

1 RCNY §105-03

CHAPTER 100

Subchapter E Miscellaneous Provisions

§105-03 Course Provider Registration and Department-Approved Courses.

(a) Registration. Beginning on July 1, 2025, no course provider may offer Department-approved courses unless such course provider is registered with the Department in accordance with this section. Such registration is valid for one year from the date of registration.

- (1) Current course providers may continue to offer courses until July 1, 2025, provided they apply for registration between the effective date of this section and July 1, 2025, in accordance with the provisions of subdivision (b) of this section. Providers who fail to apply must complete any course currently being offered and upload the certificates as provided in this section but may not offer any additional courses.
- (2) Once the department approves the application, the provider will be considered registered as of that date.
- (3) In the event the department denies the application, the applicant may reapply or may challenge the determination in accordance with the provisions of Section 28-401.21 of the Administrative Code. The provider may continue to operate until the reapplication or challenge is decided.

(b) Course Provider Application and Renewal Process.

- (1) The course provider applicant must submit:
 - (i) an application form provided by the Department;
 - (ii) proof that the applicant has met the requirements of paragraph (2) of subdivision (f) of this section;
 - (iii) a statement attesting that the applicant will ensure that all instructors comply with the requirements of subdivision (e) of this section and, if applicable, subdivision (h) of this section; and
 - (iv) a fee as set forth in section 101-03 of these rules.
- (2) Incomplete applications will be rejected.
- (3) Applications for renewal must be accompanied by the renewal fee and such additional information as the commissioner may require. Such applications must be made at least 30 days but not more than 60 days prior to the expiration of the applicant's registration.

(c) Investigation of applicant. The Department or its designee will conduct an investigation of each applicant to determine its qualification to become a course provider. The burden of proving that an applicant meets the required qualifications is on the applicant. An applicant's failure to meet the requirements specified by the Administrative Code or by the Department's rules, and/or an applicant's refusal to cooperate with an investigation will result in denial of the application. If an applicant fails to provide all requested documents within six (6) months of the date of the request the application will be denied.

(d) Approved Courses. Unless otherwise authorized under the Administrative Code or Department rules, only Department-approved courses may be offered to fulfill Department course requirements. A listing of registered providers of approved courses is available on the Department's website. The course provider must ensure compliance with the provisions of this subdivision.

(1) Course Requirements.

- (i) All courses must comply with the Department's course requirements published on its website, which lists the relevant citations for statutory or other requirements listed in this paragraph.
- (ii) All requirements must include the following information as applicable to the relevant construction trade:
 - (A) Business practices;
 - (B) Relevant Building Code provisions, rules, and policy and procedure notices enacted or promulgated by the Department;
 - (C) Administrative Code provisions, rules and policy and procedure notices enacted or promulgated by any other City agency;
 - (D) Overview of Occupational Safety and Health Standards ("OSHS") for the Construction Industry;
 - (E) Relevant Department of Buildings filing and inspection requirements;
 - (F) Safety/hazardous materials;
 - (G) New technology;
 - (H) Corruption prevention standards; and
 - (I) Other subjects identified by the Commissioner.
- (iii) All courses must reflect any changes in the Department's published course requirements or any applicable laws, rules and regulations within ninety (90) days.
- (iv) Class Duration: Live and virtual training sessions may not exceed 9½ hours in total per day, including time spent covering course content, lunch/meal and other breaks, and administrative matters such as attendance and hands on and written assessments.

(2) Notification of Approved Courses. The course provider must have its own website and any course provider who offers Department-approved training to the general public must publish course schedules on its website, including dates, times, locations, the cost of the training and whether such cost includes the cost of issuing the identification card or site safety training card required by this section, the cost of such card if it is not included in the training cost, and must submit all course schedules to the Department. The course provider must also notify the Department of any changes to a scheduled course at least three (3) business days prior to it being offered. All information on the course provider's website, including the location of courses and the courses taught, must be current.

(3) Course Review. At the end of each course, the instructor(s) must conduct a review of the materials taught. The Department may require that a hands-on or written performance evaluation be given to attendees.

