



Health & Safety Committee Handbook

Contents

1. Article 18	2
2. Basic Functions of Health and Safety Committees	5
3. Gathering Information and Suggested Resources	6
4. 10 Steps to Create a Health and Safety Action Plan.....	8
5. H&S Committee Samples.....	10
a. Order of Business.....	10
b. Agenda.....	11
b. Action Items.....	12
6. Tips for Minute Taking	13
7. Sample Minutes.....	15
8. Top 10 Mistakes H&S Committees Make.....	18
9. PESH Factsheet	21
10. Using Injury and Illness Records.....	24



PEF Health & Safety Department



**Funded in part by a NYS Department of Labor Hazard Abatement Board
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Article 18

Health and Safety

2023-2026 PEF/NYS Collective Bargaining Agreement

18.1 The State remains committed to providing and maintaining healthy and safe working conditions, and to initiating and maintaining operating practices that will safeguard employee health and safety in an effort to eliminate the potential of on-the-job injury/illness and resulting workers' compensation claims.

18.2 The State and PEF shall establish a Joint Health and Safety Committee. The Joint Health and Safety Committee shall study and review matters of mutual concern in the areas of health and safety; shall serve as a forum in which PEF can advise the State of potential health or safety problems; shall serve as a forum in which PEF can advise on the development and implementation of State policy in all matters related to health and safety; and shall serve as a means by which pro-active measures to improve health and safety at the worksite can be developed and implemented.

18.3 The Joint Health and Safety Committee shall consist of three designees of the Director of the Governor's Office of Employee Relations and three designees of the President of PEF. The Committee shall meet at least quarterly. The Committee shall establish by agreement such operating procedures, tasks and goals as it deems necessary to conduct its activities. In the case of a failure of the Committee to reach agreement on any matter, such matter shall be referred to the Professional Development and Quality of Working Life Coordinating Committee for resolution.

18.4 The Joint Health and Safety Committee shall use such funds as are made available to it pursuant to Article 18.12 to undertake initiatives in the general areas of education, support of agency-level and local-level health and safety committees, and study and research, subject to the agreement of the Committee. Specific activities of the Committee may include, but are not limited to, the following:

- Development and implementation of programs to enhance the knowledge and skills of employees, management officials and union representatives in the identification and correction of health and safety problems. This includes development of standards and identification of best practices for decontamination of State vehicles and equipment exposed to hazardous or toxic materials; approaches to reducing slip, trip and fall hazards; best practices for reducing hazards to employees from vector-borne illnesses; and best practices for addressing employee exposure to toxic substances or other hazardous materials.

- Development and implementation of a health and safety grants program to provide financial support to the activities of agency-level and local-level health and safety committees. Upon ratification of the 2023-2026 Agreement, the Committee shall make every reasonable effort to streamline the grant process to expedite awarding of grants. Such measures may include, but are not limited to, better guidance to applicants, more frequent Committee meetings to review grant applications, and evaluation of the best approaches to procuring vendor services consistent with State procurement rules and guidelines.
- Participation in Indoor Air Quality improvements at requesting worksites by providing assistance to agency-level and local-level health and safety committees in Indoor Air Quality training, education and awareness programs.
- Development and implementation of programs to provide agency-level and local-level health and safety committees with current information about health and safety issues including, but not limited to, the operation of a Health and Safety Resource Center, ergonomics, violence and assaults on employees, infectious disease control, and right-to-know education.

18.5 The Committee shall identify issues of mutual concern in the area of asbestos, and shall develop and implement activities to address such mutual concerns.

18.6 Agency-Level and Local-Level Health and Safety Committees

(a) The State and PEF shall establish joint health and safety committees at the agency and local levels. Such committees shall have at the agency and local levels the same functions as those of the State-level committee.

(b) Agency and local health and safety committees shall meet at least quarterly. Agendas shall be exchanged in writing by the parties at least seven days before each meeting, and additional matters may be placed on the agenda only by the agreement of both parties.

(c) A local-level health and safety committee that has reviewed a local health and safety issue but has been unable to agree on the disposition of that issue shall refer that issue to the appropriate agency-level health and safety committee for review and resolution.

(d) An agency-level health and safety committee that has reviewed an agency-level or local-level health and safety issue but has been unable to agree on the disposition of that issue shall refer that issue to the Statewide Health and Safety Committee for review and resolution.

18.7 Coordination of Health and Safety Activities

In recognition that health and safety are worksite matters that affect all employees at a worksite, regardless of negotiating unit, the Joint Health and Safety Committee and the agency-level and local-level health and safety committees shall make appropriate efforts to integrate their activities with the health and safety activities of State departments and agencies and joint health and safety committees established by the State and other State employee unions. Such efforts shall not preclude State/PEF health and safety committees from acting independently.

18.8 Toxic Exposure

(a) Employees who are directly exposed to toxic substances as a result of an accident, an incident or a discovery previously undetected by the State or the employees, will have the opportunity to be medically screened as appropriate at State expense. Such medical screening will be offered provided commonly accepted scientific evidence exists to indicate that the exposure presents a clear and present danger to the health of the affected employee.

(b) It is incumbent on the State to identify substances used by employees or to which they are exposed within the workplace. Where a substance is identified as being toxic, prior to any clean up or removal of the substance, the State will determine the nature of the substance, the toxic properties of the substance, and the safe and recommended method of working with the substance including the appropriate personal protective equipment necessary when working with the identified substance.

18.9 Safety Equipment

Safety equipment such as safety shoes, safety goggles, hardhats, vests, etc., which are officially required by departments and agencies for use by employees shall be supplied by the State.

18.10 Those departments or agencies in which there is a potential for occupational exposure to HIV, HBV, and TB, as determined by the New York State Department of Labor, shall establish and promulgate policies consistent with generally accepted medical practices, New York State Department of Health Guidelines, and New York State Department of Labor Occupational Safety and Health Standards and Enforcement Guidelines.

18.11 Health and Safety Grievance Procedure

Grievances alleging a violation of this Article, or alleging the existence of any safety violation, or otherwise arising from a health and safety condition or dispute shall be subject to review through the procedure established in Article 34, Section 34.1(b) of the Agreement and shall not be arbitrable.

