

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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2. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
3. INFECTIOUS DISEASE CONTROL POLICY.

CHAPTER 1

PERSONNEL¹

SECTION

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4-101. Table of organization. The board may establish, amend, or repeal a table of organization by resolution and shall keep a current table on file in the office of the recorder at all times.

4-102. Personnel policies. All policies, procedures, rules, and regulations regarding employees within the system shall be reduced to writing. These personnel policies shall establish specific procedures for the administration and maintenance of the personnel system of the city. Such written statements of policy shall set out all pertinent information concerning working hours, attendance, holidays, leaves of absence, vacations, residency requirements, minimum age requirements, maximum age requirements, programs available to employees, and all other information which properly may be the subject of such statement of policy. These policies shall be adopted by resolution of the board of mayor and aldermen and shall be changed from time to time by said board by resolution. These policies may be set forth in a personnel policy handbook, and can provide for the delegation of certain authority by the board of mayor and aldermen to the city administrator in the

¹Charter references: §§ 7, 8, and 13.

carrying out of the functions set forth in said policies, including the hiring, suspension and dismissal of personnel. (1988 Code, § 1-702)

4-103. Conduct of officers and employees—contracting with city.

(1) It shall be unlawful for any person holding office under the city, during the time for which he is elected or appointed, to contract with the city for the performance of any work or service which is to be paid for out of the city treasury; or to hold or have any interest in such contract, either by himself or by another, directly or indirectly.

(2) Every officer or employee of the city who shall be concerned in making such contracts, or who shall pay money upon the same to or for any person, prohibited by this section, shall forfeit the amount so paid; and they shall be jointly and severally liable to any action for the same, which action may be prosecuted by any citizen of the city in its name.

(3) It shall be unlawful for any officer or employee, whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or contract in which the city shall or may be interested, to be directly or indirectly interested in such contract.

(4) Should any person acting as such officer or employee, be or become directly or indirectly interested in such contract, he shall forfeit all pay and compensation therefor.

(5) For a violation of this section such officer or employee shall be dismissed from the office or position he then occupies and be ineligible for the same, or similar position, for ten (10) years.

(6) It shall be unlawful to appoint any member of the board of mayor and aldermen, or any officer thereof, to any position or place of honor, profit or trust within the gift or bestowal of the board, or employ any member or officer thereof, either as laborer, foreman, or agent, or attorney for, or in behalf of the city or board. (1988 Code, § 1-703)

4-104. Holding other office or employment. (1) Any employee of the city, drawing a salary from the city, or any of its departments, is hereby prohibited from holding any other public office of any character whatsoever, and is further prohibited from seeking any other employment while holding said employment under the city, unless said employee of the city or any of its departments applies, through the city administrator of the city for permission to seek and hold outside employment, which application must be approved by the department head under whose supervision said employee works, it being the intention of this section to assure that all employees of the city, drawing a salary from the city, devote adequate time to the duties of their employment to which appointed or employed, and not engage in outside employment in any manner whatsoever which might interfere with said city employment, or create a conflict of interest between said city employment and outside employment.

(2) All employees of the City of Tullahoma currently engaged in outside employment as of the date of enactment of this section shall be deemed to have complied with the provisions hereof and said outside employment is hereby approved.

(3) Any employee aggrieved by the decision of the city administrator or the department head regarding said employee's application for outside employment may appeal said decision through the grievance procedures as are more fully outlined in the personnel policies of the City of Tullahoma, Tennessee, according to the provisions set forth therein for grievances in general. (1988 Code, § 1-704, modified)

4-105. Nepotism. It shall be unlawful for the mayor, chairman of any committee, or board of education or member thereof, to employ any person in any capacity to which there is a salary or compensation affixed, if related thereto by affinity or consanguinity nearer than third cousin, except by unanimous consent, and any such offense shall subject the offender to dismissal from the office by the board of mayor and aldermen. (1988 Code, § 1-705)

4-106. Representing others in city court. It shall be unlawful for the mayor or any member of the board of mayor and alderman or any other officer or employee of the city to appear, plead or speak for or in any manner represent any person, other than the city, upon any charge of any kind or character whatever brought before the city court. Nothing contained herein shall preclude or abridge the right of the city or any accused to subpoena the mayor, aldermen, officers or employees as witnesses. (1988 Code, § 1-706)

4-107. Withholding from salaries and wages. Withholding from salaries or wages for social security, insurance and other purposes as directed by the board of mayor and aldermen shall be the duty of the director of finance, and there shall be appropriated from available revenues such amounts as may be required for the employer's contributions for such programs that now exist or may be hereafter adopted and approved by the board of mayor and aldermen. (1988 Code, § 1-707, as amended by Ord. #1391, Oct. 2009)

