§ 44. Workplace fatality registry; construction. 1. Registry. The department shall create and maintain a registry of workplace fatalities in the construction industry, which shall include information regarding all incidents under which a worker performing construction work suffers a work-related fatal injury in the workplace. Such registry shall include the information reported to the department pursuant to subdivisions three and four of this section, in addition to any information deemed pertinent by the commissioner as a result of any investigation, hearing, or other proceedings of the department.

2. Definitions. For the purposes of this section:

a. "Worker" shall include, but not be limited to, direct employees, contracted employees, subcontracted employees, independent contractors, temporary or contingency workers, apprentices, interns, volunteers, or any other persons who perform duties at the direction and discretion of a contractor or who provide services pursuant to a contract in the workplace.

b. "Contractor" shall include a direct employer, contractor, or subcontractor. In the absence of a formal hiring agreement, the person who directs or provides compensation to the worker shall be considered the contractor unless such person is also directed and compensated by another. In such cases, the persons successively above the worker in the employment chain shall be considered the contractor. In the instance of the death of an intern or volunteer, the entity directing such intern or volunteer in his or her duties as such shall be considered the contractor.

c. "Workplace" shall include, but not be limited to, any location where a worker performs any work-related duty in the course of his or her employment, or any other site where the worker may be as a result of contractor direction.

d. "Construction" shall include, but not be limited to, any work involving the construction, reconstruction, alteration, rehabilitation, repair, renovation, demolition, or installation of any building,

structure, or improvement, or in relation to the excavation of or other development or improvement to any land.

3. Seventy-two-hour reports. a. Each county coroner, medical examiner or other authorized official whose role is to register deaths, when making the determination as to the cause and manner of death, shall determine whether such death was the result of a work-related fatal injury in the workplace and report all such workplace fatalities in the construction industry to the department within seventy-two hours of such determination.

b. Information to be reported within seventy-two hours shall include, but not be limited to:

(i) the name of the worker;

(ii) the age of the worker;

(iii) the cause of death;

(iv) the manner of death;

(v) the location of death;

(vi) the name of the contractor;

(vii) the business address of the contractor;

(viii) the name of the official or medical personnel making the declaration of death;

(ix) the name of the person or persons charged with making the determination of the cause and manner of death; and

(x) contact information for the office making notification to the department, including contact information for the person or persons making the declaration of death, the person or persons determining the cause of death, and the person or persons determining the manner of death.

4. Ninety-day reports. a. Upon receiving a report pursuant to subdivision three of this section, the department shall notify the contractor that such death was determined to be the result of a work-related fatal injury in the workplace and shall require the contractor to submit additional information regarding such workplace fatality. The contractor shall provide such information to the department no later than ninety days after receiving such notification.

b. Information to be reported within ninety days shall include, but not be limited to:

(i) the name of the contractor;

(ii) the business address of the contractor;

(iii) the stated business purpose or industry of the contractor;

(iv) the name and age of the worker;

(v) the ethnicity of the worker, if known;

(vi) the nationality of the worker, if known;

(vii) the immigration status of the worker, if known;

(viii) the craft, trade or occupation of the worker; and

(ix) the union status of the worker.

5. Investigation. The department in its sole discretion may also:

a. conduct an investigation into any work-related fatal injury in the workplace involving a worker performing construction work;

b. request additional information from a contractor in relation to such worker or such workplace fatality; and

c. request information as to whether criminal or civil charges have been filed against the contractor in the death of the worker, including:

(i) the details of such criminal or civil charges including the charging officer or agency; and

(ii) the actual criminal or civil charge or charges.

6. Reporting system. The department shall establish a reporting system for the information required to be reported pursuant to subdivisions three and four of this section.

7. Failure to report. Failure by any contractor to report the information required pursuant to subdivision four of this section within ninety days of notification by the department that such death was the result of a work-related fatal injury in the workplace shall be subject to a fine of not less than one thousand dollars nor more than two thousand five hundred dollars per failure to make such report.

8. Accessibility of registry. The department shall establish and maintain an online database to make available all information and data regarding all workplace fatalities in the construction industry reported to the registry pursuant to this section. Such information shall be provided in the aggregate and shall be electronically accessible and searchable to the public, provided however, that in no event shall a worker's name or other personal identifying information be included in such database. The department shall update the database with the information reported to the registry pursuant to this section within five business days of the receipt of such reports by the department.