18.12 The State shall prepare, secure introduction and recommend passage by the Legislature of such legislation as may be appropriate and necessary to obtain an appropriation of \$846,890 for Fiscal Year 2023-2024, \$872,297 for Fiscal Year 2024-2025, and \$898,466 for Fiscal Year 2025-2026, and each fiscal year thereafter to fund the programs of the Joint Health and Safety Committee.

Upon request, PEF Occupational Health & Safety Department will provide other factsheets, standards, regulations, and other resources. Contact us at healthandsafety@pef.org or 518-785-1900, ext. 254 or 1-800-342-4306, ext. 254.

**Funded in part by a NYS Department of Labor Hazard Abatement Board
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Produced by the New York State Public Employees Federation

**Wayne Spence
President**

**Joseph Donahue
Secretary-Treasurer**



Basic Functions of Labor/Management Health and Safety Committees

Goals and Objectives

Improve the ability of Labor and Management representatives to resolve worksite health and safety issues through:

- Hazard Identification
- Hazard Resolution
- Identification of rules, regulations, and standards
- Review of possible strategies and action steps



Committee Operations

- Meet at least quarterly
- Discuss Safety and Health Policies and Procedures
- Provide communications between Labor and Management on matters relating to health and safety
- Create and maintain interest in health and safety
- Jointly identify, analyze and implement solutions to eliminate unsafe and unhealthy conditions and practices
- Make recommendations to management

Committee Members

- Attend all scheduled meetings and complete assignments
- Create and maintain interest in health and safety
- Help determine committee goals objectives and implement plans
- Review Safety and Health policy and promote enforcement
- Review employee safety and health suggestions
- Review employee training records to determine if staff has received adequate training
- Participate in on-site inspections
- Review injury/illness logs and incident reports
- Review workers' compensation data

Role of Co-chairs

- Arrange meeting time, date and location
- Notify committee members of meeting
- Request agenda items from committee members and finalize agenda with co-chair
- Review previous minutes and other material. Coordinate reports, data and information to be reviewed by committee
- Facilitate group process during the meeting
- Make sure action plans are followed up on between meetings

Role of Committee Secretary

- Elected or rotated periodically
- Prepare, distribute and read minutes of previous meeting
- Distribute agenda
- Report on the status of recommendations made by the committee



GATHERING INFORMATION and Suggested Resources

An important part of any Health & Safety action plan includes gathering information on the issues facing union members. There are a variety of methods that health and safety activists can use, and many resources available to help with mobilizing around and resolving an issue. Selection of these methods depends on the specific circumstances.

Gathering Information

- ***Survey the members.*** A simple survey can determine how widespread the health and safety/environmental problem is in a workplace.
- ***One-on-one or group discussions.*** Meeting with members directly can be very useful in defining how members perceive the problem, hazard or exposure. The people in the situation often know the most about it. Meeting with members as a group can also inspire them to take action.
- ***Walkaround inspections.*** The best way to investigate a problem is to see it for yourself. Conduct a walkthrough of worksites where health symptoms have been reported. Whenever possible take photographs of hazardous conditions or areas.
- ***Examine key documents*** such as DOSH logs of injuries and illnesses.
- ***Request and collect information*** that the employer may have. Often employers will hire consultants to do testing or monitoring of worksites. Employers may also have records of employee medical examinations if they are connected to an exposure. The union is entitled to this information under the NYS Right to Know Law and the OSHA Access to Medical and Monitoring Information Standard. The union can request, and must be given copies of any reports, testing, monitoring data and composite results of medical examinations.
- ***Bring in a union-identified expert*** to assist in the analysis. Several divisions have coordinated with the PEF H&S Department to retain experts to help identify hazards and solutions to health and safety exposures.
- ***Know member rights.*** Find out about any PEF/NYS Contract language, OSHA/PESH standards, state laws and local ordinances that might apply to the situation.
- ***Consult with the PEF Health & Safety Program Staff.*** PEF staff can help review reports, provide technical information and help find local expert consultants.
- ***Consider other potential legal remedies.*** For example, the Americans with Disabilities Act may cover members who have suffered a serious disability. Contact

your agency H&S Chairperson, PEF H&S, or your Field Representative for more information.

Resources

While by no means a comprehensive list, some suggested resources are:

❖ **PEF Health & Safety**

- <http://www.pef.org>

❖ **International Affiliates –**

- SEIU www.seiu.org
- AFT www.aft.org
- AFL-CIO www.aflcio.org

❖ **Municipal, County or State Health Departments**

- NYS Health Department www.health.state.ny.us/

❖ **Occupational Health Clinic Network**

- http://www.health.ny.gov/environmental/workplace/clinic_network.htm

❖ **PESH**

- http://labor.ny.gov/workerprotection/safetyhealth/DOSH_INDEX.shtm

❖ **OSHA**

- www.osha.gov

❖ **Centers for Disease Control (CDC)**

- www.cdc.gov

❖ **National Institute of Safety and Health (NIOSH)**

- www.cdc.gov/niosh/homepage.html

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TEN STEPS TO CREATE A HEALTH & SAFETY ACTION PLAN



There are as many different approaches to creating strategic action plans as there are health and safety issues to plan for. This factsheet offers information to assist in developing workplace safety and health action plans. Ten essential elements included in a successful plan are:

Choose an Issue

Decide what health and safety problems or issues you and your members want addressed. Use the “Checklist for Choosing an Issue” factsheet to help identify and select an issue.

Gather Information

Decide what information you need concerning the problems or issues you want to address. Use the “Gathering Information” factsheet for suggested resources.

Determine the Solution

Decide what solution you want to achieve. This is the overall goal or objective that you are seeking to accomplish.

List your short-term goals or objectives that you could seek along the way to winning your overall goal.

Make Sure You Have SMART Goals

Evaluate your objectives to make sure they are SMART:

- **Specific:** *specify a key result to be accomplished*
- **Measurable:** *so you can know whether or not you have succeeded*
- **Assignable:** *specify who will do what*
- **Realistic:** *but still represents a change and a challenge*
- **Timely:** *specify any deadlines or amount of time needed to complete*

Establish an Action Plan

Plot a roadmap for achieving your long-term goal. Don’t forget to include a specific plan on achieving any short-term goals or objectives along the way.

Elements of an action plan include:

- **What** – List all the different things that need to be done (e.g. gather information, communicate with/involve members).

