

# SKYLINES

**#42**

**VOLUME THIRTEEN  
SPRING/SUMMER2022**

**CELEBRATING EXCELLENCE**

Skyline Restoration receives its third Lucy G. Moses Preservation Award from the NY Landmarks Conservancy for One Wall Street. p10

**PATHWAY TO LICENSING**

What changes for a Construction Superintendent (CS), a Site Safety Manager (SSM) or a Site Safety Coordinator (SSC). p13

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## WAGE THEFT LEGISLATION

General contractors are held jointly and severally liable for their subcontractors' failure to pay proper wages. p12





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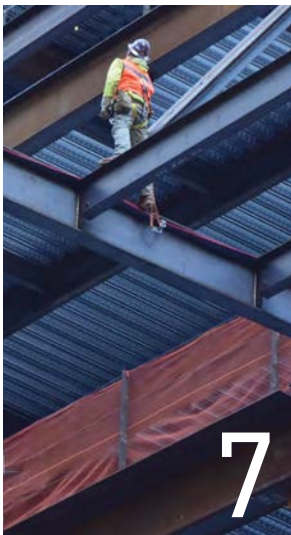
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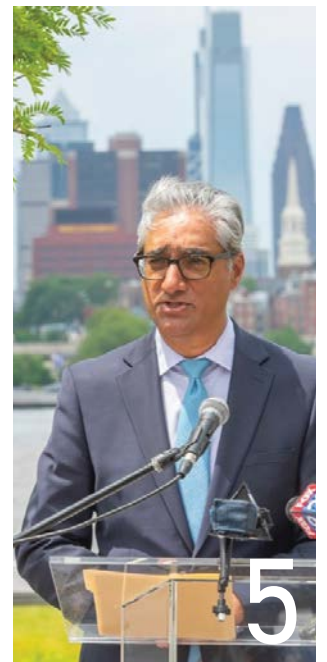
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## IT RAINED LOVE!

On Monday, June 27, 2022, Skyline Restoration hosted its 14th Annual Golf Classic benefiting The Skyline Charitable Foundation ([SkylineFoundation.us](https://www.skylinefoundation.us)), at the beautiful Old Westbury Golf and Country Club, in Old Westbury, New York.

The event attracted a record-number of golfers who ignored the rainy weather forecast and came for a round of golf and the after-golf festivities, that included a cocktail hour, dinner, awards and raffles.

The record-breaking fundraising event was supported by over two hundred individuals and dozens of companies who showed their appreciation for the work TSCF does through its programs and especially the Relief Access Program for The Bronx ([RAP4Bronx.org](https://www.RAP4Bronx.org)).

This event couldn't have been possible without the hard work of our wonderful volunteers who attended every aspect of the event with smiling faces and open hearts.

A big thank you to all who attended, for your love and generosity, that made this year's charitable Golf Classic a record-breaking success.

For more information, winners, and photos, please read the story on [SkylinesNews.com](https://www.SkylinesNews.com)



Eva Hatzaki  
Editor

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# KEECHANT L. SEWELL, THE FIRST FEMALE COMMISSIONER OF THE NYPD

A 25-year veteran of the Nassau County Police Department, Commissioner Sewell has worked as an undercover officer, protected students in schools, led hostage negotiations, spearheaded initiatives to get guns and drugs off the streets, and been a member of the federal terrorism task force. She also led Nassau's Major Case Bureau and its Professional Standards Bureau. Sewell currently serves as Chief of Detectives, the first Black woman to serve in that position.

"Chief Keechant Sewell is the right woman to lead New York's Finest at this critical moment in our city's history. She not only has the experience to step into the role of Commissioner - she also has the emotional intelligence that is necessary for healing the divides between police and communities. I look forward to working with her to deliver the safety all New Yorkers need, and the justice they



NYPD Commissioner Keechant L. Sewell with Mayor Eric Adams during a public safety-related media briefing on May 20, 2022.

deserve," said Mayor Eric Adams. "For the past 25 years, I have immersed myself in the work of policing. My wide breadth of experience has shown me what works in law enforcement, and

what doesn't," said Chief Sewell. "We are at a pivotal moment for New York, as our city faces the twin challenges of public safety and police accountability. My job as Commissioner will be to carry

*"The NYPD is the best of the best—and it's about to get better."*

out the vision Mayor Adams has articulated. To do that, we must engage with our entire ecosystem of public safety, including our Crisis Management System, clergy leaders, and other groups on the ground. The NYPD has an important role to play in making our communities safer, but we cannot do it alone. As the first woman and only the third Black person to lead this department in its 176-year history, I will bring a different perspective to the NYPD. I am firmly committed to making sure the department looks more like the city it serves, and elevating women and Black and Brown officers into leadership roles. The NYPD is the best of the best—and it's about to get better."

## NEW STATE WORKFORCE DEVELOPMENT OFFICE

On April 26, 2022, Governor Kathy Hochul announced the creation of the New York State Office of Strategic Workforce Development, which will be charged with improving the State's workforce development programs and practices to better align with the needs and priorities of today's employers. The Governor first proposed the new office in her State of the State address earlier this year and committed funding that was approved in the FY2023 budget. The \$350 million investment in state funding will support

wide-reaching and coordinated investment in workforce development across state agencies and authorities and includes \$150 million in multi-year funding for new grant programs that will primarily support employer-driven, high skilled workforce training programs. "New Yorkers are still struggling to find work and opportunity due to the economic disruption of the pandemic," Governor Hochul said. "This issue is personal to me - I've seen steel plants close leaving workers with nowhere to go. With

our brand-new Office of Strategic Workforce Development, we are doubling down on our commitment to help train and connect New Yorkers with the good-paying jobs of the future." Empire State Development Acting Commissioner and President and CEO-designate Hope Knight said, "The new Office of Strategic Workforce Development will optimize ESD's relationships with the state's industries and employers to generate new opportunities for New Yorkers and encourage regional economic growth. Together with our State

University system and our agency partners, we can provide businesses with a talent pipeline to catalyze new investments throughout the state." The Office of Strategic Workforce Development will function under Empire State Development (ESD), marking a decisive change in workforce development policy to one that is laser-focused on supporting the labor needs of the state's highest-growth sectors while producing new economic opportunity for un/underemployed and underrepresented workers.

# FORMER NJ DOT COMMISSIONER TO LEAD THE GATEWAY DEVELOPMENT COMMISSION BOARD

The seven-member Gateway Development Commission board voted unanimously to hire Kris Kolluri as its CEO, after the former New Jersey Department of Transportation Commissioner was nominated by New York Governor Kathy Hochul and New Jersey Governor Phil Murphy, at the Regional Plan Association Centennial Assembly at Chelsea Piers on May 6, 2022.

