



**Department  
of Labor**

**PESH Federal Fiscal Year 2016  
State OSHA Annual Report  
(SOAR)**

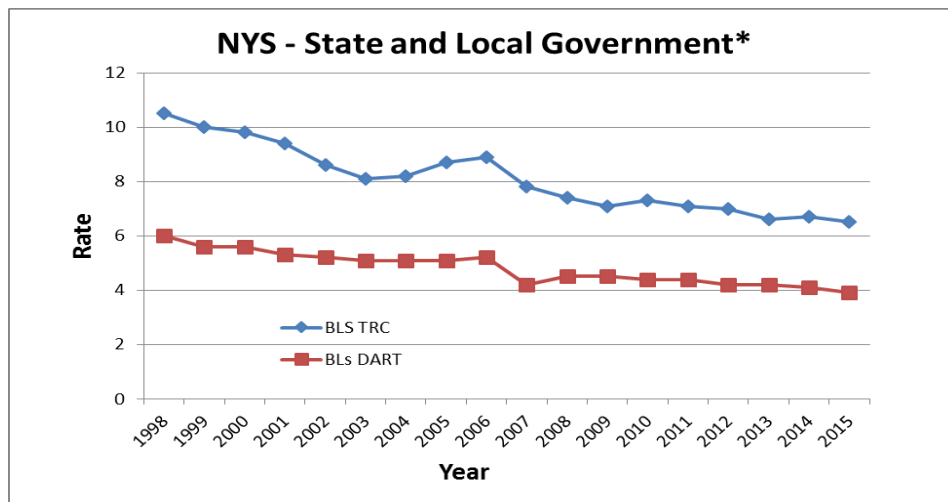
## Annual Performance Plan Activities FFY 2016

The Division of Safety and Health (DOSH) is one of two divisions within the Worker Protection Bureau of the New York State Department of Labor. The Division of Safety and Health administers ten programs to protect the public and working men and women of New York from hazards, accidents and injuries; one of which is the Public Employee Safety and Health (PESH) Program. The PESH Program was created in 1980 and oversees workplace protection of public employees at the state and local levels through the enforcement of OSHA and specific State regulations. Public sector employers include State, County, Town, Village governments, Public Authorities, School Districts and Paid and Volunteer Fire Departments. The PESH Program provides protection through two main functions - enforcement and consultation services.

In addition, the PESH Program instituted a Strategic Plan in 1998. The PESH Strategic Plan is an initiative which focuses on select industries which have high injury and illness or Days Away, Restricted or Transfer (DART) rates. The PESH Strategic Plan consists of three distinct committees including Fire Service, Police Protection and Healthcare (specifically nursing homes and general and surgical hospitals). Each committee identifies the cause(s) of injuries to employees in their sector and focuses on building partnerships with labor and management in the development of strategies to reduce the occurrence and/or seriousness of these injuries.

The PESH Program continues to make significant progress in protecting New York State’s public employees and promoting a safe and healthy workplace. The activities and accomplishments of the PESH Program and the Strategic Plan committees are identified in this report. The following are noteworthy statistical highlights and trends.

Based on the Bureau of Labor Statistics, during 2015 there were 27,560 reported injuries or illnesses to local government workers of which 3700 or approximately 13% were reported in the fire service. Approximately 14% of the 2015 injuries or illnesses to local government workers in the law enforcement sector and approximately 6% of the injuries or illnesses to local government workers in the hospital and nursing home sector combined. The Total Recordable Injury and Illness Incident Rate (TRC) for CY 2015 for state and local government employment was 6.5 per 100 full-time equivalent workers. This is a 3% decrease from 2014 when it was 6.7. The DART rate for CY 2015 was 3.9 which is a 5% decrease from CY 2014. Both the Total Recordable Injury and Illness Rates and the DART Rates have experienced a fairly consistent trend of declining rates since the inception of the Strategic Plan in 1998. Overall the TRC Rate has decreased 38% and the DART Rate 35% over this time period.



