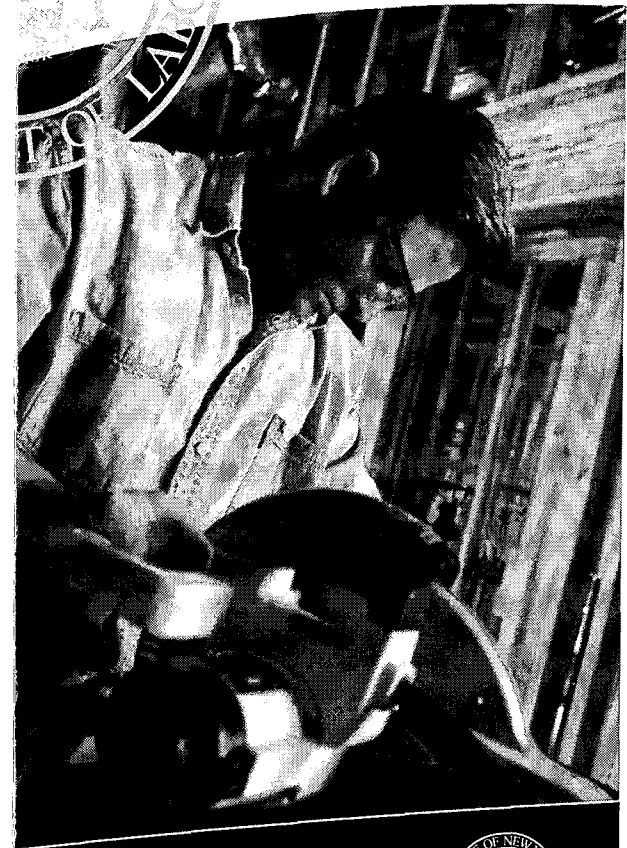


PUBLIC EMPLOYEE
SAFETY AND HEALTH BUREAU

Consultation Assistance



NYS
DEPARTMENT
OF LABOR
PROTECT | ASSIST | CONNECT

Background

In 1980, New York enacted the Public Employee Safety and Health Act, which stated that public employers have the duty to “furnish to each of its employees, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees and which will provide reasonable and adequate protection to the lives, safety or health of its employees...”

The Department of Labor’s Public Employee Safety and Health (PESH) Bureau was established to promote the state policy that public employees should have as safe a working environment as is currently required for their counterparts in the private sector. To help achieve this goal, the bureau has two separate programs; inspection and consultation. The Consultation Program is staffed by experienced Safety and Health Inspectors and Industrial Hygienists.

Public employers who want help in identifying and correcting safety and health hazards can get it from the free consultation service provided by the PESH Bureau. This service is partly funded by the federal Occupational Safety and Health Administration (OSHA).

Besides helping employers to identify and correct specific hazards, consultants provide guidance in establishing or improving an effective safety and health program. They also offer training and education for the employer, the employer’s supervisors and employees.

How the Program Works

- There is no charge for assistance. The program is funded by the NYS Department of Labor and OSHA.
- The Consultation Program is completely separate from the inspection effort. After the visit, the consultant does not issue orders but makes recommendations to address any hazards found.
- The assistance is voluntary. The employer must request assistance. Additionally, the employer determines the scope and extent of the safety and health services provided.
- Your only obligation is to correct all serious safety and health hazards in a timely manner. You make this commitment before the consultant’s visit.
- Time extensions may be granted where warranted, but outright failure to correct a serious hazard will result in a referral for enforcement. We strive to minimize such referrals. However, we must recognize both our implied obligation to those employers who have fulfilled their commitment and our legal obligation to report on-going, uncorrected serious hazards.
- During the work-site survey, the consultant will talk to employees to help identify and judge the nature and extent of specific hazards.
- In rare instances, the consultant may find an imminent danger situation during the walk through. In such situations, an employer must take immediate action to protect all affected workers.
- If the consultant finds a hazard that is considered to be a “serious violation” under PESH criteria, he or she will work with you to develop a mutually acceptable plan and schedule to eliminate or control that hazard. During this time, PESH encourages you to advise all affected employees of the hazards and to notify them when the hazards are corrected. Consultants offer general approaches and options as well as technical assistance on the correction of hazards, when they have the expertise. As necessary, consultants will recommend other sources for specialized technical help.
- After a closing conference, the consultant will send you a written report that explains the findings and confirms any correction periods agreed upon. The report will include suggested means or approaches for eliminating or controlling any hazards identified.
- The consultant will assist you in eliminating the serious hazards identified. You will be expected to follow up and respond to the consultant with the corrective actions taken.
- The consultant also may offer suggestions for establishing, modifying, or adding to the organization’s safety and health program to make such programs more effective. Such suggestions could include worker training, changing work practices, and various methods for promoting safety and health.

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Funding Assistance Available

Under the provisions of the PESH Act, the New York State Occupational Safety and Health Hazard Abatement Board can help alleviate the cost of capital projects designed to abate occupational safety and health hazards identified in a PESH consultation report.

Public employers, except for State agencies and public authorities created by the State, may apply for 75 percent reimbursement under this program. Further information is available from the Secretary to the Hazard Abatement Board, New York State Department of Labor, Building 12, State Office Campus, Albany, NY 12240. The Board may also be reached by phone at (518) 457-7629.

How to Receive Assistance

If you would like consulting assistance from the Public Employee Safety and Health Bureau's team of safety and health professionals, simply telephone or write to the nearest district office listed on the back cover.

NYS Department of Labor Public Employee Safety and Health District Offices:

Albany
State Office Building Campus
Albany, NY 12240
Tel. (518) 457-5508

Rochester
109 South Union Street
Rochester, NY 14614
Tel. (585) 258-4570

Binghamton
44 Hawley Street
Binghamton, NY 13901
Tel. (607) 721-8211

Syracuse
450 South Salina Street
Syracuse, NY 13202
Tel. (315) 479-3212

Buffalo
65 Court Street
Buffalo, NY 14202
Tel. (716) 847-7133

Utica
207 Genesee Street
Utica, NY 13501
Tel. (315) 793-2258

Garden City
400 Oak Street
Garden City, NY 11530
Tel. (516) 228-3970

White Plains
120 Bloomingdale Road
White Plains, NY 10605
Tel. (914) 997-9514

New York City
One Hudson Square Building
75 Varick Street
7th Floor
New York, NY 10013
Tel. (212) 775-3548

*PROTECT all Workers
ASSIST the Unemployed
CONNECT Employers and Workers*

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.