

APPENDIX A

CODE OF ETHICS APPENDIX

Appendix A

1. Campaign finance.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

2. Conflicts of Interest.

Municipal officers and employees are permitted to have an "indirect interest" in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not "direct," except it includes a direct interest if the officer is the only supplier of

goods or services in a municipality. A “direct interest” is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq.* Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from “knowingly” receiving any form of compensation for “consulting services” other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

“Consulting services” under T.C.A. § 2-10-122 means “services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official.” “Consulting services” also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. “Consulting services” does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude” (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal “duty” to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that “there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county.” However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney’s duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).

APPENDIX B

**SUBSTANCE ABUSE POLICY
AND DRUG-FREE WORKPLACE PROGRAM**

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CITY OF BAXTER**SUBSTANCE ABUSE POLICY
AND DRUG FREE WORKPLACE PROGRAM****I. GENERAL POLICY STATEMENT**

The Town of Baxter has a strong commitment to providing its employees with a safe, drug-free working environment, and to discourage drug and alcohol abuse. The presence of illegal drugs or alcohol in the workplace and employees being under the influence of these substances during working hours are inconsistent with the Town of Baxter's objectives. Employees of the Town of Baxter are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

While the Town of Baxter has no intention of intruding into the private lives of its potential or present employees, the Town of Baxter expects all employees to report to work in a condition to perform their duties in a safe and productive manner. The Town of Baxter intends to provide for itself and its employees the opportunity to maximize our mutual productivity, and to reach our desired levels of success without experiencing the costs, delays and tragedies associated with work-related accidents resulting from drug or alcohol abuse by employees. Employees who choose to engage in drug or alcohol abuse face the risk of unemployment and the forfeiture of workers' compensation benefits.

Employees are expected to report to work with no illegal or non-prescribed drugs in their bodies and not to be under the influence of drugs or alcohol. Compliance with this requirement is considered an essential job qualification for all job assignments and is a condition of employment at the Town of Baxter. It is a violation of this policy for any employee to:

- (1) Report to work under the influence of alcohol, intoxicants, illegal drugs, or controlled substances as confirmed on the basis of a positive confirmed drug or alcohol test result;
- (2) Possess or consume intoxicants, illegal drugs, or controlled substances on city/town premises, while working, or while operating company vehicles, machinery or equipment;
- (3) Refuse to submit to testing for drugs or alcohol when requested, tamper with a drug or alcohol test specimen, or otherwise fail to cooperate under this policy;
- (4) Use, possess, sell, trade, offer for sell, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job;
- (5) Report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount;
- (6) Report to work under the influence of or impaired by alcohol, or use of alcohol while on call for duty;
- (7) Use of alcohol or drugs within eight (8) hours following an accident (incident), if the employee's involvement has not been discounted as a

contributing factor in the accident (incident), or until the employee has successfully completed drug and/or alcohol testing procedures;

(8) Use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed.

Any violation of the provisions of this policy will subject an employee to disciplinary action, up to and including termination. Additionally, any illegal drugs or substances found on city/town property will be confiscated and turned over to the appropriate law enforcement agency, which may result in criminal prosecution.

II. THE DRUG-FREE WORKPLACE ACT

This policy is implemented pursuant to The Tennessee Drug-Free Workplace Act, ("the Act"). Tennessee law provides that if an employer has implemented a drug-free workplace pursuant to the act, and if the injured employee has, at the time of an injury, a blood alcohol concentration level as determined by blood or breath testing of greater than .08% for non-safety sensitive positions, or .04% for safety-sensitive positions; or if the injured employee has a positive confirmation of a drug, it is presumed that the drug or alcohol was the proximate cause of the injury. This is a rebuttable presumption which can be rebutted by sufficient evidence that the drug or alcohol was not the proximate cause of the injury.

A. Employer Rights and Obligations

1. Nothing in this policy is to be construed to prohibit the Town of Baxter from conducting medical screening or other tests required, permitted or which are not disallowed by any statute, rule or regulation, for the purpose of monitoring employee exposure to toxic or other unhealthy substances in the workplace.

2. These testing rules and guidelines do not prohibit the Town of Baxter from conducting any drug or alcohol testing of employees which is otherwise permitted by law.

3. If an employee or job applicant receives a positive confirmed test result for an otherwise legal medication for which he/she does not hold a valid prescription, the Town of Baxter may discharge the employee or refuse to hire the job applicant.

4. The Town of Baxter will not discharge, discipline, or discriminate against an employee solely upon the employee's voluntarily seeking treatment for a drug or alcohol related problem, so long as the employee has not previously tested positive or entered an employee assistance or rehabilitation program.

5. In the event the Town of Baxter discharges, disciplines or refuses to hire an employee or job applicant in compliance with this policy, such action is considered to have been taken for cause.

6. If an employee refuses to submit to a post-accident drug test pursuant to this policy, the presumption that the drug was the proximate cause

of the accident will still apply. Additionally, if a job applicant refuses to submit to a drug or alcohol test or has a positive confirmed drug test, such refusal or positive confirmation may be used as grounds for refusing to hire the job applicant.

7. The Town of Baxter will include a notice of drug and alcohol testing on vacancy announcements for positions for which drug or alcohol testing is required.

8. All Town of Baxter property may be subject to inspection at any time without notice. There shall be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files and lockers.

B. Employee/ Job Applicant Rights and Obligations

1. Drug or alcohol tests which are not conducted according to this policy and guidelines will not be used to terminate workers' compensation benefits.

2. An employee will not be discharged, disciplined, or discriminated against solely upon the employee's voluntarily seeking treatment for a drug or alcohol-related problem, so long as the employee has not previously tested positive or entered an employee assistance or rehabilitation program.

3. Employees and job applicants can confidentially report to a medical review officer ("MRO") the use of prescription or non-prescription medications being tested, but only after a positive confirmed test result for drug or alcohol use. The name and address of the Town of Baxter's MRO is identified within the appendix of approved providers attached to this policy. The Town of Baxter will provide the employee or job applicant with a form on which to provide any information that the employee/applicant considers relevant to the drug or alcohol test.

4. An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the MRO within five (5) working days after receiving written notification of the test result. An employee or a job applicant must notify the testing laboratory of any administrative or civil action brought pursuant to the act.

5. An employee or job applicant has the right to consult with the MRO for technical information.

6. If an employee is tested based upon reasonable suspicion, the documentation which formed the basis for the test will be provided to the employee upon request.

7. An employee/job applicant will not be discharged, disciplined, or refused employment on the sole basis of a positive test result unless an initial test has been verified by a confirmation test and a medical review officer.

8. Any employee convicted of violating a criminal drug statute shall inform his/her supervisor of such conviction (including pleas of guilty and no contest) within five (5) days of the conviction. Failure to so inform the Town

of Baxter subjects the employee to disciplinary action, up to and including termination.

III. TESTING

A. Definitions

The term "drug" is defined as any drug subject to testing pursuant to regulations adopted by the United States Department of Transportation. The Town of Baxter will test an individual for any or all of such drugs. A "drug test" is defined as any "chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by the Commissioner of Labor."

The term "alcohol" is defined as having the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation. An "alcohol test" is any "analysis of breath or blood, or any other analysis which determines the presence, absence or level of alcohol as authorized by relevant regulations of the United States Department of Transportation."

B. Types of Tests

1. Job Applicant Drug or Alcohol Testing

A "job applicant" is defined as any person who has applied for a position with the Town of Baxter and has been offered employment conditioned upon successfully passing a drug or alcohol test, and may have begun work pending the results of the drug or alcohol test. The Town of Baxter will require job applicants to submit to a drug test and may use the refusal to submit to a drug test or a positive confirmed drug test as a basis for refusing to hire the job applicant. If there is reasonable suspicion or believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment. With respect to alcohol, the Town of Baxter may, but is not required to test job applicants for alcohol. Limited testing of applicants, if based on a reasonable classification basis, may be performed.

2. Reasonable Suspicion Testing

Reasonable suspicion testing is defined as testing which is based on a belief that the employee is using or has used drugs, or alcohol, in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, these facts and inferences may be based upon:

- Observable phenomena while at work, such as direct observation of drug or alcohol use or the physical symptoms or manifestations of being under the influence of drugs or alcohol.
- Abnormal conduct or erratic behavior while at work, or a significant deterioration in work performance.

- A report of drug or alcohol use provided by a reliable and credible source.
- Evidence that an individual has tampered with a drug or alcohol test.
- Information that an employee has caused, contributed to, or been involved in an accident while at work.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working, or while on company premises, or while operating the Town of Baxter's vehicle, machinery or equipment.
- Where the employee has indicated an inability to perform their job duties or has given the company cause to believe that they are using or have used drugs in violation of this policy.
- A pattern of or otherwise excessive absenteeism and/or tardiness.

If an employee is tested based upon reasonable suspicion, the Town of Baxter will detail in writing the circumstances which formed the basis that reasonable suspicion existed to warrant the testing. The written record will be made within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier. A copy of this documentation is to be provided to the employee upon request and the original documentation will be kept confidential and maintained by the Town of Baxter for at least one year.

3. Follow-up Drug or Alcohol Testing

If an employee has voluntarily entered an employee assistance program, the Town of Baxter will require that employee to submit to follow-up drug or alcohol testing at least once a year for a two (2) year period after successful completion of such program. Advance notice of such follow-up tests will not be given to the employee.

4. Post-Accident and Post-Incident Testing

"Injury" is defined as a harm or damage to an employee occurring in the workplace or in the scope of employment, which must be recorded in the Town of Baxter's OSHA 300 Log. An injury is recordable under the OSHA 300 log if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.

After an accident or an incident which (a) results in an injury or which (b) results in property damage which may reasonably be expected to exceed \$500 to repair, the Town of Baxter will require the employee to submit to a drug and/or alcohol test in accordance with these rules:

- An employee injured at the workplace and required to be tested shall be taken to a medical facility for immediate treatment of the injury. Specimens are to be obtained at the treating facility or a designated collection site under the procedures set forth in the regulations and transported to an approved testing laboratory. No specimens are to be taken prior to the administration of emergency

medical care. Once this condition has been satisfied, an injured employee must submit to testing.

- In the case of non-emergency injuries or property damage accidents reported to the Town of Baxter after the fact, the employee must submit to drug testing within thirty-two (32) hours of the accident.

5. Blanket/Random Testing

In addition to the above types of drug tests mandated pursuant to the Act, all employees, including officers, managers, supervisors, and employees, must submit to (a) an initial drug test to be required as part of the Town of Baxter's implementation of this drug-free workplace program, to commence no sooner than sixty (60) days after the Town of Baxter adopts this policy; and (b) random drug testing of employees to occur on an annual basis, without cause or prior notice to employees to be tested.

Employees will be selected at random by the MRO pursuant to a predetermined neutral selection formula. At least fifty percent (50%) of the total number of employees subject to random testing shall be tested annually. Employees subject to random testing shall include the following:

- Police officers
- Street and sanitation employees and supervisor
- Water and sewer employees and supervisor
- Fire chief
- Crossing guards
- Janitors

Upon notification of an employee's selection for random testing, the employee shall report as directed immediately to the Town of Baxter for the specimen collection. Once the employee reports to the Town of Baxter for the specimen collection, the employee cannot leave the collection site premises until the drug screen is complete. Specimen collections may be observed.