\*Based on BLS data  
 TRC – Total Recordable Injury and Illness Rate  
 DART – Days Away, Restricted

During FFY 2016, thirty eight (38) different PESH CSHO's conducted 1,431 inspections, compared to 1,513 inspections in FFY 2015, a 5% decline. Safety staff conducted 966 inspections compared to 1,067 inspections in FFY 2015 a 9% decline and industrial hygiene staff conducted 465 inspections compared to 446 inspections in FFY 2015 a 4% increase.

There were a total of 3,649 enforcement violations issued in FFY 2016 compared to the 2,930 violations issued in FFY 2015, a 25% increase. The significant increase in the number of violations would help explain the 5% decline in the overall inspections performed in FFY 2016 when compared to FFY 2015. Of the total number of violations issued during FY 2016 twenty five (25) were FTA violations serious, seven (7) were repeat serious, 803 were non-serious and 2,814 were serious violations. There were 163,023 employees covered by the inspections performed in FFY 2015 compared to 166,138 during FFY 2014, a 2% decrease.

PESH investigated 317 complaints in FFY 2016, compared to 393 complaints in FFY 2015, a 19% decrease.

PESH performed eighteen (18) FATCAT investigations in FFY 2016 compared to seventeen (17) investigations in FFY 2015.

PESH received twenty two (22) discrimination complaints in FFY 2016, during FFY 2015 there were nineteen (19) discrimination cases investigated. This is a 15% increase in discrimination cases from FFY 2015 to FFY 2016.

During FFY 2016, PESH conducted 288 consultations compared to the 257 consultations in FFY 2015, a 12% increase.

PESH tracks Compliance Assistance activities for both enforcement and consultation. During FFY 2016, there were 146 Compliance Assistance visits made by eight (8) PESH consultants and 38 Compliance Assistance visits made by PESH enforcement staff. The total compliance assistance activities for FFY 2016 was 184 visits. The OIS system captures data regarding the total number of employees and employers affected for enforcement only. Of the 38 enforcement Compliance Assistance visits, 1269 different employers were affected and 188,894 employees were affected.

There were six (6) new contested cases in FFY 2016 and there were five (5) contested cases that were closed during this same period.

There were seven informal conferences held during FFY 2016.

PESH issued penalty bills to eleven (11) employers for a total of \$102,095 during FFY 2016. Penalty collection for the year totaled \$1,778,228.

## **Progress toward Strategic Plan Goals**

### **Strategic Goal 1**

The overall goal was to continue developing and implementing strategies to improve workplace safety and health for all public employees, with special focus on those in the select strategic plan industries. The Strategic Plan Performance Goals for the 5-year plan beginning in FFY 2016 were:

- Decrease the Injury and Illness Rate by 5% over 5 years in NAICS 922120 (Police Protection).
- Decrease Injury and Illness Rate by 5% over 5 years in NAICS 922160 (Fire Service)
- Decrease the Lost Work Day Rate by 5% over 5 years in the following healthcare sectors:
  - NAICS 623110 (Nursing Care Facilities)
  - NAICS 622110 (Hospitals)

## Police Departments (NAICS 922120)

**Strategic Goal:** Improve workplace safety and health for all public employees.

**Performance Goal #1A:** Reduce Injury and Illness Rate by 5% over 5 years in NAICS 922120.

**Baseline:** 2012

### Activity Measures:

**Partnerships** – This committee’s primary focus is on building partnerships with the NYS Sheriff’s Association, the various county level sheriff’s departments and their related associations. This year, the existing partnership with the NYS Sheriff’s Association was strengthened through invitation and attendance to their annual conference that was held in Buffalo New York during June of 2016. New partnerships were made with NY State Police and NYS Department of Environmental Services during a project that involved respiratory protection SOP’s for SWAT teams.

**Injury Data Collection and Analysis** – The Log of Work Related Injuries and Illnesses (SH900) and the Summary of Work Related Injuries and Illnesses (SH900.1) for 2015 has been requested from participating agencies. Most of the data has been received for each county Sheriff’s Department (excluding correctional facilities), the 2015 Injuries and Illnesses data received to date looks very similar to 2014.

