



Article 18

Health and Safety

Reprinted from the 2011-2016 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.
- 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.
- 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 \$688,000 for Fiscal Year 2011-2012, \$688,000 for Fiscal Year 2012-2013, \$688,000 for Fiscal Year 2013-2014, \$701,760 for Fiscal Year 2014-2015 and \$715,795 for Fiscal Year 2015-2016 to fund the programs of the Joint Health and Safety Committee.

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

Also, visit our webpage at www.pef.org/health-and-safety.

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