C. Testing Procedures

1. Required Substances

The Town of Baxter will test employees and job applicants for the following:

- (a) Alcohol (although not required for job applicant testing)
- (b) Amphetamines
- (c) Cannabinoids (THC)
- (d) Cocaine
- (e) Opiates
- (f) Phencyclidine
- (g) Methadone
- (h) Propoxyphene
- (i) Benzodiazepines
- (j) Barbiturates

- (k) Methaqualone
- (l) Morphine
- (m) Ecstasy

2. Drugs by Common Name

The following list contains those drugs to be tested for, by common and chemical name, and is also a list of the most common drugs or medications which may alter or affect a drug test:

Alcohol	Beer, wine, distilled spirits, as well as all liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
Amphetamines	Speed (Obetrol), Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.
Cannabinoids	Marijuana, Marinol, Dronabinol, THC.
Cocaine	Cocaine (Crack), HCL, topical solution (Roxanne).
Phencyclidine(PCP)	Not legal by prescription.
Methaqualone	Not legal by prescription.
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.
Benzodiazepines	Ativan, Azene, Klonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
Methadone	Dolophine, Methadose.
Propoxyphene	Darvocet, Darvon N, Dolene, etc.
MDMA	MDA, MDEA, Ecstasy

3. Prohibited Levels

Prohibited levels for a drug or a drug's metabolites are defined as certain cut-off levels on screened specimens which are equal to or exceed the following levels and are presumed positive. Prohibited levels for alcohol are defined as

cut-off levels on screened specimens which are equal to or exceed the following levels and are likewise presumed positive:

- a. Cut-off levels on initially screened specimens:

Amphetamines	500 mg/ml
Marijuana (Cannabinoids)	50 mg/ml
Cocaine (Benzoyllecgonine)	150 mg/ml
Opiates (Codeine, Morphine, Heroin)	2000 mg/ml
PCP (Phencyclidine)	25 mg/ml
6-Acetylmorphine	10 mg/ml
MDMA (Ecstasy)	500 mg/ml
- b. Cut-off levels on confirmation specimens:

Amphetamines	250 mg/ml
Marijuana (Cannabinoids)	15 mg/ml
Cocaine (Benzoyllecgonine)	100 mg/ml
Opiates (Codeine, Morphine, Heroin)	2000 mg/ml
PCP (Phencyclidine)	25 mg/ml
6-Acetylmorphine	10 mg/ml
MDMA, MDA, MDEA (Ecstasy)	250 mg/ml
- c. Cut-off levels for alcohol specimens:
 - 1) Non Safety-Sensitive Positions (.08% by weight blood alcohol concentration)
 - 2) Safety-Sensitive Positions (.04% by blood weight alcohol concentration)

4. Safety-Sensitive v. Non-Safety-Sensitive Positions

"Safety-sensitive position" is defined as a position involving a safety-sensitive function pursuant to regulations adopted by the United States Department of Transportation. "Safety-sensitive" also means a position in which a drug-impairment constitutes an immediate and direct threat to public health or safety; a position in which a momentary lapse in attention could result in injury or death to another person; or where impairment may present a clear and present risk to co-workers or other persons.

An employee, who is not in a safety-sensitive position, may be tested for drug or alcohol only when the test is based upon reasonable suspicion.

An employee in a safety-sensitive position may be tested for drug or alcohol use at any occasion described above.

5. Laboratory Procedures

All specimens will be tested by a certified laboratory. This means that the laboratory will be licensed and approved by the Tennessee Department of Health, using criteria established by the U.S. Department of Health and Human Services or some other recognized authority approved by the Commissioner of Labor. The certified laboratory may also be approved pursuant to the College of American Pathologists - Forensic Urine Drug Testing Program. Additionally, all testing for drugs or alcohol will be in accordance with the procedures compiled at 49 Code of Federal Regulations, Part 40, dealing with drug testing

pursuant to the United States Department of Transportation. If a certified laboratory is utilized, no further quality assurance monitoring or proficiency testing will be required.

a. Initial and Confirmatory Tests

The Town of Baxter will not discharge, discipline, refuse to hire, or require rehabilitation of an employee or job applicant on the sole basis of a positive test result unless an initial test has been verified by a confirmation test and the MRO.

An "initial drug testing" is defined as a procedure that qualifies as a "screening test" or "initial test" pursuant to regulations governing drug or alcohol testing adopted by the U.S. Department of Transportation or another recognized authority approved by the Commissioner of Labor. The initial screen for all drugs, except alcohol, is required to utilize the immunoassay procedure.

A "confirmation test" is defined as a second analytical procedure used to identify the presence of a specific drug or alcohol, or metabolite in a specimen. This test must be different in scientific principle from the initial procedure and must be capable of providing requisite specificity and quantitative accuracy. All specimens identified as positive on the initial test, excluding tests for alcohol, are required to be confirmed using the gas chromatography/spectrometry (GC/MS) procedure.

b. Collection Procedures

The collection procedures utilized will be in accordance with the procedures compiled under 49 Code of Federal Regulations, Part 40, dealing with drug and alcohol testing pursuant to the United States Department of Transportation. It is required that the specimens be collected according to the "split sample" method. A "split sample" is the procedure by which a urine specimen is divided in two and put into a primary specimen container and a secondary or "split" specimen container. Only the primary specimen is opened and used for the initial screening and confirmation tests. The split specimen container remains sealed and is stored at the testing laboratory.

The Town of Baxter and/or the testing facility will provide the employee or job applicant with a form on which to provide any information that the employee/applicant considers relevant to the test. This would include identification of currently or recently used prescription or non-prescription medication or other related information.

c. Chain of Custody

The Town of Baxter will use chain of custody procedures established by regulations for the U.S. Department of Transportation, or such other recognized authority approved by the Commissioner of Labor.

d. Reporting and Review of Results

The procedures for laboratory reporting, and MRO review and reporting of specimen test results are required to be in accordance with the regulations described in 49 C.F.R., Parts 40.29 and 40.33. In addition, an employee or job applicant who receives a positive confirmed test result upon notification by the

MRO may contest or explain the result to the MRO within five (5) working days after notice of the test result. If the employee/job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO is to report the positive test result back to the Recorder for the Town of Baxter.

D. Costs

The Town of Baxter will pay the costs of all tests which are required by the program, i.e. both initial and confirmation tests. The employee or job applicant is required to pay the costs of any additional drug or alcohol tests which are not required by the employer. When a re-test of a split specimen is performed, the party requesting the re-test is required to pay the cost of that test.

IV. CONFIDENTIALITY

All information received by the Town of Baxter through this policy is considered confidential communications and may not be used or received in evidence or obtained in discovery or disclosed in any proceedings, with limited exceptions:

(1) Release of such information can be authorized by written consent given by the person tested, or if compelled by a hearing officer in a proceeding under the act. The consent form must provide the name of the person who is authorized to obtain the information; the purpose of the disclosure; the precise information to be disclosed; the duration of the consent; and the signature of the person authorizing the release of the information.

(2) Otherwise confidential information under the policy can be disclosed while consulting with legal counsel and can be disclosed to and among management personnel, including the Board of Mayor and Aldermen, as is reasonably necessary for making disciplinary decisions relating to violations of drug or alcohol standards of conduct adopted by the Town of Baxter.

Confidential information is not to be released or used in any criminal proceeding against an employee or job applicant. Additionally, no physician-patient relationship is created between an employee or job applicant and a covered employer, or any person performing or evaluating a drug or alcohol test, solely by the implementation of this program.

V. OTHER REQUIREMENTS

A. Program Education and Training

1. Workplace Substance Abuse Recognition Training will be provided annually to all supervisors employed by the Town of Baxter. The Recorder will be responsible for organizing the minimum two (2) hour training program to be administered pursuant to Rule 0800-2-12-.13 of the Tennessee Department of Labor Drug Free Workplace Programs Rules.

2. Workplace Substance Education and Awareness Training will be provided annually to all employees of the Town of Baxter. The Recorder will be responsible for organizing the minimum one (1) hour training program to be administered pursuant to Rule 0800-2-12-.13 of the Tennessee Department of Labor Drug Free Workplace Programs Rules.

3. The Town of Baxter will distribute materials regarding this policy, program, penalties, and approved providers by providing employees with copies of this policy and by posting this information in appropriate work areas.

B. Selection of Approved Providers

1. "Medical Review Officer" or "MRO" means a licensed physician, employed with or contracted with the Town of Baxter, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information. The MRO designated by the Town of Baxter shall be identified within Appendix A, attached to this policy.

2. "Employee Assistance Program" means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by the program. A list of approved Employee Assistance Program providers designated by the Town of Baxter shall be identified within Appendix A, attached to this policy.

C. Voluntary Disclosure of Drug and/or Alcohol Use

In the event that an employee of the Town of Baxter is dependent upon or is an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should discuss this matter with his/her supervisor voluntarily and in private. Such voluntary desire for help with a substance abuse problem will be honored by the Town of Baxter. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees will be permitted up to thirty (30) consecutive calendar days for initial substance abuse treatment. The employee must use all vacation, sick and compensatory time available. In the event accumulated leave time is insufficient to provide the medically prescribed and needed treatment up to the maximum of thirty (30) consecutive calendar days, the employee will be permitted unpaid leave for the remainder of the maximum thirty (30) day period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test. Voluntary disclosure provisions do not apply to job applicants. All costs of treatment must be paid by the employee and/or his/her health care insurance.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from an approved Substance Abuse Professional

identified within Appendix A, attached to this policy. The Town of Baxter will pay the costs for this recommendation which may include conditions of reinstatement of the employee. These conditions may include aftercare counseling and return-to-duty and/or random drug and alcohol testing requirements. All return-to-duty and/or random drug and alcohol testing costs shall be paid by the Town of Baxter. Any recommended aftercare or counseling shall be paid by the employee.

The employee's supervisor and the Recorder will consider each case individually and set forth final conditions of reinstatement. All conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow aftercare conditions, or subsequent failure of any drug test under this policy will result in administrative action up to and including termination of employment.

D. Tennessee Drug Free Workplace Premium Credit Program

To obtain an annual premium credit on workers' compensation insurance, the Town of Baxter Recorder shall complete and sign the Premium Credit Program Application promulgated by the Tennessee Department of Labor.

Appendix A

Designated Medical Review Officer

Toney B. Hudson, M.D.
Occupational Health Center, LLC
315 N. Washington, Suite 165
Cookeville, TN 38501
(931) 526-1604

Approved Employee Assistance Programs

Bradford Health Services
1330 Neal Street, Suite D
Cookeville, TN 38501
(931) 528-6803

Plateau Mental Health Center
New Leaf Recovery Center
1200 S. Willow Avenue
Cookeville, TN 38502
(931) 432-2698
First-time appointments: 877-567-6051

APPENDIX C

**CITY OF BAXTER, TENNESSEE
EMPLOYEE SAFETY HANDBOOK**

The City of Baxter, Tennessee (BAXTER) is dedicated to having a total safety/loss control program which in turn provides a safe work environment for employees in all departments. There are many responsibilities for both administration and you, the employees of BAXTER. This program has many parts and it is very important that it is adhered to in its entirety.

Each department is required to keep this manual. Spot checks will be made to ensure your copy is on hand.

Please sign below indicating you have read and understand this manual. Return this page to _____, Department Head

Name

Department

Date

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I. Employee Safety Program Purpose

BAXTER is dedicated to providing a safe workplace for all its employees. BAXTER recognizes that, through an effective safety/loss control program, the City can reduce the frequency of workplace injuries, resulting in less lost time by employees. This, in turn, reduces workers compensation cost. In order to achieve this reduction in worker injuries, the City is dedicated to continually improving and maintaining a total safety program for BAXTER.

This manual provides important information about procedures and programs that are relevant to job safety. For more detailed information about our Safety and Health Program, see your department head or supervisor.

AUTHORITY/RESPONSIBILITY

Basic safety responsibility is a function of management, supervisors, and the individual employee. Each individual employee has the responsibility to ensure that the safety requirements associated with their job are followed. If the safety requirements cannot be followed, each individual employee has the authority to not perform the assignment until his or her supervisor has provided a method for accomplishing the task safely.

1. Management

a. Responsibility. The city supervisors are responsible for providing a safe and healthful workplace free from recognized hazards which may cause serious injury. It is his/her responsibility to participate in safety activities; set the proper example for employees by following appropriate safety rules and procedures; encourage employees to follow safety rules and procedures; and effectively enforce safety rules and procedures.

b. Authority. The Board of Mayor and Aldermen have the authority to provide a safe and healthful workplace by using city resources to do what is reasonable to properly protect people, property, and the environment.

2. Department Heads

a. Responsibility. All department heads are responsible for assuring that their assigned employees perform their assignments in a safe manner by following the specified safety rules and procedures. They are to accomplish this by:

(1) providing the necessary tools, equipment and facilities necessary to perform the job safely.

(2) providing the necessary rules and procedures for assigned tasks.

(3) educating and training employees concerning job safety rules and procedures.

(4) routinely inspecting workplaces to detect potential safety hazards so effective corrective action can be taken.

(5) enforcing safety rules and procedures.

b. Authority. Each department head has the authority to assure that his/her assigned employees are provided the necessary tools, equipment, facilities, rules and procedures, education and training, to perform their job duties safely. They are authorized to routinely inspect their workplace and correct any defects observed. Each department head has the authority and is held accountable for enforcing safety rules and procedures.

3. Employees

a. Responsibility. All employees are responsible for performing their job duties in a safe manner by following the specified safety rules and procedures. Each employee must:

(1) not perform jobs unless he/she has been authorized to perform them and has been properly trained.

(2) wear the prescribed personal protective equipment.

(3) review each assignment prior to performing it to ensure it can be performed safely.

(4) must not perform jobs unless they can be performed safely.

b. Authority. Each employee has the responsibility and authority to follow the safety rules and procedures pertaining to his or her job.