4-108. Elected officials not to politic with employees. It shall be unlawful for any elected officials of the City of Tullahoma, including members of the board of mayor and aldermen, to contact, coerce, urge or encourage any paid city employees of the City of Tullahoma, Tennessee, to participate in any manner in any political campaign relative to the election of officers of the City of Tullahoma, including but not limited to the signing of qualifying petitions, making of political contributions in money or services and any and all other such activity. For violation of this provision, such official shall be dismissed from the office or position he then occupies and be ineligible for the same, or similar

position, for ten (10) years, upon a finding of such a violation by a court of competent jurisdiction. (1988 Code, § 1-708)

4-109. Drug and alcohol testing policy. All policies, procedures, rules, and regulations regarding drug and alcohol testing shall be reduced to writing, and shall be entitled "Drug and Alcohol Testing Policy." These regulations or policies shall establish specific procedures for drug and alcohol testing for the employees of the City of Tullahoma, Tennessee. The initial policy shall be enacted by a simple motion of the board of mayor and aldermen. Henceforth, said policy may be amended, items may be deleted therefrom, and provisions may be added thereto by resolution of the board of mayor and aldermen from time to time, adopted by a simple majority. (1988 Code, § 1-709)

CHAPTER 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

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4-201. Purpose and coverage. The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the City of Tullahoma.

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

The City of Tullahoma in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees:

- (1) Provide a safe and healthful place and condition of employment.
- (2) Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- (3) 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 safety 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.
- (4) 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.

(5) 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.

(6) Assist the commissioner of labor and workforce development or his monitoring activities to determine program plan effectiveness and compliance with the occupational safety and health standards.

(7) 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 plan.

(8) Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions of practices which may be injurious to employees safety and health. (1988 Code, § 1-801, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-202. Definitions. For the purposes of this program plan, the following definitions apply:

(1) "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.

(2) "Employer" means the City of Tullahoma and includes each administrative department board, commission, division, or other agency of the City of Tullahoma.

(3) "Safety director of occupational health" or "safety 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 plan for the employees of the City of Tullahoma.

(4) "Inspector(s)" means the individual(s) appointed or designated by the safety 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 safety director of occupational safety and health.

(5) "Appointing authority" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom a specific department, board, commission, division, or other agency of this employer.

(6) "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.

(7) "Person" means one (1) or more individuals, participants, associations, corporations, business trusts, or legal representatives of any organized group of persons.

(8) "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 of the use of one (1) 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.

(9) "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.

(10) "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.

(11) "Serious injury" or "harm" means that type of harm that would cause permanent or prolonged impairment of the body in that:

(a) 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

(b) 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).

(c) 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.

(12) "Act" or "TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.

(13) "Governing body" means the Board of Aldermen of the City of Tullahoma, Tennessee.

(14) "Chief executive officer" means the chief administrative official, county judge, county chairman, county mayor, mayor, city manager, general manager, etc., as may be applicable. (1988 Code, § 1-802, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-203. Employer rights and duties. Rights and duties of the employer shall include, but are not limited the following provisions:

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

(2) 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.

(3) 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.

(4) 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.

(5) Employer is entitled to request an order granting a variance from an occupational safety and health standard.

(6) Employer is entitled to protection of its legally privileged communication.

(7) Employer shall inspect all worksites to insure the provisions of this program plan are complied with and carried out.

(8) 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.

(9) Employer shall notify all employees of their rights and duties under this program plan. (1988 Code, § 1-803, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-204. Employees rights and duties. Rights and duties of employees shall include, but are not limited to, the following provisions:

(1) Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to the program plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

(2) 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 TOSH Act or any standard or regulation promulgated under the Act.

(3) 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.

(4) Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program plan 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.

(5) 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.

(6) Subject to regulations issued pursuant to this program plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the safety director or inspector at the time of the physical inspection of the worksite.

(7) Any employee may bring to the attention of the safety director any violation or suspected violations of the standards or any other health or safety hazards.

(8) 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 plan.

(9) Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (8) of this section may file a complaint alleging such discrimination with the safety 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.

(10) Nothing in this or any other provisions of this program plan 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.

(11) Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the safety director within twenty-four (24) hours after the occurrence. (1988 Code, § 1-804, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-205. Administration. (1) The safety 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 plan.

(a) The safety director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program plan.

(b) The safety director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the safety director.

(c) The safety 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 plan.

(d) The safety 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 plan.

(e) The safety director shall prepare the report to the commissioner of labor and workforce development required by subsection (1)(g) of this section.

(f) The safety 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.

(g) The safety director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.

(h) The safety director shall maintain or cause to be maintained records required under section § 4-208 of this chapter.

(i) The safety director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three (3) or more employees insure that the commissioner of labor and workforce development receives notification of the occurrence within eight (8) hours.

(2) 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 plan within their respective areas.

(a) The administrative or operational head shall follow the directions of the safety director on all issues involving occupational safety and health of employees as set forth in this plan.

(b) 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 safety director within the abatement period.

(c) 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.