The Primary Outcome Measure of decreasing the Total Recordable Injury Rate in police protection agencies by 1% per year has been exceeded as shown in the table below.

The OSHA OIS system was used to assemble Consultation, Inspection and Compliance Assistance data.

**Inspections** – There were 62 Enforcement Inspections conducted in FFY 2016.

**Consultations** – There were eight (8) Consultation visits in FFY 2016.

**Outreach**– There was a total of 28 Compliance Assistance Visits completed during FFY 2016.

### Primary Outcome Measures: Police Service Injury and DART Rates

Year	Baseline (2012)	2013	2014	2015	2016
<b>Injury and Illness Rate*</b>	16.3	14.0	13.6	13.5	
<b>% Change From Baseline</b>	NA	14% Decrease	17% Decrease	17% Decrease	
<b>DART Rate*</b>	9.7	8.4	8.0	7.8	

\* SH900.1 Summary of Work Related Injuries and Illnesses

NA – Not Available

### Intermediate Outcome Measures: Police Service

Measure Description	2012 Baseline	1st Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	YTD
Inspection Visits	113	14	17	15	16	62
Consultation Visits	6	1	2	2	3	8
Outreach and Technical Assistance Visits	3	5	10	9	4	28

Information obtained from OIS

## **Police Protection**

### **Introduction:**

FFY 2016 is the first year of New York State Department of Labor's, FY 2016 – 2020 Five-Year Strategic Plan. This plan features some modifications to the previous plan's outcome and performance goals. The main goal of the Police Protection Strategic Plan is to reduce the Lost Work Day rate by 1% per year or 5% over the next 5 years. This committee focuses on injury and illness reduction in local and county law enforcement departments throughout New York State.

### **Partnership Activity:**

The committee members continued to strengthen and identify new partnerships. During FFY 2016 members participated in the NYS Association of Police Chiefs conference in Buffalo New York and the CSEA Safety and Health conference in Lake Placid New York. The PESH Information booth was staffed during the conference providing additional opportunities for PESH consultations and compliance assistance within the law enforcement community.

### **Injury Data Collection & Analysis:**

SH 900's and SH 900.1's are still being collected for all county level police departments for CY 2015. From the information obtained to date the trend of decreasing rates is expected for 2015 as well. Information from the SH900's is being evaluated to identify preventable injuries. Injury control strategies are being developed based on this evaluation.

### **Inspections:**

There were a total of 62 inspections performed during the 2016 FFY, this is a 45% decrease from the baseline 2012 year. This decline can be attributed to the continuous loss of inspection staff due to promotion, job vacancies and natural turn over. During FFY 2016 approximately 40% of the PESH enforcement staff had less than 2 years of experience.

### **Consultations:**

There were a total of 8 consultations performed during the same period compared to 6 from the 2012 baseline year, this is a 33% increase.

### **Outreach:**

There were a total of 28 compliance assistance activities conducted during FFY 2016. Each year the committee updates the Law Enforcement Resource CD. The CD provides education, information and resources addressing a wide variety of safety and health topics that would be applicable to the police protection sector. Copies of the CD can be obtained from the various district offices or PESH staff can access the files on the shared drive.

### **Training:**

Police agencies are not typically receptive to training performed by civilians. Committee members have made additional efforts to work with employers on proper record keeping strategies. During the compliance assistance visits, the interaction with the employer representatives helps to broaden the depth of the partnership through an increased accuracy in data that benefits both the committee and employer. Additionally, training resources have been shared with the regional zone training academies and a new partnership was formed with the Zone 5 Regional Law Enforcement Training Academy during committee member outreach relating to a noise monitoring concern at a new practice range in Glenville, New York.

### **Future Activities Planned:**

In FFY 2017 committee members will continue to work with stakeholders to build relationships and develop outreach material. The group will continue to look for any injury trends through the examination of injury and illness records. Additional outreach material will be developed to share hazard mitigation strategies throughout the law enforcement community. The committee will continue their outreach and partnership efforts with the regional zone law enforcement training academies, law enforcement associations, unions, county and local law enforcement agencies.