(4) Course Facilities. The course facilities must:

- (i) Have sufficient room to accommodate all expected attendees and the equipment needed to perform hands-on exercises where required as part of the course;
- (ii) Make provisions for the presentation of training material in all media types (e.g., computer, projectors, video/DVD players); and

(iii) Comply with all applicable laws, rules and regulations relating to occupancy, zoning, egress, fire detection, fire suppression, light, ventilation, cleanliness, sanitary facilities, emergency notification and evacuation procedures.

(5) Attendance Record. The course provider must have in place fraud- resistant procedures for confirming the identity and attendance of individuals taking any course(s), including logs reflecting those in attendance at different times during the course, and be able to produce the logs and any other documentation demonstrating that an attendee attended the course(s). The logs must include:

- (i) The student's full name (printed);
- (ii) The student's signature;
- (iii) The name of the course;
- (iv) The name of instructor(s);
- (v) The time the course began;
- (vi) The time the course ended;
- (vii) The time of a break (if any), including when the break began and when the break ended;
- (viii) The address where the class/course or course was conducted;
- (ix) The format in which the class was conducted: in-person, virtual, webinar, hybrid online/in-person training (for hands-on training courses); and
- (x) An attestation by each instructor confirming that they taught the class and verifying the attendance list. Each instructor must print their name, sign it, and add the date.

(6) Course Completion.

(i) The course provider must issue a certificate of completion to the attendees upon course completion. The course provider must also upload a photograph of the person and a digital copy of the certificate of completion to the Department of Buildings' platform NYC DOB Training Connect, which is only accessible to registered course providers. The course provider must upload the certificate within 60 days of course completion. Such certificate must contain the following information:

- (A) The name of the course;
- (B) The name of the person to whom it was issued;
- (C) The name and address of the issuing organization;
- (D) The certificate number;
- (E) The date of issuance and expiration (if any);
- (F) An indication of the type of course and the number of credit hours completed;
- (G) The name and signature of the course provider.
- (H) The name of the instructor; and
- (I) The course provider ID number.

- (ii) For worker certification courses, the course provider must issue an identification card to attendees upon course completion. Such card must be issued using the Department of Buildings' platform NYC DOB Training Connect, which is only accessible to registered course providers and can found at <https://dob-trainingconnect.cityofnewyork.us/>.
 - (iii) The course provider must maintain a record of all the information required on the identification cards and the certificates of completion for a minimum period of seven (7) years from the date of completion. The course provider must make these records available to the Department upon request.
- (7) Department Observation and Evaluation. The Department may observe any Department-approved course without prior notification to the course provider or instructor. The Department may evaluate courses taught by course providers through audit or other means at such intervals as it deems necessary and may require additional information as it deems necessary.
- (8) Audits. The Department may periodically audit the course provider to ensure compliance with this section and any rules or other Department requirements related to such training.
- (9) Cooperation. The course provider must cooperate with investigations related to the course provider's compliance with the requirements of this rule or other applicable law.
- (e) Course Instructor(s).** Course providers must require that course instructor(s) demonstrate that they are credentialed or trained in instructional methods and learning processes. Course providers must also require that the instructor(s) successfully demonstrate their ability to solve or resolve problems relating to the subject matter by possession of a recognized degree, certificate, licensure or professional standing, or by extensive knowledge, training, and experience, in the subject matter being taught. To the extent that the course instructor(s) holds, or has held, a trade license issued by the Department, such license must be in good standing and not be surrendered to, suspended by or revoked by the Department.
 - (1) For Supported Scaffold, Suspended Scaffold and Mast-Climber training courses, the instructor(s) must also be authorized by the Occupational Safety and Health Administration ("OSHA") as a trainer(s) for its Construction and Outreach Program.
 - (2) For Hoisting Machine Operator courses, the instructor(s) must also hold a valid New York City Hoisting Machine Operator's license or hold a national certification for crane operation.
 - (3) For Master and Special Electrician courses, the instructor(s) must demonstrate credentials or training in instructional methods and learning processes through licensure or certification, including but not limited to, certification as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.
 - (4) The course instructor(s) must comply with all applicable Federal, State and local laws, rules and regulations.
 - (5) The course instructor(s) must be in compliance with the Department's Industry Code of Conduct.
- (f) Course Provider Requirements.**
 - (1) The course provider must be a sole proprietorship, a partnership or a corporation that provides training, an educational institution, a governmental agency or authority, a trade union, or a trade association, provided that a governmental agency or authority need not comply with paragraph (2) of this subdivision.
 - (2) The course provider must provide proof that it is:
 - (i) approved by the New York State Department of Education, such as through a registered New York State Department of Labor vocational, trade or apprenticeship program;