(d) 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 safety director along with his findings and/or recommendations in accordance with Appendix IV of this plan. (1988 Code, § 1-805, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-206. Standards authorized. The standards adopted under the program plan are the applicable standards developed and promulgated under section VI(5) of the Tennessee Occupational Safety and Health Act of 1972. 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. Note: 29 C.F.R. 1910 General Industry Regulations; 29 C.F.R. 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Chapter 0800-01-11 are the standards and rules invoked. (1988 Code, § 1-806, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-207. Variance procedure. The safety 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 safety 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:

(1) The application for a variance shall be prepared in writing and shall contain:

(a) A specification of the standard or portion thereof from which the variance is sought.

(b) 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.

(c) A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

(d) 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.

(e) 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 place 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.

(2) The application for a variance should be sent to the commissioner of labor and workforce development by registered or certified mail.

(3) 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:

(a) 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 plan for coming into compliance with the standard as quickly as possible.

(b) The employee is engaged in an experimental program plan as described in subsection (b), section 13 of the Act.

(4) A variance may be granted for a period of no longer than is required to achieve compliance of one (1) year, whichever is shorter.

(5) 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.

(6) 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 (1)(e) of this section). (1988 Code, § 1-807, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-208. Recordkeeping and reporting. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed at www.osha.gov or as prescribed by the Tennessee Department of Labor and Workforce Development. (1988 Code, § 1-808, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-209. 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 safety director of occupational safety and health.

(1) 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 § 4-201(8)).

(2) Upon receipt of the normal complaint letter, the safety 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 safety 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.

(3) 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.

(4) 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.

(5) 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 safety director and the chief executive officer or the representative of the governing body.

(6) Copies of all complaint and answers thereto will be filed by the safety director who shall make them available to the commissioner of labor and workforce development or his designated representative upon request. (1988 Code, § 1-809, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-210. Education and training. (1) Safety director and/or compliance inspector(s):

(a) Arrangements will be made for the safety director and/or compliance inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of seminars can be obtained.

(b) Access will be made to reference materials such as 29 C.F.R. 1910 General Industry Regulations; 29 C.F.R. 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/ supplies deemed necessary for use in conducting compliance inspections, conducting local training, writing technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

(2) All employees (including supervisory personnel). A suitable safety and health training program for employees will be established. This program will, as a minimum:

(a) 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.

(b) Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.

(c) Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.

(d) Instruct all employees of the common deadly hazards and how to avoid them, such as falls, equipment turnover, electrocution, struck by/caught in, trench cave in, heat stress and drowning.

(e) Instruct employees on hazards and dangers of confined or enclosed spaces.

(i) Confined or enclosed space means 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. (1988 Code, § 1-810, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-211. General inspection procedures. It is the intention of the governing body and responsible officials to have an occupational safety and health program plan 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.

(1) In order to carry out the purpose of this chapter, the safety director and/or compliance inspector(s), if appointed, is authorized:

(a) 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;

(b) 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.

(2) If an imminent danger situation is found, alleged, or otherwise brought to the attention of the safety director or inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with § 4-212 of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

(3) 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 safety director or inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

(4) The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

(5) The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.

(6) Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.

(7) Advance notice of inspections. (a) 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.

(b) There may be occasions when advance notice of inspection 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 this inspection.

(8) The safety 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:

(a) Inspections conducted by supervisors or other personnel are at least as effective as those made by the safety director.

(b) Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the safety director.

(9) The safety 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. Those inspection records shall be subject to review by the commissioner of labor and workforce development or his authorized representative. (1988 Code, § 1-811, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-212. Imminent danger procedures. (1) Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

(a) The safety 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.

(b) If the alleged imminent danger situation is determined to have merit by the safety director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

(c) As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the safety 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.

(d) 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 safety director or compliance inspector and to the mutual satisfaction of all parties involved.

(e) 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.

(f) A written report shall be made by or to the safety director describing in detail the imminent danger and its abatement. This report will be maintained by the safety director in accordance with § 4-211(9) of this plan.

(2) Refusal to abate. (a) Any refusal to abate an imminent danger situation shall be reported to the safety director and chief executive officer immediately.

(b) The safety director and/or chief executive officer shall take whatever action may be necessary to achieve abatement. (1988 Code, § 1-812, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-213. Abatement orders and hearings. (1) Whenever, as a result of an inspection or investigation, the safety 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 safety director shall:

(a) Issue an abatement order to the head of the worksite.

(b) Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

(2) Abatement orders shall contain the following information:

(a) The standard, rule, or regulation which was found to be violated.

(b) A description of the nature and location of the violation.

(c) A description of what is required to abate or correct the violation.

(d) A reasonable period of time during which the violation must be abated or corrected.

(3) At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the safety director in writing of any objections to the terms and conditions of the order. Upon receipt of such

objections, the safety 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 safety 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. (1988 Code, § 1-813, as replaced by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-214. Penalties. (1) 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 plan.

(2) 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 (1) of the following ways as appropriate and warranted:

- (a) Oral reprimand;
- (b) Written reprimand;
- (c) Suspension for three (3) or more working days;
- (d) Termination of employment. (as added by Ord. #1272, sept.

