

1 § 20-1601 Workplace fatality reporting. a. Definitions. For purposes of this section, the
2 following terms have the following meanings:

3 Contractor. The term “contractor” means a direct employer, contractor, or subcontractor. In
4 the absence of a formal hiring agreement, the person who directs or provides compensation to the
5 worker shall be considered the contractor unless such person is also directed and compensated by
6 another. In such cases, the persons successively above the worker in the employment chain shall
7 be considered the contractor. In the instance of the death of an intern or volunteer, the entity
8 directing such intern or volunteer in his or her duties as such shall be considered the contractor.

9 Worker. The term “worker” includes, but need not be limited to, direct employees,
10 contracted employees, subcontracted employees, independent contractors, temporary or
11 contingency workers, apprentices, interns, volunteers, or any other persons who perform duties at
12 the direction and discretion of an employer, contractor, or who provide services pursuant to a
13 contract in the workplace.

14 Workplace. The term “workplace” includes, but need not be limited to, any location where
15 a worker performs any work-related duty in the course of his or her work, or any other site where
16 the worker may be as a result of the direction of a contractor.

17 b. Seventy-two-hour reports. 1. No later than 72 hours after making a determination as to
18 the cause of death of a person, the chief medical examiner shall deliver to the commissioner a
19 report of such death if, in the judgment of the medical examiner in charge, such death was the
20 result of a work-related fatal injury in the workplace.

21 2. Information to be reported to the commissioner pursuant to this subdivision shall include,
22 but need not be limited to:

23 (a) The name of the deceased worker;

1 (b) The age of the deceased worker;

2 (c) The cause of death;

3 (d) The manner of death;

4 (e) The location of death;

5 (f) The name of the contractor of the deceased worker;

6 (g) The business address of such contractor;

7 (h) The name of the official or medical personnel making the
8 declaration of death;

9 (i) The name of the person or persons charged with making the
10 determination of the cause and manner of death; and

11 (j) Contact information for the office making notification to the commissioner, including
12 contact information for the person or persons making the declaration of death, the person or
13 persons determining the cause of death, and the person or persons determining the manner of death.

14 c. Ninety-day reports. 1. Upon receiving a report pursuant to subdivision b of this section,
15 the commissioner shall notify the contractor that the reported death was determined to be the result
16 of a work-related fatal injury in the workplace and shall require the
17 contractor to submit to the commissioner additional information regarding such death no later than
18 90 days after receiving such notification.

19 2. Information to be reported to the commissioner pursuant to this subdivision shall include,
20 but need not be limited to:

21 (a) The name of the contractor;

22 (b) The business address of the contractor;

23 (c) The business purpose or industry of the contractor;

1 (d) The name and age of the deceased worker;

2 (e) The ethnicity of the deceased worker, if known;

3 (f) The nationality of the deceased worker, if known;

4 (g) The immigration status of the deceased worker, if known;

5 (h) The occupation, craft, or trade of the deceased worker; and

6 (i) The union status of the deceased worker.

7 3. Failure to report. A violation of any requirement of this subdivision by a contractor shall
8 be punishable by a civil penalty of not less than \$1,000 nor more than \$2,500 for each violation.

9 d. Registry; accessibility. Subject to applicable federal and state law, the commissioner
10 shall establish and maintain an online database to make available information regarding workplace
11 fatalities reported pursuant to this section. Such database shall be publicly accessible and
12 searchable, provided that no deceased worker's name shall be made publicly accessible or
13 searchable in such database. The commissioner shall update such database with the information
14 reported pursuant to this section within 5 business days of the receipt of such information.

15 § 3. This local law takes effect 180 days after it becomes law.

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