

UCATS

MOMENTUM EXTRA!

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Hazardous Dental Lab Costs NYU

Momentum readers will recall the case of Michelle DePaola who was exposed to toxic levels of formaldehyde in the Dental Center anatomy laboratory where she was working until this past January. As reported in New York Teacher's "Anatomy of a Nightmare" DePaola's exposure came to light during the weekend of January 16th when the University informed her that "extremely high readings" had registered on her formaldehyde "badge". Despite these ominous results Dental Center management had DePaola continue working in the lab, without monitoring, until she contacted the union.

Realizing the gravity of the situation, UCATS organizers insisted that NYU remove DePaola from the lab, and then sent her for medical evaluation at Mount Sinai's Center for Occupational and Environmental Medicine, where the extent of her injuries were revealed. They then contacted Dave Newman, an industrial hygienist with the New York Committee for Occupational Safety and Health (NYCOSH). Together with Ms. DePaola, they drafted a list of 24 violations and filed a complaint with the Occupational Safety and Health Administration (OSHA). At the time, UCATS President Steve Rechner said, "This makes clear that NYU is not committed to the health and safety of its' employees and cannot be depended upon to objectively evaluate conditions in their facilities."

On June 18th, OSHA issued a total of 12 citations for violations of the OSHA act of 1970; 11 of the citations were deemed "serious", while the 12th was deemed "willful". The accompanying fines totaled \$79,500. These are the largest fines ever levied against the University by OSHA. Although these are not the first OSHA fines that NYU has received, they will likely not be the last, given that NYU continues to ignore hazardous working conditions throughout their facilities.

As of this writing, DePaola's health prohibits her from continuing in her profession, and New York University has contested the OSHA findings, claiming that *they* have been unfairly treated. In discussions with OSHA, the University took the position that OSHA had not sufficiently taken into account the "noble nature and history" of the institution. While delivered with feeling,

OSHA officials found this defense less than compelling in light of NYU's record. While both OSHA and UCATS expressed a willingness to negotiate improvements in health and safety protocols, NYU has chosen to litigate the fines.

While waiting for the review process to begin, the citations remain posted on the 8th floor of the Kriser Dental Center. All UCATS members are encouraged to visit the Dental Center and view them.

Union Actions at Bobst

Union's Complaint With NYC Fire Dept. Gets Management Moving!

After Union representatives' repeated contacts to various university officials failed to get an adequate response to the many serious issues raised by a May 25th smoke incident in Bobst Library, the Union filed an official complaint with the NYC Fire Department. Within 2 hours of filing the complaint, workers on the B level were sent home for the rest of the day and the next work day too! In addition, supervisors throughout the library were clearing fire exits and working to remedy unsafe conditions.

NYU Leaves Workers "In the Dust"

Demolition and construction at Bobst has created many problems for workers throughout the building. Poor air circulation, excessive dust, loud noises and strong odors have caused nearly unbearable working conditions for workers in several areas of the library, particularly on the B level.

Union stewards at Bobst, Evelyn Lora and Ryan Nuckel, have spent many hours of their own time working with their co-workers and UCATS organizers to address the many concerns.

In response to UCATS demands that NYU conduct air quality testing on the B level, management decided to do testing *on an afternoon when they sent everyone on B level home*. It is our position that those test results are useless because

there were no witnesses to how the testing was conducted or what, if any, construction was going on. In addition, NYU's testing did not measure ultrafine particulates which are the most hazardous.

Health and Safety Survey

When it became clear that the health and safety issues at Bobst weren't being adequately addressed by management, part of the Union's strategy was to develop and circulate a health and safety survey.

The survey revealed that many people were experiencing burning eyes, nose and throat irritation, headaches, sinus problems, asthma symptoms, hives, chest pain, nausea and skin rashes due to the construction.

The union also convinced management to agree to the following:

- **Personal Protective Equipment** - It was agreed that personal protective equipment will be provided to any worker at Bobst who feels he or she needs it.
- **Relocation and Discipline Agreements for B level** - The Union negotiated the opportunity for those working on the B level to be relocated if they felt it was needed. Additionally, it was agreed that B level workers will not be "written-up" for job performance issues, or time and attendance during the construction process.

Union Demands Independent Air Tests

On June 10th, UCATS representatives arrived at Bobst with Dave Newman (the Industrial Hygienist from NYCOSH) to do our own air quality testing. NYU managers attempted to prevent the inspection from taking place, refused to allow any air sampling to be done, and even tried to prevent us from talking with workers in the affected areas.

After insisting that the Union "schedule" a time for NYCOSH to do air testing (and then rejecting the first 4 dates we gave them), NYU agreed to allow Dave Newman to conduct tests on June 29. Dave and UCATS representatives were met at the door by seven NYU executives who continued their pattern of obstructing our activities by denying access to the Bobst construction areas *that were the cause of the problem!* The executives denied all requests for information pertaining to construction activities, the materials utilized, and the operation of the mechanical ventilation system. *Oddly enough, there was absolutely no construction activity under way, and not a construction worker to be seen, during the 90 minutes we were there — despite construction activities regularly going on from morning into the evening hours!*

SOLIDARITY IN ACTION

On June 11, UCATS members throughout the Washington Square campus joined their brothers and sisters from Bobst library for lunch-time informational leafleting. Both Karen Bradley, NYU's Asst. VP for HR, and Terry Nolan, NYU's chief legal counsel, took leaflets as they entered the building to meet with Bobst management.

We thought that perhaps now NYU would take health and safety conditions at Bobst Library, and throughout the university, more seriously. Instead, Nolan sent a pointed letter to UCATS admonishing us against unannounced testing of hazardous situations or even surveying our members. Clearly, NYU just doesn't get it - *they have to keep our work spaces safe and healthy!*

If Your Work Environment Is Making You Sick — It's A Worker's Compensation Issue!

The Union is meeting with Bobst employees who have experienced health problems due to their work environment. Plans are being made for affected workers to be evaluated at Mount Sinai's Center for Occupational and Environmental Medicine.

If you are injured at work, or become seriously ill as a result of hazardous working conditions, it is extremely important that you contact the union and find out about **Worker's Compensation**. The Worker's Compensation law provides affected workers with rights and benefits that may be forfeited if you don't follow specific guidelines for seeking treatment and reporting the injury/illness. Moreover, NYU managers are instructed to send people who are injured at work to the NYU Health Center, where they will go out of there way to make sure you do not pursue your Worker's Compensation rights.

The only rights you have are the rights you exercise, but to exercise your rights, you have to know about them. UCATS shop stewards and representatives are always available to assist members who are experiencing health & safety issues in their work places.

If you need help, call us at 646-602-1485.

Never assume that your employer has your best interest, or your safety, in mind."

**—Antonia Cortese, First Vice President
New York State United Teachers**

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