2003)

4-215. Confidentiality of privileged information. All information obtained by or reported to the safety director pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this occupational safety and health program plan 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 plan or when relevant in any proceeding under the program plan. 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. (as added by Ord. #1272, Sept. 2003, and Ord. #1435, April 2013)

4-216. Discrimination investigation and sanctions. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Discrimination Against Employees Exercising Rights Under the Occupational Safety and Health Act of 1972 0800-01-08, as authorized by Tennessee Code Annotated, title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tennessee Code Annotated, § 50-3-409 can file a complaint with their agency/safety director within thirty (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 thirty (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. (as added by Ord. #1272, Sept. 2003, and replaced by Ord. #1435, April 2013)

4-217. Compliance with other laws not excused. (1) Compliance with other law, statute, ordinance, or executive order, 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 plan.

(2) Compliance with any provisions of this program plan or any standard, rule, regulation, or order issued pursuant to this program plan 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. (as added by Ord. #1272, sept. 2003, and replaced by Ord. #1435, April 2013, and Ord. #1435, April 2013)

4-281. Appendices. (1) Notice to all employees of the City of Tullahoma. The Tennessee Occupational Safety and Health Act of 1972 provide 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 plan 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 plan may file a petition with the safety director or city administrator.

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 plan, 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 plan.

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 safety director or city administrator 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 plan for the employees of the City of Tullahoma is available for inspection by any employee at city hall during regular office hours.

(2) Statement of financial resource availability. The City of Tullahoma has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff the occupational safety and health program plan and to comply with standards.

(3) Accident response procedures. (a) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the safety 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.

(b) All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the safety 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 safety director, if needed) and will complete a written report on the accident or illness and forward it to the safety 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.

(c) Since 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 at a minimum:

- (i) Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
- (ii) Name, home address, age, sex, and occupation (regular job title) of injured or ill employee.
- (iii) Title of the department or division in which the injured or ill employee is normally employed.
- (iv) Specific description of what the employee was doing when injured.
- (v) Specific description of how the accident occurred.
- (vi) A description of the injury or illness in detail and the part of the body affected.
- (vii) Name of the object or substance which directly injured the employee.
- (viii) Date and time of injury or diagnosis of illness.
- (ix) Name and address of physician, if applicable.
- (x) If employee was hospitalized, name and address of hospital.
- (xi) Date of report. (as added by Ord. #1435, April 2013)

CHAPTER 3**INFECTIOUS DISEASE CONTROL POLICY****SECTION**

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4-301. Purpose. It is the responsibility of the City of Tullahoma to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Tullahoma, employees may come in contact with life-threatening infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB). (1988 Code, Appendix G)

4-302. Coverage. Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

- (1) Police and security personnel;

- (2) Firefighters;
- (3) Sanitation workers; and
- (4) Any other employee deemed to be at high risk per this policy and an exposure determination. (1988 Code, Appendix G)

4-303. Administration. This infection control policy shall be administered by the city administrator or his/her designated representative who shall have the following duties and responsibilities:

- (1) Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this chapter, other ordinances, the city charter, and federal and state law relating to OSHA regulations;
- (2) Make an exposure determination for all employee positions to determine a possible exposure to blood and body fluids;
- (3) Maintain records of all employees and incidents subject to the provisions of this chapter;
- (4) Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- (5) Coordinate and document all relevant training activities in support of the infection control policy;
- (6) Prepare and recommend to the board of mayor and aldermen any amendments or changes to the infection control policy;
- (7) Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills; and
- (8) Perform such other duties and exercise such other authority as may be prescribed by the board of mayor and aldermen. (1988 Code, Appendix G)

4-304. Definitions. (1) "Body fluids" - fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.

(2) "Exposure" - the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.

(3) "Hepatitis B Virus (HBV)" - a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.

(4) "Human Immunodeficiency Virus (HIV)" - the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through

sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.

(5) "Tuberculosis (TB)" - an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.

(6) "Universal precautions" - refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected. (1988 Code, Appendix G)

4-305. Policy statement. All blood and body fluids are infectious for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomitus unless these substances contain visible blood. (1988 Code, Appendix G)

4-306. General guidelines. General guidelines which shall be used by everyone include:

(1) Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.

(2) Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.

(3) Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash immediately and thoroughly with hot running water and soap for a full minute before rinsing and drying. This procedure should include rubbing vigorously after applying soap creating friction to remove surface bacteria for a minimum of ten (10) seconds. Hands and forearms shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or handwashing facilities are not available, use a waterless antiseptic hand cleaner according to the manufacturer's recommendation for the product.

(4) All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp objects. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. In the event that they must be used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use or handle area.

(5) The city will provide gloves of appropriate material and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:

- (a) While handling an individual where exposure is possible;
- (b) While cleaning or handling contaminated items or equipment;
- (c) While cleaning up an area that has been contaminated with one of the above;

(i) Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

(ii) Disposable gloves should be removed inside out with the contaminated side not exposed. The hands and forearms should then be washed.

(6) Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented.) However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel to provide or potentially provide emergency treatment.