1. Follow all safety rules and procedures applicable to the work being performed.
2. Review jobs before performing them to assure that the job can be performed safely. If any doubt exists about job safety, do not perform the job until the supervisor provides a way to safely perform the job.
3. Perform only those jobs and operate only equipment authorized by the department head.
4. Wear the personal protective equipment prescribed within specific job/operating procedures and applicable safety rules.
5. Inspect tools and equipment prior to use and report any defects to supervision for repair before using.
6. Assure safety guards and devices on machinery and equipment are functioning properly before use.
7. Promptly report all accidents, including injuries, to supervision so prompt action can be taken to provide the necessary medical attention and prevent recurrence.
8. Maintain a clean and orderly workplace by providing needed materials in assigned locations and removing all unnecessary items.
9. Lift, push, pull and handle only those things you are physically capable of handling safely while following the prescribed procedure.
10. Horseplay often results in injury and will not be tolerated. Prompt disciplinary action will be taken.
11. Know the potential hazards associated with chemical substances and how to protect yourself before handling chemicals.
12. Report any detected safety or health hazards promptly to the department head so effective corrective measures can be taken.
13. Use of alcohol and nonprescription drugs on the job is strictly prohibited. Use of prescription drugs which may affect proper job performance must be reported to the department head.

14. Lockout/tagout procedures shall be followed by all authorized employees to protect themselves from hazardous energy while servicing and maintaining equipment, machines and processes.

NEW EMPLOYEE SAFETY ORIENTATION

All new employees, including supervisors and department heads, must be properly trained to perform their assigned job safely prior to initial workplace exposure. The following new employee safety orientation training will be completed for each new employee.

1. Ranking Supervisor. The ranking supervisor will welcome the new employee to the department or office and explain the city's safety policy and inform the employee about the presence and purpose of the Safety Program. Emphasis will be placed on the need to perform jobs safely each time they are performed. The new employee will be informed that good job performance depends on following the safety rules and procedures associated with the jobs. The new employee will be told that every job can and must be done safely.

2. Safety Program. The new employee's supervisor shall ensure that the safety, health and environmental items pertaining to the new employee's job are reviewed and discussed. As a minimum, the following information will be covered:

a. Safety Activities. Review and describe the purpose of the Safety Program. Explain the employee participation in the program and the importance of employee involvement. Describe how the Safety Program is responsible for coordinating the overall safety program designed to protect people, property, the environment, and comply with governmental regulations, as well as protecting against liability.

b. Rules and Procedures. Review the Safety Rules and Procedures that apply to the new employee's task assignment. Explain each rule and validate that the new employee understands the rule.

c. Education and Training. Explain the importance of safety education and training to ensure a safe and healthful workplace. Emphasize that employees must not perform tasks, jobs, assignments, etc., for which they have not been trained and authorized to perform safely. Describe how routine safety meetings will be held with all employees to keep them properly informed

concerning how to perform their assigned work safely. Also, encourage the new employee to report on the effectiveness of his/her safety orientation and safety meetings so that improvements can be made.

d. Inspections. Describe the overall safety inspection program and its importance in assuring a safe and healthful workplace. Also, describe each employee's responsibility for inspecting tools and equipment prior to use to ensure that the equipment can be used safely. Explain that defective tools and equipment must not be used until repaired. State that defective tools and equipment must be taken out of service until repaired.

e. Health and Environment. Describe the overall potential health hazards associated with their jobs including chemicals, dusts, fumes, vapors, noise, etc. Explain the city's hazard communication program including its purpose, the chemical inventory, material safety data sheets (MSDS), container labeling, protective measures, etc. Discuss the importance of employees following safe work practices when manually handling materials. State that proper lifting techniques must be followed and that help must be obtained when heavy loads are lifted. Also, explain any environmental hazards associated with operations and control measures for protecting the environment.

f. Fire and Emergency. Describe the proper action that must be taken when an emergency occurs. Explain the type of emergency situations which might occur and the proper action to take. Provide classroom and hands-on fire extinguisher training, if appropriate, and explain the limitations for using fire extinguishers (not for fighting structural fires). If workplace exposure warrants, explain the fire and explosion hazards associated with the use of flammable liquids, gases, etc.

g. Accident Investigation. Explain the procedure and need for reporting all accidents promptly, including injury or illness. Discuss that the purposes of accident investigations are to obtain the facts, determine basic causes, develop solutions, and recommend action to prevent recurrences. Emphasize that investigations are not to place blame, but only to the facts. Describe how employees are part of all accident investigations and are important to gathering pertinent information. Review the typical accidents occurring within the department and how they can be avoided. Tell the new employee that newly assigned

employees are more apt to be injured on-the-job than other employees and that he or she must perform all work assignments with caution.

h. Housekeeping. Explain how a clean and orderly workplace is usually a safe workplace. State that a good safety program cannot be achieved and maintained without good housekeeping and orderliness. Describe how to maintain good housekeeping and orderliness by keeping all necessary things in their assigned places and removing all unnecessary things from the workplace. State that a job has not been done right until the worksite has been cleaned up and returned to its normal orderly state. Ask the new employee to report housekeeping problems to supervision so that effective corrective action can be taken.

CONTINUING SAFETY EDUCATION

Safety education and training is a never-ending job which must be continued throughout employment. Through continuing safety education, employee safety awareness continuously improves and accident potential in the city's work-related activities continuously decreases. Types of continuing safety education include:

- 1. Safety Meetings.** All employees are expected to participate in safety meetings. Safety meetings will be conducted periodically. Safety meetings are an opportunity to review specific accidents and cover the overall safety performance of the group. Discussion time must also be allotted to allow employees to air safety and health concerns.
- 2. In-Service Training.** The state commissions for both fire fighters and police officers mandate specific training for these uniformed services. Each of these departments shall present 40 hours of training that covers subject material related to either fire or police, as the case may be.
- 3. Special Training.** Special safety, health and/or environmental education and training programs will be presented on an as-needed basis as determined by the Safety Program. Such training may include back safety training, defensive driving, etc

Words of Motivation

Pro-Active Safety - Aggressive Pursuit of *Zero Accidents* in the Workplace - relies not only on safe operating procedures and principles, but also on the right

attitude among workers. One way to foster the right attitude is through leadership.

Leadership is different from management; therefore, employees at all levels can become pro-active safety leaders. Rather than concentrating on rules as management does, leadership is the ability to motivate a group toward a certain attitude and behavior through emotional and spiritual connections. Anyone who shares the vision of Zero Accidents can discover or develop the attributes of a good leader.

By encouraging each employee to take a leadership role in a Pro-Active Safety Program, we can unleash a wide range of talents and abilities and create a positive, enthusiastic attitude for safety.

II. Accident Reporting

Accurate, detailed, and timely reporting of all accidents and/or incidents is extremely important. Accidents that require reporting include: employee accidents and vehicle accidents. Proper reporting of accidents is very important because:

- Timely investigation of accidents can reduce the chances of recurrence.
- Proper handling of accidents can reduce the instances of liability/lawsuits.
- Employee injury claims can be denied if not reported in a timely and accurate fashion. (First Reports of Injury should be filed immediately after an injury no matter how minor; even if you do not plan to go to the doctor.)
- Keeping these detailed reports on file is extremely important because it is impossible to predict which incidents may result in claims to our insurance company at a later date.
- Copies of each accident report are submitted to the proper insurance company as soon as they are received at the City Recorder's Office. It is extremely important that they are made aware of these incidents before they are contacted for a claim.

Accurate Accident Reporting - Ensuring that all information contained in a report is completely accurate.

Detailed Accident Reporting - Ensuring that exactly what occurred at the time of an accident is included in the report can prove very beneficial in the event a claim is filed. (Example details - witnesses, witness statement, supervisor's location at time of incident, what task the supervisor was performing when the accident took place, etc.). The reports need to be legible, preferably typed.

Timely Reporting of Accidents - There is absolutely no excuse for failure to report accidents. It is extremely important, for the reasons listed above, that accidents be reported at the time of injury. Failure to do so will be considered a violation of BAXTER's safety policy and will be treated as such.

DO NOT let employees fill out their own accident report forms. They usually contain very little detail and are often illegible. Do not forget that the information contained in the report could be used later on, if a claim is filed; therefore, it is extremely important that accident reports be completed properly.

Each Department Supervisor shall be responsible for filling out accident reports, assuring proper contacts are made, and that copies are sent to the appropriate offices. This person also has copies of the employee First Report of Injury Forms.

The Department Supervisor is responsible for contacting the City Recorder immediately any time there is an employee injury or vehicle accident. All First Reports of Injury are to be sent to the City Recorder.

III. Health and Safety Complaint Procedures

If an employee feels that he is assigned to work where conditions could affect his health, safety, or general welfare, he should report this to the Department Supervisor.

- a. The complaint must be in the form of a letter and give details of the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter; however, if he wishes to remain anonymous, a signature is not required.
- b. Upon receipt of the complaint letter, the Department Supervisor will evaluate the condition(s) and institute any corrective action warranted. Within ten (10) working days following the receipt of the complaint, he will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if not, why; what action has been or will be taken to correct or abate the condition(s); and a designated time period for correction or abatement. Answers to anonymous complaints will be posted for a period of three (3) working days on bulletin boards or in other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant.
- c. If the complainant finds the reply unsatisfactory because the complaint was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Department Supervisor or to the governing body explaining the

condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

- d. The Department Supervisor or a representative of the governing body will evaluate the complaint and begin action to correct or abate the condition(s) through arbitration or administrative sanctions or they may also find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint, or the next regularly scheduled meeting of the governing body following receipt of the complaint, explaining decisions made and action taken or planned.
- e. After the above steps are taken, if the complainant is still not satisfied with the results, he may file a complaint with the Commissioner of Labor. Complaints filed with the Commissioner of Labor shall include copies of all related correspondence with the Department Supervisor and the City Recorder or the representative of the governing body.
- f. Copies of all complaints and answers thereto will be filed by the Department Supervisor who shall make them available to the Commissioner of Labor or his designated representative upon request.

FAILURE TO FOLLOW THIS PROCESS IS A VIOLATION OF OUR SAFETY POLICY AND WILL BE TREATED AS SUCH!

IV. Employee's Rights and Responsibilities

Rights and responsibilities of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with Occupational Safety and Health Act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972, which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified, by the placing of a notice on bulletin boards or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHA Act or any standard or regulation promulgated under the Act.
- c. Employees shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Employees who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the

Commissioner of Labor or whoever is responsible for the promulgation of the standard or the granting of the variance.

- e. Employees who have been exposed or are being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided with information on significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, employees or an authorized representative of employees shall be given the right to request an inspection and to consult with the Department Supervisor, the Director of Occupational Safety and Health or Inspector at the time of the physical inspection of the worksite.
- g. Employees may bring to the attention of the Director of Occupational Safety and Health any violation or suspected violation of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because he has filed any safety complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes he has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint with the Department Head alleging such discrimination. Such employee may also, within thirty (30) days after violation occurs, file a complaint with the Commissioner of Labor alleging such discrimination.
- j. Nothing in this or any other provision of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where it is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall immediately report any accident, injury, or illness resulting from their job, however minor they may appear, to their supervisor or the Department Head. Not complying with this rule is a violation of the BAXTER's Safety Policy.

V. Discipline for Failure to Follow Safety Regulations and Procedures

Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard or BAXTER safety policy shall be subject to disciplinary action. Supervisors and/or Department Heads have the discretion on how to proceed with the disciplinary policy. The following are the disciplinary steps set forth in the agreement between BAXTER.

1. Oral Reprimand
2. Written Reprimand
3. Termination

(Refer to your immediate Supervisor/Department Head for further explanation of this policy)

VI. Bloodborne Pathogens Program

Employees who have initial contact with injured employees or visitors must adhere to the requirements of the BAXTER's Bloodborne Pathogens Program.

Under this plan:

Each employee is required to have refresher training on bloodborne pathogens each year.

Each "high risk" employee of BAXTER is offered the hepatitis vaccination each year. If an employee declines the hepatitis vaccinations, a Statement of Declination form will be provided for you. This form has to be completed once, not each year. Currently the Center for Disease Control is recommending no booster for this vaccination; therefore, at this point the vaccination is considered good for life. If you are made aware through blood work that your body has not built up immunity to hepatitis after the vaccinations, the City will provide boosters. Contact the City Recorder to make arrangements.

Each department should have the means necessary to properly clean up potentially infectious material.

If an employee has a bloodborne exposure, the incident must be reported immediately to your supervisor and the City Recorder's Office. A BAXTER official will meet with you to discuss your options as stated in the complete Bloodborne Pathogens Program. Appropriate accident reports and any other specific form required will need to be completed.