- **When** – Develop a timetable with specific dates for achieving each task, and for the action plan as a whole. Make sure your timetables are reasonable!
- **Who** – Assign someone to be responsible for each particular task, including keeping a record of activities and reporting back on progress. Remember to involve rank-and-file members whenever and wherever possible.
- **How** – Identify resources that might be needed, and from whom or where resources could be obtained (resources include money, time, people materials, and etc.)

Identify Obstacles

Identify potential obstacles, and develop a specific action plan for preventing them. Also prepare for overcoming obstacles that cannot be prevented.

Identify Allies

Identify potential allies and develop a specific action plan for contacting and involving them. These allies could include AFL-CIO Area Labor Federations, Labor Councils, other unions or community groups.

Communicate with the Members!

Communicate with the members throughout the entire crisis/investigation. Let them know what the Union is doing. Broadcast victories along the way, and get feedback on any obstacles.

Meet, Review & Modify

Meet regularly to review progress and modify plans as needed. Members should be prepared to report on the status of each task.

Evaluate the Plan

At the end of the allotted time for your strategic plan, evaluate successes, strengths and weaknesses of the plan. Establish a system for long term follow-up to prevent future incidents. Incorporate what was learned into future strategic planning activities.

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H&S Committees: Samples: Order of Business, Agenda & Action Item List

H&S Committee Order of Business

An agenda can serve as a road map for committees to stay on point and on time. The following shows a broad list of items for an agenda. Agency level and local H&S Committees should modify this as appropriate.

Order of business:

- 1) Call to order – promptly at designated time
- 2) Roll call by Recording Secretary – names of members and others present
- 3) Introduction of any visitors
- 4) Minutes of previous meeting – should be reviewed and any needed corrections made
- 5) Unfinished business
 - a) Any agenda items continued from previous meetings
 - b) Sub-committee reports
 - i) Workplace Violence Prevention Committee
 - ii) Ergonomics Committee
 - iii) Safe Patient Handling Committee
- 6) New business
 - a) Review of reports, statistics, accidents, etc.
 - b) Review of hazard reports (SH 900s, UIRs, etc)
 - c) Review of suggestions/comments/concerns from employees regarding H&S issues
 - d) Discussions & resolutions of any other item or issue
 - e) Review of safety procedures
 - f) Review of progress of H&S Programs
 - g) Safety education – trainings needed or being provided to employees. Presentation by committee member, outside expert, local safety professions, etc.

SAMPLE - Agenda

ABC Local H&S Committee Meeting

July 23, 2016, 9:30 a.m.

PEF H.Q. Latham, Conference Room B

- 1) Set Agenda**
- 2) Introduction of Committee Members**
- 3) Minutes of the March meeting**
- 4) Unfinished Business:**
 - a) Follow-up on installation of alert system in mailroom
 - b) Sub-Committee Reports:
 - (1) Workplace Violence Prevention Committee
 - (2) Safe Patient Handling Committee
 - (3) AED Committee - Update on Defibrillator Training/Use
 - c) Policy/Guidelines for Bldg XYZ Energy Saving – causing slip/trip hazard from condensation in stairways and lobbies.
 - d) Follow-up on snow & ice removal plans (sidewalks & parking lots)
 - e) Security Officers - Update
- 5) New Business:**
 - a) Water Main Break
 - i) Escalators were still running while basement was flooded (electricity?)
 - ii) Status of Sprinkler system while flooding and once water was shut off.
 - iii) Procedures for future incidents
 - b) Workplace Injuries and Illnesses – Review of Unusual Incident Reports.
 - c) H&S Committee training
- 6) Set next meeting date.**

SAMPLE Action Items for H&S Committees

Developing and reviewing action items at the end of the committee meeting provides a clear record of follow up for the next meeting. The list could be as simple as bulleted items listing the action, name of person taking action and the date each follow-up item is due.

<u>Agenda Item #</u>	<u>Assigned to:</u>	<u>Action</u>	<u>Due Date</u>
OLD BUSINESS:			
1: H&S Committees	Bob Smith (NYS AGENCY) Mark Union (PEF) Tess Labor (CSEA)	<ul style="list-style-type: none"> • BS - Provide list of local H&S committees to Union. All/update mgt. reps for each location. • MU & TL – review and add/update union reps for each location 	<ul style="list-style-type: none"> • NYS AGENCY: 12/10/16 • Unions: by 1/10/16/16 meeting
2: Workplace Violence Prevention	Bob Smith	<ul style="list-style-type: none"> • Response to training questions: Status of direct training Will additional training be provided to WVP Teams? 	<ul style="list-style-type: none"> • At 1/10/16 meeting:
3: Facility Concerns (combined A & B, Restraints & CMPR training)	Chris Land (Training dept.) via Bob Smith (with input from Directors re: restraints)	<ul style="list-style-type: none"> • CL - Address CMPR training issues – regarding updated training on new/improved restraint techniques, working with a changing population with mental health issues, cross-addictions, etc. 	<ul style="list-style-type: none"> • At 1/10/16 meeting • E-mail prior to or report at 1/10/16 meeting
NEW BUSINESS:			
1: H1N1 Emergency Planning	Bob Smith	<ul style="list-style-type: none"> • Provide emergency staffing information from NYS AGENCY Business Continuity Plan for facility staff, residents and office-based employees • Contact Facility Directors to determine if and what their plans are to divert residents away from a facility with H1N1 outbreak – report back to committee 	<ul style="list-style-type: none"> • At 1/10/16 meeting • By 11/10/16
2: DOJ Report	Bob Smith	<ul style="list-style-type: none"> • Provide a list of H&S related issues and corresponding recommendations from the DOJ report 	<ul style="list-style-type: none"> • At 1/10/16 meeting
3: Training Reports	Chris Land Training Dept.	<ul style="list-style-type: none"> • Proved copy of STARS Summary of status of training 	<ul style="list-style-type: none"> • At 1/10/16 meeting
4: PESH Citations	Monique Lawyer Bob Smith	<ul style="list-style-type: none"> • ML - Provide copy of Abatement Report to the Committee and report back on the status of correcting the recent citations. • BS - report back to the committee if any similar conditions have been identified and corrected. 	<ul style="list-style-type: none"> • At 1/10/16 meeting • At 1/10/16 meeting
5. Injury/Illness Reports	Bob Smith	<ul style="list-style-type: none"> • What reports are available from ARS • Provide copies of 2008 SH 900 logs for each worksite to Co-Chairs 	<ul style="list-style-type: none"> • At 1/10/16 meeting • By 12/1016



PEFactsheet

TIPS FOR MINUTE TAKING

Preparation – Before the Meeting:

1. Obtain a list of committee members and the agenda from the chair. Use the agenda as a template for taking minutes.
2. Have a complete set of any documents to be used or referenced during the meeting. Put them in order of the agenda items.
3. Have ready the minutes and agenda of the previous meeting.
4. Prepare a sign-in sheet to pass around to those in attendance at the meeting. Include: Name, Work Location Designation (e.g. Labor Relations for management reps or PEF for union reps), Email address, and Phone #.
5. If you plan to use a laptop, be sure to have enough battery power or bring power cords and an extension cord. Bring paper and pen as the back up plan. If you use a digital voice recorder or tape recorder as a back up to your notes, be sure to have an agreement between the parties to use one.

