

OCCUPATIONAL SAFETY AND HEALTH PROGRAM
FOR THE
TENNESSEE BOARD OF REGENTS

JULY 2016

EXHIBIT A

PLAN OF OPERATION FOR THE OCCUPATIONAL, SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF TENNESSEE BOARD OF REGENTS_

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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 the Tennessee Board of Regents.

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

The Tennessee Board of Regents in electing to establish 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 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. "ACT" or "TOSHA Act" shall mean the Tennessee Occupational Safety and Health Act of 1972.

b. "APPOINTING AUTHORITY" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board commission, division, or other agency of this employer.

c. "CHIEF EXECUTIVE OFFICER" means the chief administrative official as may be applicable.

d. "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.

e. "DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "DIRECTOR" means the person designated by the establishing resolution, 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 the Tennessee Board of Regents..

f. "DISCRIMINATION" means any disciplinary action, including Intimidate, Threaten, Restrain, Coerce, Blacklist, Discharge or in any other manner of discrimination taken by an employer against an employee for exercising his or her rights under T.C.A. § 50-3-409 because the employee has engaged in protected activity.

g. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer, either 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 servants and employees.

h. "EMPLOYER" means the Tennessee Board of Regents.

i. "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.

j. "GOVERNING BODY" means the Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the government agency to which this plan applies.

k. "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.

- I. "INSPECTOR(S)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- m. "PERSON" means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- n. "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.

- o. "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.

III. EMPLOYER'S 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 and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employer's 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. EMPLOYEE'S 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 TOSHA Act 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.
- k. 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 immediately 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. All work-related inpatient hospitalizations, amputations and loss of an eye must be reported to TOSHA within 24 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.

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 as 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 by the Tennessee Department of Labor and Workforce Development. See Chapter 0800-1-3, Occupational Safety and Health Record-Keeping and Reporting requirements found under Tennessee Department of Labor and Workforce Development Occupational Safety and Health Record-

Keeping and Reporting rules. <http://www.tennessee.gov/sos/rules/0800/0800-01/0800-01.htm>

- 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 record keeper 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 IV 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, and writing technical reports, will be furnished to inform officials, supervisors, and employees of the existence of safety and health hazards.

b. All Employees (including supervisory personnel):

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

- 1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
- 2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, person 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 (4') 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 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 constitutes 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 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 be 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 (resolution, 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. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, resolution, 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 and law, statute, resolution, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, resolution, or executive order, as applicable, is specifically repealed.



Occupational Safety and Health

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN -- APPENDIX I

THE FOLLOWING LISTS THE INDIVIDUAL CAMPUS AND (FTE) COUNT.

** FOR SITE LOCATION PLEASE REFER TO APPENDIX II.

SITE	FTE's
TBR Central Office	120
<u>UNIVERSITIES</u>	
Austin Peay State University	922
East Tenn. State University	2317
University of Memphis	2461
Middle Tenn. State University	2160
Tenn. State University	1378
Tenn. Tech. University	1206
<u>COMMUNITY COLLEGES</u>	
Chattanooga State Comm. College	651
Cleveland State Comm. College	213
Columbia State Comm. College	259
Dyersburg State Comm. College	218
Jackson State Comm. College	240
Motlow State Comm. College	237
Nashville State Comm. College	402
Northeast State Comm. College	392
Pellissippi State Comm. College	562
Roane State Comm. College	347
Southwest State Comm. College	554
Volunteer State Comm. College	434
Walters State Comm. College	440
<u>TENN. COLLEGES OF APPLIED TECHNOLOGY</u>	
Athens	26
Chattanooga	51
Covington	17
Crossville	33
Crump	21
Dickson	54
Elizabethton	31
Harriman	23
Hartsville	32
Hohenwald	26
Jacksboro	20
Jackson	13
Knoxville	54
Liningston	25

McKenzie	19
McMinnville	19
Memphis	71
Morristown	50
Murfreesboro	40
Nashville	74
Newbern	26
Oneida	27
Paris	29
Pulaski	32
Ripley	15
Shelbyville	42
Whiteville	19