<p>The complete Bloodborne Pathogens Program is available for your review in your department head or supervisors office.</p>
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As a BAXTER employee, you must react to an emergency not only with your heart, but also, with your head. Co-workers and loved ones are counting on you. Take time to protect yourself while helping a child or co-worker in need.

VII. Hazardous Communications Program

The Tennessee Hazardous Chemical Right-To-Know Law was passed May 23, 1985. The primary objective of this law is to train employees about the hazardous chemicals that they work with or may be exposed to in a foreseeable emergency. In order to comply with this law, BAXTER established its own Hazardous Communication Program. The complete copy of this program can be found in the BAXTER Safety Manual in your supervisors or department head's office.

Chemicals and chemical processes are used to manufacture materials, packaging, fuels and even medicines. Many of the chemicals you work with every day can be hazardous, causing injuries, illness or even death.

BAXTER employees shall be trained on Hazardous Communications each year. It is very important that employees understand Material Safety Data Sheets (MSDS). These are kept at each worksite and contain information on chemicals that individuals may come in contact with. The information contained on an MSDS includes emergency procedures, such as what to do if someone ingests a specific chemical or gets it in their eyes.

You can protect yourself from chemical hazards by knowing proper chemical safety procedures such as:

- Identification
- Storage and Handling
- Personal Protection
- Emergency Response

<p>FOR MORE INFORMATION, PLEASE REVIEW THE COMPLETE HAZARD COMMUNICATIONS PROGRAM WHICH CAN BE FOUND IN THE BAXTER'S SAFETY MANUAL IN CITY RECORDER'S OFFICE!</p>
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VIII. Ergonomics and Lifting Safety

Introduction

Working in awkward positions or using poor lifting techniques can put unnecessary strain on your body. Body stresses accumulated over time can actually cause more shoulder, neck and back pain than one traumatic event.

Fortunately, the scientific field of ergonomics provides information to make your job fit your body's needs and abilities. This section will explain how you can eliminate strain by working with less force, using safe lifting techniques, taking short breaks and performing exercises to keep muscles in shape.

What Are CTDs?

Slouched shoulders, a bent neck, and arms lifted above the shoulders, behind the back or to the side are all unnatural positions that are stressful to the body. These positions bend the body at awkward angles and can result in a cumulative trauma disorder. Cumulative trauma disorders (CTDs) are injuries which result in damage to muscles and tendons. No bones are broken in this type injury. Soreness, swelling or tearing of muscles causes the damage. For example, if your neck is continuously bent while you are working, you can experience pinched muscles. This injury may cause headaches, neck pain and numbness in your shoulders and arms. The shoulder tendons can become inflamed, requiring rest to repair the strain.

CTD symptoms usually develop as a result of months or years of strain on the body. By making an effort now with exercise, neutral positions, rest and good nutrition, you can avoid CTDs later. If you are already experiencing symptoms such as soreness or swelling of muscles, report them to your supervisor immediately. A medical exam can be conducted to determine if you are suffering from a CTD.

Your Upper Limbs

The human body has a series of tendons that control movement throughout the arms. When these tendons are overused or used with excessive force, they can become irritated and sore. Over a period of months or years, this irritation can lead to cumulative trauma disorders, or CTDs. One particular CTD, known as carpal tunnel syndrome, results when tendons in the wrist are overused, become swollen and press on the median nerve in the wrist. Carpal tunnel syndrome interferes with hand and arm movements by causing numbness, tingling and pain.

If you develop soreness in the wrist, arm or hand, report it to your supervisor or the Safety Department immediately. Testing can be arranged to see if you have a cumulative trauma disorder. When diagnosed early, symptoms of CTDs can be eased by simple changes in job design or work routines. Physical therapy may also be used to strengthen weakened body parts.

Stay In Neutral

When you work in a natural or neutral position, there is less strain on your body. To put your body in a neutral position:

- Stand up straight with arms relaxed at your sides.
- Put two fingers on your top lip and press your head backward until you feel a slight stretching.
- Take your fingers away, keeping the position, and let your head glide forward until it is comfortable and you feel relaxed.

To put your shoulders in neutral:

- Move your shoulders back until you feel them stretching.
- Hold this position and then allow your shoulders to glide forward naturally. Now your upper body is in a neutral work position.

Modify Your Workstation

Modifying your workstation to ease strain on your arms or hands does not have to be complex or expensive. Work-area stresses can be reduced by having a table or other surface moved slightly above your waist level. That way forearms are angled slightly downward and wrists remain straight. If your work surface is significantly higher than waist level, you may be able to stand on a platform to raise the level of your arms-particularly if you work over a fixed object. Work areas can also be improved by eliminating unnecessary reaching or stretching for work materials. Work materials that are frequently used should be stored within arm's reach.

Healthy Postures

Chairs

If your work requires that you sit for most of the day, a good ergonomically-designed chair is your key to good posture and comfort.

- Use a chair that is adjustable up and down, so that your feet can be placed flat on the floor.
- Adjust the backrest of your chair to fit the curve of your lower back.
- If possible, use a chair with solid armrests to support your arms.
- Use a chair with a seat that swivels to help protect your back from unnecessary twisting.

Sitting and Standing

If you are seated most of the time at your job, get up hourly to take a short walk or stretch break to increase your circulation. When working at computers, sit erect so that the monitor is at eye level and the keyboard is at elbow height. This will decrease strain on your shoulders, neck and back.

If your job requires that you stand, stagger your feet or place one foot on a footrest to ease strain on your back. Whenever possible, sit down to perform your work. Being in one position for too long, whether sitting or standing, cuts off the flow of blood to the muscles and may cause fatigue and gradual tissue deterioration.

Use Less Force

Force is the strength applied to perform a task such as trying to open a jar lid or turning a wrench on a rusted bolt. Don't increase the irritation of your muscles, tendons and nerves by adding unnecessary force to repetitive motions.

Ways to limit force:

- Use smooth movements instead of rough, jerky movements when performing tasks.
- Move carts by pushing rather than pulling. This will help relieve stress on the back by using the larger, stronger muscles in the chest and arms.
- Use power tools whenever possible.
- Use hand tools that are well-oiled and sharp so they don't require extra strength to operate.

How To Lift

Back pain is often caused by lifting materials incorrectly. In fact, back sprains and strains are among the most common workplace injuries. These simple lifting techniques will help you ease the strain on your back:

- Before lifting an object, get your body as close to the object as possible.
- When lifting, assume the correct lifting position. Stagger your feet, bending your knees as you lower yourself. Lean over your forward leg and pick up the object. Move back to an upright position by using your leg muscles.
- When carrying an awkward or heavy object, turn with your feet--not your waist. Twisting while you lift can place a dangerous strain on your back.
- When putting the object down, go slowly. Stagger your feet and bend your body at knee level.
- Before moving an object, be sure of its final destination.
- Objects you move frequently should be stored at waist level.
- Get help when lifting heavy objects. Request assistance from a co-worker or use a mechanical aid such as a hand truck, a Heavy Equipment or a hoist.

Limit Repetition

When you limit the repetitive motions or tasks you do, you reduce the amount of strain on various parts of your body. You may be able to accomplish this by rearranging your workstation. Altering your work methods by combining several steps into one may help reduce the chance of strain. Some employers are able to rotate workers among different jobs to reduce repetitive motions. Approach your supervisor to discuss any ideas you may have about limiting repetitive motions on your job.

Give Your Body A Break

Parts of the body which are used continually become fatigued and may, over time, become injured and sore. Rest breaks are essential to give the body a chance to recover from constant movement. Whenever possible, try to take several short breaks instead of one long one. During break time, take a short

walk, climb a set of stairs or do any of the following stretching exercises. This will help relax your muscles and improve circulation.

- **Shoulder Roll** -- Roll your shoulders up and back in a circular motion, then relax. Perform this motion slowly several times. Try this exercise in reverse, rolling shoulders up and forward several times.
- **Neck Stretch** -- Turn your head one way until you feel a comfortable stretch. Pull your shoulder down on the opposite side of your body and hold it there for a count of 15. Then turn your head in the opposite direction and repeat this exercise.
- **Back Bend** -- Put your hands in the curve of your back and slowly bend back over your hands. Try taking several slow, deep breaths at the same time while stretching your back muscles.

Stretching Around The Clock

Take the opportunity to stretch throughout the day--before, during and after work. When you take time to stretch, you change the direction of your muscles, relieve tension and stimulate blood circulation in your neck, shoulders and back.

The best place to give your neck, shoulders and back a rest is at home. Limit the number of repetitive tasks you do at home. Try to vary your tasks at home and avoid using the same muscles you use at work.

Tips For Exercising Muscles

To ease the strain on the muscles you continuously use, it is important to exercise. Stretching is one form of exercise that changes the positions of the muscles in your arms and hands and stimulates blood circulation in the area. The following stretching and conditioning exercises can be done at home or at work:

1. Wrists

- Slowly circle your wrist in one direction.
- Repeat ten times in both directions.
- Perform the same exercise with your other wrist.

2. Hands

- * Close your hand into a fist and hold it for a few seconds.
- * Stretch out all your fingers as wide as possible.

- * Repeat five times.
- * Perform the same exercise with your other hand.

Off The Job

Repetitive strains can also occur off the job. Hobbies such as playing the piano, knitting, golfing or gardening can cause repetitive strains. Balance these hobbies with activities that don't require repetitive hand and arm movements. Give your hands a rest from repetitive tasks, both on and off the job, so that these muscles have a chance to rest and repair themselves.

Get Involved

Look at the risk factors you encounter each day both at home and at work--and think ergonomics. Based on what you've learned in this section, ask yourself:

- What awkward postures do I encounter on my job?
- Can I readjust sitting or standing positions so that my head is up and my shoulders are back and relaxed?
- Is the work in front of me within arm's reach?
- Do I use excess force on my job? If so, are there ways to reduce or eliminate the force?
- When lifting is required, am I following the right steps to lift safely?
- If I need to lift a heavy object, can I get help lifting it from a co-worker or use mechanical assistance?
- Do I have any other ideas to make my work space or my tasks more ergonomically comfortable that I could share with my supervisor?

Summary

Remember, adjusting workstations and procedures can make your work fit your body. Taking the time to relax your posture and stretch your body can lead to a healthier body and take a weight off your shoulders!

IX. Fire Safety

Introduction

Fire is the third leading cause of accidental deaths in the United States, yet most people ignore it. More than 150 workplace fires occur every day.

In this section, you will see:

- How fires start
- How fires are classified
- How to prevent fires
- When not to fight a fire
- How to identify the proper fire extinguisher
- How to use a portable fire extinguisher
- How to extinguish small fires
- How to inspect your fire extinguisher
- How to create an Emergency Action Plan
- How to evacuate a burning building
- What to do if trapped in a burning building

How Fires Start

Fire is a chemical reaction involving rapid oxidation or burning of a fuel. It needs four elements to occur:

- **Fuel** - Fuel can be any combustible material--solid, liquid or gas. Most solids and liquids become a vapor or gas before they burn.
- **Oxygen** - The air we breathe is about 21 percent oxygen. Fire only needs an atmosphere with 16 percent oxygen.
- **Heat** - Heat is the energy necessary to increase the temperature of the fuel to a point where sufficient vapors are given off for ignition to occur.

- **Chemical Reaction** - A chain reaction can occur when the other three elements are present in the proper conditions and proportions. Fire occurs when this rapid oxidation or burning takes place.

Take anyone of these factors away and the fire cannot occur or will be extinguished if it is already burning.

How Fires Are Classified

Class A - Ordinary combustibles or fibrous material, such as wood, paper, cloth, rubber and some plastics.

Class B - Flammable or combustible liquids such as gasoline, kerosene, paint, paint thinners and propane.

Class C - Energized electrical equipment such as appliances, switches, panel boxes and power tools.

Class D - Certain combustible metals, such as magnesium, titanium, potassium and sodium. Explosive reactions can result from using common agents on Class D fires. Therefore, it is important to use the appropriate extinguishing agent for the type of metal that is burning.

How To Prevent Fires

Class A - Ordinary combustibles:

- Keep storage and work areas free of trash.
- Place oily rags in covered containers.

Class B - Flammable liquids or gases:

- Don't refuel gasoline-powered equipment in a confined space, especially in the presence of an open flame such as a furnace or water heater.
- Don't refuel gasoline-powered equipment while it's hot.
- Keep flammable liquids stored in tightly closed, self-closing, spill-proof containers. Pour only what you need from storage drums.
- Store flammable liquids away from spark-producing sources.
- Use flammable liquids only in well-ventilated areas.