The Gateway Development Commission is a partnership between New York, New Jersey and Amtrak that coordinates delivery of the Gateway Program with its partner agencies, including the Port Authority of New York and New Jersey and NJ TRANSIT.

The Gateway Program—which includes the redevelopment of the Portal North Bridge and a new Hudson River tunnel—is one of the nation's most pressing infrastructure needs. It would deliver critical rail infrastructure projects between Newark, New Jersey, and Penn Station in New York City ("PSNY"), along the Northeast Corridor ("NEC"). The NEC is the most heavily used passenger rail line in the U.S., with more than 2,000 trains per day carrying approximately 800,000 daily passenger trips across eight states and Washington D.C. It serves a region that is home to 17 percent of the U.S. population and 97 Fortune 500 company headquarters, and an area that contributes 20 percent of the national GDP. The NEC is a vital artery in the region and a critical element of the national

transportation network, linking millions of people to good jobs, and connecting this region with the rest of the country.

"With his extensive resume, Kris Kolluri brings an extraordinary record of public service, and I am confident he will serve New York and New Jersey well as Chief Executive Officer of the Gateway Development Commission," said Governor Hochul. "The Gateway Hudson Tunnel is critical to the Northeast corridor serving more than 800,000 passengers daily and is a key component of our plan to build back stronger than ever. I thank Governor Murphy for his collaboration on this selection, and I look forward to continuing our work to secure federal funding, in partnership with the Biden Administration, for these vital projects and deliver for New York and New Jersey."

"Moving the Gateway Program, and specifically the Hudson Tunnel Project, forward is critically important for our region, and I am confident that Kris Kolluri's leadership will help us realize these much-needed projects," said Governor Murphy. "Kris has years of infrastructure management and operations experience, as well as years of government experience, that will be vital as we continue working with our federal partners to get the Gateway Program fully funded and completed. I thank Governor Hochul for her partnership in selecting a nominee who will help advance these critical projects."



PHOTO: LINKEDIN

Kris Kolluri was nominated by governors Hochul (NY) and Murphy (NJ) to lead the critical and pressing infrastructure projects of The Gateway Program.



PHOTO: DON POLLARD/OFFICE OF GOVERNOR KATHY HOCHUL

NY Governor Kathy Hochul and NJ Governor Phil Murphy made the nomination of Kris Kolluri, at the Regional Plan Association Centennial Assembly in New York City, on May 6, 2022. The Gateway Program is one of the nation's most pressing infrastructure needs. It would deliver critical rail infrastructure projects between Newark, New Jersey, and Penn Station in New York City ("PSNY"), along the Northeast Corridor ("NEC").



# MAYOR APPOINTS NEW LEADERSHIP TEAM AT DOB

ERIC ULRICH, BUILDINGS COMMISSIONER; KAZIMIR VILENCHIK, P.E., FIRST DEPUTY COMMISSIONER

On May 3, 2022, New York City Mayor Eric Adams appointed Eric Ulrich as commissioner of the Department of Buildings (DOB) and Kazimir Vilenchik, P.E. as first deputy commissioner.

As the leadership team at DOB, they will enforce the city's construction codes and zoning resolution, as well as the New York State Multiple Dwelling Law, to protect workers and the public on construction sites and in the city's nearly 1.1 million buildings. They will also play a key role in advancing the city's sustainability goals, including through the enforcement of Local Law 97. "Eric Ulrich and Kazimir Vilenchik are the right leadership team at the right time for the Department of Buildings," said Mayor Adams. "Our city and our economy cannot recover from the COVID-19 pandemic without a strong construction industry, and this team will deliver while prioritizing worker safety and customer service. I want to thank Acting Commissioner Gus Sirakis for his deep commitment and ongoing service to DOB, and I look forward to continuing my work with Commissioner Ulrich and First Deputy Commissioner Vilenchik to move our city forward."

## Eric Ulrich

Prior to joining the Adams administration as a senior advisor, Eric Ulrich represented District 32 in Queens on the New York City Council from 2009 to 2021, serving on the Committee on Housing and Buildings. In the aftermath of Superstorm Sandy, he coordinated a massive relief



PHOTO: NYC GOV

Throughout the conference week of May 2-6, 2022, "designed to raise awareness about the critical importance of best safety practices on the work site to avoid injuries and keep work on track," DOB staff toured building construction sites throughout New York City to speak one-on-one with contractors and workers about work site safety. (L-R): Mayor Eric Adams, Kazimir Vilenchik, P.E. first deputy DOB commissioner, Eric Ulrich DOB commissioner, and Constadino "Gus" Sirakis, P.E. visited construction sites on May 6, last day of Construction Safety Week.

effort to help area residents rebuild their homes and businesses. He introduced and passed legislation to accelerate the rebuilding process using the best available flood maps and led the effort to create a special coastal risk district in the zoning resolution to provide a planning tool for signifying flood risk in the areas of the city most vulnerable to projected future tidal flooding. He also utilized the Council's oversight authority to improve the operations of the Rapid Repairs and Built It Back programs. Ulrich attended St. Francis College in Brooklyn and Baruch College School of Public Affairs. He grew up in Ozone Park,

Queens, and lives in Rockaway Park, Queens. He is the first member of his family to earn a college degree.

## Kazimir Vilenchik, P.E.

Kazimir Vilenchik, P.E. joined the DOB in October 2008 as deputy borough commissioner in Staten Island and served in Queens, Manhattan, and Brooklyn before becoming borough commissioner of Brooklyn in 2018. As borough commissioner, Vilenchik worked with a wide range of stakeholders to improve accountability and efficiency for construction processes in Brooklyn, while leading the borough office through the COVID-19 pandemic.

He was a key participant in the implementation of the Universal Pre-K program and has worked on the development and implementation of code and zoning changes to promote affordable housing. He has received numerous awards for his work on Universal Pre-K and flood mitigation efforts following Superstorm Sandy. Before entering public service, Vilenchik worked as an inspector, structural engineer, and project manager over more than 20 years in the private sector. Vilenchik attended Belarussian State Polytechnic University in Minsk, Belarus. He is a New York State licensed professional engineer.



PHOTO: ANDROMEDA PUBLISHERS

## A PLEDGE TO SAFETY

“If I cannot do my job safely, then I will not do it at all,” is the pledge we take for our loved ones,” says Jake Toth, CHST, (right), Director, Andromeda Academy of Construction Trades, as he asks the crew to show a photo of what they care most, during Safety Week 2022.

