

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 38

AUGUST 20, 1997

RELATING TO THE CITYWIDE OCCUPATIONAL SAFETY AND HEALTH PROGRAM

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Citywide Occupational Safety and Health Committee Established. There shall continue to be a Citywide Occupational Safety and Health Committee (hereinafter called the Committee).

Section 2. Membership. The Committee shall be composed of the Commissioner of the Department of Citywide Administrative Services, the Corporation Counsel, the Commissioner of Health, the Commissioner of Labor Relations, the Director of Operations, and two union representatives. Each Committee member may designate in writing another person to serve as an alternate member in the member's place.

Section 3. Purposes.

(a) The Committee shall make recommendations concerning employee safety and occupational health policy to the Mayor.

(b) The Committee shall act as the City's liaison with Federal and State agencies in efforts to obtain grants to finance City employee safety and occupational health programs.

(c) The Committee shall review and evaluate all agency employee safety and occupational health programs (hereinafter called agency programs).

(d) The Committee shall develop Citywide employee safety and occupational health programs as appropriate.

(e) The Committee shall perform any additional tasks in the field of employee safety and occupational health that the Mayor may assign.

Section 4. Responsibilities of the Commissioner of the Department of Citywide Administrative Services.

(a) The Commissioner of the Department of Citywide Administrative Services shall appoint a Director of the Citywide Office of Occupational Safety and Health (COSH) who shall serve as Chairperson of the Committee.

(b) The Commissioner of the Department of Citywide Administrative Services shall take such actions, including the coordination with the Loss Control Unit of the Mayor's Office of Operations in the collection and analysis of safety data, accident data and occupational health data, as are necessary to develop and to maintain a Citywide employee safety and occupational health program.

(c) The Director of COSH, under the direction of the Commissioner of the Department of Citywide Administrative Services, shall coordinate the employee safety and occupational health activities of all City agencies; provide consultant and technical assistance services to all agencies in the planning and implementation of agency programs; and establish and conduct training programs to supplement agency programs.

Section 5. Responsibilities of Agency Heads.

(a) All agency heads shall continue to participate in any Occupational Health and Safety Labor-Management Committee required by a collective bargaining agreement.

(b) All agency heads shall regularly review the standards and implementation of the agency program and develop effective procedures to meet agency employee safety and occupational health requirements. The agency program shall include procedures for the following purposes:

(1) Timely response to and compliance with regulatory actions initiated by the New York State Labor Department Public Employee Safety and Health (PESH) Bureau;

(2) Collection and analysis of safety and occupational health data;

(3) Investigation of all occupational illnesses and injuries;

(4) Regular inspection of all facilities and review of work procedures;

(5) Identification of health and safety hazards affecting employees and formulation of recommendations for elimination of such hazards;

(6) Establishment of training programs, as necessitated by statutory and contractual requirements, to assist first line supervisors to encourage and to enforce

safe work procedures, and to improve the technical capabilities of employees assigned to occupational safety and health duties; and

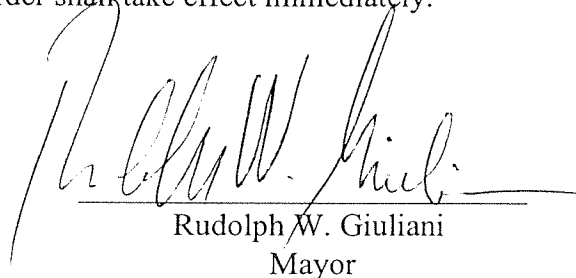
(7) To report to the Commissioner of the Department of Citywide Administrative Services in such a manner and at such time as the Commissioner of the Department of Citywide Administrative Services may require with respect to:

- (i) PESH Notice of Violation and Penalty response actions;
- (ii) Occupational illness and injury statistics and costs, including costs incurred in connection with efforts to prevent such illness and injury;
- (iii) Any other information which the Commissioner of the Department of Citywide Administrative Services finds necessary to carry out his or her mandate.

(c) All agency heads shall designate a senior staff member to act as agency liaison to the committee, appoint a qualified agency employee to serve as safety and occupational health officer and provide such resources as may be required to conduct an effective agency program.

Section 6. Executive Order No. 116 of June 28, 1988 is superseded.

Section 7. Effective Date. This Order shall take effect immediately.



Rudolph W. Giuliani
Mayor