Class C - Electrical equipment:

- Look for old wiring, worn insulation and broken electrical fittings. Report any hazardous conditions to your supervisor.
- Prevent motors from overheating by keeping them clean and in good working order. A spark from a rough-running motor can ignite the oil and dust in it.
- Investigate any appliances or electrical equipment that smells strange. Unusual odors can be the first sign of fire.
- Don't overload wall outlets.
- Utility lights should always have a wire guard over them. Heat from an uncovered light bulb can easily ignite ordinary combustibles.
- Don't misuse fuses. Never install a fuse rated higher than specified for the circuit.

When Not To Fight A Fire

Never fight a fire:

- If the fire is spreading beyond the spot where it started.
- If you can't fight the fire with your back to an escape exit.
- If the fire can block your only escape.
- If you don't have adequate fire-fighting equipment.

In any of the situations, **DON'T FIGHT THE FIRE YOURSELF. CALL FOR HELP.**

How To Extinguish Small Fires

- **Class A** - Extinguish ordinary combustibles by cooling the material below its ignition temperature and soaking the fibers to prevent re-ignition. Use pressurized water, foam or multi-purpose dry chemical extinguishers.
- **Class B** - Extinguish flammable liquids, greases or gases by removing the oxygen, preventing the vapors from reaching the ignition source or inhibiting the chemical chain reaction. Foam, carbon dioxide, ordinary

dry chemical, multi-purpose dry chemical and halon extinguishers can be used to fight Class B fires.

- **Class C** - Extinguish energized electrical equipment by using an extinguishing agent that is not capable of conducting electrical currents. Carbon dioxide, ordinary dry chemical, multi-purpose dry chemical and halon fire extinguishers* can be used to fight Class C fires. DO NOT USE water extinguishers on energized electrical equipment

*Even though halon is widely used, the EPA hopes to replace it with an agent that is less harmful to the environment.

- **Class D** - Extinguish combustible metals such as magnesium, titanium, potassium and sodium with dry powder extinguishing agents specially designated for the material involved. In most cases, the powder absorbs the heat from the material, cooling it below its ignition temperature.
- Multi-purpose chemical extinguishers leave a residue that can harm sensitive equipment, such as computers and other electronic equipment. Carbon dioxide or halon extinguishers are preferred in these instances because they leave very little residue.

How To Identify The Proper Fire Extinguisher

All ratings are shown on the extinguisher faceplate. Some extinguishers are marked with multiple ratings such as AB, BC and ABC. These extinguishers are capable of putting out more than one class of fire.

- **Class A and B** extinguishers carry a numerical rating that indicates how large a fire an experienced person can safely put out with that extinguisher.
- **Class C** extinguishers have only a letter rating to indicate that the extinguishing agent will not conduct electrical current. Class C extinguishers must also carry a Class A or B rating.
- **Class D** extinguishers carry only a letter rating indicating their effectiveness on certain amounts of specific metals.

How To Use A Portable Fire Extinguisher

P.....Pull the pin.

A.....Aim extinguisher nozzle at the base of the flames.

S.....Squeeze trigger while holding the extinguisher upright.

S.....Sweep the extinguisher from side to side, covering the area of the fire with the extinguishing agent.

REMEMBER:

- Should your path of escape be threatened
- Should the extinguisher run out of agent
- Should the extinguisher prove to be ineffective, or
- Should you no longer be able to safely fight the fire

...LEAVE THE AREA IMMEDIATELY!

How To Inspect Your Fire Extinguishers

- Know the locations of your fire extinguishers
- Make sure the class of extinguisher is safe to use on fires likely to occur in the immediate area.
- Check the seal. Has the extinguisher been tampered with or used before?
- Look at the gauge and feel the weight. Is the extinguisher full? Does it need to be recharged?
- Make sure the pin, nozzle and nameplate are intact.
- Report any missing, empty or damaged fire extinguishers.

How To Evacuate A Burning Building

- The last one out of the room should close the door but not lock it. Locking the door hinders the Fire Department's search and rescue efforts.

- Proceed to the exits as outlined in the Emergency Action Plan.
- Don't use elevators under any circumstances.
- Stay low and avoid smoke and toxic gases. The best air is close to the floor, so crawl if you have to.
- If possible, cover your mouth and nose with a damp cloth to help you breathe.
- If you work in a building with multiple stories, a stairway will be your primary escape route.
- Once in the stairwell, proceed down to the first floor. Never go up.
- Once outside the building, report to a predetermined area so that a head count can be taken.

What To Do If Trapped In A Burning Building

- If you're trying to escape a fire, never open a closed door without first feeling it. Use the back of your hand to prevent burning your palm. If the door is hot, try another exit. If none exists, seal the cracks around the door and vents with anything available.
- If trapped, look for a nearby phone and call the Fire Department, giving them your exact location.
- If breathing is difficult, try to ventilate the room, but don't wait for an emergency to discover that windows can't be opened.

What To Do If Someone Catches On Fire

If you should catch on fire:

- **STOP** --- where you are
- **DROP** --- to the floor
- **ROLL** --- around on the floor.

This will smother the flames, possibly saving your life. Just remember to **STOP, DROP AND ROLL.**

- If a co-worker catches on fire, smother the flames by grabbing a blanket or rug and wrapping them up in it.

Summary

- Knowledge
- Awareness
- Preparation.

These are your keys of preventing and surviving fires wherever they occur.

X. Drug and Alcohol Testing Program

Introduction

Baxter Government (BAXTER) has a strong commitment to providing its employees with a safe, drug-free working environment, and to discourage drug and alcohol abuse. The presence of illegal drugs or alcohol in the workplace and employees being under the influence of these substances during working hours are inconsistent with BAXTER's objectives. Employees who choose to engage in drug or alcohol abuse face the risk of unemployment and the forfeiture of workers' compensation benefits.

This section will explain your rights and responsibilities. You'll learn about the effects of drugs, when and how you'll be tested, and the consequences of a positive test.

A Bad Influence

Controlled substances and alcohol have many unpleasant side effects that can adversely impact our work and personal lives. Some of these include:

- Declining job performance
- Increased accidents and mistakes
- Emotional instability such as exaggerated moods, negativism, and difficulty getting along with others
- Forgetfulness, decreased mental alertness and decreased concentration
- Increased absenteeism and frequent tardiness
- Physical problems such as unusual nasal and respiratory problems, excessive sniffing, running or bleeding nose, sores around nose, deteriorating physical appearance, bloodshot eyes and sudden or unpredictable changes in energy level.

These symptoms are good indicators of someone with a substance abuse problem. Follow your company's policies if you or a co-worker shows these signs and symptoms.

Safety-Sensitive Functions

Safety-sensitive functions include driving, of COLJl's, but also include many other duties you may normally perform such as:

- Inspecting or servicing a motor vehicle
- Loading or unloading a vehicle
- Attending a vehicle
- Giving receipts for shipments.

The use of controlled substances is illegal on and off the job. If you are found under the influence of controlled substances, you will not be allowed to perform safety-sensitive functions on the job and you will be considered for dismissal as stated in board policy.

Although the use of alcohol is legal, you may not perform safety-sensitive functions:

- Within four hours of using alcohol
- When you have a breath alcohol concentration of .04 or greater
- If you refuse to take an alcohol test.

If you refuse to take a breath alcohol test or have breath alcohol concentration of .04 or greater, you will be considered for dismissal according to board policy.

Conditions For Testing

Random drug and alcohol tests must be given to a certain portion of the employees in each department. These tests must be administered by BAXTER or a consortium--a group acting on behalf of BAXTER to provide drug and alcohol testing. Names of specific employees who are tested are selected at random from the entire group-like a lottery.

Pre-employment drug tests must be given to any applicant that BAXTER decides to hire. **Pre-employment** alcohol tests may be given to any applicant that BAXTER decides to hire.

Post-Accident and Post-Incident Testing - "Injury" is determined as a harm or damage to an employee occurring in the workplace or in the scope of employment, which must be recorded in the BAXTER'S OSHA 300 Log. An injury is recordable under the OSHA 300 log if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.

After an accident or an incident which (a) results in an injury or which (b) results in property damage which may reasonably be expected to exceed \$500 to repair, BAXTER will require the employee to submit to a drug and/or alcohol test in accordance with these rules:

- An employee injured at the workplace and required to be tested shall be taken to a medical facility for immediate treatment of the injury. Specimens are to be obtained at the treating facility or a designated collection site under the procedures set forth in the regulations and transported to an approved testing laboratory. No specimens are to be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must submit to testing.

- In the case of non-emergency injuries or property damage accidents reported to BAXTER after the fact, the employee must submit to drug testing within thirty-two (32) hours of the accident.

Post-accident tests will also be given to employees who are not in a safety sensitive job. (See Substance Abuse Policy)

Reasonable suspicion drug or alcohol tests must be given when an employee looks, acts or smells like he or she is using drugs or alcohol. The behavior must be witnessed by one, but preferably two, supervisors trained to detect drug or alcohol abuse. (See Substance Abuse Policy)

An Offer You Can't Refuse

Refusing to submit to a drug or alcohol test is prohibited by law. Refusing to be tested includes:

- Failing to provide adequate urine or breath without a valid medical explanation.

- Clearly obstructing the testing process, such as adulterating a specimen.
- Outright refusal to participate.

The Unsafe Six

You will be tested for the following six substances which can cause you to be unfit for the road. This is not an all inclusive list. For a more complete listing, see Substance Abuse Policy for the City of Baxter. A list of the substance for which you will be tested includes, but is not limited to, the following:

1. **Alcohol** is a depressant which may reduce tension, lessen inhibitions, cause drowsiness, impair judgment, distort speed and vision, decrease motor coordination and slow reaction time. Long-term effects often include a negative self-image, mood swings, increased heart, brain, kidney and liver trouble--and even premature death.
2. **Marijuana** is a commonly used illegal drug. It distorts visual perception and alters one's sense of reality. Obvious effects last four to six hours. Impaired performance may last longer.
3. **Cocaine** is a highly addictive stimulant which causes paranoia, hallucination and extreme mood swings. Drivers on cocaine may be inattentive, ignore warning signals and take unnecessary risks. Single-dose effects last one to two hours, but it may be detected up to three days after use.
4. **Opiates** include opium, morphine, codeine and heroin. They may cause depression, fatigue and slowed reflexes that impair the driver's reaction time. Single-dose effects last three to six hours, but may be detected up to two days later.
5. **Amphetamines** are stimulants, speed or uppers. They are used to help a driver stay awake while driving. The body needs rest and will eventually "crash" because it cannot be denied rest indefinitely. Effects last two to four hours and can be detected one to two days after use.
6. **Phencyclidine (PCP)** can cause hallucinations and sudden personality changes as well as drowsiness, paranoia, agitation, convulsions or coma. Effects of one dose can last a few days. It can be detected up to eight days after use.

Protecting Your Rights

By law, every effort is made to prevent you from being falsely accused of drug or alcohol abuse. Safeguards include:

- A confirmation test for alcohol testing should be performed 15 minutes after the initial test is positive. This allows time for any alcohol residue from mouthwash or a mint to disappear.
- For controlled substances testing, you have the opportunity to request that a split sample of your urine be tested. The split sample protects you. If the primary sample tests positive, you may request that the secondary sample be tested at another lab.
- Also, if anything distorts test results (such as prescription cough syrup), you can take your case to the Medical Review Officer, or MRO. The MRO is an independent third party, a licensed physician with knowledge of substance abuse.

At The Collection Center

You can expect to be treated in a professional and courteous manner. You must present your driver's license or other photo ID to the collector. If you don't have a photo ID, an employer representative may be called to identify you. The test cannot proceed until you are positively identified. You may also ask the collector to show his or her ID.

The collection person assigned to you:

- Is carefully trained in controlled substances and alcohol testing procedures
- Will only manage one donor at a time
- Will not leave your specimens or paperwork unattended--even for an instant.

Keep in mind that drug and alcohol tests are very different. It may take one to five days to learn the results of a controlled substance test, while alcohol test results are immediate. Also, just because you're being tested for one does not necessarily mean you will be tested for the other. You will only be tested for alcohol while you're performing a safety sensitive function, just before performing one or just after.

Drug Test Results

The lab reports drug test results to your company's Medical Review Officer within one to five working days after receiving the specimen. If the test is negative, the MRO informs your company or consortium and your employer can inform you.

A positive test result does not automatically brand you as a drug abuser. Instead, the MRO notifies you of the results and reviews your case for alternate medical explanations, like prescription drugs.

If you are sure you have never used a prohibited substance, you can request that the MRO have the split sample tested at a different lab for the drug that came up positive. You must make your request within 72 hours of MRO notification of test results.

While awaiting the split-sample test results, you will not be permitted to perform safety sensitive duties. If it is negative, the MRO will cancel the first test and you may return to your normal duties.