Construction Safety Week and National Safety Stand-Down To Prevent Falls in Construction (May 2-6, 2022) are two annual events honored by every member in our group of professionals.

We continue to invest in our safety culture and performance by sharing best practices, tools, and resources while we remain focused on the impact our safe choices have on our team members, their families, and the communities in which we live and work.

During the week-long event, we visited job sites and had safety talks with the crews, where we distributed pledge cards asking the workers to add their name and the name of a loved one on a pledge to safety.

**“I pledge to consider safety in every decision I make, because I want to come home to [-] at the end of the day and be there for [-] forever. If I cannot do my job safely, then I will not do it at all.”**

They keep these cards in a prominent place in their homes. A reminder that they are loved and love enough to work safely.

[Construction Safety Week](#) started in 2014 when more than 40 national and global construction firms which comprised the Construction Industry Safety Initiative (CISI) group and the Incident and Injury Free (IIF) CEO Forum joined forces with a single aim: to inspire everyone in the industry to be leaders in safety. In 2018, Safety Week was registered as a 501(c)6.

A [Safety Stand-Down](#) is a voluntary event for employers to talk directly to employees about safety. Any workplace can hold a stand-down by taking a break to focus on “Fall Hazards” and reinforcing the importance of “Fall Prevention”. Employers of companies not exposed to fall hazards, can also use this opportunity to have a conversation with employees about the other job hazards they face, protective methods, and the company’s safety policies and goals. It can also be an opportunity for employees to talk to management about fall and other job hazards they see.

## DOB RELEASES CONSTRUCTION SAFETY REPORT FOR 2021

In its second annual Construction Safety Report released on March 28, 2022, the New York City Department of Buildings provides an analysis of safety trends in the five boroughs over the 2021 calendar year.

“We are publishing a comprehensive report on building construction safety, so we can better track incidents and understand why they occur. Data analysis like this is a critical part of our strategy to help our industry partners properly safeguard their work sites,” said Constadino “Gus” Sirakis, P.E., Acting Commissioner at the time of the report release.

In 2021 there was an increase in new development projects in NYC compared to 2020, including more total permits issued, more initial permits issued, more proposed

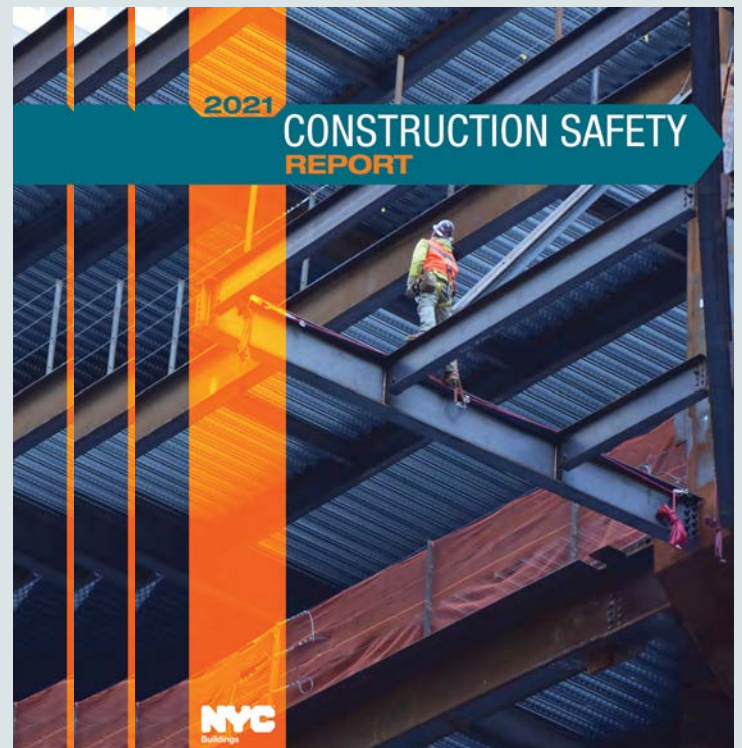
dwelling units, and more new construction floor area.

The report shows that for the third year in a row, building construction-related incidents have declined in NYC, even as construction activity has rebounded from a pandemic-related low in 2020.

The report also highlights the nine tragic fatal construction worker incidents that occurred on building work sites across the five boroughs, as well as initiatives launched by the DOB to enhance work site safety and protect the public.

	Incidents	Injuries	Fatalities
2018	1193	759	13
2019	960	594	14
2020	796	502	8
2021	712	505	9

	2020	2021	% +/-
Total Permits Issued (Initial+Renewal)	147,760	168,423	13.9% +
New Construction Floor Area Sq.Feet	32,939,642	42,925,470	30.3% +





# DOB HIGHLIGHTS THE 2022 CONSTRUCTION CODE REVISIONS

*During the "Spring Digital Build: Safety, Innovation & Sustainability Conference"*

"Building codes truly serve as the structural skeleton of New York City... Our construction codes are critical to so many aspects of our infrastructure and they ultimately directly impact people's lives," said then Acting Commissioner of the New York City Department of Buildings (DOB) **Constadino "Gus" Sirakis** addressing over 1000 virtual participants at the opening session of the **Spring Digital Build 2022: Safety, Innovation and Sustainable Conference** held over Construction Safety Week, May 2 through May 6.

In his opening remarks, Sirakis credited the revised codes for being innovative, sustainable, and uniquely suited to the City's dense environment as they protect the "safety and soundness" of over 1.1 million buildings and 40,000 active construction sites every day.

The DOB is, said Sirakis, "on the frontlines of economic development and public safety" not only for 8.5 million New Yorkers, but also for a global industry that looks to the City for its expertise "because we're the best at what we do." He acknowledged that stopping a job abruptly means lost wages and vacating a building can mean lost homes yet stressed that it is the DOB's duty to strike a balance between bolstering the industry, the economy, and the reopening with its "mandate to strictly enforce the City's building code." He concluded by challenging participants to make the City safer, to have fewer construction incidents and fatalities to "make New York City an even better place to live, work and build."



PHOTO: ADOBE STOCK

**As per Local Law 126 of 2021, the 2022 NYC Construction Codes are scheduled to go into effect on November 7th, 2022.**

## CONSTRUCTION SAFETY ANNUAL REPORT

**Tim Hogan**, deputy commissioner of enforcement, delivered the **Construction Safety Annual Report** noting an injury count that stayed "on par" with the prior year (505 up from 502) and, sadly, an increase of one fatality: 9 versus 8 in 2020 (see article on page 7). He detailed the cause and location of each worker death noting ways these could have been prevented, outlined near misses, and told all that 2022 was "off to a poor start" with 4

fatalities and one critical injury through April 2022.