(7) Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.

(8) Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.

(9) Areas and equipment contaminated with blood shall be cleaned as soon as possible. A solution of 5.25% sodium hypochlorite (household chlorine bleach) diluted to 1 part chlorine to 10 parts water shall be applied to the contaminated surface as a disinfectant leaving it on for at least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective. It shall

be the responsibility of the immediate supervisor, fire department or police department shift commander to ensure that this procedure is performed in a timely manner as approved.

(10) Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120° are adequate for decontamination. Contaminated uniforms should be placed in a clearly marked "BIOHAZARD" plastic bag and stored immediately in an area of the city facility marked with the signal word "BIOHAZARD". The city infectious disease control coordinator should be notified immediately to arrange for proper handling of the contaminated material(s).

(11) Place all disposable equipment (gloves, masks, gowns, etc...) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated "hazardous" dumpster. NOTE: Sharp objects must be placed in an impervious container for proper disposal.

(12) Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

(a) Tags shall contain a signal word and a major message. The signal word shall be "BIOHAZARD", or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.

(b) The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.

(c) All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(13) Linen, clothing or fabrics soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the material.

(a) All soiled fabric shall be bagged at the location where it was used or confiscated. It shall not be sorted or rinsed in the area. Soiled materials shall be placed and transported in bags that prevent leakage.

(b) The employee(s) responsible for transported soiled linen, clothing or fabrics should always wear protective gloves to prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

(14) Whenever possible, disposable equipment shall be used to minimize and contain clean-up. (1988 Code, Appendix G)

4-307. Specific guidelines for fire and police personnel. (1) Fire department personnel. These guidelines apply to all fire department personnel including full time and volunteer structural fire fighters. Fire department personnel are engaged in the delivery and assistance of emergency medical care in the pre-ambulance, pre-hospital setting. The following guidelines are intended to assist these personnel in making decisions concerning use of personal protective equipment and resuscitation equipment, as well as for decontamination, disinfection and disposal procedures.

(a) Appropriate personal protective equipment shall be made available routinely by the city to reduce the risk of exposure as defined above. For many instances, the chance that the rescuer will be exposed to blood and other body fluids can be determined in advance. Therefore, if the chances of being exposed to blood is high (e.g. CPR, trauma, delivering babies, etc...), the employee shall put on protective attire before beginning patient care.

(b) Disposable gloves shall be a standard component of emergency response equipment, and shall be donned by all personnel prior to initiating any emergency patient care tasks involving exposure to blood or other body fluids and extra pairs shall always be available on the department vehicles.

(i) For situations where large amounts of blood are likely to be encountered, it is important that gloves fit tightly at the wrist to prevent blood contamination of hands around the cuff.

(ii) For multiple trauma victims, gloves should be changed between patient contacts, if the emergency situation allows.

(iii) Greater personal protective equipment measures are indicated for situations where broken glass and sharp edges are likely to be encountered, such as extricating a person from an automobile wreck. Structural fire fighting gloves that meet Federal OSHA requirements for fire fighters' gloves shall be worn in any situation where sharp or rough surfaces are likely to be encountered.

(iv) While wearing gloves, avoid handling personal items, such as combs and pens that could become soiled or contaminated.

(A) Gloves that have become contaminated with blood or other body fluids should be removed as soon as possible, taking care to avoid skin contact with the exterior surface.

(B) Contaminated gloves shall be placed and transported in clearly marked "BIOHAZARD" bags to prevent leakage and shall be disposed of by placing in a designated "hazardous" dumpster. "BIOHAZARD" bags

shall be a standard component of emergency response vehicles.

(C) Reusable gloves shall be cleaned and disinfected immediately.

(c) Masks, eyewear and other protective gear shall be present on all emergency vehicles that respond or potentially respond to medical emergencies or victim rescues.

(i) Protective barriers shall be used in accordance with the level of exposure encountered.

(ii) Minor lacerations or small amounts of blood do not merit the same extent of barrier use as required for exsanguinating victims or massive arterial bleeding.

(iii) Management of the patient who is not bleeding, and who has no bloody body fluids present, should not routinely require use of barrier precautions.

(iv) Masks and eyewear shall be worn together, or a face mask shall be used by all personnel prior to any situation where splashes of blood or other body fluids are likely to occur. Gowns or aprons shall be worn to protect clothing from splashes with blood when possible. If large splashes or quantities of blood are present or anticipated, impervious gowns or aprons shall be worn. An extra change of work clothing should be available at all times.

(v) Contaminated clothing should be placed in a clearly marked "BIOHAZARD" plastic bag as soon as possible and stored in an area of the fire hall marked with the signal word "BIOHAZARD". The city infectious disease control coordinator should be immediately notified to proceed with the procurement of proper professional cleaning services or disposal.

(d) Disposable resuscitation equipment and devices shall be used once and disposed of or, if reusable, thoroughly cleaned and disinfected after each use.