Summary

You have nothing to fear from drug and alcohol testing. While you have little control over if or when you will be tested, you have a great deal of control over your results. In fact, testing actually makes your job safer. It protects your life--and the lives of other people--by keeping drug and alcohol abusers off the road.

Take drug and alcohol testing seriously. It's your right and your responsibility.

XI. General Safety Rules

If any employee performs any task which is a duty of another department, he/she is responsible for following the rules of that department.
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A. Custodial Department

As a custodial worker, you perform many different tasks each day. All of these tasks can be completed in a manner which will make your job a safer one. It is very important to BAXTER that your workplace be one in which you feel comfortable safely performing your daily tasks. The following are a list of simple safety rules. If followed, most injuries currently being suffered by custodial staff will not take place. Failure to follow any of these safety rules is considered a violation of our Safety Policy and will be treated as such.

1. An employee should never attempt to perform a task that he has not been instructed how to perform safely.

2. All accidents, no matter how minor, must be immediately reported to your supervisor. The supervisor should then immediately report the accident to the City Recorder's Office.
3. Never attempt to lift objects which are too heavy for you; always ask for help. When lifting items, always wear your back support belt.
4. Always keep your work area clean and orderly; good housekeeping keeps workplace hazards to a minimum.
5. When performing maintenance on electrical equipment, always cut off the power source before performing these tasks.
6. When dealing with sharp objects such as wire, metal, glass, etc., gloves must be worn. Many injuries occur each year to custodial employees that can be prevented by wearing gloves.
7. Before using any chemical or other materials, closely read instructions and warnings.
8. All horseplay and practical jokes are prohibited.
9. Anytime there is a potential for flying debris, safety glasses must be worn. This includes sawing, drilling, mowing, weed eating, using chemicals or other materials including paints, and many other maintenance tasks.
10. Always flag off work areas to keep unauthorized persons from entering a potentially dangerous area.
11. When mowing or using other high noise equipment, always wear earplugs.
12. When mopping floors, cleaning up spills, or anytime the floor becomes wet for whatever reason, always put the wet floor signs out until the area is completely dry.
13. Custodial closets and supply rooms must be kept reasonably clean. Many hazards are presented by bad housekeeping in these areas.

B. Police, Fire, Water, Street, & Sewer Departments

The above named departments are BAXTER's most hazardous department due to the variety of equipment and materials employees may work with or encounter each day. This is why each of you must dedicate yourself to performing every task in a safe manner every day. Using good judgment is very

important in order to complete your work without incident. The following is a list of procedures which failure to adhere to will be seen as a violation of BAXTER's Safety Policy and will be treated as such:

1. An employee should never attempt to perform any task that he has not been instructed how to perform safely.
2. All accidents, no matter how minor, must be reported to your supervisor immediately. The supervisor should then immediately report the accident to the City Recorder.
3. Never attempt to lift objects which are too heavy for you; always ask for help.
4. Always keep your work area clean and orderly; good housekeeping keeps workplace hazards to a minimum.
5. When performing maintenance on electrical equipment, always cut off the power source first.
6. When dealing with sharp objects such as wire, metal, glass, etc., gloves must be worn. Many injuries occur each year to maintenance employees, which could be prevented by wearing gloves.
7. Before using any chemicals or other materials, closely read instructions and warnings.
8. All horseplay and practical jokes are prohibited.
9. Anytime there is a potential for flying debris, safety glasses must be worn. This includes sawing, drilling, mowing, weed eating, using chemicals or other materials including paints, and many other maintenance tasks.
10. Do not use or help in the use of any maintenance lift apparatus unless you have completed the appropriate manufacturer training.
11. Always wear your seat belt while operating a BAXTER vehicle.
12. Always flag off work areas to keep unauthorized persons from entering a potentially dangerous area.
13. When working overhead or when there is potential for falling objects, always wear a hard-hat.
14. When mowing or using other high noise equipment, always wear ear plugs.

Heavy Equipment - Operating Heavy Equipment Safely

Introduction

Knowledge, skill and confidence are the essential tools of a professional Heavy Equipment operator. The knowledge that your equipment is in safe working condition and the skill that comes from practicing safe operating techniques will produce the confidence you need to get the job done right.

Pre-Use Inspection

The physical operating condition of a Heavy Equipment will change throughout each day and between each shift. A pre-use inspection identifies potential hazards you may encounter from a damaged Heavy Equipment.

Before you start to work:

- Inspect the mast for broken or cracked weld-points and any other obvious damage.
- Make sure roller tracks are greased and that chains are free to travel.
- Be sure the forks are equally spaced and free from cracks along the blade and at the heels.
- Check hydraulic fluid levels.
- Check each hydraulic line and fitting for excessive wear or crimping.
- Look at lift and tilt cylinders to see if there is any damage or fluid leaking.
- Inspect mounting hardware on the cylinders and make sure everything is secure.
- Check tires for excessive wear, splitting or missing tire material.
- If you're operating on pneumatic tires, check them for the proper pressure indicated on the tire.

Inspecting The Power Source

Heavy Equipment is powered by batteries, propane or diesel. If you find a problem, never attempt to fix it yourself. Report any problems to your supervisor and let a qualified mechanic fix the problem.

Battery Power

- Working around batteries can be dangerous because they contain acid.
- Don't smoke or let anyone else smoke in a charging area. Gases that can escape from a battery vent hole are extremely flammable.
- Check batteries for:
 - ◇ Cracks or holes
 - ◇ Security sealed cells
 - ◇ Frayed cables
 - ◇ Broken insulation
 - ◇ Tight connections
 - ◇ Clogged vent caps
 - ◇ Tight connections

Battery Charging

Battery-powered Heavy Equipments requires constant charging. Do not smoke in the charging area because the materials are flammable. Follow your manufacturer's procedures for safe charging of the battery and proper cable connections for re-charging.

Propane Power

If the Heavy Equipment is powered by propane, inspect the tank for cracks, broken weldpoints and other damage. Make sure all valves, nozzles and hoses are secure and do not leak.

Anytime you have to handle a propane tank, do it outside, away from the building and other workers. Smoking, open flames and hotwork are never allowed around propane tanks. You should always have a fire extinguisher nearby.

Starting the Heavy Equipment

- Once you have inspected for any visible damage, you're ready to start the Heavy Equipment.

- Apply the foot brake.
- Shift gears to neutral.
- Turn the key.
- Check all gauges and indicators.
- Check controls, steering and brakes for smooth operation.

Finding The Rated Capacity

One of the most important things to know about a Heavy Equipment is its rated capacity under normal conditions and with special attachments.

It is important to know how much a load weighs before you try to move it. If the weight of the load is not clearly marked, try a simple test to see if it's safe to move.

- Lift the load an inch or two. The Heavy Equipment should feel stable and the rear wheels in firm contact with the floor.
- If everything is operating properly and steering seems normal, you may begin to move the load. If you feel the Heavy Equipment struggling, set the load down and check with your supervisor before you go on.

Handling And Moving Loads

To Pick Up A Load:

- Square up on the center of the load and approach it straight on with forks in traveling position.
- Stop when the tips of your forks are about a foot away from the load.
- Level the forks and slowly drive forward until the load is resting against the backrest.
- Lift the load high enough to clear whatever is under it.
- Look over both shoulders to make sure you're clear and back out about a foot.
- Carefully tilt the mast back to stabilize the load.

To Put A Load Down:

- Drive safely to the location.
- Square up and stop about a foot away.
- Level the forks and then drive the rest of the way in.
- Now you can lower the load to the floor.
- To make sure you won't hook the load when you back out, tilt the forks slightly forward.
- Look over both shoulders and back straight out until the forks have cleared the pallet.

Stacking And Unstacking Loads

Many facilities use Heavy Equipment to stack products and increase storage capacity. When you're stacking or unstacking a product, keep in mind that the higher your load is positioned, the less stable your Heavy Equipment becomes.

Lifting a load from a stack is similar to lifting a load from the floor.

- Approach the load slowly and squarely with the forks in the traveling position.
- Stop about a foot from the load and raise the mast so the forks are at the correct height.
- Level the forks and drive forward until the load is flush against the backrest.
- Lift it high enough to clear the bottom load, look over both shoulders, and slowly back straight out.
- Once you've cleared the top of the stack, stop and lower the mast to the traveling position.
- Tilt the forks back and you are ready to go.

To Stack One Load On Top Of Another:

- Approach the load slowly and squarely.

- Stop about a foot away from the loading area and lift the mast high enough to clear the top of the stack.
- Slowly move forward until the load is square over the top.
- Level the forks and lower the mast until the load is no longer supported by the forks.
- Look over both shoulders and slowly back straight out.

Safety Tips

- Never lift a load while you're moving. Always wait until you're in the loading area and completely stopped before you raise the mast.
- Be sure that the top load sits squarely on the stack. If you're just a little off, the whole thing could tip over.

Driving With A Load

Once you've picked up a load you'll have to move it somewhere, so follow these safe driving tips:

- Always travel with a load tilted slightly back for added stability.
- Travel with a load at the proper height. A stable clearance height is four to six inches at the tips and two inches at the heels to clear most uneven surfaces and avoid debris.
- Never speed or use excessive maneuvering.
- If you can't see over the load, drive in reverse. Never try to look around it.

Safe Steering

Turning a Heavy Equipment will require a little more concentration than driving a car. Because it steers from the rear, the Heavy Equipment handles very differently from a car and other roadway vehicles. The back end of the Heavy Equipment swings wide and can injure co-workers or damage products or equipment if you're not careful.

- Think of the drive wheels as a pivot point. When you turn, the back of the Heavy Equipment makes a circle around the front.

- Never make a turn at normal traveling speed. Always slow down to maintain balance.
- When you're turning into an aisle, stay wide. This will help your load clear the sides and give you the chance to square-up with your destination.
- When you back out of an aisle, remember to allow enough room for forks to clear the sides before starting the turn.
- If you leave your Heavy Equipment unattended for any reason, always lower the mast completely, turn off the engine and set the brake.

NOTE: Check with your supervisor about specific BAXTER safety rules. Some policies may state that if you are closer than 25 feet or maintain visual contact with the Heavy Equipment, you may leave the engine running.

Summary

Practice and concentration on your work are the keys to becoming a successful operator. Keep in mind that you put yourself and your co-workers in danger when you do not follow safe operating procedures. A professional Heavy Equipment driver will make sure that equipment is in good condition and will practice safe operating techniques.

XII. SLIP, TRIP AND FALL PREVENTION

Falls are accidents, which often cause injury and lost time. Injuries from falls may include cuts, bruises, muscle sprains and strains, broken bones and back injuries.

What Happens When You Slip?

Slips can be caused by constantly wet surfaces, spills or weather hazards like ice and snow. Slips are more likely to occur when you hurry or run, wear the wrong kind of shoes or don't pay attention to where you're walking. Follow these safety precautions in order to avoid a slip.

- Practice safe walking skills. If you must walk on wet surfaces, take short steps to keep your center of balance under you and point your feet slightly outward. Move slowly and pay attention to the surface you're walking on.

- Clean up spills right away. Whenever you see any kind of spill, clean it up yourself or report it to a maintenance person. Even minor spills can be very hazardous.
- Don't let grease accumulate on floors. If grease is present in your work area, be sure that it's cleaned up promptly.
- Wear the right shoes.

What Happens When You Trip?

Trips occur whenever your foot hits an object and you are moving with enough momentum to be thrown off balance. A trip can happen when your work area is cluttered, when lighting is poor, or when an area has loose footing. Trips are more likely to happen when you are in a hurry and don't pay attention to where you're going. Remember these rules to avoid tripping:

- Make sure you can see where you're going. Carry only loads that you can see over.
- Keep work areas well-lit.
- Keep your work area clean and don't clutter aisles or stairs. Store materials and tools in closets, cabinets, or specially assigned storage areas.
- Extension or power tool cords can be dangerous tripping hazards. Tape them to the floor or arrange them so that they won't be in the way for pedestrians/customers.
- Eliminate hazards due to loose footing on stairs, steps, and floors. Report loose carpeting, stair treads, or hand rails. Broken pavement and floor boards or loose floor tiles can also catch a foot and cause a fall.
- On loading docks, store gangplanks and ramps properly.

What Happens When You Fall?

Falls occur whenever you move too far off your center of balance. Slips and trips often push you off your center of balance far enough to cause a fall, but there are many other ways to fall. They are also caused by makeshift ladders, misuse of ladders, accidents while climbing, and improper scaffolding use. Avoid falls of any kind with these safety measures:

- Don't jump. Lower yourself carefully from docks, trucks, or work stages.

- Check lighting. Make sure hallways, stairs, and work areas are properly lit.
- Repair or replace stairs or handrails that are loose or broken.
- Don't store things on stairs or in aisles.
- Wear good shoes.