What to Include in Your Minutes:

1. Name of the committee , date time and location
2. Names of committee members present. Indicate the co-chairs and designation
3. A statement that the minutes of the prior meeting were approved, revised or not read.
4. Items discussed in order listed on the agenda. Briefly describe main points discussed, any major concerns and state actions taken or to be taken. . A full transcript of the discussion is not necessary.
5. Give complete information but be succinct. A structured format to your minutes may help. For example, you may wish to use headings such as "Agenda Item" followed by subheadings "Discussion" and "Action Taken."
6. If a member of the committee is assigned a task or volunteers for an assignment, state clearly the person's name and the responsibility accepted. Be sure to note any deadlines.
7. Minutes should always be objective and impartial. They should be factual and devoid of editorial opinions and comments.
8. State who was the recording secretary responsible for the minutes.

Action Items:

Include action items within your minutes, or conclude the minutes with a section entitled "Action Items," listing the item(s) on which action is needed and the responsible committee member, as follows:

Action Items

Item	Member Responsible	Due Date
1. Contact PPR Committee re: joint project & report back at next meeting	1. Jane Doe	03/31/16
2. Conduct literature search & distribute results to committee by May	2. Tyler Smith	05/01/16
3. Etc.	3. Etc.	Etc

Be sure to send Action items out shortly after the meeting and again before the next meeting to remind Committee members of their commitments.

Proofreading and Distribution of Minutes:

Write up the minutes **within two weeks** after the meeting and distribute them for proofreading, review, and approval to the Committee Co-chairs and all committee members. Be sure to check for accuracy, any misspellings, and formatting consistency. UNION members should send all of their changes to the UNION Co-Chair and Secretary. The Union Co-Chair will then submit the minutes to Management at least TWO WEEKS PRIOR to the next meeting, or by a time frame mutually agreed upon by labor and management. Minutes should be signed off on prior to or at the next Committee meeting.

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SAMPLE H&S COMMITTEE MINUTES

NOTE – list Committee name, date, time and location of meeting

**NYS DOL STATEWIDE HEALTH & SAFETY COMMITTEE
MEETING MINUTES – PEF/CSEA BUILDING 12, TRAINING
ROOM A & B**

August 19, 2014
1:00 – 4:00 pm

NOTE – list participants and designations

Present:

**Angel Cook, Co-Chair (PEF Co-Chair)
Gary China, Co-Chair (CSEA Co-Chair alternate)
Paul Danaher, Co-Chair (Management)**

Carole Brunner –Personnel
Gary China – CSEA/OSH Staff
John Dormin – OSI
Julie Gibson – OER
Dave Gillespie – DEWS
Kevin Jones – PEF
Pamela Levanites – UIAB
Donna Lynch – Property
Lynn McLaughlin – OEM, Recorder
John Meloling - PEF

Amber Nebolini – OSI
Russ Oliver – DEWS
Alan Posner – PEF
John Roglieri – OEM, Recorder
Mike Singleton – PEF
Geraldine Stella – PEF/OSH Staff
Judy Sullivan – PEF
Vinnie Turpin – CSEA
Sally Weibel – PEF

- 1) **Housekeeping:** *NOTE here any changes to the Committee and who is taking minutes. Discuss and agree here on any last minute NEW BUSINESS items not sent with the agenda*

A. Cook reported that Melissa Pinke left state service. P. Danaher advised he will be co-chair until Melissa’s position is back-filled, which is unknown at this time. Lynn McLaughlin and John Roglieri will be taking the minutes for this meeting.

- 2) **Approval of Minutes:** *NOTE here if minutes were signed off on as is or with any changes.....*

Clarification of the AED Good Samaritan Law was addressed and the minutes of the May 6, 2014, meeting will be updated to reflect that responders who use DOL AEDs outside of the DOL location are covered by the Good Samaritan Law.

- 3) **Old Business**

- a) **Safety and Security**

- i) *NOTE here what the issue is and what discussion ensued – DO NOT transcribe every word – just get the main points of discussion. BE SURE TO NOTE ANY ACTION ITEMS NECESSARY, INCLUDING PERSON RESPONSIBLE AND TIME FRAME.*

Logbook for law enforcement and identifiable ID for weapon holders – P. Danaher

stated that comments from security and greeters at DEWS offices feel the current procedure is working and logbooks are not necessary. G. Stella inquired what current control procedures are in place to identify weapons and was advised that state offices, buildings and properties have signage rather than logbooks. Discussion ensued with regard to the weapons policy and who is authorized to carry a weapon into a DOL building. A. Cook mentioned past events/UIRs in which someone who was authorized to carry a weapon was asked to surrender the weapon to security while at a DOL location on unofficial business. D. Lynch stated it is not DOL policy to surrender weapons to security nor stored within a DOL location. She stated the individual should have been asked to leave and secure their weapon or return another day without the weapon.

Action – matter will be referred to the WVPC for followup

b) Injury and Illness Tracking and Prevention

i) Unusual Incident Reports

NOTE here various UIRs are listed in the minutes – the Committee reviews and asks clarifying questions– be sure to send any questions ahead with your agenda so Management will be prepared to answer them.

- (1) **Unusual Incident Reports - 4614, 4569** – These incidents had to do with disruptive customers in DEWS locations. J. Dormin stated that DEWS was going to remind managers about the process to ban disruptive customers.

ACTION – D. Gillespie - Training will be provided in the next quarter to DEWS staff.

ii) 2011 SH-900 Logs and SH-900.2

NOTE here the Committee reviews and asks clarifying questions– be sure to send any questions ahead with your agenda so Management will be prepared to answer them. You are looking for any trends, areas that need immediate attention or training goals for the future.