(i) Resuscitators shall be available on all emergency vehicles and to all trained fire department personnel who respond or potentially respond to medical emergencies or victim rescues.

(ii) Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with victims' blood and blood contaminated saliva, respiratory secretions, and vomitus shall be provided to all fire department personnel who provide or potentially provide emergency treatment.

(2) Police department personnel. Law enforcement officers and public service officers may face the risk of exposure to blood during the conduct of their duties. There is an extremely diverse range of potential situations which may occur in the control of persons with unpredictable, violent, or psychotic behaviors. Therefore, informed judgment of the individual officer is paramount

when unusual circumstances or events arise. And, in order to minimize potential exposure to communicable disease, officers must assume that all persons are potential carriers of a communicable disease.

The following guidelines are intended to serve as an adjunct to rational decision making in those situations where specific guidelines do not exist, particularly where immediate action is required to preserve life or prevent significant injury.

(a) Law enforcement personnel are exposed to a range of assaultive and disruptive behavior through which they may potentially become exposed to blood or other body fluids containing blood.

(i) Behaviors of particular concern are biting, attacks resulting in blood exposure, and attacks with sharp objects. Such behavior may occur in a range of law enforcement situations including arrest, routine interrogations, domestic disputes and lockup operations.

(ii) Hand-to-hand combat may result in bleeding and thus incur a greater chance for blood-to-blood exposure. In all cases, extreme caution must be used in dealing with suspects if there is any indication of assaultive or combative behavior.

(iii) When blood is present and a suspect is combative or threatening to staff, gloves should always be put on as soon as conditions permit. In case of blood contamination of clothing, an extra change of clothing should be available at all times.

(b) Law enforcement personnel should be concerned about infection through the administration of cardiopulmonary resuscitation. Protective masks or airways shall be issued to officers and officers shall be provided with the proper training in their use.

(c) An officer should use great caution in searching the clothing of suspects. Individual discretion, based on the circumstances at hand should determine if a suspect or prisoner should empty his/her pockets by pulling the pocket inside-out or if the officer should use his/her own skills in determining the contents of a suspect's clothing. When a search is warranted the following guidelines shall be used:

(i) A safe distance should always be maintained between the officer and the suspect.

(ii) Protective gloves should be worn if exposure to blood is likely to be encountered. Disposable latex gloves shall be worn when handling any person, clothing or equipment with bloody fluids on them or when an officer anticipates becoming involved in assaultive behavior through which he/she may potentially become exposed to blood or body fluids containing blood.

(iii) Gloves should not be reused, and a new pair should be put on before handling a different person or touching uncontaminated items.

(iv) Protective gloves should be used for all body cavity searches.

(d) If cotton gloves are to be worn when working with evidence of potential latent fingerprints value at the crime scene, they can be worn over protective disposable gloves when exposure to blood may occur.

(e) All sharp instruments such as knives, scalpels, broken glass and needles shall be handled with extraordinary care and shall be considered to be contaminated items.

(i) Needles shall not be recapped, bent, broken, removed from a disposable syringe or, otherwise manipulated.

(A) Needles or similar items or sharp edged instruments shall be placed in puncture-resistant, non-porous containers when being collected for evidence or disposal purposes.

(B) All containers used for disposal of sharp instruments shall be marked accordingly, to show contents.

(ii) Leather gloves shall be worn when searching for or handling sharp instruments.

(iii) Officers shall not place their hands in areas where sharp instruments might be hidden.

(A) An initial visual search of the area should be conducted, using a flashlight.

(B) Whenever possible, use long-handled mirrors and flashlights to search under car seats.

(iv) If searching a purse, carefully empty contents directly from the purse by turning it upside down onto a flat surface.

(f) Officers shall not smoke, eat, drink, handle contact lenses, apply makeup or lip balm around body fluid spills or in designated work areas where there is a reasonable likelihood of occupational exposure to contaminated clothing or other materials, or when wearing gloves.

(g) Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on a counter top or bench where blood or other potentially infectious material is present.

(h) Use puncture-proof containers to store sharp instruments and clearly marked "BIOHAZARD" plastic bags to store other possibly contaminated items.

(i) Masks, protective eye goggles and protective disposable coveralls shall be worn where body fluids may be splashed on the officer, or where airborne contamination of a communicable disease is anticipated.

(j) Any evidence contaminated with body fluids shall first be air dried, then double bagged in plastic and marked to identify suspected or known communicable disease containment. Stapling of evidence bags should be avoided.

(k) Department issued tongs shall be utilized in gathering evidence.

(l) Non-disposable items such as handcuffs, etc., should be disinfected with either bleach solution, rubbing alcohol or commercial, disinfectant. Contaminated shoes and boots, including soles, should also be disinfected with approved disinfectant or placed in a clearly marked "BIOHAZARD" bag for proper disposal.

(3) Detectives, investigators, and crime scene guidelines. Detectives, officers and investigators may confront unusual hazards, especially when the crime scene involves violent behavior such as a homicide where large amounts of blood are present. The following guidelines shall be followed:

(a) Protective gloves shall be available and worn in this setting.