- (ii) licensed as an educational institution by the New York State Department of Education;
- (iii) accredited by an accrediting organization recognized by the United States Department of Education or the Council for Higher Education Accreditation; or
- (iv) certified by an organization accredited by the American National Standards Institute (ANSI) as a Standards Developing Organization with published standards for continuing education and training.

For alternative Mast-Climbing work platform training course provider requirements to those listed in paragraph (2) of subdivision (f), herein, see section 3314-01(m).

- (3) Course providers must continuously maintain the qualifications required by paragraphs (1) and (2) of this subdivision and by subdivision (i), if applicable, and must provide a copy of such approval, license, accreditation or certification to the Department upon request. The documentation must reflect the exact name of the entity registering. The course provider must immediately notify the Department of any lapse or expiration of its approval, license, accreditation or certification, including any qualification required by subdivision (i).
 - (4) The course provider must comply with all applicable Federal, State and local laws, rules and regulations.
 - (5) The course provider must notify the Department of any changes to the course provider's name within fourteen (14) days of such change.
 - (6) Course providers must ensure that all their instructors comply with all applicable provisions of this section.
 - (7) Course providers must be in compliance with the Department's Industry Code of Conduct and Course Provider Program Handbook.
 - (8) Course providers must notify the Department within thirty (30) days if the course provider makes changes to its business name, its website domain, or the owner/director of the business by submitting a new application for provider approval with supporting documentation. The provider may continue to offer courses under its current name pending approval of the new application.
 - (9) Course providers must collect, process and retain student data records as set forth herein. Course providers must implement privacy and data security practices to guard against the unauthorized access, fraud, theft, and other misuse of such information. Course providers may not use the data collected pursuant to this rule for any other purpose, including but not limited for advertisements, without the student's consent. Course providers must comply with all applicable City, State, and federal laws relating to personally identifying information and to privacy, including but not limited to those included in the New York State General Business Law.
- (g) Department as course provider.** Notwithstanding the foregoing, the Department may act as a provider, or the sole provider, of any course offered to fulfill a Department course requirement.
- (h) Site Safety Training (SST) Course Instructors.** For the purposes of providing training in accordance with section 3321.1 of the Building Code and this section 105-03, a site safety training (SST) provider, as defined in item 1 of the definition of "Site Safety Training (SST) Provider" in section 202 of the Building Code, means a course instructor as used in this section 105-03. In addition to the foregoing requirements for course instructors, an SST course instructor must meet one of the following requirements:
- (1) has successfully completed all applicable OSHA or Department requirements for conducting OSHA 10-hour classes and OSHA 30-hour classes and is authorized to conduct such classes, except that such course instructor is not required to possess a degree, certificate, licensure or demonstrate any professional standing as required by subdivision (e), beyond what is required in this paragraph;

- (2) is providing training through a 100-hour training program; or
- (3) is approved by the Department to conduct a 40-hour Site Safety Manager training course in accordance with article 402 of Chapter 4 of the Administrative Code.

(i) Site Safety Training (SST) Course Providers. A site safety training (SST) provider as defined in item 2 of the definition of “Site Safety Training (SST) Provider” in section 202 of the Building Code must comply with the requirements for course providers in this section 105-03 as well as with the applicable requirements of this subdivision.