Work Safely

Preventing slips, trips, and falls is a task that depends on many factors-most importantly-you. You might not be able to change your workplace, but you can recognize dangers, work to eliminate hazards, and use safety devices and equipment.

XIII. DRIVER SAFETY

1. It is the responsibility of assigned drivers to inspect their vehicle for safe operating conditions before the vehicle for safe operating conditions before the vehicle is moved from the yard each day.
2. Pre-trip vehicle inspections must include the following:
 - Lights
 - Signals
 - Horns
 - Mirrors
 - Tires
 - Brakes
 - Wipers
 - Seat belts
 - Defrosters
 - Safety and emergency equipment
 - Check all fluid levels

*A log book of all inspections will be required.
3. Seat belts must be worn at all times.
4. All motor vehicle operators will know and observe laws that govern safe operation of their vehicle.
5. All motor vehicles owned by the BAXTER are to be used for BAXTER BUSINESS ONLY and are not to be used during nor after normal work hours for any use other than BAXTER Business.

Exceptions to this policy are to be allowed only by BAXTER supervisors/department heads.

6. Any BAXTER employee hired to drive a motor vehicle must have a valid Tennessee drivers license consistent with the job being done. Persons who drive motor vehicles incidental to their main responsibilities must also have a valid Tennessee drivers license. Periodic checks will be made among employees for compliance of this rule and anyone found to be in violation may be suspended from the City, without pay, until such time as proof can be shown that deficiencies have been corrected.
7. All accidents shall be considered preventable and all operators shall do all things possible to prevent accidents.
8. In case of an accident, after taking care of physical needs of persons involved, and notification of public emergency authorities, do not give any statements to anyone concerning the accident except to police, other authorized public officials, or City/representatives. At no time is anyone to make any accusations that might complicate the investigation or further legal positions.
9. ALWAYS DRIVE DEFENSIVELY

XIV. PERSONAL PROTECTIVE EQUIPMENT AND APPAREL

1. The use of personal protective items such as safety glasses, hearing protection, etc. is **REQUIRED IN DESIGNATED AREAS**. The proper personal protective equipment will be assigned by your supervisor. Each piece of equipment should be suitable for your particular situation.
Violation of this rule will result in disciplinary action that may ensue in termination or leave of absence without pay.
2. Clothing that is appropriate for the work to be performed is required and there shall be no personal property used or worn that may endanger the individual or any employee working with or near the employee.
3. Any safety equipment issued is to be used in accordance with rules, regulations, or manufacturer recommendations.

4. Anyone working with paints, solvents, or other materials that may be hazardous are to check with their supervisor for proper personal protective equipment. When in doubt about task to be performed, all labels or other warnings are to be followed carefully as set out in Material Safety Data Sheets, as directed by the Hazardous Materials, Right-To-Know Program.
5. Employees are required to maintain their personal protective equipment in a clean and efficient manner at all times.

XV. LAWN CARE SAFETY

- Employees are required to wear eye protection and hearing protection when operating a lawn mower and weed eater.
- Always turn your equipment off before making any mechanical adjustments.
- Wear proper eye and hand protection when charging mower batteries.
- Follow all manufacturers guidelines on proper maintenance of your equipment.

XVI. LADDER SAFETY

- Don't use metal ladders when performing electrical work. Wood or fiberglass ladders are recommended.
- Set up the ladder on a firm, solid surface.
- Face the ladder when ascending or descending.
- One person allowed on the ladder at a time.
- Never stand on the top rung.
- Inspect the ladder periodically to ensure that it's safe.
- Replace or repair damaged ladders immediately.
- Use the 4 to 1 rule when using extension ladders. (1' from the wall for every 4' of ladder length)

XVII. Office Safety

Common repetitious activities in offices that may cause stress if performed unceasingly for several hours at a time include:

- filing
- copying
- keyboarding
- phone usage
- writing

Obviously, many office jobs involve some or all of those activities. However, if anyone of these is performed for a long period of time during the day, you should make a special effort to take a break from the activity at least once every hour. Choose a different task to do for five minutes each hour.

The need for short breaks cannot be emphasized too much. Especially when doing computer work, long sessions can affect not only your wrists, hands, and shoulders, but also your eyes. Five minutes of a different activity each hour should become a standard part of your routine, to keep your mind and body fresh.

Neck tension is an especially common problem caused by holding the telephone between the head and the neck. Use a headset or speakerphone if you use the telephone for extended periods of time.

Exercises To Do At Work

During the work day, perform a variety of stretches and exercises to help the shoulders, neck, wrists, hands, and fingers stay relaxed and comfortable.

Exercise

How To Do

Overall body stretch

Stand up, raise your arms over your head, hands close together, and reach for the ceiling.

Shoulder blade stretch

Clasp hands behind your head and try to pinch your shoulder blades together.

Shoulder shrugs

Slowly shrug shoulders five times, raising shoulders as far as is comfortable.

Shoulder rolls	Slowly roll your shoulders five times forward then five times backward.
Head tilt	Slowly tilt head to the right, stopping when you feel the stretch. Then slowly tilt your head to the left. Repeat twice.

Wrist exercise

Wrists are also vulnerable and prone to injury in the office environment and it is especially important to do a variety of exercises for your wrists several times a day if your job involves heavy data entry, keyboarding or writing.

Do the following exercises to help avoid carpal tunnel syndrome:

- Rest your forearm on edge of desk and gently bend back wrist by grasping fingers with the other hold for five seconds.
- Gently press hand flat against desktop, causing wrist to bend as arm is not parallel to desk, but is perpendicular to it. Stretch fingers and wrist for five seconds.
- Clench hand into a tight fist, then slowly release until fingers are fanned out. Repeat five times.
- Clench one hand, then cup it from above and apply gentle pressure, but make the wrist stay straight (resistance exercise). Do that with clenched hand palm away, then palm toward the cupping hand, then switch hands and do opposite.

Safety Tips For Use Of Office Furniture

File cabinets

- Open only one drawer at a time
- Close drawers when they are not in use
- Don't place heavy objects on top of cabinets and be aware that things on top may fall off if a drawer is opened suddenly
- Close drawers slowly, and use the handle to avoid pinched or crushed fingers

- Fill the bottom drawer first to stabilize

Shelves

- Place heavy objects on the bottom or lowest shelf
- Keep at least 18 inches between top shelf items and the ceiling if a sprinkler system is in place

Desks

- Never climb on shelves, use an approved ladder to climb or to reach for anything out of reach.
- Keep desks in good condition (free from sharp edges, protruding screws, etc.)
- Do not climb on desks
- Keep drawers closed when not in use
- Repair or report any desk damage that could be hazardous

EMPLOYEE SIGNATURE SHEET

I,

_____ (name)

SSN

being an employee of the City of Baxter, Tennessee do hereby acknowledge that I have been provided a copy of and am informed of all Safety Rules applying to my work or task in my service to Baxter, Tennessee.

I hereby signify my intent to abide by the rules, regulations, and requirements of the Safety Program of Baxter, Tennessee, and that I intend to do all that I can to encourage and promote safety within the scope of my assignment and the realm of my influence.

_____ (signature)

_____ (date)

Please execute the above and return to your immediate supervisor for inclusion in your employment file.

Rules reviewed with supervisor.

_____ (supervisor)

_____ (date)

APPENDIX D

**PLAN OF OPERATION FOR THE OCCUPATIONAL
SAFETY AND HEALTH PROGRAM FOR THE
EMPLOYEES OF THE CITY OF BAXTER**

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of City of Baxter.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Baxter in electing to update and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. **COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT** means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This Includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. **EMPLOYER** means the City of Baxter and includes each administrative department, board, commission, division, or her agency of the City of Baxter.
- c. **DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH** or **DIRECTOR** means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop and administer the occupational safety and health program for the employees of City of Baxter
- d. **INSPECTOR(S)** means the individual(s) or designated by the Director of Occupational Safety and Health to conduct inspection provide for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. **APPOINTING AUTHORITY** means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. **EMPLOYEE** means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. **PERSON** means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.
- h. **STANDARD** means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. **IMMINENT DANGER** means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably

be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. ACT or TOSHAct shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEES RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.

- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.
- i. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.

1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.
 2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Director shall make or cause to be made periodic and follow-up Inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.

6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director

and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a

description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
 - 2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.
- b. All Employees (including Managers and Supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

- 1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or

other exposures to occupational illness or injury (such as falls, electrocution, crushing Injuries (e.g., trench cave-ins), and being struck by material or equipment).

2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event-of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (40) in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be

responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 - 2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be

made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Director or Compliance inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Director and/or Chief Executive Officer immediately.
 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in

compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:

1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand
 2. Written reprimand

3. Suspension for three (3) or more working days
4. Termination of employment

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
APPENDIX I

ORGANIZATIONAL CHART

{For this section make a list of each work location wherein city employees work, such as City Hall, Water Plant, Police Department, City Garage, etc.), the address for the workplace, phone number at that workplace, and number of employees who work there.}

Example:

City Garage - 12 employees
1234 Main Street
Chattanooga, TN 37415
423-345-6789

Police Department - 25 employees
4567 Garden Avenue
Chattanooga, TN 37415
423-222-5555

TOTAL NUMBER OF EMPLOYEES: 37

{Once each work location has been listed, record the total number of employees that the city employs.}

Police Dept. - 5 employees
200 Main Street
Baxter, TN 38544
Phone - 931-858-4111

Street and Sanitation - 3 employees
200 Main Street
Baxter, TN 38544
Phone - 931-858-4111

Fire Dept. - 1 full time and 11 volunteers
315 Broad Street
Baxter, TN 38544
Phone - 931-858-2621

Water and Sewer - 6 employees
200 Main Street
Baxter, TN 38544

Phone - 931-858-3348

City Hall - 3 employees
200 Main Street
Baxter, TN 38544
Phone - 931-858-4111

Total Employees - 18

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN
APPENDIX II

NOTICE TO ALL EMPLOYEES OF CITY OF BAXTER

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage, of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director of City of Baxter.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this. program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before City of Baxter for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of City of Baxter available for inspection by any employee at City of Baxter during regular office hours.

OCCUPATIONAL SAFETY AND HEALTH PLAN PROGRAM PLAN
APPENDIX III

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support
2. Office space and office supplies
3. Safety and health educational materials and support for education and training
4. Safety devices for personnel safety and health
5. Equipment modifications
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions
10. Reserve fund for the program
11. Contingencies and miscellaneous

TOTAL ESTIMATED PROGRAM FUNDING:

ESTIMATE OF TOTAL BUDGET FOR:

Be assured that the City of Baxter has sufficient financial resources available or will make financial resources available as may be required, in order to administer and staff its Occupational Safety and Health Program to comply with standards.

APPENDIX E

**CONFINED SPACE ENTRY
AND RESCUE PROCEDURE**

ORDINANCE #200-5

CITY OF BAXTER

PUTNAM COUNTY, TENNESSEE

AN ORDINANCE OF THE CITY OF BAXTER, TENNESSEE, ADOPTING A
CONFINED SPACE ENTRY AND RESCUE PROCEDURE.

The City Council of the City of Baxter, Tennessee hereby resolves as follows:

Section 1: Statement of Purpose

In the interest of the City of Baxter and its employees the City Council adopts an addendum to resolution 1993-017 that sets policy and procedures for the use of confined space entry and rescue entry and rescue procedures as follows:

CONFINED SPACE ENTRY AND RESCUE PROCEDURES

I. Policy Objectives

To establish minimum standards and procedures that shall be mandatory for the adequate protection of employees and other persons who may be required to enter dangerous confined spaces as defined below:

- A. Any enclosed and/or confining space that may contain or be subject to the entry of and/or accumulation of toxic gases, flammable gases and/or have the atmosphere rendered deficient in breathable oxygen.
- B. Any work area that has limited room for movement and/or ready access or egress by workers. In particular, any confining work area or space that will require special equipment and preparations for the safe and injury free recovery of a worker that becomes disabled.
- C. Dangerous confined spaces shall include, but not be limited to, sewer and storm drain pipes, utility access, wet wells, pump stations, vaults, tanks (including fresh water tanks) and similar types of structures.

II. Responsibility

It is the policy of the City of Baxter to require all employees assigned to work in and around confined spaces to be adequately trained and protected from the hazards that might be encountered. All persons, supervisors, overseer and lead persons working in or near confined spaces shall rigidly follow the procedures set forth herein.

III. Hazardous Conditions Definitions

- A. Confined Space - A space defined by the concurrent existence of the following conditions:
 - 1. Existing ventilation is insufficient to remove dangerous air contamination and/or oxygen deficiency which may exist or develop.
 - 2. Ready access or egress for the removal of a suddenly disabled employee is difficult due to the location and/or size of the opening(s).

