

Legislative Update from
the NYS Assembly
Subcommittee on

Workplace Safety

Sheldon Silver, Speaker ■ Rory Lancman, Chairman ■ Winter 2010

Message from the Chair

Dear Friends,

Every day in America, an average of sixteen people are killed by preventable workplace injury or illness. Our responsibility at the Assembly Subcommittee on Workplace Safety is to use the tools and resources at our disposal – legislation, oversight and advocacy – to make workers safer in every corner of this state.

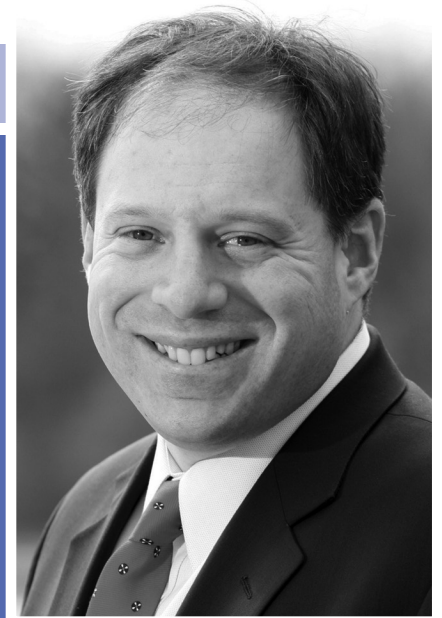
This newsletter is a summary of the progress the Subcommittee has made at improving workplace safety conditions for workers in New York.

In the last year, the Subcommittee on Workplace Safety has strived to improve workplace safety for New Yorkers by issuing reports on H1N1 in the Workplace, Employee Safety in the New York State Juvenile Justice System, and most recently, Workplace Violence in New York; hosting the first annual “Occupational Health Awareness Week” in the legislature; passing legislation in the Assembly and Senate such as the “State Workforce Injury Reduction Act” and the “Taxi Driver Protection Act” (though both pieces of legislation were vetoed by Governor Paterson); and continuously meeting with unions, workers’ advocacy groups, government agencies, and businesses in an effort to improve job safety conditions throughout the state.

By conducting research, issuing reports and spreading awareness, the Subcommittee has made the importance of occupational safety and health clear to legislators and government agencies, enabling the Subcommittee to effectively improve safety in workplaces across New York.



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Workplace Violence in New York

In November 2010, the Subcommittee issued a report which revealed an unacceptably high rate of non-compliance with the state's Workplace Violence Prevention Law, despite state and federal data showing a steady increase in workplace violence against state employees in New York.

Specifically, statistics maintained by the Federal Bureau of Labor Statistics show a 26.7% increase in workplace injuries from 2005 to 2008 arising from assaults and other violent acts against state government employees in New York.

At the same time rates of incidents of workplace violence against state employees were rising, 44.9% of state agencies surveyed - and 46.7% of public authorities surveyed - could not produce any evidence of having completed a Workplace Violence Prevention Program as required by the Workplace Violence Prevention Law. Further, 50% of state agencies responding to the survey - and 46.1% of public authorities - conceded that they had not provided workplace violence prevention training as required under the law.

The Subcommittee plans to use the findings from this report to hold a hearing next legislative session to learn what the shortcomings are with the Workplace Violence Prevention Law, how the law can be improved, and how the law can be expanded to protect employees endangered by workplace violence in the private sector.



Assemblyman Lancman announcing the results of the "New York State Public Employer Workplace Violence Prevention Law Survey," with representatives of the Public Employees Federation, the Civil Service Employees Association, and workers who have been injured by on-the-job assault

Employee Safety in the New York State Juvenile Justice System

"The increase in violent juvenile attacks on workers came at the same time OCFS, under the leadership of Commissioner Gladys Carrion, experienced a seismic shift in the way its juvenile facilities operate."

-As reported in "Agency Changes Linked to Attacks,"
The Albany Times Union, May 18, 2010

In May 2010, the Subcommittee released a report revealing a 42% increase in assaults on staff at the state Office of Children and Family Services (OCFS), which runs the state's forty-seven juvenile justice facilities. The data was based on Workers' Compensation claims filed between 2007 and 2009.

The report further found that OCFS delayed implementing a workplace violence prevention program mandated by New York State law; that "facility specific" risk assessment and staff safety training also required by law had yet to be completed; that support programs for assaulted employees were lacking at OCFS facilities; and that one-third of juveniles initially placed at less secure, community-based non-profit facilities end up being relocated to more secure facilities. The report also offered several recommendations to OCFS on how to improve workplace safety in facilities.

In response to the report, OCFS has met with union representatives to implement the recommendations of the report including the recommendation to collaborate with staff members to develop an adequate support program for employees who have been assaulted and injured by residents.

The report questions the security and safety inside privately run juvenile justice facilities after the incident in June 2009 when community residence worker Renee Greco was murdered by a youth placed in a private residential center by OCFS in Lockport, New York, and the incident in January 2009 when police officer Anthony DiPonzio was shot in the head by a youth who went AWOL from private residential community placement in Rochester, New York.

