Memorandum to Presidents

Date: October 28, 1985
From: Offices of Vice Chancellor for Capital Facilities, and University Counsel & Vice Chancellor for Legal Affairs
Subject: State Occupational Safety and Health Act (OSHA)/Inspection of University Facilities by the New York State Labor Department II
To: Presidents, State-Operated Campuses

The New York State Department of Labor has issued an administrative plan which expands the authority of its Public Employee Safety and Health Bureau to inspect public facilities. This is in addition to the procedures for enforcement of the State Occupational Safety and Health Act (OSHA) which were described in a May 20, 1982 Memorandum to Presidents (Vol. 82, No. 4).

Formerly, public facilities could only be inspected by the Labor Department where (1) an employee requested such inspection because the employee believed a safety or health standard was violated, or (2) the Department had reason to believe that a violation had occurred (Labor Law, §27-a). Based on a legislative amendment to OSHA (L. 1984, ch. 86), the Labor Department has adopted a plan permitting inspection of public facilities generally in accordance with a schedule of priorities. A copy of the administrative plan is attached.

Note should be taken of Item 6 of the plan regarding "programmed inspections," which sets forth the Labor Department's intentions to make routine inspections of places of public employment. The plan indicates that no more than one such inspection per year should occur unless the Department concludes that there is a high probability that a "particular safety and health hazard" exists.

We will keep you advised of additional developments.

Irving H. Freedman
Sanford H. Levine
Attachment

cc: Vice Presidents for Administration, State-Operated Campuses

This Memorandum addressed to:

Presidents, State-Operated Campuses

Copies for information only to:

Presidents, Community Colleges
Deans, Statutory Colleges
President Coll
Vice Provost Spencer
PUBLIC NOTICE
Department of Labor

PURSUANT to Labor Law Section 27-a, Subdivision 5e, the Department of Labor hereby gives public notice of the following:

Text of notice:

NEW YORK STATE DEPARTMENT OF LABOR
ADMINISTRATIVE PLAN FOR PUBLIC EMPLOYEE
SAFETY AND HEALTH PROGRAM INSPECTIONS

All PESH inspections conducted within each of the nine geographically defined districts of the Public Employee Safety and Health Bureau will be assigned according to the schedule of priorities listed below in descending order of priority.

1. Imminent danger
2. Fatalities/Catastrophe investigations
3. Complaint investigations
4. Timely follow-up visits to employers with outstanding serious violations
5. Inspections of construction sites at which public employees are engaged in construction and related activities
6. Programmed inspections

Programmed inspections will be undertaken within each of the Bureau's nine district offices by assigning each inspector to a specific geographic area, usually defined by county boundaries. Upon assignment to a specific county the inspector will complete inspections of all places of public employment in such locality before being assigned to conduct inspections in another specific geographic locality. At the discretion of the Director of Safety and Health, inspections of facilities and occupations which statistics and past experience indicate have a low hazard potential may be deferred in favor of assignment to higher hazard work sites in other areas. Generally, no more than one programmed inspection of a work site per year shall occur. If the Director finds that statistics indicate a high probability that a particular safety and health hazard exists within a standard industrial classification or at an individual facility, inspection of such work sites shall be given priority and may occur more frequently than once a year.

For further information contact: Joseph F. Drayton, Director, Division of Safety and Health, Rm. 6994, Two World Trade Center, New York, NY 10047, (212) 488-7760