## Fire Service - NAICS 922160

**Strategic Goal:** Improve workplace safety and health for all public employees.

**Performance Goal # 1B:** Reduce Injury and Illness Rate by 5% over 5 years in NAICS 922160.

**Baseline Year:** 2012

### Activity Measures:

**Partnerships** – This committee continued building and maintaining partnerships with the Fireman’s Association of the State of New York (FASNY), New York State Association of Fire Chiefs (NYSAFC), various members of the New York State Division of Homeland Security and Emergency Services (NYS DHSES), county fire coordinators and New York State Emergency Managers Association (NYSEMA)

**Injury Data Collection and Analysis** – The Log of Work Related Injuries and Illnesses (SH900) and the Summary of Work Related Injuries and Illnesses (SH-900.1) are being used to assemble statistics relating to fire departments covered by this committee.

The OSHA OIS system was used to assemble Consultation, Inspection and Compliance Assistance data.

The Primary Outcome Measure of decreasing the Total Recordable Injury Rate in the fire service by 1% per year has been exceeded as shown in the table below.

**Inspections** – There were 98 inspections conducted in FFY 2016.

**Consultations** – There were 21 consultations conducted in FFY 2016.

**Compliance Assistance**– There were 39 Compliance Assistance Visits conducted during the FFY 2016.

### Primary Outcome Measures: Fire Service Injury and DART Rates

Year	2012* Baseline	2013*	2014*	2015*	% Change from Baseline
Injury Rate*	21.8	24.0	79.1	20.1	7.8% decrease
DART Rate*	20.0	23.0	77.5	15.1	24.5% decrease

\* Based on BLS Data

### Intermediate Outcome Measures: Fire Service

Measure Description	2012 Baseline	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	YTD
Inspection Visits	183	20	29	24	25	98
Consultation Visits	25	4	4	5	8	21
Compliance Assistance Visits	55	11	10	11	7	39

*Information obtained from OIS*

## Fire Service

**Introduction:**

FFY 2016 is the first year of New York State Department of Labor's FY 2016 – 2020 Five-Year Strategic Plan. This plan features some modifications to the previous plan's outcome and performance goals. The main goal of the Fire Strategic Planning is to reduce the Lost Work Day rate by 1% per year or 5% over the next 5 years. The PESH Fire Strategic Plan focuses on injury and illness reduction in city and local fire departments throughout New York State.

**Partnership Activity:**

This committee continues to work with FASNY, NYSAFC and County Fire Coordinators as it relates to PESH activities. Members continue to network with county level emergency managers through the New York State Emergency Management Association (NYSEMA) and the Local Emergency Planning Committee (LEPC) meetings.

This year, committee members participated on the 2016 WRECKIT Exercise design team from February through the end of September 2016. Partnerships were formed with exercise design team members from the New York State Department of Health (NYSDOH), New York State Emergency Management Office (NYSEMO) and New York State Office of Fire Prevention and Control.

Last year, the 2015 WRECKIT Exercise drew approximately 15,500 participants from approximately 330 different agencies, including both public and private sector employers. The exercise is scheduled to run the week of October 31, 2016, design team members look to exceed last year numbers for participation. The exercise is based on a severe storm scenario. A website was created and populated with various exercise tools and documents. Committee members created an exercise health and safety plan (HASP) that was promoted on the WRECKIT website, during exercise web meetings and during the monthly NYSEMA meetings. A presentation was provided to participating agencies on the use and benefits of a HASP. A copy of the HASP can be found at [www.wreckit2016.com](http://www.wreckit2016.com) under planning documents.

**Outreach and Interventions:**

During FFY 2016, PESH conducted 39 Compliance Assistance visits within the fire service community. Committee members attend the local New York State Emergency Management Association (NYSEMA) and the Local Emergency Planning Committee (LEPC) meetings, WRECKIT Exercise planning meetings and three different seminars. This effort proved to be an effective way to keep the local and State's fire and emergency response community apprised of the latest PESH programs and services. The contacts made during these meeting can lead to future compliance assistance and consultation opportunities and also provide PESH with opportunities to participate in future emergency exercises. .