Hogan told attendees that it is imperative to always have the required documentation – construction/site safety plans and completed logs – on hand in a location known to the entire workforce.

The documents must be:

- Approved and stamped
- Current
- Easily accessible
- Readable

Since September 2018, the DOB Safety and Compliance Unit has

issued 7600 stop work orders: 62% of these can be attributed to missing documentation.

## CONSTRUCTION CODES - TIMELINE AND HIGHLIGHTS

Day One's second session was a **2022 Code Revision Overview** presented by **Joseph Ackroyd, PE**, assistant commissioner for technical affairs and co-development, and **Robert Holub**, code development architect.

The duo offered an overview of the major changes made to the existing 2014 codes, a timeline, and highlights.

The revised 2022 Construction Codes were achieved through consensus building between technical committees represented by engineers, attorneys, planners, tradespersons, industry organizations in labor, real estate, utilities and other agencies and authorities from the City and State. "We cast a very wide net with our participants," said Ackroyd.

The revisions are designed to bring, "improvements in building technologies and safety further protecting the health and welfare of all New Yorkers," said Ackroyd, who referred to specific changes to administrative codes including measures pertaining to boilers, elevators, parking structures, fire suppression piping systems and other aspects of the built environment.

Holub outlined revisions concerning greater accessibility to sidewalks and roofs, electric vehicle charging stations, accessible dining, and destination-oriented elevators to better accommodate the visually impaired.

*One of the most significant changes is the **designation of a major building** which will have a staggered implementation. A major building is currently defined as a structure of 10 or more stories measuring 125 feet in height. **The new definition designates a major building as a structure of 7 or more stories measuring 75 feet.** The existing designation remains in effect until **December 2024** at which time all extra requirements for a major building will affect 7-, 8- and 9-story buildings.*



# CONSTRUCTION SAFETY AND DEMOLITION CODE UPDATES

The Construction Safety in 2022 Codes for construction and demolition projects session was introduced by **Ausberto "Augie" Huertas Jr.**, assistant commissioner Construction Safety Compliance on May 3, 2022, Day Two of DOB's Spring Digital Build: Safety, Innovation & Sustainability Conference. DOB Code Analyst **Charles Shelhamer** explained that the City codes follow the national standard which is based on the International Building Code, and that all from Chapter 33 has been consolidated into Chapter 2 of the new code. He outlined key definition modifications:

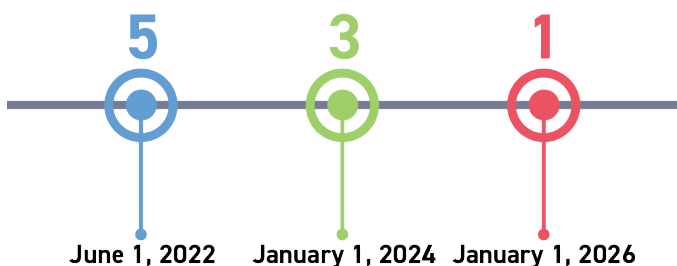
- **Incident replaces accident** reflecting an understanding that "there's a root cause to trace back to the failing" as opposed to an event that occurred suddenly "like a bolt of lightning out of the blue." While the terminology has changed, the criteria remain the same.
- **"Temporary construction" becomes "temporary construction installations"** - This clarification applies to scaffolding, sheds, power cranes and other regulated items. Amended design loads for wind and wind action plans have now been established.

# THE UPDATED ROLES OF THE CS, SSM, AND SSC & JOBS ALLOWED

During the Construction Safety in 2022 Codes (BC 33) presentation, **Ausberto "Augie" Huertas Jr.**, assistant commissioner Construction Safety Compliance detailed some of the changes tied to projects requiring a **Construction Superintendent (CS)**, a **Site Safety Manager (SSM)** and/or a **Site Safety Coordinator (SSC)**, explaining why some rulings take effect **prior to November 7, 2022**. The number of jobs a CS can be designated for is being reduced from 10 active jobs to one active job through a phased approach (see phases and implementation

dates below), and will be subject to disciplinary action if this is not adhered to. **An exception pertains to major buildings:** a CS on a major building cannot be designated on any other building. Non-major buildings within a contiguous lot are an exception to this ruling. Site safety plans approved on or after November 7, 2022, will require a CS and an SSM or SSC. The Competent Person allowance will sunset in 2026 at which time a full-time CS and a Safety Professional will be required on all major and non-major building sites.

MAXIMUM NUMBER OF ACTIVE JOBS ALLOWED PER CS



# BUILDINGS BULLETIN

According to a [DOB Bulletin](#) issued on May 10, 2022, the following tables list applicability of the 2014 & 2022 Construction Codes:

TABLES OF 2014 & 2022 CONSTRUCTION CODES APPLICABILITY

**Table 1: APPLICATIONS FOR CONSTRUCTION, ALTERATION, OR DEMOLITION WORK**  
(EXCEPT BC CHAPTER 33 WORK & PERMITS FOR TEMPORARY CONSTRUCTION INSTALLATIONS, CRANES, DERRICKS, AND MAST CLIMBERS)

WORK TYPE	TRIGGER	DATE	2014 Code	2022 Code
New Buildings	Application for construction document approval submitted	Before November 7, 2022 <sup>b</sup>	✓	
		On or after November 7, 2022		✓
Alterations to Existing Buildings (incl. Partial Demolitions) <sup>c</sup>	Application for construction document approval submitted	Before November 7, 2022 <sup>d</sup>	✓	
		On or after November 7, 2022		✓
Full Demolitions - Site Safety Plan Filing Not Required <sup>e</sup>	Submittal documents submitted, or if submittal documents not required, pre-demolition inspection package submitted	Before November 7, 2022 <sup>b</sup>	✓	
		On or after November 7, 2022		✓
Full Demolitions - Site Safety Plan Filing Required <sup>f</sup>	Site safety plan approved	Before November 7, 2022 <sup>g</sup>	✓	
		On or after November 7, 2022		✓

**Table 2: APPLICABILITY OF BC CHAPTER 33 TO THE WORK**  
(EXCEPT PERMITS FOR TEMPORARY CONSTRUCTION INSTALLATIONS, CRANES, DERRICKS, AND MAST CLIMBERS)