- (1) S. Raponi stated that she had reviewed the injuries and found that over 70% of the injuries were slips and falls and some were repetitive motion. It was unclear whether the slips and falls are as a result of spills not being cleaned up or other factors.

ACTION – S. Raponi will send out a STF factsheet to staff in 2 weeks. She will track STF trend and report at next meeting.

- (2) UIRs are not required when worker's comp forms (C2) are filed. Many worker's comp cases are filed many years after exposure (i.e. asbestos). Boiler inspectors have a higher risk of exposure.

Action Item: John Roglieri will contact the Bureau of Boilers program manager to arrange an asbestos awareness training.

c) Workplace Violence

Update on bullying meeting with Executive Staff. D. Shattuck and A. Cook reported that Executive staff met with the Unions on May 7th. D. Shattuck reported that Executives are discussing the best approaches to responding to bullying as well as promoting appropriate workplace behavior.

i) WVP Sub-Committee Minutes – A. Nebolini reported.

(1) The UIR Quick-Link went live on July 28, 2014, and is on the intranet homepage. The security desk numbers are being updated and added to the link.

(2) GA-743 – Telephone Threat Guide – OSOD will follow up with the hearing board to discuss the specifics of the training they require.

(3) A. Cook advised that the updated CSEA local workplace violence committee member list is still outstanding.

d) Annually Required Safety Training

i) V. Turpin inquired if there is a way in SLMS to find mandatory classes for which they are not automatically enrolled.

Action Item: A. Nebolini will follow up and report back at the next meeting

e) Bed Bugs

i) Upgrade on training for local committees – G. Stella reported that the Mohawk and Southern committees will be trained in the next quarter.

f) **AED** – First aid training is available for AED locations. It is not required but many did take advantage of the opportunity and had AED responders trained.

4) New Business

NOTE – include any new business here that is either on the agenda or raised by agreement at the beginning of the meeting. Also include next meeting date, time, and location.

Meeting ended at 3:29 p.m. The next meeting will be Tuesday, November 18, 2014, from 1:30 – 3:30 p.m. in Training Rooms A & B.

Top 10 Mistakes of Health and Safety Committees

Mistake One: Lack of Purpose

Establishing a clear purpose is a primary factor in ensuring a committee's chances for success. It is incumbent upon both labor and management to offer clearly articulated expectations and goals as to what the committee will attempt to accomplish. If there is no direction, results are lacking and both sides become disenchanted with the committee.

What should that clearly articulated role be? Some agencies want the committee to communicate safety and health information to other employees. This type of committee may be reasonably expected to review and/or develop training materials, update bulletin boards, and write occasional articles for the newsletter if there is one. Such a committee essentially serves as a safety and health resource. Another primary purpose for committees is to conduct inspections or audits. Yet another type of committee is chiefly advisory. An advisory type committee is limited to brainstorming, with the ideas generated passed along to management to be used as a resource. Recommendations of the committee may be made to the larger Labor/Management committee or directly to management for discussion and possible action.

Mistake Two: Insufficient Resources

Committees need resources of time, money, and people. Most importantly, committee members and safety officers should be allowed ample time to investigate and resolve safety issues, as well as attend committee meetings. In allocating time, consider the frequency of committee meetings--will it be weekly, monthly or quarterly. Local committee may meet more frequently than statewide committees.

Mistake Three: Inefficient Committee Size

Agency or local committees function best when the committee is made up of an equal number of members from both labor and management. The committee should have enough members to accomplish its tasks, but should not be overly large. Look for opportunities to keep the group diverse in order to bring as many points of view as possible to the table. Sub committees can be established as needed. Additionally the PEF Health and Safety Department and outside consultants are available to provide organizational and/or technical assistance.

Mistake Four: Ineffective Training

Often times training for the H&S Committee it is overlooked. An essential consideration is the amount and type of training that will be given to individual members, especially those new to the group, and to committee leaders. New members need an orientation program that can quickly bring them up to speed. The orientation should communicate the roles of individual members and the committee as a whole. Training should also be offered in areas such as Article 18 of the NYS/PEF contract, conducting inspections, PESH standards, data gathering and decision making, and group dynamics.

Mistake Five: Lack of Leadership

The committee should have co-chairs, one from labor and the other from management. It is their responsibility to set the agenda using input from committee members. A good leader is essential for a high-functioning committee. Trained leaders reduce the chance that a committee will lose momentum and become unproductive.

Mistake Six: Ineffective Meetings

The key to a good meeting is planning. A well-crafted agenda that is not too lengthy is essential. An effective committee meeting should only report progress toward objectives, goals, or projects identified on the agenda. All members of the committee need to be prepared to discuss the agenda. Thus, distributing the agenda in advance and scheduling pre-meetings to discuss strategy is an important role of committee chairs. Especially in the early days of a committee, take time at the end of the meeting for evaluation--ask what worked well and what did not. The meeting should end by reviewing commitments made by both sides. Consider an "Action Items" list as a place to record items that arise during meetings for follow up by the next meeting, or for those that come up between meetings so that they can be scheduled for a later time.

Mistake Seven: Lack of Follow-up

Frequently, agenda items never seem to get done, or the committee continues to cover the same territory meeting after meeting. When this occurs new items of importance do not always make it on to the agenda. A lack of follow up is one of the primary problems. Hazard recognition training will improve the odds that root causes are identified. But what about *correcting* identified hazards? Items that need correction should be first reported to the responsible manager. Second, a status report should be created to assign responsibility for action or provide additional resources to research, fund, or design a solution. Communicate the status to the committee on an ongoing basis until the matter is resolved.

Mistake Eight: Lack of Communication

Committee-related communication problems come from two sources: documenting but not completing items discussed at meetings and failing to communicate the successes of the committee and its members. Most committees say they use meeting minutes, but to what end? Every time an item is entered into the minutes, a communication loop is created. Too often, agenda items found in the minutes are never brought to closure. The trick is to list a topic in the agenda, but make sure the outcome shows up in the minutes. Clearly stating the committee's expectation for the topic (such as announcement, discussion, decision, or action item) then recording the step taken in the minutes brings the topic to closure. If this does not occur, the item must be stated both in the minutes and on the next agenda, then carried forward until it is completed.