**Inspections:**

There were 98 inspections in the fire service NAICS in FFY 2016. The total inspections in Fire Service have declined by approximately 46% from the baseline year of 2012. This decline can be attributed to the continuous loss of inspection staff due to promotion, job vacancies and natural turn over. During FFY 2016 approximately 40% of the PESH enforcement staff had less than 2 years of experience. The drop off in production can be attributed to the numbers and experience of available staff coupled with the increasing difficulty involved in enforcement inspections within the fire service.

**Consultations:**

There were a total of 21 consultations performed during the FFY 2016, compared to 25 that were completed during the 2012 baseline, this represents a 16% decrease.

**Outreach:**

There were a total of 39 compliance assistance activities conducted during FFY 2016, compared to 55 that were performed during the 2012 baseline year; this represents a 29% decrease.

**Training Seminars:**

Committee members staffed the PESH booth at the New York State Fireman's Association Convention during August 2016. Conventions provide an opportunity to share PESH Compliance Assistance and Consultation services with New York's fire service community. Committee members also presented at

three different DiVal Safety Fire Expos at various locations across the state. The fire safety expo provided an opportunity to promote PESH services as well. The Dutchess County Fire Chiefs Association in Poughkeepsie NY invited PESH to present on the Recommended Best Practices Training Guidelines and the 2016 WRECKIT Exercise created opportunities for PESH to present of the benefits of using a Health and Safety Program at different NYSEMA meetings and exercise breakout sessions.

**Future Activities Planned:**

SH 900's and SH 900.1's are still being collected from select fire departments. During FFY 2017, committee members will continue implementing the new strategy for obtaining and analyzing injury and illness data. BLS data will be used with the injury and illness data obtained from the SH 900's to identify injury trends that may be addressed through the development of outreach material.



## Residential Nursing Care (NAICS 623110) and Acute Hospital Care (NAICS 622110)

**Strategic Goal:** Improve workplace safety and health for all public employees.

**Performance Goal #1C:** Reduce the number of Lost Workdays by 5% in NAICS 623110 and 622110.

**Baseline Year:** 2012

### Activity Measures:

**Partnerships** –This committee continued building and maintaining partnerships with organized labor (PEF and CSEA), advocacy groups (NYS Zero Lift Task Force, NYCOSH, WNYCOSH) and various healthcare facilities. Safe patient handling assistance programs and other forms of assistance are being provided to public sector long term care and acute healthcare facilities.

**Injury Data Collection and Analysis** - The Log of Work Related Injuries and Illnesses (SH900) and the Summary of Work Related Injuries and Illnesses (SH-900.1) were used to assemble statistics relating to nursing home and acute hospital facilities covered by this committee.

The OSHA OIS system was used to assemble Consultation, Inspection and Compliance Assistance data

The Primary Outcome Measure of decreasing the Total Recordable Injury Rate in the targeted health care agencies by 1% per year has been exceeded as shown in the table below.

**Inspections** –During FFY 2016 there were 14 inspections conducted in Nursing and Acute Hospital Care facilities.

**Consultations** – There were no Nursing Home or Acute Hospital Care consultations performed during this period.

**Compliance Assistance Activities** – There were four (4) Compliance Assistance Visits conducted in Nursing and Hospital Care settings in FFY 2016.

**Training Seminars** – Strategic plan committee members and the Department of Labor were involved in co-sponsoring the 2016 Safe Patient Handling Conference. Committee members spent significant time planning and coordinating for the conference.