(i) While wearing gloves, avoid handling personal items such as combs and pens that may become soiled or contaminated.

(ii) Do not smoke, handle food or drink, or apply lip balm or makeup while wearing gloves which may have been contaminated.

(b) For large spills, consideration should be given to other protective clothing such as overalls, aprons, boots, or protective shoe covers. They should be changed if torn or soiled, and always removed prior to leaving the scene.

(c) Face masks and eye protection or a face shield are required for all department personnel whose jobs entail potential exposure to blood via a splash to the face, mouth, nose or eyes. Airborne particles of dried blood may be generated when a stain is scraped.

(d) While processing the crime scene, personnel should be alert for the presence of sharp objects such as hypodermic needles, knives, razors, broken glass, nails or other sharp objects.

(e) For detectives and other department personnel who may have to touch or remove a body, the response should be the same as for situations requiring CPR or first aid;

(i) Wear gloves and cover all cuts and abrasions to create a barrier and carefully wash all exposed areas after any contact with blood.

(ii) The precautions to be used with blood and deceased persons should also be used when handling amputated limbs, hands or other body parts.

(f) Protective masks and eyewear, laboratory coats, gloves and waterproof aprons should be worn when attending all autopsies. All autopsy materials should be considered infectious for both HIV and HBV.

Onlookers with an opportunity for exposure to blood splashes should be similarly protected.

(4) Police department transportation and custody. (a) Where appropriate protective equipment is available, no officer shall refuse to interview, assist, arrest or otherwise physically handle any person who may have a communicable disease. Should an officer encounter a circumstance where appropriate equipment is not available, the officer shall immediately contact his or her supervisor and request assistance.

(b) Officers shall not put their fingers in or near the mouth of any conscious person. Officers utilizing protective gloves can, if need be, insert their finger into the mouth of an unconscious person in an attempt to clear a blocked airway. This action should be performed in accordance with prescribed foreign body airway obstruction procedures.

(c) Individuals with body fluids on their persons shall be transported in separate vehicles from other individuals.

(d) During a transfer of custody, officers have an obligation to notify, in a discrete manner, relevant support personnel that the suspect/victim has body fluids present on his or her person or has stated that he/she has a communicable disease. Reasonable care should be taken that the information is not transmitted to the general public or to those who have no need for that information.

(e) Suspects taken into custody with body fluids on their persons, and not in need of medical attention, shall be directly placed in the designated holding area for processing. The holding area shall be posted with an "Isolated Area-Do Not Enter" sign.

(i) The shift commander shall be immediately advised of the suspect's status.

(ii) Officers shall document in the narrative section of the arrest report that a suspect taken into custody has body fluids on his or her person or has stated that he/she has a communicable disease.

(iii) All officers entering an isolated area shall be equipped with protective gear that is dictated by the circumstance.

(iv) The suspect, his or her contaminated clothing, and the holding area shall be controlled and/or disinfected in accordance with established exposure control policy guidelines.

(f) Officers may not smoke, eat, drink, or apply makeup while transporting blood, individuals or materials contaminated with body fluids.

(g) Disinfection procedures shall be initiated as per this policy whenever body fluids are spilled in or when an individual with body fluids on his or her person is transported in a municipal vehicle.

(i) The supervisor shall be notified and the vehicle shall be taken out of service.

(ii) A "Do Not Use--Possible Communicable Disease Contamination" sign shall be posted on the steering wheel of the vehicle.

(iii) The affected vehicle shall remain out of service until it has been disinfected by washing the contaminated areas with a commercial disinfectant approved by the infectious disease control coordinator.

(5) Line of duty exposures to communicable diseases-fire fighters and police officers.

(a) Any officer or fire fighter who has been bitten by a person, or who has physical contact with body fluids of another person while in the line of duty, shall be considered to have been exposed to a communicable disease.

(i) Reports of direct contact to communicable diseases shall be evaluated on the merits of the particular incident by departmental health care officials.

(b) The employee's immediate supervisor shall be contacted and the appropriated injury forms shall be completed.

(c) Immediately, or as soon as possible after exposure, the officer or fire fighter shall meet with the infectious disease control coordinator and his/ her supervisor and shall be referred or transported to the appropriate health care facility for clinical and serological testing for evidence of infection. The health care officials shall evaluate the test results, along with the circumstances surrounding the incident, and make a final determination as to the extent, if any, of exposure to a communicable disease.

(d) Any person responsible for potentially exposing the employee to a communicable disease shall be encouraged to undergo testing to determine whether the person has a communicable disease.

(e) Officers or fire fighters who test positive for a communicable disease may continue working as long as they maintain acceptable performance and do not pose a safety and/or health threat to themselves, the public or the department.

(i) The city administrator and the infectious disease control coordinator shall make a determination as to the employee's work status solely on the advice of the health care official.

(ii) The department head shall make all decisions concerning the employee's work status solely on the advice of the city administrator and the infectious disease control coordinator.