- (1) If a not-for-profit organization or a governmental agency or authority is an SST provider, it must meet the standards set forth by the Department instead of the requirement in paragraph (2) of subdivision (f).
- (2) An SST provider must certify to the Department that it has a language access plan that complies with requirements established by another City agency or office designated by the Mayor, as required by item 2.1 of the definition of SST provider in section 202 of the Building Code.
- (3) Training may be conducted in person or in an actively proctored online format and must comply with the following:
 - (i) If conducted in person in a classroom setting, the SST provider must confirm the identification of the individual taking such training and must ensure that the site of such training is actively observed for the duration of the training.
 - (ii) If the online training is not performed in person, the SST provider must confirm the identification of the individual prior to providing secure access to the online training. The individual must attest that he/she is the individual who received the online access and will complete the training without assistance. The online program must have secure access and monitor participation during the course of training to ensure that the individual receiving the training is present for the entirety of the training.
- (4) Upon completion of the SST course, the SST provider must issue an SST card in accordance with subdivision (j) of this section.
- (5) If the SST provider is not the provider of the OSHA course that is required for an SST card, as defined in section 202 of the Building Code, the SST provider must ensure that the OSHA course was conducted either in person or, if online, was actively proctored before issuing an SST card as provided in subdivision (j) of this section.
- (6) The SST provider must accept documentation, including identification cards or certificates of completion, from registered course providers. Course providers must accept SST course equivalent, as set out on the Department’s website, and must apply such course hours to satisfy the training requirements of this section and section BC 3321 of the Building Code.

(j) SST cards to be issued upon verification of course completion. An SST provider must issue a temporary SST card, SST card, or SST supervisor card, only after verifying that the applicant has successfully completed all required training and in accordance with subdivision (i), this subdivision and section 202 of the Building Code. The SST provider must issue the appropriate card using the Department of Buildings’ platform *NYC DOB Training Connect*, which is only accessible to registered course providers.

(k) Record-keeping and verification of SST Cards. The SST course provider must maintain a record of all temporary SST cards, SST cards, or SST supervisor cards issued for a minimum of seven years. The SST course provider must make these records available to the Department or its designee upon request.

(l) Advertising. Course providers may only advertise courses/classes that they are authorized by the Department to deliver.

(m) Third Parties. The course provider may not delegate or outsource any of its duties, responsibilities or functions to any third party that is not registered with the Department. The course provider must maintain full accountability for its operations and ensure that all services provided are conducted in compliance with all applicable Federal, State and local laws, rules and regulations.

(n) Non-traditional Format Courses/Classes.

- (1) The course provider may conduct training in a non-traditional format. A non-traditional format is any format other than the traditional in-person classroom format. Non-traditional formats may include virtual classrooms, webinars, on-demand training, or hybrid virtual classroom/in-person training for hands-on courses.
- (2) Training conducted in a non-traditional format must comply with the following:
 - (i) The non-traditional format course must be approved by the Department.
 - (ii) The provider must confirm the identification of the individual taking such training by adhering to the actively proctored online format requirements.
 - (iii) The provider must ensure that participants have their web-cameras activated and are on-camera for the duration of classes conducted virtually.
 - (iv) For courses that include hands-on training, providers may deliver the hands-on portion of the training in-person and the remaining portion through either a live virtual classroom or live webinar.
 - (v) The provider must notify the Department when the hands-on portion of the course/class is scheduled.
 - (vi) All students must be scheduled at the same time to receive the hands-on training.

(o) Denial of Registration Renewal. The department may, following notice and an opportunity to be heard, refuse to renew a registration on any grounds on the basis of which it could deny, suspend or revoke such registration pursuant to Section 28-401.19 of the Administrative Code.

(p) Suspension and Revocation of Registration.

- (1) The Department may, in accordance with the provisions of Section 28-401.19.1 of the Administrative Code, take corrective action, including probation, suspension, or revocation of a course provider's registration, for failure to comply with the requirements of this section or with the requirements of any applicable law, rule, or regulation. However, when the public safety may be imminently jeopardized, the Commissioner may, pending a hearing and determination of charges, suspend registration for a period not exceeding fifteen (15) days.
- (2) The basis for the suspension or revocation of a course approval may form the basis for the suspension or revocation of any or all of that course provider's approved courses.
- (3) The Department will post on its website that the approval of a course or course provider registration has been suspended or revoked.

(q) Withdrawal. The course provider must notify the Department and its students at least 30 days prior to its withdrawal from the course provider program. The course provider must be in compliance with the record-keeping provisions of this rule, including uploading certificates of completion into the Department's online platform, Training Connect, before its withdrawal.