### Primary Outcome Measures:

<b>Number of Lost Workdays Due to Patient/Resident Handling</b>				
<b>Nursing and Residential Care Facilities</b>				
Measure	2012 Baseline	2013	2014	2015
# Lost Work Days due to Resident Handling	13,375	9,749	10,530	9,842
Change	Baseline	27% Decrease	21% Decrease	26% Decrease
<b>General and Surgical Hospitals</b>				
Measure	2012 Baseline	2013	2014	2015
# Lost Work Days due to Resident Handling	12,868	11,583	10,139	9,603
Change	Baseline	10% Decrease	21% Decrease	25% Decrease

**Days Away - Lost Work Day Rate – All Injuries and Illnesses**

<b>Nursing and Residential Care Facilities</b>				
Measure	2012 Baseline	2013	2014	2015
Lost Work Day Rate	9.0	8.6	8.2	8.3
Change	Baseline	4%	8.9% Decrease	7.8% Decrease
<b>General and Surgical Hospitals</b>				
Measure	2012 Baseline	2013	2014	2015
Lost Work Day Rate	4.0	2.9	3.5	3.1
Change	Baseline	28% Decrease	12.5% Decrease	22.5% Decrease

*Lost Work Day Rate - # cases resulting in lost time X 200,000 / total # work hours (Based on SH900.1)*

**Intermediate Outcome Measures: Nursing Care Facilities and Hospitals**

Measure Description	2012 Baseline	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	YTD
Inspection Visits	6	4	2	5	3	14
Consultation Visits	0	0	0	0	0	0
Outreach & Technical Assistance Visits	4	1	0	0	3	4

*Information obtained from OIS*

## **Healthcare FFY 2016 Activities**

### **Introduction:**

FFY 2016 is the first year of New York State Department of Labor's, FY 2016 – 2020 Five-Year Strategic Plan. This plan features some modifications to the previous plan's outcome and performance goals. The main goal of the Healthcare Strategic Plan committee is to reduce the Lost Work Day rate by 1% per year or 5% over the next 5 years. The PESH Healthcare Strategic Plan focuses on injury and illness reduction in County Nursing homes, State veterans' homes and public Acute Hospital Care facilities.

### **Partnership Activity:**

Committee members continued their partnership with the NYS Zero Lift Task Force, WNYCOSH and NYS DOH. During FFY 2016 much of the committee's effort was focused on planning for the 2016 Safe Patient Handling Conference. This year, the 8<sup>th</sup> annual Safe Patient Handling Conference was hosted at the Adam's Mark Hotel and Conference Center in Buffalo, NY on September 21<sup>st</sup> and 22<sup>nd</sup> 2016. Committee members and other field and support staff assisted during all phases of the conference by working with attendee registrations, vendors, conference facility planners and arranging for attendee certifications, CEU's and staffing of the PESH conference booth. One main focus during this year's conference included compliance strategies for the New York State Department of Health's Safe Patient Handling Act.

### **Inspections:**

During FFY 2016, there were fourteen (14) enforcement inspections in nursing homes and Acute Hospital Care facilities, compared to the FFY 2012 baseline year when 6 inspections were completed. This represents a 133% increase in the number of inspections.

