

THE UNIVERSITY OF TENNESSEE SYSTEM

SAFETY AND HEALTH PLAN FOR EMPLOYEES



Effective Date: May 2005

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SAFETY AND HEALTH PLAN FOR EMPLOYEES**

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Revised May, 2005

I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Safety and Health Program for the employees of The University of Tennessee.

The University of Tennessee, in electing to establish and maintain an effective safety and health program for its employees, will:

- A. Provide a safe and healthy workplace environment.
- B. Require the use of safety equipment, engineering controls, safe practices, personal protective equipment and other devices where necessary to protect employees.
- C. Make, keep, preserve, and make available, upon request, adequate records of all accidents, illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- D. Consult, as needed, with the public official(s) or designated representative(s) with regard to the adequacy of the form and content of such records.
- E. Consult, as needed, with the appropriate public official(s) 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.
- F. Monitor university activities to determine program effectiveness and compliance with safety and health standards.
- G. Produce an annual report containing information on accidents, injuries, illnesses, accomplishments and progress made toward achieving the goals of the safety and health program. This report will be provided to university administrators and to the Commissioner of Labor and Workforce Development.
- H. Provide reasonable opportunity for and encourage the participation of employees in achieving 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 plan, the following definitions apply:

- A. **ACT or TOSHAct:** the Tennessee Occupational Safety and Health Act of 1972.
- B. **COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT:** 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.
- C. **DIRECTOR OF SAFETY AND HEALTH or DIRECTOR:** the person designated by the President of The University of Tennessee to assist the employer in planning, developing and administering the University safety and health program.
- D. **EMPLOYEE:** any person performing services for The University of Tennessee and listed on the payroll of the University either as full-time, part-time, regular, term or student, excluding employees leased to other agencies or corporations, volunteers, independent contractors and their agents or employees.
- E. **EMPLOYER:** The University of Tennessee and includes each campus, institute, and unit of The University of Tennessee.
- F. **ESTABLISHMENT or WORK SITE:** a single physical location under the control of The University of Tennessee where business is conducted, services are provided, or industrial-type operations and/or research are performed.
- G. **INSPECTION:** an evaluation of an establishment, work site, or process using established standards as a reference. An example of an inspection would be the review of the characteristics of a building using regulations promulgated by OSHA, NFPA, EPA, etc., as the reference.
- H. **INSPECTOR(S):** the individual(s) appointed or designated by the Director of Safety and Health to conduct annual inspections. If no such inspector is appointed, inspections will be conducted by the Director of Safety and Health.
- I. **INVESTIGATION:** to observe or study by close examination or systematic inquiry. Investigations are generally initiated by occurrences such as a reported incident or accident, a safety-related concern, or a fatality.
- J. **PERSON:** one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.

- K. SAFETY OFFICER: the individual appointed or designated by the chancellor or vice president of each campus or institute to implement and monitor the safety and health program.
- L. STANDARD: 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. This act requires the adoption or use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment to provide safe and healthful conditions and places of employment. **This term shall also include all applicable federal, state and local regulations**

III. EMPLOYER RIGHTS AND RESPONSIBILITIES

Rights and responsibilities of the University include, but are not limited to the following. The University shall:

- A. Furnish employees with a place of employment free from recognized hazards that may cause or be likely to cause injury or harm to employees.
- B. 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. Support the Commissioner of Labor and Workforce Development in inspecting the employer's work sites and assisting the Commissioner in carrying out monitoring duties by supplying or by making available information or personnel necessary to conduct such monitoring effectively.
- D. Participate, as appropriate, in the development of standards by submitting comments on proposed standards, by participating in hearings on the proposed standards, or by requesting the development of standards on a given issue under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- E. Request, as appropriate, an order granting a variance from an occupational safety and health standard.
- F. Protect, as appropriate, the University's legally privileged communication.
- G. Inspect or monitor all work sites annually to ensure compliance with the provisions of this program.
- H. Notify and inform any employee who has been or is being exposed to harmful agents or materials in excess of the applicable standards and of corrective action being taken.

- I. Provide employees with information about their rights and duties under this program and take corrective actions necessary to ensure employee compliance with the University's safety and health program.
- J. Notify and inform employees of any application for a permanent or temporary order granting the university a variance from any provision of the TOSHAct or any standard or regulation under the Act.

IV. EMPLOYEE RIGHTS AND RESPONSIBILITIES

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

- A. 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 their own actions and conduct.
- B. Be notified of any application for a permanent or temporary order granting the university a variance from any provision of the TOSHAct or any standard or regulation under the Act.
- C. Have the right to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation under the Act.
- D. Have the right to file a petition with the Commissioner of Labor and Workforce Development if the employee is adversely affected by any standard or variance issued pursuant to the Act or this program.
- E. Be notified of any significant hazard(s) to which they are being or have been exposed. Employees also will be apprised of relevant symptoms, instructed on prevention of exposure, and informed of any corrective action taken.
- F. Have the right to request an inspection and consult with the Safety Officer, inspector and/or Director in accordance with the requirements of this safety and health plan.
- G. Have the right to bring to the attention of the Safety Officer or Director any violation or suspected violation of the standard(s) or any other health or safety hazards.
- H. Not be discharged or discriminated against for filing any complaint, initiating or causing any action, investigation or inspection under this safety and health plan.

- I. Have the right to file a complaint with Human Resources, the Safety Officer, and/or the Director alleging that he/she has been discriminated against or discharged in violation of subsection (H) of this section. The employee may also, within thirty (30) days after the alleged violation occurs, file a complaint with the Commissioner of Labor and Workforce Development.
- J. Report any incident, accident, injury, or illness resulting from the job to their supervisor or the Safety Officer.

