractor from the responsibility to adequately protect the safety and health of all workers involved in the project as well as any members of the public who are affected by the project.

In accordance with NYS Labor law §220-h, all laborers, workers, and mechanics shall be certified prior to performing any work on the contract as having successfully completed a course in construction safety and health approved by the US Department of Labor's Occupational Safety and Health Administration (OSHA) that is at least ten hours in duration. The Contractor shall attach proof of completion to first certified payroll for initial workers, and to subsequent payrolls for new or additional workers. The Contractor shall clearly indicate on subsequent payrolls any workers not previously employed on that contract. If no proof of completion has been submitted for a worker listed on a certified payroll, the Engineer will alert the Contractor to this fact. If the Contractor cannot provide proof of completion and the worker continues to work, the Department will notify the Contractor in writing with a copy to the NYSDOL by e-mail at PWAsk@labor.state.ny.us.