WORK TYPE	TRIGGER	DATE	2014 Code BC 33	2022 Code BC 33
New Buildings & Alterations to Existing Buildings (incl. Partial Demolitions) Site Safety Plan Filing Required <sup>g</sup>	Site safety plan approved	Before November 7, 2022 <sup>h</sup>	✓	
		On or after November 7, 2022		✓
Full Demolitions - Site Safety Plan Filing Required <sup>g</sup>	Site safety plan approved	Before November 7, 2022 <sup>h</sup>	✓	
		On or after November 7, 2022		✓
New Buildings & Alterations to Existing Buildings (incl. Partial Demolitions) - Site Safety Plan Filing Not Required <sup>g</sup>	Application for construction document approval submitted	Before November 7, 2022 <sup>a, b</sup>	✓	
		On or after November 7, 2022		✓
Full Demolitions - Site Safety Plan Filing Not Required <sup>g</sup>	Application for approval submitted	Before November 7, 2022 <sup>b</sup>	✓	
		On or after November 7, 2022		✓

**Table 3: PERMITS THAT AUTHORIZE THE INSTALLATION OF TEMPORARY CONSTRUCTION INSTALLATIONS, OR THE USE OF CRANES, DERRICKS, AND MAST CLIMBERS**

WORK TYPE	TRIGGER	DATE	2014 Code	2022 Code
All	Application for approval submitted	Before November 7, 2022 <sup>b</sup>	✓	
		On or after November 7, 2022		✓

- New Building applications must include complete architectural, structural, and foundation drawings. Subsequent related filings can be submitted after November 7, 2022 but must follow the same year Code as the original application.
- Such applications must have been submitted and complete. See Sections II through V of the Bulletin for further detail.
- Alterations are subject to the applicable provisions in either the 2014 or 2022 edition of §28-101.4 of the Administrative Code.
- Alteration applications that authorize an enlargement must include complete architectural and structural drawings, and as applicable, complete foundation drawings.
- Jobs requiring a Site Safety Plan to be filed are outlined in either the 2014 or 2022 edition of BC Section 3310.
- The Site Safety Plan must cover all anticipated work and aspects of the site for at least one phase of the demolition.
- The Site Safety Plan must cover all anticipated work and aspects of the site for at least one phase of the construction or alteration project, including but not limited to earth and foundation work. An approved Site Safety Plan solely encompassing full demolition work at the site does not qualify.

**THROUGHOUT SUMMER**

## SITE SAFETY MANAGER COURSES

SCAN CODE FOR DATES



ANDROMEDAACADEMY.COM








## NYC DOB TRAINING CONNECT SST CARDS

*As of February 1, 2023, construction sites requiring DOB-licensed safety professionals will only accept NYC DOB Training Connect Site Safety Training cards. Since January 1, 2022, DOB-approved course providers have issued new Site Safety Training (SST) cards through the NYC DOB Training Connect platform, a web-based platform designed to streamline the process of obtaining an SST card and drastically reduce the likelihood of fraud. All previously issued SST cards must be replaced by a NYC DOB Training Connect SST card by January 31, 2023. Violations will be issued to the owner, permit holder, and employer, if applicable, for each worker who completed training as of January 1, 2022, and does not have a NYC DOB Training Connect SST card. Below is a sample of each of the NYC DOB Training Connect SST cards.*



# PATHWAY TO LICENSING

*What changes for a Construction Superintendent (CS), a Site Safety Manager (SSM) or a Site Safety Coordinator (SSC)*

The pathway to licensing of a Construction Superintendent (CS), a Site Safety Manager (SSM) and a Site Safety Coordinator (SSC) will change. A registered CS will be required to be licensed on November 7, 2022. This change will occur automatically for any registered CS and no action needs to be taken.

If an individual is not currently registered as a CS there is a window of opportunity during the summer and fall to meet the license requirement. An SSM or SSC cannot wear two hats – he or she cannot be a CS at the same time. The determining factor of licensing eligibility will be supervisory experience which is specified in detail.

**Applicants for a CS license will have to possess either:**

- At least three (3) years of experience, within the five (5) years prior to application, serving as a full-time project supervisor with on-site responsibility over the construction or demolition of buildings in the city of New York; or
- At least five (5) years of experience, within the eight (8) years prior to application, serving as a full-time project supervisor with on-site responsibility over the construction or demolition of buildings in the United States.



PHOTO: ADOBE STOCK

## DIFFERENCES AND SIMILARITIES

Ronald Mener, director of construction safety compliance, outlined the similarities and differences between the duties of a CS, an SSM or an SSC during his presentation at DOB's "Spring Digital Build: Safety, Innovation & Sustainability Conference", on May 3, 2022.

The CS is the "captain of the ship," said Mener. He or she is the individual required to act in a reasonable and responsible manner to ensure compliance with safety: the person empowered to take action for any failings.

The CS must "not put on blinders," and is expected to discover non-compliance. The CS must take action which can include having a non-compliant worker "cease operation or leave the job site."

The CS needs to notify a Registered Design Professional (RDP) or special inspection agency of any and all unsafe conditions which also must be recorded in a log.

The CS must also report the discovery to the SSM or SSC. All need to operate "as a team" and the "lines of communication should always remain open." SSMs and SSCs also conduct inspections, monitor all conditions including tenant protection plans and record all in a log. The SSM and SSC must attend weekly safety meetings. The SSM or SSC must notify the DOB of any unsafe conditions and report it to the CS. Said Mener, "The primary SSM or SSC cannot limit themselves to being inside the office – they must walk the site throughout the day" conducting spot checks and recording these in the logs. Chief Inspector Craig Hughes noted that "on a site requiring an SSM or SSC and a CS, coordination and communication between [all is] ...a crucial component to maintaining site safety." A best practice is to print the name and license number of the person who conducted the inspection next to the signature in the log.



# GUBERNATORIAL FORUM ON HUNGER AND POVERTY IN NY

## RAP4BRONX HOSTS WATCH PARTY FOR THE HUNGER FREE AMERICA EVENT

The Relief Access Program for The Bronx ([RAP4Bronx](https://RAP4BRONX.org))—powered by The Skyline Charitable Foundation (TSCF)—hosted an open-to-the-public watch party for the Gubernatorial Forum on hunger, poverty, and economic opportunities, organized online by Hunger Free America, on Tuesday, April 26, 2022.

The broadcasting was preceded by an in-person networking hour at the Andromeda Building in Long Island City, Queens, NY. Susan Arbetter and Errol Louis of Spectrum News moderated the forum effectively as candidates, Rob Astorino, Andrew Giuliani, Rep. Tom Suozzi, and Public Advocate Jumaane Williams laid-out their plans to address the 2.19 million New York state residents who struggle against hunger, a subject consistent with the mission of RAP4Bronx and its partners who collaborated for this event.