The Subcommittee on Workplace Safety is introducing legislation in the next legislative session to implement violence prevention programs in privately run juvenile justice facilities.

H1N1 in the Workplace

The Assembly Subcommittee on Workplace Safety released a report in the Summer of 2009 analyzing the risks of H1N1 in the workplace, and followed it up with a joint hearing on H1N1 held in New York City with the Assembly Committees on Labor, Health, Education and Higher Education in the Fall of 2009.

"For most adults, their highest risk of contracting H1N1 will be in their workplace, so government, employers and employees themselves must do everything they can to defeat H1N1 on the job, particularly in higher-risk occupations," said Assemblyman Lancman. "Government needs to do a better job of coordinating and disseminating clear, consistent guidance, with worker safety being the highest consideration. Employers need to analyze their workplaces to match appropriate H1N1 prevention strategies to their particular workplace setting. And employees need to educate themselves about how to limit H1N1 exposure while on the job."

Assemblyman Lancman and Health Committee Chair Assemblyman Richard Gottfried were successful at persuading the New York State Department of Health to change its policies so that healthcare employees were fully protected from contracting H1N1.



Assemblyman Lancman with Assembly Health Committee Chair Richard Gottfried at H1N1 hearing

Key Workplace Safety Legislation in the 2010 Legislative Session

State Workforce Injury Reduction Act

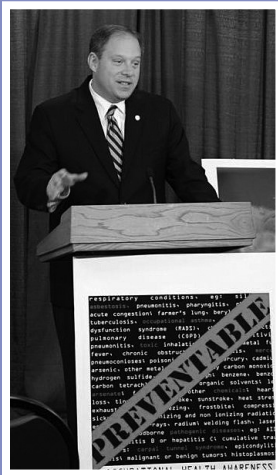
Bill Number: A.9724/S.7500

Prime Sponsors: Assemblyman Rory Lancman/ Senator Joseph Addabbo

What the bill does: This bill would require each state agency to annually examine the workplace injury reports currently received from the New York State Department of Civil Service and to collaborate with employee representatives to develop plans to reduce on-the-job injuries and illnesses.

In reducing workplace injuries, the bill would save the state money by lowering workers' compensation costs, minimizing lost sick days and lowering the cost of recruitment and training. The AFL-CIO and the Public Employee Federation predict that this legislation could generate up to \$45 million in savings.

Outcome: The bill passed the Assembly and Senate but was vetoed by Governor Paterson. The Subcommittee will reintroduce the bill next legislative session.



Assemblyman Lancman speaking during "Occupational Health Awareness Week" on behalf of the State Workforce Injury Reduction Act

Taxi Driver Protection Act

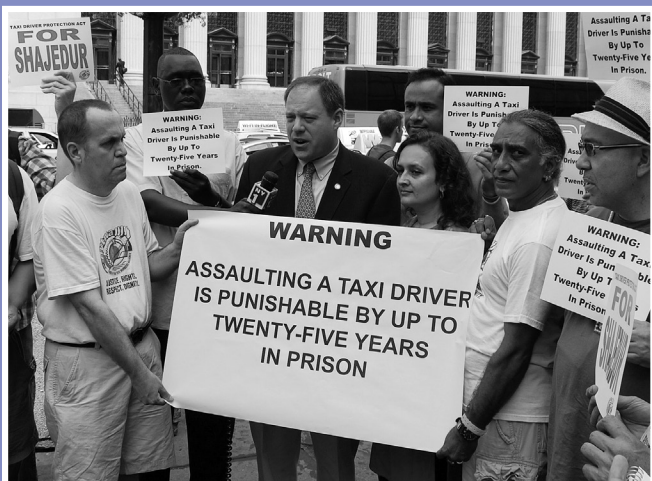
Bill Number: A.10058/S.7022

Prime Sponsors: Assemblyman Rory Lancman/ Senator Eric Adams

What the bill does: This bill would increase the penalty for assaulting a taxi driver and require a sign to be placed in the back of taxi cabs warning passengers that assaulting a taxi driver can lead to up to 25 years in prison.

According to the Occupational Safety and Health Administration, taxi workers are thirty times more likely to be killed on the job than other workers. New York City is home to the largest taxi driver industry in the country.

Outcome: The Assembly and Senate passed the Taxi Driver Protection Act, but the bill was vetoed by Governor Paterson. Assemblyman Lancman has already introduced a revised version of the Taxi Driver Protection Act, A.11704/S.8497, and will again work diligently to pass the bill in the Legislature.



Assemblyman Lancman with the New York Taxi Workers' Alliance

Safety for Nurses

Bill Number: A.3103/S.4018

Prime Sponsors: Assemblyman David Koon/ Senator Ruth Hassell-Thompson

What the bill does: Increases the penalty for assaulting a nurse to a felony.

Outcome: This legislation was passed by both the Assembly and Senate and signed into law by Governor Paterson.

Safety for Sanitation Enforcement Officers

Bill Number: A.9186/S.6079

Prime Sponsors: Assemblyman Gary Pretlow/ Senator Kevin Parker

What the bill does: Increases the penalty for assaulting a sanitation enforcement officer to a felony.