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN -- APPENDIX II

SAFETY ORGANIZATIONAL CHART

Tennessee Board of Regents

Campus Safety Contacts

<u>Institution</u>	<u>INDIVIDUAL</u>	<u>CONTACT INFORMATION</u>
TBR Offices TN 37217 UNIVERSITIES	James Adams	615-366-4458 james.adams@tbr.edu TBR, 1415 Murfreesboro Rd, Nashville,
Austin Peay State Univ. TN 37044	Carl Gerhold	931-221-6330 gerhold@apsu.edu Physical Plant, P.O. Box 4696, Clarksville,
East Tenn. State Univ.	Chris Hurley	423-439-7784 hurleycd@etsu.edu Env. Health & Safety, P.O. Box 70653 Johnson City, TN 37614-1701
Middle Tenn. State Univ.	Terry Logan	615-898-5784 terry.logan@mtsu.edu Env. Health & Safety, 1301 East Main St. Murfreesboro, TN 37132
Tenn. State Univ.	Tommi Smith	615-963-2148 tsmith@tnstate.edu Env. Health & Safety, 3500 John A Merritt Blvd. Nashville, TN 37209
Tenn. Tech. Univ.	Jim Cobb	931-372-3524 jimcobb@tntech.edu Safety & Env. Compliance, 1 William Jones Dr. Cookeville, TN 38505
	Leslie Crickenberger	931-372-3034 lcrickenberger@tntech.edu
Univ. of Memphis	Alton Simpson	901-678-4672 asimpson@memphis.edu Env. Health & Safety, 216 Brown Hall Memphis, TN 38152-3340

COMMUNITY COLLEGES

Chattanooga State Comm. Col.	Steve Huskins	423-697-5716 Steve.huskins@chattanoogaastate.edu 4501 Amnicola Hwy., Chattanooga, TN 37406
Cleveland State Comm. Col.	Guy Davis	423-472-7141x235 gdavts08@clevelandstate.edu 3535 Adkinsson Dr. NW, Cleveland TN 37312
Columbia State Comm. Col.	Tim Hallmark	931-540-2712 thallmark2@columbiastate.edu Webster Building 215 1665 Hampshire Pk. Columbia, TN 38401
Dyersburg State Comm. Col. TN 38024	Kent Jetton (OSHA Incident) Pat Walker (OSHA 300)	731-286-3250 jetton@dsccl.edu Physical Plant, 1510 Lake Rd., Dyersburg, Human Resources, (same as above)
Jackson State Comm. Col.	Darron Billings	731-424-3520 ext 50244 dbillings@jscc.edu 2046 N. Parkway, Jackson, TN 38301
Motlow State Comm. Col.	Lisa Lee	931-393-1542 llee@mscc.edu P. O. Box 8500, Lynchburg TN 37352
Nashville State Comm. Col.	Justin Harris Carolyn Jeans	615-353-3305 justin.harris@nscc.edu 615-353-3614 carolyn.jeans@nscc.edu 120 White Bridge Rd., Nashville, TN 37209
Northeast State Comm. Col.	Megan Jones	423-323-0226 majones@northeaststate.edu 2425 Highway 75, P.O. Box 246 Blountville, TN 37617
Pellissippi State Comm. Col.	Darrell McGraw	865-694-6738 e_dmcgraw@pstcc.edu 10915 Hardin Valley Rd. Knoxville TN 37932

Roane State Comm. Col.	Darrell McGraw	865-882-4794 mcgrawdl@roanestate.edu 276 Patton La. Harriman, TN 37748-8664
Southwest State Comm. Col.	Dr. Robert Blaudow	901-333-5231 rblaudow@southwest.tn.edu
	Ms. Reel	901-333-5290 kmreel@southwest.tn.edu 5983 Macon Cove, Memphis TN 38134
Volunteer State Comm. Col.	Michelle Boyd	615-230-3617 michelle.boyd@volstate.edu 1480 Nashville Pk., Gallatin, TN 37066
Walters State Comm. Col.	Brian Hagenburger	423-585-6997 brian.hagenburger@ws.edu
	Jason Martin	423-585-6909 jason.martin@ws.edu Co-Coord's 500 S. Davey Crockett Pk. Morristown, TN 37813

TENN. COLLEGES FO APPLIED TECHNOLOGY

DIRECTORS

Athens	Stewart Smith	423-744-2814 stewart.smith@tcatathens.edu 1635 Vo-Tech Dr., Athens, TN 37371
Chattanooga	Dr. James Barrott	423-697-4433 jim.barrett@chattanoogaastate.edu 4501 Amnicola Hwy. Chattanooga TN 37406
Covington	Youlanda Jones	901-475-2526 yjones@tcatcovington.edu 1600 Hwy. 51 South, Covington, TN 38019
Crossville	Jerry Young	931-484-7502 jerry.young@tactcrossville.edu 910 Miller Ave., Crossville, TN 38555