Organizations from across New York City came together for the

networking hour and watch party, among them: Rethink Food; Hungry Monk Rescue Truck & Monkworx Social Services; FoodStream; Phipps Neighborhoods; Mott Haven Fridge.

Shana McCormick, Executive Director TSCF & RAP4Bronx, thanked all who were able to attend, watch, and discuss the important topics of the forum, “topics we all strive to address within the communities we serve. There is much work to be done, and we are thankful for the continued partnership with these great organizations,” said McCormick.

The food was donated by Rethink and catered by Rethink Certified restaurants Tacombi, and Tasty’s, the beverages were donated by Big aLiCe Brewery, and Bedford Wines & Spirits, while Andromeda provided the auditorium for the broadcasting of the forum, and the facilities for the networking hour.



Susan Arbetter, Errol Louis of Spectrum News; Leah Norman, ASL interpreter; Rep. Tom Suozzi candidate for New York governor.

PHOTOS: THE SKYLINE CHARITABLE FOUNDATION



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### APRIL 2020 → APRIL 2022

IN THE PAST TWO YEARS, RAP4BRONX HAS DISTRIBUTED AND SERVED:

**2,100,000+**  
MEALS

**3,100,000+**  
POUNDS OF FOOD

**40+**  
ORGANIZATIONS

**20+**  
ZIP CODES

The Relief Access Program for The Bronx (RAP4BRONX) was launched in Mid-March 2020 amid the Covid-19 pandemic with a mission to collect and donate meals, groceries and essential

supplies to frontline workers, senior citizens, and vulnerable residents in the Bronx and throughout New York City. Since the first delivery of 100 donated boxed meals to POTS

soup kitchen in the Bronx, the RAP4Bronx has grown to be not only a substantial operator in the food relief space but a resourceful program for communities to find and get access to services that

will help them build and sustain healthy futures. To learn more about the RAP4BRONX, to donate, volunteer, or inquire about their services, please visit [RAP4BRONX.org](https://RAP4BRONX.org).

# WAGE THEFT LEGISLATION

NY LABOR LAW § 198-E APPLIES TO CONSTRUCTION CONTRACTS ENTERED, RENEWED, MODIFIED, OR AMENDED ON OR AFTER JANUARY 4, 2022



ILLUSTRATION: RUIZHAN/ADOBESTOCK

For example, even if the general or primary contractor had no direct involvement in a subcontractor's failure to pay minimum or overtime wages, the primary contractor may be liable for up to three (3) times the value of lost wages for such violations. The law applies to contracts entered, renewed, modified, or amended with property owners on or after January 4, 2022. Additionally, any amendment or revision to applicable construction contracts, even changes unrelated to the use of subcontractors or wages, may trigger liability for contractors.

## NEW SECTION 198-E

The legislature's stated purpose of this bill was to amend the existing wage theft law to increase the likelihood that "exploited" workers in the construction industry will be able to secure payment and collect unpaid wages and benefits for work that has already been performed.

## SUMMARY OF PROVISIONS

**Section 1** adds a new section 198-E to the Labor Law pertaining to construction industry wage theft.

Pursuant to this new section, a construction contractor, would assume liability for any unpaid wages, benefits, damages, attorney fees related to a civil or administrative action by a wage claimant or the Department of Labor against a subcontractor, of such contractor.

**Section 2** adds a new section 756-F to the General Business Law to clarify that a contractor or subcontractor may withhold

payment to their subcontractor for failure to provide certain payroll records.

**Section 3** provides a severability clause.

**Section 4** establishes an effective date.

## JUSTIFICATION

This bill provides New York construction workers with a new remedy against wage theft. Prior to the enactment of NY Labor Law § 198-E, a worker could bring a private lawsuit against their direct employer to collect any unpaid wages, including overtime and fringe benefits.

This has been a major issue in the construction industry where the direct employer has sometimes been a subcontractor willing to hide assets, change corporate identity and take part in other unscrupulous practices to avoid liability and make themselves judgment proof from a wage theft action.

By holding the prime contractor of the construction project liable for all subcontractors that it chooses to utilize on a jobsite, the New York State Legislature is seeking to ensure that that underpaid construction workers are more likely to collect unpaid wages, while creating an incentive for the construction industry to better self-police itself.

## EFFECTIVE DATE

This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to construction contracts entered, renewed, modified, or amended on or after January 4, 2022.

*A contractor assumes liability for any unpaid wages, benefits, damages, attorney fees related to a civil or administrative action by a wage claimant or the Department of Labor against a subcontractor, of such contractor.*

By Richard B. Ziskin, Esq.\*  
The Ziskin Law Firm, LLP

The New York Labor Laws contain considerable worker protections and provide for recovery for workers who are not appropriately compensated.

In NYS, workers must be paid at or above the minimum hourly wage rate, receive overtime compensation after working more than forty (40) hours per week if they are covered under New York's overtime provisions, and be provided with certain meal breaks, paid sick leave, and paid family leave.

New Labor Laws (NYLL) also require that workers must receive notice of their promised benefits, including vacations, personal leave, and holidays as well as health benefits.

**The modifications to § 198-E of the NYLL provide that, contractors will be held jointly and severally liable for their subcontractors' failure to pay proper wages as defined by the NYLL.**



**THE LAW**

**NY LABOR LAW § 198-E:**

Contractors Liable for Wage Violations of Subcontractors

**General contractors are held jointly and severally liable for their subcontractors' failure to pay proper wages.**

The law applies to contracts entered, renewed, modified, or amended on or after **January 4, 2022**.

**SUBCONTRACTOR**

**MUST**

**Pay** employees at or above the minimum hourly wage rate and overtime compensation **WEEKLY**.

**Provide** employees certain meal breaks, paid sick leave, and paid family leave.

**Provide** employees notice of their promised benefits, including vacations, personal leave, and holidays as well as health benefits.

**Provide** employees with detailed payroll stubs.

**Maintain** payroll records for a period of six (6) years.

Present payroll records to contractor **upon request**.

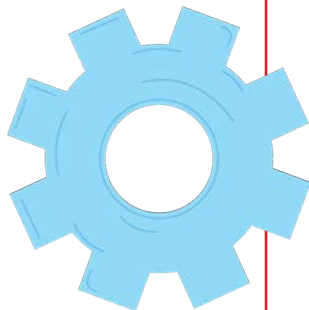
**CONTRACTOR**

**CAN**

**Request** subcontractor's payroll records weekly.

**Audit** subcontractor to ensure wages and benefits are properly paid.

**Withhold** payment to the subcontractor for failure to provide certain payroll records.



*Contractors must not only strive to maintain clear and accurate employee payroll records, but must also confirm that the wage and hour records of subcontractors are also maintained.*

## HOW SHOULD CONTRACTORS ADDRESS CHANGES IN THE LAW

With these new provisions in the law, contractors must consider taking the following steps to monitor their subcontractors to avoid potential liability:

Contractors should request certified payroll records from all subcontractors who work on a project, including subcontractors of all tiers, as permitted by GBL section 756-F.