### **Consultations:**

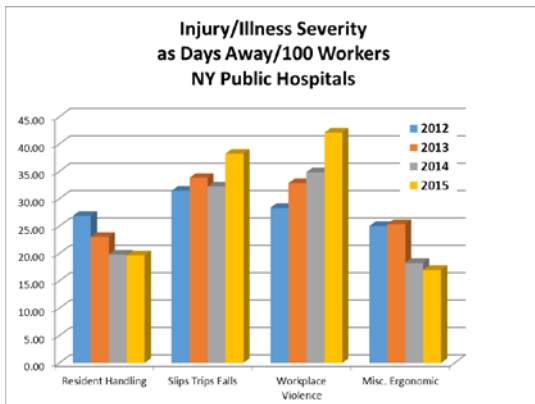
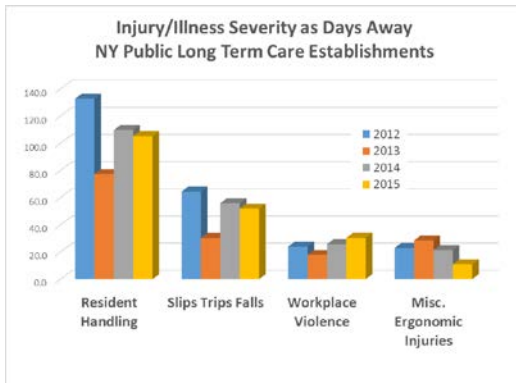
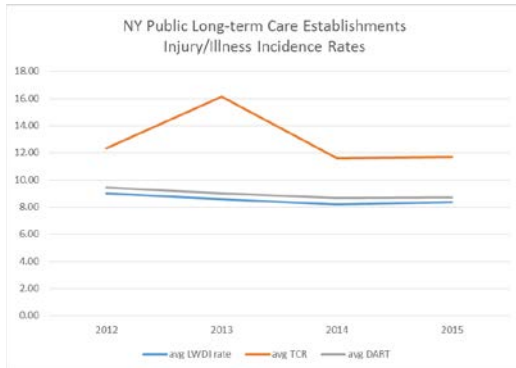
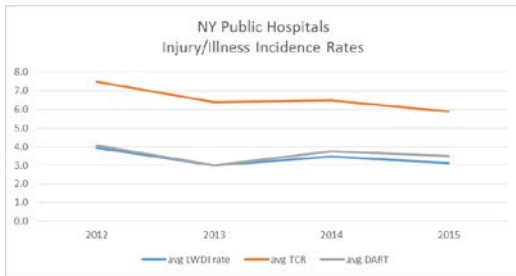
There were no consultations performed during this period which is consistent with the FFY 2012 baseline year.

### **Compliance Assistance:**

During FFY 2016 there were four (4) compliance assistance visits conducted which is consistent with the baseline year. The New York State Department of Health's Safe Patient Handling Act (Sections 20 & 21, Part A, S6914/A9205) has a phased compliance schedule. By January 1, 2016, affected employers must establish a facility-based Safe Patient Handling (SPH) committee. By January 1, 2017, the committee is to implement a SPH program for their respective residents based on individualized risk assessments. The 2016 Safe Patient Handling Conference was designed to provide tools, training, lectures and hands-on workshops to assist employers, employees and committee members with strategies for compliance with the Act. There were approximately 450 conference attendees that chose one of five learning tracks based on their discipline; Acute Care, Long-term Care, Clinical Out Patient, Rehabilitation and WNYCOSH SPH Modules. CEU's were awarded to Nurses, Physical Therapists, Occupational Therapists and Nursing Home Administrators.

### **Injury Data Collection & Analysis:**

During FFY 2016 the committee spent considerable time compiling injury and illness trends within the health care industry based on lost work day data obtained from employer's SH 900 logs. By compiling three years of lost work day data and categorizing by injury type, a comparison of the injury and illness data based on injury type and the lost work days associated within each category was created. This data allows for an easy comparison of injury trends at specific facilities within the health care industry. The data also allows for a more focused comparison between New York public health care facilities themselves. Below in this report is an example of a chart that provides a quick global perspective on the average lost workday significance for specific types of injuries.



**Miscellaneous Activities or Comments:**

Strategic plan members participated in quarterly conference calls, where members report on their progress or provide updates on their individual activities. Strategic plan members continue to participate in Zero Lift Task Force conference calls to maintain contact with existing partners. During FFY 2016, considerable time was spent analyzing and coding nursing home and hospital SH-900 logs for 2012-2015 regarding different types of injuries to determine the severity of each type for each facility. This often involved multiple phone calls to various facilities in order to clarify data or to get correct or missing data.

**Training:**

During FFY 2017, committee members will participate in the planning of the 9<sup>th</sup> annual SPH conference. Future training strategies will be discussed and promoted by the group. Training employer representatives on injury and illness recordkeeping has resulted in data that is more accurate, complete, and easier to work with. The group has charted data for employers so that their efforts in injury reduction are readily identified and understood.

**Future Activities Planned:**

The committee plans to continue its involvement in the NYS Zero Lift Task Force and to promote compliance with the Safe Patient Handling legislation. A 2017 SPH Conference is being proposed in downstate New York. Committee members will continue to be very active in conducting compliance assistance and with inspections of long term care and acute care facilities. The committee participants will also continue involvement in the NYS Safe Patient Handling Working Group.