



The New York State Public Employee Safety and Health Act of 1980 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the State. Requirements of the Act include the following:

Employers

Employers must provide employees with a workplace that is:

- free from recognized hazards,
- in compliance with the safety and health standards that apply to the workplace, and
- in compliance with any other regulations issued under the PESH Act by the Commissioner of Labor.

Employees

Employees must comply with all safety and health standards that apply to their actions on the job. Employees must also comply with any regulations issued under the PESH Act that apply to their job.

ENFORCEMENT

The New York State Department of Labor administers and enforces the PESH Act. The Commissioner of Labor issues safety and health standards. The Department's Division of Safety and Health (DOSH) has Inspectors and Hygienists who inspect workplaces to make sure they are following the PESH Act.

Inspection

When DOSH staff inspect a workplace, a representative of the employer and a representative approved by the employees must be allowed to help with the inspection. When there is no employee-approved representative, DOSH staff must speak with a fair number of employees about the safety and health conditions in the workplace.

Discrimination

Employees may not be fired or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act.

If an employee believes that they have been discriminated against, he or she may file a complaint with the nearest DOSH office. File this complaint within 30 days of the discrimination incident.

Additional information may be obtained from the nearest DOSH District Office below:

Albany District
State Office Campus
Bldg. 12, Rm. 158
Albany, NY 12240
Telephone: (518) 457-5508

Binghamton District
44 Hawley St., Rm. 901
Binghamton, NY 13901
Telephone: (607) 721-8211

Buffalo District
295 Main Street, Suite 905
Buffalo, New York 14203-2412

Garden City District
400 Oak Street
Garden City, NY 11550
Telephone: (516) 228-3970

New York City District
Shirley A. Chisholm State
Office Building
55 Hanson Place, 12th Floor
Brooklyn, New York 11217-1523
Telephone: (212) 775-3554

Rochester District
109 S. Union St., Rm. 402
Rochester, NY 14607
Telephone: (585) 258-8806

Syracuse District
450 South Salina Street
Syracuse, NY 13202
Telephone: (315) 479-3212

Utica District
207 Genesee Street
Utica, NY 13501
Telephone: (315) 793-2258

White Plains District
120 Bloomingdale Road
White Plains, NY 10605
Telephone: (914) 997-9514

POST CONSPICUOUSLY

PHYSICAL EXAMINATIONS

Who: This applies to a female employee required to undergo a physical examination.

What is the right:
To have a female physician or the presence of a female during an examination by a male physician.

New York State Labor Law §206-a.

YOU HAVE A RIGHT TO KNOW!

Your employer must inform you of the health effects and hazards of toxic substances at your worksite.

Learn all you can about toxic substances on your job.

For more information, contact:

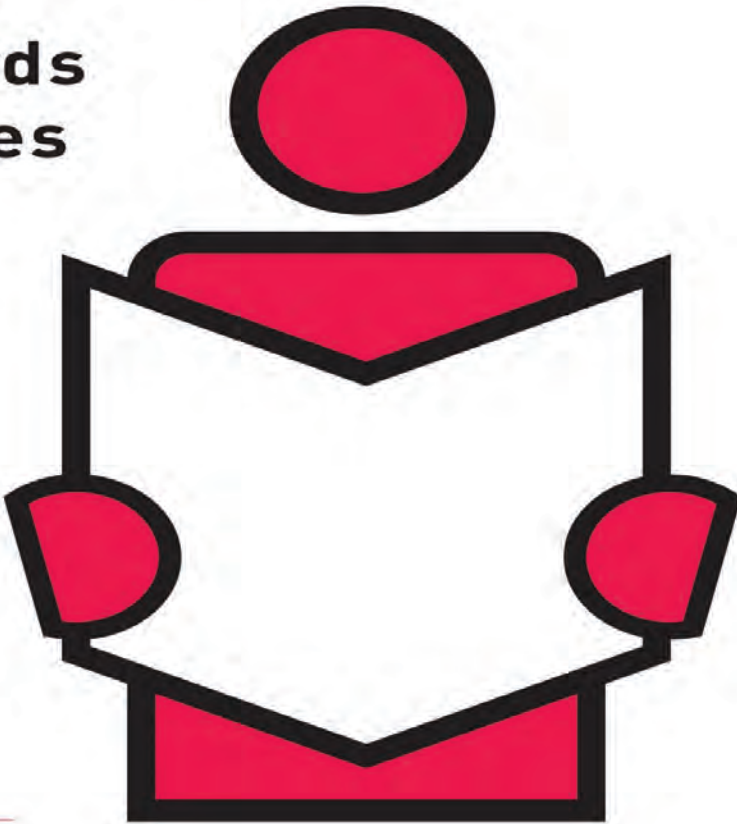
Name _____

Location & Phone Number _____

THE RIGHT TO KNOW LAW WORKS FOR YOU.
NEW YORK STATE DEPARTMENT OF HEALTH

2706

4/00



TIME FOR NURSING EMPLOYEES

AMOUNT OF TIME:
30 minutes each time employee has a reasonable need to express breast milk.

PAID: Yes, but if the employee needs more than 30 minutes, the employee must be permitted to use paid break or meal time.

EXPIRATION OF LAW:
The employee is entitled to this time for 3 years after the birth of a child.

New York Labor Law § 206-c

SCHOOL BUS IDLING LAW

Applicability: School bus as defined in Vehicle and Traffic Law § 142, or other vehicle owned, lease or contracted for by a school district, must turn off the engine of the bus/ vehicle while waiting for passengers to load or unload while standing or parked in front of or adjacent to any school on school grounds; and during sporting and other events.

Exceptions: Idling is allowed for mechanical work; maintain an appropriate temperature for passenger comfort/safety; emergency evacuations to operate wheelchair lifts or as required by state or local law.

Driver Responsibilities:
Each driver must: instruct students to load promptly in the afternoon; park diagonally in school loading areas to minimize exhaust entering the buildings and bus.

8 NYCRR § 156.3(i)

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**NEW YORK CORRECTION LAW
ARTICLE 23-A LICENSURE AND EMPLOYMENT OF
PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE
CRIMINAL OFFENSES**

§ 750. Definitions For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§ 751. Applicability

The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§ 753. Factors to be considered concerning a previous criminal conviction; presumption

1. In making a determination pursuant to [section seven hundred fifty-two](#) of this chapter, the public agency or private employer shall consider the following factors:
 - (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
 - (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
 - (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
 - (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
 - (e) The age of the person at the time of occurrence of the criminal offense or offenses.
 - (f) The seriousness of the offense or offenses.
 - (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
 - (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.
2. In making a determination pursuant to [section seven hundred fifty-two](#) of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§ 754. Written statement upon denial of license or employment

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§ 755. Enforcement

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.
2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.