Contractors may need to withhold payment from subcontractors who fail to provide certified payroll records.

Contracts with subcontractors should state clearly that subcontractors must provide certified payroll records with each payment requisition.

Contractors should include in all contracts with subcontractors, provisions that the subcontractor will indemnify the contractor for all damages under section 198-E of the NYLL, including for attorneys' fees and

costs, stemming from the subcontractor's failure to comply with the NYLL. Any existing contracts with subcontractors that are amended should also include such provisions. (Section 198-E prohibits contracts that prevent employees from exercising their rights to collect lost wages, but contractors may enter into indemnification agreements with subcontractors.) Contractors should monitor their subcontractors and require that their subcontractors notify them immediately if any work on the project is further subcontracted. Contractors should retain their subcontractors' payroll records for a minimum of three years, which is the applicable statute of limitations for claims made pursuant to section 198-E of the NYLL. By retaining the subcontractor's records, the contractor can defend itself against potential liability.

## NEW YORK'S MINIMUM WAGE

All New York workers are entitled to receive at least an hourly Minimum Wage rate. The Minimum Wage rate varies depending on region and is increasing every year until it reaches \$15.00.

Employers that break the Minimum Wage Law may be subject to orders to pay:

- Back wages
- Interest
- Liquidated damages
- Fines

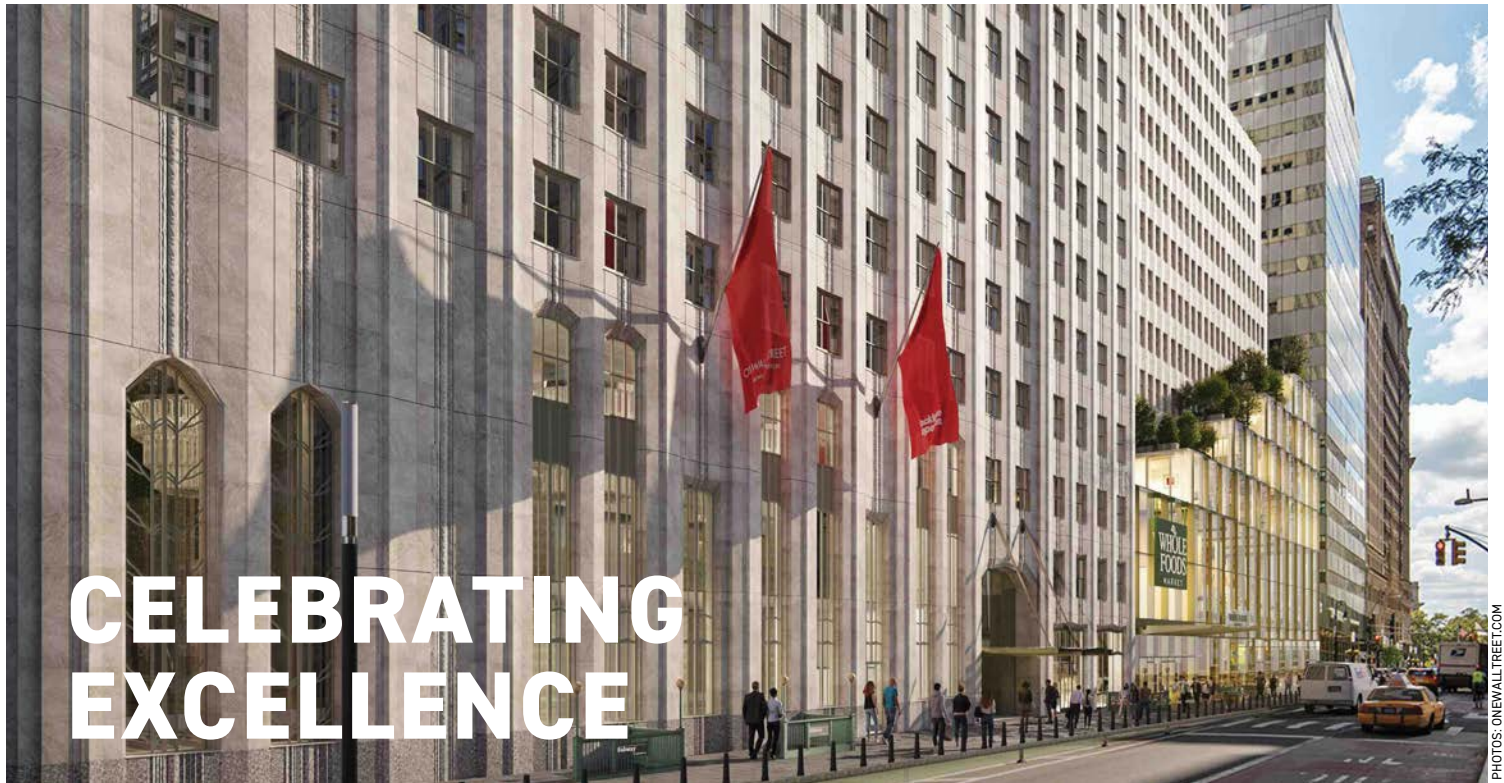
Employers may also be subject

to criminal prosecution and penalties. The fines for violations can total up to 200 percent of the missing wages. Employers may also have to pay 16 percent interest on the unpaid wages.

**Minimum Wage as of 12/31/2021**

- New York City: \$15.00
- Long Island & Westchester: \$15.00
- Remainder of New York State: \$13.20

\*FROM MR. RICHARD B. ZISKIN'S PRESENTATION TITLED "NY LABOR LAW § 198-E: CONTRACTORS LIABLE FOR WAGE VIOLATIONS OF SUBCONTRACTORS" AT THE NYC SPECIAL RIGGERS ASSOCIATION TECHNICAL EVENT, AT CLUB 101, ON MARCH 24, 2022. THE CONTENT OF THE PRESENTATION IS AVAILABLE ONLINE. THE INFORMATION PROVIDED IN THIS PRESENTATION DOES NOT, AND IS NOT INTENDED TO, CONSTITUTE LEGAL ADVICE; INSTEAD, ALL INFORMATION, CONTENT, AND MATERIALS AVAILABLE IN THIS PRESENTATION ARE FOR GENERAL INFORMATIONAL PURPOSES ONLY.