- B. Dangerous Air Contamination - An atmosphere presenting a threat of causing death, injury, acute illness, or disablement due to the presence of flammable and/or explosive, toxic, or otherwise injurious or incapacitating substances.
 - 1. Dangerous air contamination due to the flammability of a gas or vapor is defined as an atmosphere containing the gas or vapor at a concentration greater than 20 percent of its lower explosive (lower flammable) limit.
 - 2. Dangerous air contamination due to a combustible particulate is defined as a concentration greater than 20 percent of the minimum explosive concentration of the particulate.
 - 3. Dangerous air contamination due to the toxicity of a substance is defined as the atmospheric concentration immediately hazardous to life or health.

NOTE: This definition of dangerous air contamination due to the toxicity of a substance does not preclude the requirement to control harmful exposures, toxic substances at

concentrations less than those immediately hazardous to life or health.

- C. Oxygen deficiency - An atmosphere containing oxygen at a concentration of less than 19.5 percent by volume.

NOTE: Authority cited: WAC 296-62-1.45 through 296-62-14529;
WAC 296-62-071 through 296-62-07121;
WAC 296-79-230; ANSI 2117.1 1977;
WAC 196-24-715; WAC 296-24-722; NIOSH 80-106

IV: Procedures - Pre-Entry

- A. Prior to the entry of any person into any dangerous and/or hazardous spaces, a confined space entry permit shall be completed by the confined space attendant for the entry.
- B. Testing shall be done with a device that shall sound an audible alarm and have lighted signal to indicate violation of any of the threshold limit values.

Threshold Limit Values

1. Toxic - Greater than 10-ppm Hydrogen Sulfide (H S)
 2. Flammable - Greater than 20% of the explosive level of Methane (CH)
 3. Oxygen Deficiency - Less than 19.5% by volume.
- C. Two separate tests shall be made as follows:
1. A pre-opening test wherein a sample is drawn through a hose attached to the detection device. The hose shall be inserted in the pick hole or small opening of a utility access or the exhaust vent of a lift station that has continuous ventilation.
 2. A pre-entry test where in the probe hose detection device is lowered to the bottom and at various levels inside the confined space.

- D. The above test results are to achieve the following determination:
1. "Safe for Entry" - The testing device did not alarm indicating that no hazardous conditions above threshold limit values were detected.
 2. "Unsafe for Entry" - The testing device had one or more of its alarms activated. No person shall enter any confined space where the required preentry testing indicates the space is "Unsafe for Entry". Exceptions to this rule shall be only as prescribed by written permission from the Community Service Director or for the emergency rescue of a disabled fellow employee. In each case, proper self-contained breathing apparatus shall be used. All persons who may participate in functions relative to entry into a confined space shall be fully trained in these procedures and the hazards that may be found in this work.

NOTE: Employees have the right to refuse to work in unsafe conditions. This included working with untrained personnel.

- E. The following rules shall apply to the entry of an employee into any confined space where in pre-testing has shown that the space is "Safe for Entry".
1. The space shall have been previously inspected (without entry) by a competent supervisor or worker who shall have accomplished the following:
 - a. Listing and layout of necessary traffic control and warning equipment, when appropriate.
 - b. Directed preparation for entry by requiring necessary or desired cleaning or other preentry work deemed necessary for safety.
 - c. Prepared the safety equipment items that will be required for entry into the confined space.
 - d. Prepared the necessary tools and materials covering the demands of the work that is to be done by the crew at the confined space entry site.

- e. Discussed and provided necessary listing to job site lead person and make certain that all of the special and general conditions are fully understood.

V. Entry Procedures

No person shall enter any confined space unless all of the following conditions have been met:

- A. In addition to the fully trained employee who will enter the space, not less than one additional fully trained person shall be present. At least one of the persons shall be trained in First Aid and CPR. Exceptions are listed below.
- B. One of the persons present shall be designated the Confined Space Attendant and shall never leave the confined space access point while employee is inside. The Confined Space Attendant shall be in voice or radio contact with the employee inside the confined space at all times.
- C. Confined Space Attendant shall keep a written log of all work activities.
- D. The entering employee shall be suitably attired in desirable clothing for confined space work.
 - 1. Suitable Coveralls
 - 2. Hard Hat
 - 3. Suitable Gloves
 - 4. Rubber Boots
- E. All pre-entry test and other functions have been properly accomplished.
- F. The entering employee is properly wearing a proper safety harness.
- G. A suitable tripod/winch device is attached to the proper safety harness. This will permit one individual to recover the employee from the confined space in the event of difficulties.
- H. An atmospheric alarm unit (Gas Detector) is worn by, or accompanies the employee into the confined space.

- I. A fresh air supply with an installed or portable ventilation system is in operation to supply fresh air to the confined space.
 - J. Necessary traffic control equipment and required flagperson are in place.
 - K. Suitable plans for summoning emergency assistance (ambulance, Fire Department, Police Department, etc.) Have been made and fully understood by all job Sites employees.
 - L. Lines that may convey flammable, injurious, or 'incapacitating substances into the space shall be disconnected, blinded, or blocked off by other positive means to prevent the development of dangerous air contamination and/or oxygen deficiency within the space. The disconnection or blind shall be so located or done in such a manner that inadvertent reconnection of the line or removal of the blind are effectively prevented.
- VI. Lift Station Crew or Other Two-person Work Crews.
- A. All two-person work crews shall contact the Community Service Director by radio and do the following.
 - 1. Give time of entry
 - 2. Check in with the Director every 15 minutes
 - 3. Check in when job is complete
 - B. The Director will do the following:
 - 1. Log time of entry
 - 2. Log check-in time
 - 3. Log completion time
 - C. If the Director does not hear from the crew at check-in time, the Director shall dispatch another unit in the area to check on the lift station crew.
- VII: While An Employee is Inside of Any Confined Space, The Following Shall be Rigidly Enforced:
- A. There shall be no smoking or open flames permitted within ten feet of the confined space or any access points to the confined space While it is occupied by an employee.

- B. No person except the confined space attendant shall be permitted to enter within ten feet of the confined space access opening except at the direction of and in strict conformance With the instructions of the confined space attendant.
 - C. The confined space attendant shall maintain continuous communications with frequent replies required of the employee inside of the confined space.
 - D. There shall be no other conversation with the confined space attendant by other job site employees except absolutely necessary and these shall be kept as brief as possible.
 - F. Monitoring shall be continuous during operation. In event any of the alarms of the atmospheric unit (Gas Detector) are activated, or any condition of suspected safety develops, the employee shall be brought out of the confined space immediately. Re-entry shall not be made until all conditions are deemed to be safe.
- VIII. The Third Fully Trained Person At The Confined Space Entry Job Site Shall Be Designated As A Lead Person Or The Standby Person Shall Accomplish The Following Functions and Comply with the Following Rules:
- A. While an employee is inside of the confined space, the stand-by person shall never be out of reasonable hailing distance of the Confined Space Attendant.
 - B. If called by the Confined Space Attendant, the stand-by person shall make an immediate reply and provide whatever assistance or perform whatever function he may be directed to do by the Confined Space Attendant.
 - C. The stand-by person shall maintain surveillance and awareness of conditions in the job site and shall take the following actions as required:
 - 1. Prevent other employees or on-lookers from approaching the confined space entry point or attempting to interfere with the Confined Space Attendant.
 - 2. Enforce the no smoking or open flame rule.

3. Immediately advise the Confined Space Attendant of any circumstances affecting the safety of the work site and its personnel.
 4. Handle questions of any curious on-lookers.
 5. Provide tools or other materials to the Confined Space Attendant.
- IX. It Shall Be The Responsibility Of The Confined Space Attendant To Maintain Written Records Of Each Function Of A Confined Space Entry By An Employee. These Records Shall Include But Not Be Limited To, All Of The Following Notations; On Appendix A Of This Policy.
- A. Date
 - B. Location and type of confined space entered.
 - C. Purpose of entry.
 - D. Time and results of pre-opening atmospheric test.
 - E. Time and results of per-entry atmospheric test.
 - F. Names and assignments of confined space entry work force members.
 - G. Times of entry of employee into confined space
 - H. Times employee was brought out of space.
 - I. Descriptions of any injuries / emergencies, or other notable circumstances with comments on actions that were taken and results obtained.

X. Procedure For Contaminated Confined Spaces.

The following procedures shall apply wherein pre-testing has shown that the confined spaces "Unsafe for Entry" or it is suspected that a space is contaminated or a space becomes contaminated While working in the space.

- NOTE: Unless it is absolutely necessary to work in a confined space, no employee shall enter or continue to work in a contaminated space.
- A. Should the confined space become contaminated, the worker shall evacuate the space.
 - B. All workers shall evacuate the immediate area -- at least 50 feet.
 - C. Notify your supervisor immediately.

- D. One worker shall don the appropriate self-contained breathing apparatus and establish safe perimeter around the confined space with the aid of a gas detector, continue to monitor area until supervision arrives.
- E. The Supervisor shall determine the extent and type of contamination. If unable to determine, call 911 and/or close the confined space.
- F. If work is to continue, purge the confined space (record time) until it reaches a safe level. Monitor with direct reading while purging.
- G. Stop purging and monitor space to see how quickly the space re-contaminates. If the space becomes recontaminated, before a worker can safety evacuate the space. DO NOT ENTER SPACE.
- H. If tests indicate a safe exit time, continue to purge space before worker re-enters space.
- I. Before the employee re-enters the previously contaminated space, the worker shall be wearing the following items:
 - 1. Appropriate protective clothing
 - 2. Appropriate gloves
 - 3. Self-contained breathing apparatus where needed
 - 4. Safety harness attached to a tripod and safety line
 - 5. Hard hat
 - 6. Rubber Boots
 - 7. Gas detector
- J. While worker is inside confined space the Confined Space Attendant shall establish voice contact and maintain communication at regular intervals.
- K. Confined Space Attendant shall fill out a written report.
- L. Post as contaminated, if necessary.
- XI. Certified First Aid And CPR Person At Job Site.

Entry into any confined space shall require that there is at least one person present at the job site that holds a current certification in First Aid training and in the administration of CPR (cardiopulmonary resuscitation).

XII. Sewer Work Force Immunizations

All employees who will be required to work in sewer collection system structures and in conjunction with sewage and waste disposal in any way must current immunization. These will be specified by the Health Department and will require renewal at frequencies as designated by the Health Department.

XIII. Required Safety Equipment At The Job Site.

The following items and quantities shall always be present at any job site Wherein an employee may be required to enter a confined space

- A. At least an atmospheric alarm unit.
- B. At least one proper safety harness including necessary devices for connection to a lifeline. Lifeline shall be 2,000 pounds test.
- C. At least one winch device for lifting a person out of a utility access or other underground structure.
- D. At least two explosion proof flashlights with one set of fresh spare batteries for each.
- E. At least one ventilation blower with hose and hose storage drum. This must include necessary power supply wiring and hook-ups for operation.
- F. At least one fully equipped first aid kit.
- G. At least one eyewash unit filled with fresh and clear water.
- H. Fresh water with soap and paper towels.
- I. Suitable lanyards and buckets for supplying tools and other work requirements to the confined space workman.
- J. Adequate traffic control safety devices.
- K. Other devices and equipment as may be required for the completion of all work in the confined space.

XIV. Work Force Training

It shall be the responsibility of the City to provide training of all employees who may be assigned to a confined space entry work force. This training shall include complete instruction in all of the subjects as listed below:

- A. Instruction in the hazards that can be encountered in a confined space.
- B. Instructions in the methods of assuring maximum employee protection from these hazards.
- C. Instruction in the purpose, functional applications and proper operation and use of safety equipment.
- D. Instruction in standard and emergency procedures at confined space entry job site.
- E. Instruction in post confined entry procedures for maximum health and protection.

XV. Safety Equipment: Care, Inspection And Testing.

It shall be the special responsibility of every employee of the City of Baxter to be continuously aware of the location and condition of the safety equipment provided for the work force. The assignment shall include all of the following coverages.

- A. Inspection and checking of the condition of snaps, buckles, hardware, straps, seams and stitching of approved safety harnesses, lanyards, ropes, strap ladders, rope ladders and winch units as are used with confined space entry.
- B. Testing, necessary lubrication, and service to the ventilation blower units.
- C. Daily battery recharging, oxygen calibration and operational condition of the atmospheric hazard alarm unit. Weekly testing of this unit with the use of a gas test kit. Keep a written record of the weekly test.

- D. Inventory and inspection of first aid kits with any required replacements for items missing or not in a condition for suitable use.

Section 3: This ordinance shall be effective immediately upon passage by the board of mayor and aldermen.