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## **CONSULTATION ASSISTANCE**

### **Public Employee Safety and Health (PESH) Act**

#### **BACKGROUND**

In 1980, New York State enacted the Public Employee Safety and Health (PESH) Act. This Act states that public employers must “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 PESH Bureau supports the state policy that public employees need as safe a work place as private sector employees. The bureau has two programs:

- Inspection
- Consultation

Experienced Safety and Health Inspectors and Industrial Hygienists staff the Consultation Program.

Public employers who want help with safety and health hazards can get a free consultation from PESH. There is no charge. The federal Occupational Safety and Health Administration (OSHA) and the State Department of Labor fund this service.

Consultants help employers to find and fix specific hazards. They help to set up or improve safety and health programs. They also train employers, supervisors and employees.

#### **HOW THE PROGRAM WORKS**

The Consultation Program is separate from the inspection effort. Consultants do not issue orders. They make recommendations about any hazards they find on their visit.

Employers must ask for our help. They also set the extent of safety and health services we provide.

As a public employer, you must correct all serious safety and health hazards soon after the consultant finds them. You must commit to doing this before the consultant will visit.

We may grant time extensions if you ask. However, if you neglect or fail to correct a serious danger, we must refer your case to enforcement. We do our best to avoid making such referrals. However, we are obligated to report on-going, uncorrected serious hazards. This is only fair to employers who fulfill their commitment.

During the work-site visit, the consultant talks to employees. This helps them find and judge the nature and extent of specific hazards. Rarely, the consultant finds an imminent danger during the visit. If this happens, you must take immediate action to protect all affected workers.

If the consultant finds a hazard that PESH considers a “serious violation,” he or she will work with you to create a plan and schedule to remove or control that hazard. During this time, PESH encourages you to tell all affected employees of the hazards. Then, let them know when you have corrected the hazards. Consultants offer general approaches and options. If they have the expertise, they offer technical tips on how to correct the hazards. If needed, consultants can also suggest other sources for specialized technical help.

After a closing conference, the consultant will send you a written report. The report explains the findings and confirms any correction periods agreed upon. It will include suggestions to remove or control any hazards the consultant finds.

The consultant will help you fix the serious hazards they find. You are responsible to follow up and respond to the consultant with the corrective actions taken.

The consultant may also suggest you form or improve a safety and health program. Such suggestions could include:

- Worker training
- Changing work practices
- Methods to promote safety and health

## FUNDING ASSISTANCE

Under the PESH Act, the New York State Occupational Safety and Health Hazard Abatement Board can help ease the cost of capital projects. The projects must fix occupational safety and health hazards PESH has identified.

Public employers may apply for 75% reimbursement under this program. For further information, contact:

Secretary to the Hazard Abatement Board  
New York State Department of Labor  
State Office Campus  
Building 12, Room 436  
Albany, NY 12240

You can call the Board at: **(518) 457-7629**.

State agencies and public authorities created by the state do not qualify for this program.

## HOW TO GET HELP

If you would like consulting assistance from PESH, call or write to the nearest district office.

### **Albany**

State Office Campus  
Building 12, Room 158  
Albany, NY 12240  
(518) 457-5508

### **Binghamton**

44 Hawley Street, Room 901  
Binghamton, NY 13901  
(607) 721-8211

### **Buffalo**

65 Court Street, Room 400  
Buffalo, NY 14202  
(716) 847-7133

### **Garden City**

400 Oak Street, Suite 101  
Garden City, NY 11530  
(516) 228-3970

### **New York City**

One Hudson Square  
75 Varick Street, 7th Floor  
New York, NY 10013  
(212) 775-3554

### **Rochester**

109 South Union Street, Room 402  
Rochester, NY 14607  
(585) 258-8806

### **Syracuse**

450 South Salina Street, Room 202  
Syracuse, NY 13202  
(315) 479-3212

### **Utica**

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

### **White Plains**

120 Bloomingdale Road, Room 255  
White Plains, NY 10605  
(914) 997-9514