(6) Supplies. (a) Each division or shift commander is responsible for maintaining and storing in a convenient location an adequate amount of communicable disease control supplies for the division or shift.

(b) All police emergency vehicles shall be continuously stocked with the following communicable disease control supplies:

(i) Disposable coveralls and shoe coverings in appropriate sizes.

(ii) Disposable latex gloves and leather gloves.

(iii) Puncture-resistant containers and sealable plastic bags.

(iv) Barrier resuscitation equipment, protective eye goggles, and surgical face masks.

(v) Disposable towelettes (70 percent isopropyl alcohol or other hospital approved disinfectant).

(vi) Waterproof bandages.

(vii) Absorbent cleaning materials.

(viii) "Do Not Use--Possible Communicable Disease Contamination" signs.

(ix) "Isolation Area-Do Not Enter" signs.

(x) Biohazard disposable bags.

(xi) Portable metal mirrors.

(xii) Non-porous tongs.

(c) Fire vehicles shall be equipped with those supplies appropriate to the needs of the fire department.

(d) Officers using supplies stored in police or fire service vehicles are responsible for their immediate replacement.

(e) Officers are to keep disposable gloves in their possession at all times. (1988 Code, Appendix G)

4-308. Hepatitis B vaccinations. The City of Tullahoma shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head who shall make the appropriate arrangements through the infectious disease control coordinator. (1988 Code, Appendix G)

4-309. Reporting potential exposure. All city employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for TB, HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc...):

(1) Immediately (or as soon as possible after first aid and disinfectant procedures following an exposure) notify the immediate supervisor and infectious disease control coordinator of the contact incident and details thereof.

(2) The supervisor shall complete the appropriate accident reports and any other specific form required and submit an original foreman's accident report (report of exposure) to the infectious disease coordinator within 24 hours of the incident.

(a) The report of exposure shall include the route(s) of exposure, and the circumstances under which the exposure incident occurred.

(b) The report shall include identification and documentation of the source individual, unless the identification is infeasible or prohibited by state or local law.

(3) The employee will meet with the supervisor and the infectious disease control coordinator at which time arrangements will be made for the person to be seen by a physician as with any job related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to human immunodeficiency virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided. (1988 Code, Appendix G)

4-310. Hepatitis B virus post-exposure management. For an exposure to a source individual found to be positive for HBsAg, the employee who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG) is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to employees who have previously received the vaccine, the exposed employee should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (ie., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the employee has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized. (1988 Code, Appendix G)

4-311. Human immunodeficiency virus post-exposure management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any

acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be retested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 - 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual intercourse. During all phases of follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the city to all workers who may be concerned they have been infected with HIV through an occupational exposure. (1988 Code, Appendix G)

4-312. Disability benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A., § 50-6-303. (1988 Code, Appendix G)

4-313. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents. (1988 Code, Appendix G)

4-314. Training high risk employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of "universal precautions" as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy. (1988 Code, Appendix G)

4-315. Training new employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of infectious disease prior to putting them to work. (1988 Code, Appendix G)

4-316. Records and reports. (1) Reports. Occupational injury and illness records shall be maintained by the human resources manager. Statistics shall be maintained on the OSHA-200 report. Only those work-related injuries that involve loss of consciousness, transfer to another job, restriction of work or motion, or medical treatment are required to be put on the OSHA-200.

(2) Needle sticks. Needle sticks, like any other puncture wound, are considered injuries for recordkeeping purposes due to the instantaneous nature of the event. Therefore, any needle stick requiring medical treatment (i.e. gamma globulin, hepatitis B immune globulin, hepatitis B vaccine, etc...) shall be recorded.

(3) Prescription medication. Likewise, the use of prescription medication (beyond a single dose for minor injury or discomfort) is considered medical treatment. Since these types of treatment are considered necessary, and must be administered by physician or licensed medical personnel, such injuries cannot be considered minor and must be reported.

(4) Employee interviews. Should the city be inspected by the U.S. Department of Labor Office of Health Compliance, the compliance safety and health officer may wish to interview employees. Employees are expected to cooperate fully with the compliance officers. (1988 Code, Appendix G)

4-317. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

(1) Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.

(2) Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be the subject to disciplinary measures along with civil and criminal prosecution.

(3) Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write "contains confidential medical information" across the top margin of the first page of the report.

(4) The officer's supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.

(5) The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.

(6) All requests (including subpoenas) for copies of reports marked "contains confidential medical information" shall be referred to the city attorney when the incident involves an indictable or juvenile offense.

(7) Prior approval shall be obtained from the city attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.

(8) All circumstance, not covered in this policy, that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the city administrator, the infectious disease coordinator or city attorney.

(9) Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.

(10) Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.

(11) Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution. (1988 Code, Appendix G)

4-318. Amendments. Amendments or revisions of these rules may be recommended for adoption by any member of the board of mayor and aldermen, the city administrator or the infectious disease coordinator. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the governing body. (1988 Code, Appendix G)