Minutes should be prepared in a timely manner and provided to committee members for review at least two weeks prior to the next meeting. Committees that distribute minutes at the meeting, give a hurried reading, and then approve them run the risk of recording errors. The committee should make its successes known throughout the agency. By doing so all employees will come to rely upon the committee to help solve health and safety issues.

Mistake Nine: Management Domination

Managers should not dominate committee membership. . Both parties should recognize that all committee members have equal standing. No member should be chosen solely on the basis of his or her position within the organization. Some of the most disinterested members have been those placed on the committee by virtue of their titles. They can actually be counterproductive to committee activities. Priority should be given to those who express a genuine interest in the work of safety and health promotion.

Mistake Ten: Lack of Member Participation

Both members and management should be made to recognize that participation on the committee is part of their job duties. Communicating that expectation up front helps reduce or eliminate the conflict about what to do about members who do not attend meetings or participate in committee activities. Use special project assignments or sub-committees to maximize employee involvement while controlling committee size.



Public Employee Safety and Health Program (PESH)



FACTSHEET

The Public Employee Safety and Health Program (PESH) was created in 1980 through the PESH Act, to extend federal occupational safety and health protection to public employees at the state and local levels in New York. PESH enforces all of the standards of the federal Occupational Safety and Health Administration (OSHA).

The PESH Act requires that an employer furnish employees with a job and a workplace free from recognized hazards, "provide reasonable and adequate protection to the lives, safety and health of its employees", and comply with all Health and Safety Standards promulgated by the NYS Department of Labor's Division of Safety and Health.

Workplace Safety and Health Standards

Standards are legally enforceable health and safety regulations that govern work conditions, practices, and operations. They cover bloodborne pathogens, emergency action plans, exit routes, machine guarding, toxic chemicals, noise, walking and working surfaces, sanitation, fire prevention, and other types of hazards.

Many workplace hazards are not covered by standards; these include workplace violence, tuberculosis, temperature extremes, indoor air quality, stress, and ergonomics. Nevertheless, these hazards can result in serious injuries or illnesses and are among the most common hazards faced by PEF members.

However, PESH can investigate hazards even when there is no specific standard under the "General Duty Clause" in cases that meet the following criteria: 1) the hazard is capable of causing death or serious harm, 2) the hazard exists, 3) there is an industry guideline or standard that within the employer's industry that is not being met or the employer had knowledge of the hazard, and 4) there are reasonable and adequate ways of correcting the hazard.

When applicable, standards can be referenced when working with management to correct unsafe or unhealthful work conditions. Keep in mind, however, that they offer minimum protections and cannot be relied upon to solve all problems. In cases where management refuses to comply with standards, strongly consider filing a complaint with PESH.

The PESH Act stipulates that all standards promulgated under Federal OSHA law shall be adopted by the NYS DOL PESH Program unless PESH promulgates a standard that is at least equally effective. Copies of the standards currently enforced by PESH Safety and Health Inspectors are available in the PEF Regional Field Offices and Health & Safety at PEF Headquarters.

Complaints

A complaint can be filed by any employee or union representative. Complaint forms are available at the Regional PEF Offices, PEF Training & Education, Health & Safety, or on the PEF website. The complaint must contain enough detail to allow the inspector to properly investigate. The form must be signed and dated. Signing the form provides the worker(s) with protection against discriminatory actions by his/her agency in relation to the subject complaint. It is always a good idea to contact your Field Representative and PEF Health & Safety prior to filing a complaint to make sure that this is the most effective way of solving the problem.

Get To Know Your PESH Inspector

It is always a good idea to call or meet with PESH inspectors prior to filing a complaint. They have a wealth of knowledge and can let you know if the hazard of concern is covered under OSHA standards or if the general duty clause can be applied.

Discrimination

The PESH Act guarantees protection from discriminatory actions such as transfer, discharge or discipline, when you engage in protected activities such as filing a complaint or participating in an inspection. NOTE: Discrimination complaints MUST be filed within 30 days of when the adverse action was taken against the affected worker. IMMEDIATELY contact PEF Health and Safety at 1-800-342-4306 ext. 254 if you are considering filing a discrimination complaint.

PESH Enforcement Division

A PESH enforcement inspection results from a written complaint by a worker or union representative. The inspection has three parts.

1. **OPENING CONFERENCE:** The inspector arrives at the affected worksite, introduces himself to the appropriate management representative, presents his credentials, and asks for the highest level of union representation or designee available. Union representatives are selected by PEF leaders and not by management. At this time, the inspector explains the nature, scope, and purpose of the inspection. PEF representatives should take notes and get the name and phone numbers of inspectors.
2. **INSPECTION:** A PEF representative has the right to accompany the inspector during the inspection. This role may be filled by a Council Leader, steward, Executive Board Representative, or Health and Safety Committee member. It is important to share all

relevant information with the inspector. Keep notes of what goes on during this phase of the inspection process. If you have any questions or do not understand what the inspector is doing, this is your opportunity to find out. Do not be shy about asking questions. The inspection is also an educational tool; it serves to enhance and sharpen your skills and knowledge. If you use this chance fully, it will help establish your credibility further amongst your members as you will be better able to answer their questions and report back progress.

3. **CLOSING CONFERENCE.** Again both union and management representatives are present. The inspector will share preliminary findings and may identify what violations have been observed. Discussion also covers the time necessary for abatement (correcting the hazard).

After The Inspection

PESH will issue a "**Notice of Violation and Order to Comply**" (also called a citation) when a violation of a PESH standard is identified. The union representative is entitled to a copy of the citation as well as the "investigative narrative" and should ask for them during the closing conference. PEF Health and Safety receives copies of all citations issued. These are forwarded to the relevant PEF Field Representative and Council Leader who are asked to determine if corrective actions have been initiated. Follow up is very important. If after a citation has been issued and the corrective action(s) have not been taken in the allotted time (the abatement date), contact the PEF Field Representative immediately so he/she can institute the next steps. This typically includes requesting a follow-up inspection. PESH always conducts follow-up inspections after the final abatement date has passed.

IMPORTANT NOTE: If management appeals the abatement date or the validity of the inspection it is important to contact PEF Health & Safety for guidance as soon as possible.

PESH Consultation Division

A PESH consultation survey is conducted at the request of the *employer*. The consultation survey is limited to the hazard concerns identified by the employer. A written report with hazards identified and recommendations for correction of each hazard is provided to the employer.