V. ADMINISTRATION

- A. The chancellors and vice presidents of The University of Tennessee are responsible for the implementation of this safety and health plan within their respective areas. As such, each chancellor or vice president or their designee will:
 - 1. Designate a person as Safety Officer for the campus or institute.
 - 2. Review and respond to the recommendations of the Director on issues involving occupational safety and health of employees as included in this plan.
 - 3. Ensure that a reasonable effort is made to comply with abatement recommendation(s) issued in accordance with the provisions of this plan or request a review of the recommendation(s) with the Director within the abatement period.
 - 4. Ensure that periodic safety inspections are conducted in the areas within his/her responsibility in order to become aware of hazards or standards violations that may exist and to correct or address such hazards or violations within a reasonable period of time.
 - 5. Ensure that occupational accidents, injuries, or illnesses are reported, reviewed and investigated and that the findings and recommendations are forwarded to the Director as appropriate.
 - 6. Submit within thirty days (30) after the end of each fiscal year an annual report providing the status of his/her safety and health program to the University's Director of Safety and Health.
- B. The University of Tennessee's designated Director of Safety and Health is charged with coordination and evaluation of tasks necessary to administer The University of Tennessee's Safety and Health Plan. As such the Director will:
 - 1. Designate a person or persons as deemed necessary to carry out the duties and responsibilities under this plan.

2. Delegate the responsibility of conducting inspections to a qualified individual, or individuals, to include that TOSHA-acceptable procedures are followed.
3. Coordinate, to the extent possible, safety-related activities of The University of Tennessee to promote efficiency and effectiveness under the plan.
4. Request as needed, qualified technical assistance from any department or section of government to assist in making compliance inspections, accident investigations, and/or other activities necessary to carry out specific duties under this plan.
5. Consolidate the annual report information into one report and submit the report to the President of The University of Tennessee. The report will be approved by the President of The University of Tennessee and submitted to the Commissioner of Labor and Workforce Development no later than sixty days (60) following the end of the fiscal year. A copy of the consolidated final report will be made available on request. The report will:
 - a. Summarize the status of the University's compliance with the standards and regulations. For work sites that do not comply, officials will detail the reason for noncompliance and offer an abatement plan.
 - b. Provide a summary of safety and health activities during the past year and note unusual problems relating to safety and health within the University.
 - c. Advise the President of The University of Tennessee of any safety and health hazard(s) which cannot be abated because:
 - (1) Adequate financial resources are not available.
 - (2) Technical impediments deter or prolong solutions.
 - (3) Administrative reasons outside the jurisdiction of the institution prevent abatement.
 - d. Include information on all reportable accidents and injuries on forms provided or approved by the Department of Labor and Workforce Development.
 - e. Provide institutional plans for the next fiscal year to improve safety and health conditions.

6. Initiate periodic and follow-up inspections or monitoring of University of Tennessee establishments and/or work sites; make recommendations to correct any hazard(s) or exposure(s) observed; initiate any investigation(s) required by complaints/concerns submitted by employees or investigations requested by employees.
7. Assist official(s) of The University of Tennessee in the investigation of occupational accidents or illnesses as requested.
8. Maintain or cause to be maintained the records required under Section VI (6) of this plan.
9. Ensure that the Commissioner of Labor and Workforce Development is notified within 8 hours of any fatality or any accident that results in the hospitalization of three or more employees.

VI. RECORDKEEPING AND REPORTING

- A. Recording and reporting of occupational accidents, injuries, and illnesses will be in accordance with instructions and on forms prescribed in the publication, *RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970* (Revised 1986) or as prescribed by the Tennessee Department of Labor and Workforce Development.
- B. The Safety Officer or designee will ensure records are kept in accordance with this plan.
- C. Details for reporting occupational accidents, injuries, and illnesses are specified in the University's Personnel Policy and Procedure #397, Workers' Compensation.

VII. EMPLOYEE CONCERNS

- A. Each campus or institute will implement procedures for employees to submit complaints concerning conditions or practices which may be injurious to the employee's safety and health.
- B. Employees are entitled to review any University of Tennessee safety and health report and to comment or question any portion of the report.

VIII. EDUCATION AND TRAINING

The University of Tennessee is committed to continuing education and career development in the Safety and Health field. To that end, The University of Tennessee supports the following concepts:

- A. Efforts will be made for the Director and/or Safety Officer to attend training seminars, workshops, etc., conducted by The University of Tennessee, the State of Tennessee or other organizations.
- B. Necessary reference materials, manuals, equipment, etc. will be furnished by the University, as resources allow.
- C. Each campus and institute will review their safety and health training needs and develop a training program that will instruct employees in relevant topics as required by job function.

IX. GENERAL INSPECTION PROCEDURES

It is the intention of The University of Tennessee to have a safety and health program that will protect the welfare of the employees.

The primary inspection program will be conducted at the campus and institute level by the Safety Officer. The frequency of work site inspections will be established based upon the nature of operations conducted at each work site. Those involving the greatest potential hazard shall receive greatest emphasis. The Safety Officer or designee is responsible for annually inspecting all campus and institute work sites. Department heads are responsible for the safety and health of their department personnel and for conducting periodic inspections of their work sites.

At least annually, the University's Director or designee shall review the campus or institute inspection program and inspect selected work sites to evaluate the effectiveness of the program. These inspections may be supplemented with consultations as necessary to insure the effectiveness of the inspection program and to obtain technical advice on unusual safety problems.

TOSHA may choose to inspect any University of Tennessee establishment or work site. Should that occur, the Safety Officer will assist as appropriate.