Outcome: This legislation was passed by both the Assembly and Senate and signed into law by Governor Paterson.

Improving the Health of Nail Salon Workers

Bill Number: A.7078/S.8096

Prime Sponsors: Assemblywoman Linda Rosenthal/ Senator Bill Perkins

What the bill does: This bill requires appearance enhancement business owners to provide masks and gloves to nail specialists.

Outcome: This legislation was passed by both the Assembly and Senate and signed into law by Governor Paterson.

Improvement to Indoor Air Quality

Bill Number: A.2076/S.5623

Prime Sponsors: Assemblywoman Donna Lupardo/ Senator Suzi Oppenheimer

What the bill does: This bill requires that all state-owned, leased or operated buildings have in place an indoor environmental plan, and it provides for the issuing of regulations that establish indoor ventilation standards.

Outcome: This legislation passed in the Assembly but did not come to a vote on the floor in the Senate.

Safe Patient Handling

Bill Number: A.2047/S.3839

Prime Sponsors: Assemblywoman Susan John/ Senator Tom Duane

What the bill does: This bill would (1) create a safe patient handling task force, (2) direct the New York State Department of Health to establish a safe patient handling policy, and (3) require each covered health care facility to write and execute a plan that coincides with that policy.

Outcome: This legislation was reported to Ways and Means in the Assembly.

Workplace Violence in Public Schools

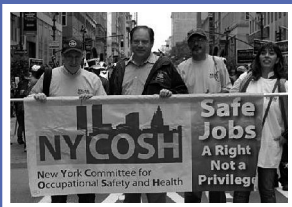
Bill Number: A.2136/S.2124

Prime Sponsors: Assemblywoman Susan John/ Senator Joseph Addabbo

What the bill does: This bill would mandate that workplace violence prevention programs be implemented in public schools.

Outcome: This legislation was reported to Ways and Means in the Assembly.

The Subcommittee on Workplace Safety in Photos



Assemblyman Rory Lancman with Joel Shufro, Executive Director of the New York Committee for Occupational Safety and Health (NYCOSH).

NYCOSH conducts research studies on current occupational safety and health issues and provides safety and health training to workers throughout New York State.

Assemblyman Lancman with Jack Ahearn, President of the New York City Central Labor Council and James Conigliaro, Directing Business Representative of District 15 of the International Association of Machinists and Aerospace Workers, speaking at a rally in support of Delta Airlines employees' organizing campaign.



At the rally, Assemblyman Lancman reminded the workers in the crowd that union representation is the best way to ensure a safe workplace.



Assemblyman Lancman and fellow Subcommittee on Workplace Safety members, Assemblywoman Grace Meng and Assemblyman Michael Benedetto, with representatives of the New York State Occupational Health Clinics Network in the Assembly Chamber during the first annual Occupational Health Awareness Week (April 25 through May 1). During the week, unions and employers took part in activities to spread awareness regarding safety in the workplace.

To commemorate the week, the New York State Occupational Health Clinics Network traveled to Albany to thank legislators for their support of the Clinics Network and for their support of workers' safety and health.

Assemblyman Lancman introduced a resolution in the Assembly declaring the week, "Occupational Health Awareness Week." The resolution passed unanimously.



Assemblyman Lancman with representatives of the US Department of Labor, the Occupational Safety and Health Administration, the National Institute on Occupational Safety and Health, and the Mexican Consulate at the New York City Action Summit for Immigrant Workers' Safety and Health.

Immigrant workers are disproportionately at risk of workplace injury and illness. The central focus of the conference was to make clear that all workers have the right to a safe and healthful workplace, regardless of their immigration status.



Assemblyman Lancman with representatives of the Service Employees International Union, Committee of Interns and Residents (CIR).

The Subcommittee assisted CIR in a workplace violence problem at St. Barnabas Hospital in the Bronx. Multiple CIR members were assaulted by patients and visitors at St. Barnabas. Assemblyman Lancman was successful at connecting CIR with the Occupational Safety and Health Administration (OSHA). Although OSHA could not issue a violation on the hospital for not protecting employees from workplace violence because there is currently no OSHA workplace violence prevention regulation, OSHA did recommend to the facility that it substantially improve its workplace violence prevention program.

The Subcommittee on Workplace Safety is introducing legislation for next legislative session to expand the NYS Public Employer Workplace Violence Prevention Law to protect workers in certain private healthcare facilities.



Assemblyman Lancman at a vigil in support of a nurse who was assaulted by a psychiatric patient at Franklin Hospital in Valley Stream, New York. Governor Paterson recently signed legislation into law making assaulting a nurse a felony.

Assemblyman Lancman with Ernest Logan, President of the Council of School Supervisors & Administrators (CSA), at CSA's Annual Conference. At the conference, Assemblyman Lancman co-led a workshop on workplace safety in schools with Susan McQuade, a safety and health specialist from the New York Committee for Occupational Safety and Health.



In the workshop, Assemblyman Lancman spoke about legislation the Subcommittee supports to combat workplace violence in schools, poor indoor air quality, the spread of infectious disease, and high indoor air temperature.