Crump	Stephen Milligan	731-632-3393 stephen.milligan@tcatcrump.edu 3070 Hwy.64 West, Crump, TN 38327
Dickson	Dr. Arrita Summers	615-441-6220 arrita.summers@tcatdickson.edu 740 Hwy. 46, Dickson, TN 37055
Elizabethton	Dean Blevins	423-543-0070 dean.blevins@tcatelizabethton.edu 426 Hwy.91, Elizabethton, TN 37643
Harriman	Danice Turpin	865-882-6703 dturpin@tcatharriman.edu 1745 Harriman Hwy., Harriman, TN 37748
Hartsville	Mae Perry	615-374-2147 mae.perry@tcathartsville.edu 716 McMurry Blvd., Hartsville, TN 37074
Hohenwald	Kelli Kea-Carroll	931-796-5351 kelli.keacarroll@tcathohenwald.edu 813 West Main St., Hohenwald, TN 37462
Jacksboro	Debbie Petree	423-566-9629 debbie.petree@tcatjacksboro.edu 265 Elkins Rd., Jacksboro, TN 37757
Jackson	Jeff Sisk	731-424-0691 jeff.sisk@tcatjackson.edu 2468 Technology Center Dr., Jackson, TN 38301
Knoxville	Dwight Murphy	865-546-5568 Dwight.murphy@tcatknoxville.edu 1100 Liberty St., Knoxville TN 37919
Livingston	Dr. Myra West	931-823-5525 Myra.west@tcatlivingston.edu 740 High Tech Dr. Livingston, TN 38570

McKenzie	Dr. Brad White	731-352-5364 Brad.white@tcatparis.edu 16940 Highland Dr. McKenzie, TN 38201
McMinnville	Dr. Warren Laux	931-474-8324 Warren.laux@tcatmcminnville.edu 241 Vo-Tech Dr. McMinnville, TN 37110
Memphis	Roland Rayner	901-543-6100 Roland.rayner@tcatmemphis.edu 550 Alabama Ave. Memphis, TN 38105
Morristown	Jerry Patton	423-586-5771 jpatton@tcatmorristown.edu 821 West Louise Ave. Morristown, TN 37813
Murfreesboro	Dr. Lynn Kreider	615-898-8010 lkreider@tcatmurfreesboro.edu 1303 Old Fort Pky. Murfreesboro TN 37129
Nashville	Mark Lenz	615-425-5500 Mark.lenz@tcatnashville.edu 100 White Bridge Rd., Nashville, TN 37209
Newbern	Donna Hastings	731-627-2511 dhastings@tcatnewbern.edu 340 Washington St., Newbern, TN 38059
Oneida/Huntsville	Dwight Murphy	423-663-4900 dmurphy@tcatoneida.edu 355 Scott High Dr., Huntsville, TN 37756
Paris	Dr. Brad White	731-644-7365 Brad.white@tcatparris.edu 312-south Wilson, Parris, TN 38242

Pulaski	Tony Creecy	931-242-4014 Tony.creecy@tcatpulasski.edu 1233 East College St. Pulaski, TN 38478
Ripley	Youlanda Jones	731-635-3368 yjones@tcatripley.edu 127 Industrial Dr., Ripley, TN 38063
Shelbyville	Ivan Jones	931-685-5013 Ivan.jones@tcatshelbyville.edu 1405 Madison St., Shelbyville, TN 37160
Whiteville	Carolyn Beverly	731-25408521 Carolyn.beverly@tcatwhiteville.edu 1685 Highway 64, Whiteville, TN 38075

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN -- APPENDIX III

NOTICE TO ALL EMPLOYEES OF The Tennessee Board of Regents

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee's 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 job site 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 or Safety Officer at their respective campus.

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 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 Tennessee Board of Regents is available for inspection by any employee at individual campuses during regular office hours.



Acting Chancellor, David B. Gregory

7-14-16
Date

TOTAL ESTIMATED PROGRAM FUNDING, ESTIMATE OF TOTAL BUDGET FOR: --
APPENDIX IV

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

PROGRAM BUDGET

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Each individual campus is responsible for Training and Reporting under this program and will make resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program and to comply with standards.

ACCIDENT REPORTING PROCEDURES -- APPENDIX V

Depending upon the number of FTE's at each individual campus, one of the following procedures will be followed or modified as required to ensure proper reporting in accordance with this program.

(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 record keeper 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.

(or)

(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 record keeper 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 record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

(or)

(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 record keeper 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 record keeper 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 record keeper.

(or)

(250 - Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers' Compensation Form 6A or OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: The specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.