A PESH consultation survey can be a useful tool for the union also when the union is able to collaborate with management to make the request. Unlike a PESH compliance inspection, which limits the inspection to the requirements of the standard(s), a consultation survey may allow more leeway in that non-mandatory recommendations can be included in the written narrative.

Sources of Information

NYS Public Employees Federation: www.pef.org

Occupational Safety and Health Administration: www.osha.gov

New York State Department of Labor: www.labor.state.ny.us

PESH Offices

Albany District Office

Tel. 518-457-5508 Fax 518-485-1150

Counties Served: Albany; Clinton; Columbia; Dutchess; Essex; Greene; Rensselaer; Saratoga; Schenectady; Schoharie; Ulster; Warren; Washington.

Binghamton District Office

Tel. 607-721-8211 FAX 607-721-8207

Counties Served: Allegany; Broome; Chemung; Chenango; Delaware; Otsego; Schuyler; Steuben; Sullivan; Tioga; Tompkins.

Buffalo District Office

Tel. 716-847-7133 FAX 716-847-7108

Counties Served: Cattaraugus; Chautauqua; Erie; Niagara

Garden City District Office

Tel. 516-228-3970 FAX 516-794-7714

Counties Served: Nassau; Suffolk

New York City District Office

Tel. 212-352-6116 FAX 212-352-6138

Counties Served: Bronx; Kings; New York; Queens; Richmond.

Rochester District Office

Tel 585-258-4570 FAX 585-258-4593

Counties Served: Genesee; Livingston; Monroe; Ontario; Orleans; Wayne; Wyoming; Yates

Syracuse District Office

Tel. 315-479-3212 FAX 315-479-3451

Counties Served: Cayuga; Cortland; Jefferson; Onondaga; Oswego; Seneca.

Utica District Office

Tel. 315-793-2258 FAX 315-793-2303

Counties Served: Franklin; Fulton; Hamilton; Herkimer; St. Lawrence; Lewis; Madison; Montgomery; Oneida.

White Plains District Office

Tel. 914-997-9514 FAX 914-997-9528

Counties Served: Orange; Putnam; Rockland; Westchester.

Upon request, PEF Occupational Health & Safety Department will provide other factsheets, standards, regulations, and other resources. Contact us at healthandsafety@pef.org or 518-785-1900, ext. 254 or 1-800-342-4306, ext. 254.

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Produced by the New York State Public Employees Federation

**Wayne Spence
President**

**Joseph Donahue
Secretary-Treasurer**



Using Injury and Illness Records

Data is powerful – often it can be used to create a strong platform for productive health and safety programs. Health and Safety Committees use various data sources to identify work-related hazards and create controls to mediate risks within the workplace. One such data is a record of injury and illnesses employers must maintain. But just having a ton of records in front of you can be overwhelming. Here are some tips on how to use those records to identify and promote safety in the workplace.

Regulation for NYS Public Sector Employers

- New York State Industrial Code Rule (ICR) Part 801.
- Enforced by the Department of Labor Public Employee Safety and Health (PESH) Bureau.
- OSHA- Standard - 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses

Recordkeeping Requirements

- PESH requires all public employers in New York State to maintain records of workplace injuries and illnesses.
- OSHA and PESH require employers to keep record of serious work-related injury and illnesses (minor injuries requiring first aid only do not need to be recorded).

Purpose of Recordkeeping

- Recordkeeping helps employers and employees evaluate the safety of a workplace, understand identifiable hazards, and implement protections to prevent future injuries and illnesses.

How does OSHA & PESH define a recordable injury or illness?

- Work-related fatality.
- Work-related injury or illness that results in loss of consciousness, days away from work, restricted work, or transfer to another job.
- Work-related injury or illness requiring medical treatment beyond first aid.
- Work-related diagnosed case of cancer, chronic irreversible diseases, fractured or cracked bones or teeth, and punctured eardrums.

- There are also special recording criteria for work-related cases involving: needlesticks and sharps injuries; hearing loss; and tuberculosis.
- Privacy Cases- The employer does not have to put the employees name on the log and can enter “privacy case” in the space where the employees name should be. The employer should also keep a confidential list of privacy cases.

Forms

The following forms or their equivalent are required by PESH:

1. Form SH 900-Log of Work-Related Injuries and Illnesses

○ **Employer Responsibilities:**

- Must have a separate log for each establishment.
- Must record on the SH 900 log the recordable injuries and illnesses of all employees.
- Review SH 900 logs to verify entries are complete and accurate.

○ **Tips for Health and Safety Committees:**

- Request SH 900 quarterly to review at your health and safety committee meetings.
- Check for accuracy- Do you know of any incidents of your members being injured that do not show up on the report?
- Look for patterns – are injuries happening in the same area? Shift? Season?

2. Form SH 900.1- Summary of Work-Related Injury and Illnesses

○ **Employer Responsibilities:**

- A separate summary must be kept for all work-related injuries and illnesses per establishment.
- Required to be posted February 1st – April 30th each year.

○ **Tips for Health and Safety Committees:**

- Request SH 900.1 report annually to review at your health and safety committee meetings.
- Is the Summary posted at the correct time?
- Is the Summary posted in an area easily accessible to employees?

3. Form SH 900.2- Injury and Illness Incident Report

○ **Employer Responsibilities:**

- One incident report form for each entry on the SH 900 log.

○ **Tips for Health and Safety Committees:**

- Request SH 900.2 quarterly to review at your health and safety committee meetings.
- Check for accuracy- Do you know of any cases of your members being injured that do not show up on the report?

