#50

ORDINANCE NO. [redacted]

ORDINANCE TO ESTABLISH OCCUPATIONAL SAFETY & HEALTH PROGRAM, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A DIRECTOR AND NECESSARY PERSONNEL FOR IMPLEMENTATION OF SUCH PROGRAM

In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Lakewood hereby establishes "The Occupational Safety and Health Program" for its employees.

SECTION 1. BE IT ORDAINED BY THE CITY OF LAKEWOOD that there be and is hereby created a safety and health program for employees of the City of Lakewood, as follows:

TITLE:

This Section shall be known as the "Occupational Safety and Health Program for the Employees of the City of Lakewood."

AUTHORITY:

The City of Lakewood hereby designates its City Manager hereinafter referred to as the "Director" to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972 and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards.

This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

(1) The Director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace or environment where work is

performed in the City of Lakewood and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.

(2) The Director may issue subpoenaes to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The Director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary for said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials and imminent dnager situations that may occur in their jobs.

(6) The Director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case he or his authorized representative shall;

(7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

(8) The Director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The Director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours.

(10) The Director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation with the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The Director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The Director shall apply this program to employees of each administrative department, commission, board, division or other agency of the City of Lakewood.

(13) The Director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of Lakewood in its Occupational Safety and Health Program.

(14) The Director shall provide a means whereby any

employee may submit a report of what he feels is a safety and/or health hazard to his immediate supervisor and the Director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the Director of his designees.

(15) In implementing the plan the Director shall adopt therein all the words and phrases designated as "definitions" in the Tennessee Occupational Safety and Health Act, promulgated regulations and standards thereunder.

(16) The Director shall submit said plan to the Tennessee Department of Labor for approval on or before _____, 19____.

SECTION 2. BE IT FURTHER ORDAINED that said plan upon its approval by the Tennessee Department of Labor shall become effective to the City of Lakewood and at that time shall become a part of this ordinance as fully and completely as if set out herein.

SECTION 3. BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date it shall have been passed three readings of the Board of Commissioners and become effective as therein provided by law.

O. L. Ferrell
MAYOR

Mrs C. T. Wooden
RECORDER

PASSED FIRST READING Dec. 20, 1973
PASSED SECOND READING Jan. 4, 1974
PASSED THIRD READING Jan. 17, 19