PHOTOS: ONEWALLTREET.COM

*Skyline Restoration  
Receives Its Third  
Lucy G. Moses  
Preservation  
Award for One  
Wall Street*

“Our honorees showed a great faith in the City. And all the jobs the projects provided [gave] a needed boost to the economy. The projects also showed how fortunate we are to have a great wealth of skilled and dedicated preservation professionals,” said **Peg Breen**, president of the **New York Landmarks Conservancy**, introducing the organization’s **32<sup>nd</sup> annual Lucy G. Moses Preservation Awards** subtitled “**Celebrating Excellence**” held on April 20, 2022, at The Cathedral Church of St. John the Divine in the Morningside Heights section of upper Manhattan.

**Skyline Restoration**, represented by President **Stephan Andreatos**, received the award for its signature work on the façade of **One Wall Street**.

**Lilla Smith**, director of architecture and design for building owner **Macklowe Properties** congratulated One Wall Street’s contractors, calling the honor “a wonderful acknowledgement of the commitment and dedication that our family of professionals,



*The One Wall Street Condominium Residences occupy an entire City block between Wall Street and Exchange Place and is the largest office-to-residential adaptive reuse conversion in New York.*





PHOTOS: ONEWALLSTREET.COM

ONE WALL STREET  
CONDOMINIUM RESIDENCES

**Macklowe  
Properties**

*"Transforming One Wall Street into a mixed-use property called for overhauling the interior and exterior. The undulating Indiana Limestone façade was repaired. New faceted windows were installed after the cores were relocated. Additions are clad in pre-cast concrete that mimics the historic fluted facade."*

architects and engineers, contractors and artisans have invested over the last 8 years, repurposing and restoring the Ralph Walker design Art Deco 1930s landmark."

The skyscraper plus an annex occupies an entire City block between Wall Street and Exchange Place and is the largest office-to-residential adaptive reuse conversion in New York. As the awards program notes, "The undulating Indiana Limestone was repaired. New faceted windows were installed after the cores were relocated." This, in addition to restoring and adding stone that "mimics the historic fluted façade" was accomplished through the expertise of Skyline Restoration.

One Wall Street Project Manager **Wilson Cajilima** said that one of the great challenges of the project was conducting the work while the building remained fully active with many trades working at the same time. "We were in the financial district in one of the busiest areas, working on one of the tallest buildings. Complex

scheduling had to be coordinated with the GC. Everything had to perform like clockwork to achieve the result," he said. Part of the difficulty was placing the heavy stones in a highly trafficked building of great height. "We used different types of hoisting equipment, an interior hoist connected to an exterior one to achieve the installations," said Skyline Restoration's Project Manager.

The Indiana Limestone was restored, and approximately 600 stones, all different sizes and shapes, that had deteriorated beyond repair were replaced with new ones fabricated by **Traditional Cut Stone** in Mississauga, Ontario, Canada. The fabricator followed 3D drawings with specifications created by Skyline Restoration and used raw materials from the original quarry located in Bloomington, Indiana, founded in 1926.

"We were able to blend and keep the historical factor of the building as we successfully matched the color, finish, and texture of the stones for all the

floors. The job took a lot of time and patience," said **Justine Marie Collins** Skyline Restoration's Assistant Project Manager at One Wall Street, who explained that the new stones were weathered to replicate the appearance of the existing.

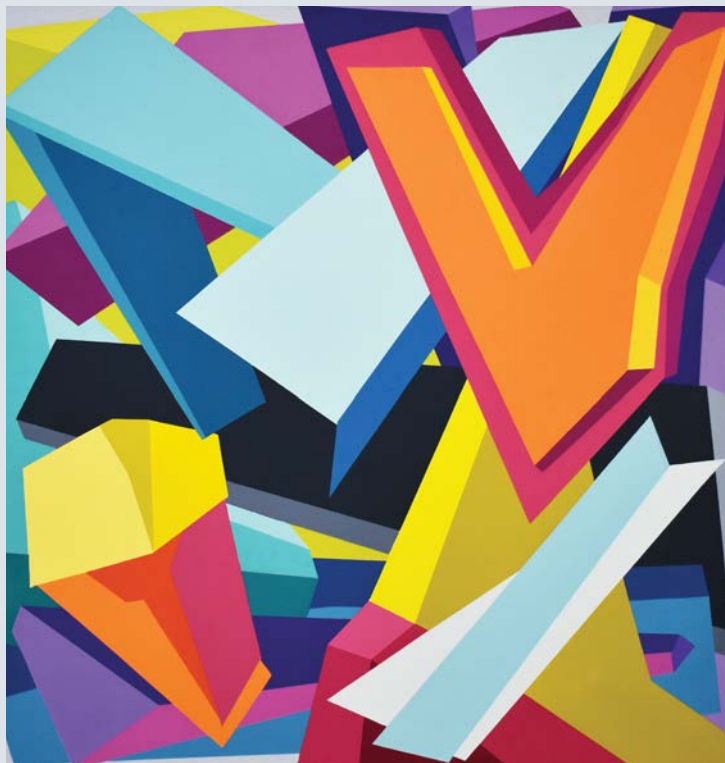
In addition to the limestone, the granite for the storefront which frames a glass curtain wall extending from the second to the eighth floor had to replicate the existing stone. Skyline Restoration provided a new granite header weighing over a ton and jam pieces at the Retail One entrance.

As the One Wall Street project called for new windows and lighting for apartment units on the 30<sup>th</sup> floor that was originally commercial space, Skyline Restoration coordinated with the design team to execute a modification of the terrace. The sloped copper roof was removed, and notched stones were added around the spandrel that remained in place enabling extensions of the windows. Skyline Restoration also created

131 window openings and installed windowsills and headers plus the jam pieces.

This is the third time that Skyline Restoration has received the coveted award, known by some as the Oscar of the industry. Previous awards were received for the exterior restoration and preservation work on **The McIntyre** (874 Broadway) in 2010, and on the **Lenox Health Greenwich Village** (30 7th Ave) in 2017.

For a complete list of winners of the 2022 Lucy G. Moses Preservation Awards, please visit [nylandmarks.org](http://nylandmarks.org).



**KATI VILIM**

*Daily Suggestions, 2021 Oil, canvas, 40"x40"*



**GIANLUCA BIANCHINO**

*Mechanical Landscape #2 in Deep Blue, 2021, Mixed media, 48"x48"x9"*



# POLYPLANA: GEOMETRIC LANDSCAPES



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Comments/Subscriptions:  
[skylines@skylinerestoration.com](mailto:skylines@skylinerestoration.com)



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