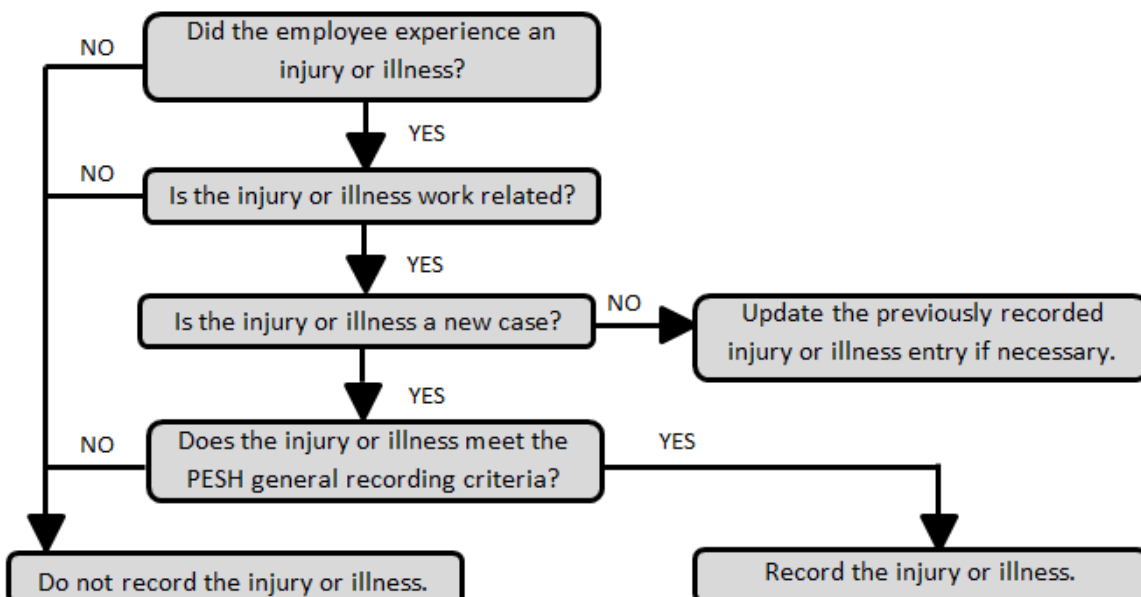
Records Access

- If an employee, former employee, personal representative, or authorized representative (Union) requests the SH 900 Log(s), they must be provided by the end of the next business day (**names, titles, and work locations must be included**).
- If an employee, former employee, or personal representative requests the SH 900.2 Incident Report describing an injury or illness to that employee or former employee, they must be provided by the end of the next business day.
- If an authorized employee representative (Union) requests copies of the SH 900.2 Incident Report for an establishment where the agent represents employees under a collective bargaining agreement, the employer must give copies of those forms to the authorized employee representative within 7 calendar days and only provide the report section titled "Information about the case."
- **Tips for Health and Safety Committees:**
 - If employer refuses to provide SH 900 Log(s), contact your Health and Safety Rep, Field Rep, and the PEF Health and Safety Department.
 - You may also file a PESH complaint if the employer refuses to provide SH 900 Log(s)

Why use Records?

Analyzing records helps to identify health and safety concerns within work locations. These observations assist health and safety committees to develop proactive approaches to mediate health and safety issues.

How to Decide if an Injury or Illness is Recordable



Analyzing Records

Records can be analyzed in multiple ways. The first step in analyzing records is to determine which piece of statistical information you want to know.

For example:

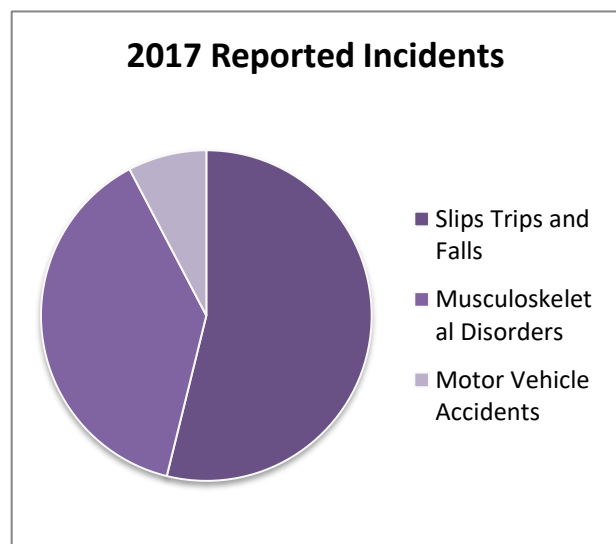
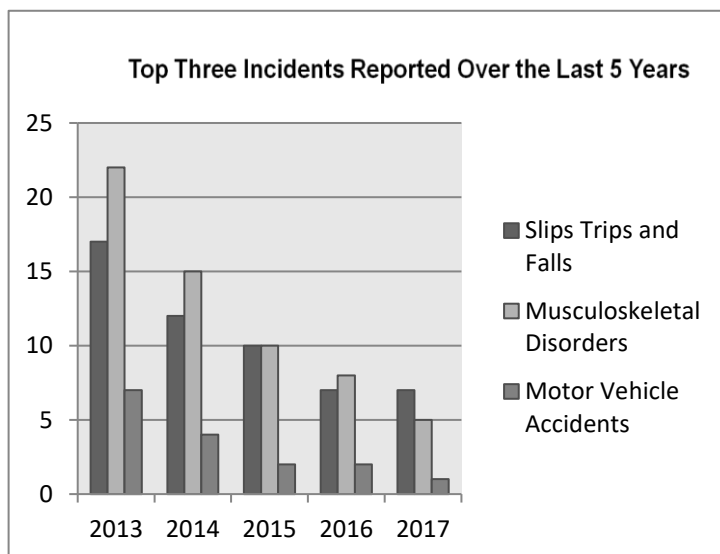
- Do you want to see a comparison of past years compared to this year?
- Do you want to identify what your largest group of injuries is?
- Do you want to identify how many days of missed work there were within a specific category of injury?

Case Scenario:

Simplified Data from SH 900 Logs:

SH 900 Data					
	Year				
Injury	2017	2016	2015	2014	2013
Slips, Trips, and Falls	7	7	10	12	17
Musculoskeletal Disorders	5	8	10	15	22
Motor Vehicle Accidents	1	2	2	4	7

Two examples of ways to interpret data:



Creating Tables

Once Injury and Incident data has been obtained the information can be overwhelming. By using a visual format to analyze trends information can be processed more efficiently. Charts, Tables, and Graphs are all ways to make data manageable.

Training

If you are interested in more information on trainings such as “Using Injury and Illness Data” please contact the Health and Safety Department to schedule training at your worksite or next membership meeting. Training is free of charge thanks to funding by a grant from the Department of Labor Hazard Abatement Board to provide training on occupational safety and health topics.

Resources

PEF Health and Safety Department

518-785-1900, ext. 254 or 1-800-342-4306, ext. 254 or healthandsafety@pef.org

New York State Industrial Code Rule 801

<https://www.labor.ny.gov/formsdocs/wp/Part801-805.pdf>

OSHA Injury and Illness Recordkeeping and Reporting Requirements

<https://www.osha.gov/recordkeeping/index.html>

OSHA Standard - 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=96
31



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