May 16, 2011

MEMORANDUM

To: Cabinet
Vice Presidents for Finance and Administration
Chief Student Affairs Officers
Continuing Education Directors

From: Sr. Vice Chancellor and General Counsel Frederick P. Schaffer

Re: Summer Camps

Summer camps operating in New York City are governed by New York State and New York City law. Because of CUNY’s status as an “instrumentality” of New York State, it is exempt from many mandates of New York City statutes and regulations. Nevertheless, the Office of the General Counsel takes the position that CUNY-operated camps should voluntarily comply with most provisions regarding camps, as described in this memo. In addition, camps located on CUNY campuses that are not operated by CUNY, but are run by related entities or outside organizations, must comply with applicable laws, and the colleges should take steps to ensure these camps’ compliance. CUNY-operated camps generally include those run by campus departments of Adult and Continuing Education. If there is any question whether a camp is CUNY-operated, you may consult Associate General Counsel Jane Davis in my office.

This memo is intended to provide general guidance and does not address every regulation applicable to summer camps. All agreements with an outside organization for operation of a camp on a CUNY campus should clearly state that the operator is responsible for complying with all applicable rules and regulations, and must be reviewed and approved by the Office of the General Counsel.

Summer Camps Defined

Article 48 of the New York City Health Code defines Summer Day Camps, Children’s Overnight Camps, Children’s Traveling Summer Day Camps, and Municipal Camps. Summer Day Camps are those that are occupied “any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, primarily for the purpose of outdoor organized group activities for a period of less than 24 hours on any day the property is so occupied and for which no provisions are made for overnight occupancy by such children.” Most camps in operation on CUNY campuses are Summer Day Camps.

Note that summer academic, arts and similar programs for children that are primarily for the purpose of indoor classroom, studio and/or other indoor activities are not Summer Day Camps and are not covered by this memo unless they meet the definition of a Children’s Overnight Camp.

Children's Overnight Camps are occupied by “persons under 18 years of age under general supervision for the purpose of outdoor or indoor activities and on which provisions are made for overnight occupancy of children.” A Traveling Summer Day Camp is a Summer Day Camp that operates “between May 15 and September 15, and which provides care and regularly transports children under 16 years of age on a regular schedule to a facility, site, or property . . . for the purpose of organized group activities.”

If there is any question whether a camp is a Summer Day Camp or a Children’s Overnight Camp, you may consult Associate General Counsel Jane Davis in my office.

Legal Requirements

Exemptions

Article 48, including the requirements described in this section, does not apply to day camps operating less than all or part of five days in any two week period. In other words, one-day events, weekend camps, and similar short camps of less than five days duration are not required to obtain permits or meet the other Article 48 requirements.

Permits and Inspection

- NYC Department of Health and Mental Hygiene (DOHMH) requires each summer camp to obtain a permit. The permit application (Form 314C) must be completed at least 60 days prior to the first day of operation.
- DOHMH may conduct an inspection of the camp, unless it is determined that the camp has operated previously in a safe manner, in which case the operator may submit a self-inspection.
- Travelling summer day camps must demonstrate that there is a “home base” in order to be properly permitted.
All CUNY-operated camps shall comply with these permit and inspection requirements. The University’s Office of Environmental, Health, Safety and Risk Management will work with the City’s Department of Health and Mental Hygiene to develop standard language for the permit application (Form 314C) operated by CUNY campuses. Any camps operated by outside organizations must comply with these regulations, and host campuses shall make efforts to ensure their compliance, such as requiring copies of the camp’s permits.

**Personnel**

Section 48.09 of the NYC Health Code defines pertinent camp personnel, their duties, and required qualifications.

- The “Camp Operator” is the staff person who obtains the permit.
- The “Camp Director,” who may also be the operator, must
  1. be at least 25 years old or possess a bachelor’s degree;
  2. possess 24 weeks of prior camp supervisory experience;
  3. be registered with the Department of Social Services Statewide Central Register of Child Abuse and Maltreatment with a Notification that the director has not been the subject of any abuse report and
  4. has no prior criminal convictions which either relate to his or her employment as a camp employee or involve an unreasonable risk to children.
- Section 48.09 also sets out requirements for counselors, trip leaders and aquatics/swimming staff.

Under the NYS Public Health Law, camp operators are required to ascertain whether an employee or volunteer is listed on the New York sex offender registry prior to the first day such employee or volunteer starts working at the camp. The camp must check the registry annually thereafter.

Like the permit and inspection requirements, CUNY-operated camps shall follow the personnel and sex-offender registry requirements. Non-CUNY organizations must comply with these requirements.

**Insurance**

Section 48.21 of the NYC Health Code describes the insurance requirements for summer camps and provides that “adequate insurance shall be obtained prior to the camping season and shall include workers’ compensation for the camp staff, comprehensive liability and motor vehicle insurance on camp vehicles.”

- Vehicles: must be “covered by minimum liability insurance of $100,000 for death or injury to any one person and $500,000 for two or more persons,” plus a non-owner policy for all transportation units used but not owned by the camp.
• Accident and health insurance: must have “minimum coverage of $1,000 for accidents and $300 for illness for each staff member and camper.”
• “Children's Traveling Summer Day Camps shall arrange for purchase of accident and health insurance at a minimum coverage of $5,000 for accident, $1,000 for illness for each staff member and camper, and shall have a minimum liability insurance of $100,000 for death or injury to one person.”

CUNY vehicles used by CUNY-operated summer camps are covered by CUNY’s automobile insurance policy. CUNY does not require that its constituent institutions purchase additional insurance for CUNY-operated camps, including those run by Adult and Continuing Education departments. Camps operated by outside organizations or agencies (including related entities) must comply with all the insurance requirements. However, CUNY vehicles used by camps operated by CUNY related entities such as auxiliary enterprise corporations, college associations and child care centers will be covered by the CUNY automobile insurance policy and these related entities do not need to purchase additional insurance for these vehicles. Host campuses should verify that camps operated by outside organizations have purchased the required insurance by requiring the camp operators to provide copies of their certificates of insurance. A campus may require or provide more than the minimum level of coverage, but must provide at least the levels set forth above.

c: Legal Affairs Designees (LADs)
CUNY Athletic Directors
CUNY Insurance Subcommittee
Howard Apsan