

JAN WADE HENSLEY
Mayor



TINA DUNN
Recorder-Treasurer

City of Covington

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THE MEETING OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON,
TENNESSEE ON MAY 14, 2024, AT 5:30 P.M.

1. Meeting to be called to order by Mayor Jan Hensley.
2. Invocation to be given by Alderman C H Sullivan.
3. Pledge of Allegiance to the Flag to be led by Alderman Danny Wallace.
4. Minutes of the Preceding Meeting to be approved.
5. Report from Committees:
 - Beer Board Meeting
 - Minutes of the General Welfare – Public Safety Committee Meeting
 - Minutes of the Public Works Committee Meeting
6. Additions to the Agenda.
7. Welcome to visitors and grievances from citizens.
8. Report from Mayor Jan Hensley:
 - Appointments for Covington Municipal – Regional Planning Commission
 - Bridge Replacement – Burnett Lane
 - Updates
9. Report from Recorder-Treasurer Tina Dunn:
10. Report from City Attorney Rachel Witherington.
11. Old Business:
12. New Business:
 - Proclamation – Public Works Week
 - Request Approval to Proceed with Annexation Report/Plan of Service/Cost Benefit - Annexation
 - Ordinance 1770 (Occupational Safety and Health Program) (Public Hearing) ready for approval on third and final reading
 - Bills Over/Under \$1,000.00 ready for Board Approval

The Board of Mayor and Aldermen met at City of Covington on April 23, 2024, at 5:40 p.m. with the following members present: Mayor Jan Hensley, Aldermen: C.H. Sullivan, John Edwards, Jeff Morris, Danny Wallace, Jean Johnson, and Chris Richardson. Also present were Parks and Recreation Director Molly Glass, Fire Chief Richard Griggs, Public Works Director David Gray, Building Official Lessie Fisher, Police Chief Donna Turner, Personnel Director Cody Bumpus, Downtown Director Stephanie Pugh, City Attorney Rachel Witherington, Assistant to the Mayor Jason Fleming, and Deputy Recorder-Treasurer Kristin Mathis.

Meeting was called to order by Mayor Jan Hensley.

Invocation was given by Alderman Danny Wallace.

Pledge of Allegiance to the Flag was led by Alderman C H Sullivan.

Motion was made by Alderman John Edwards and seconded by Alderwoman Jean Johnson that the Minutes of the Preceding Meeting be approved as distributed to the Board (See Attached). Motion passed.

Motion was made by Alderwoman Jean Johnson and seconded by Alderman C H Sullivan that the Minutes of the General Welfare – Public Relations Committee meeting be approved (See Attached). Motion passed.

Motion was made by Alderman Chris Richardson and seconded by Alderman Jeff Morris that the Minutes of the Finance and Administration Committee Meeting be approved (See Attached). Motion passed.

Hyatt Williams approached the Board with concerns of blighted property and the need to address such property. Jonathan Price approached the Board requesting lighting and new pavement for Tatlock.

Shawn Moses with Canaan Baptist Church and Felicia Mason approached the Board requesting the use of the Boys & Girls Club on May 11th for the 4th annual community baby shower.

Motion was made by Alderman Edwards and seconded by Alderwoman Johnson to approve Canaan Baptist Church the use of the Boys & Girls Club Facility on May 11, 2024. Motion passed.

Recorder-Treasurer Dunn gave the sales tax report for collections during the month of February in the amount of \$405,000.00 which is an increase of \$37,000.00 or 10% for the month. Year to date sales show an increase of \$126,000.00 or 4% (See Attached). Hotel/Motel Occupancy tax has been received from all six establishments. This tax went into effect on March 15, 2024.

Motion was made by Alderman Sullivan and seconded by Alderman Morris to approve the report from Recorder-Treasurer Tina Dunn. Motion passed.

Mayor Hensley recognized the passing of long-time employee Buddy Lewis who served the city for over 34 years. Prayers were requested.

Mayor Jan Hensley presented the Resolution for the Extension of 2019 Tennergy Contract for approval (See Attached).

Motion was made by Alderman Morris and seconded by Alderman Sullivan to approve the Resolution for the extension of 2019 Tennergy Contract.
Motion passed.

Mayor Jan Hensley presented Ordinance 1770 (Occupational Safety and Health Program) for approval on the second reading (See Attached).

Motion was made by Alderman John Edwards and seconded by Alderman Chirs Richardson that Ordinance 1770 (Occupational Safety and Health Program) be approved on the second reading.
Motion passed.

The following bills over/under \$1000.00 were presented for approval:

ADT	POLICE	DOOR LOCK SOLUTION	4,056.38
AMERICAN EXPRESS	VARIOUS	MISCELLANEOUS PURCHASES	107,761.34
AMERICAN FIDELITY	VARIOUS	INSURANCE	14,028.49
ANDREW OWEN	GENERAL	TRAVEL REIMBURSEMENT	993.00
BEST WADE PETROLEUM	WWTP	OIL	3,257.89
BFI NORTH SHELBY LANDFILL	WWTP	SLUDGE REMOVAL	4,290.19
BNY MELLON	BIOMASS	INTEREST PAYMENT BOND	5,982.48
BSN SPORTS	PARKS/REC	BASEBALL	1,420.00
BSN SPORTS	PARKS/REC	SOCCER SHIRTS	1,925.00
CADENCE BANK BUSINESSCARD	VARIOUS	MISCELLANEOUS PURCHASES	7,958.00
COMMUNITY DEVELOPMENT PART	GENERAL	2018 TAP	1,250.00
COVINGTON ELECTRIC	VARIOUS	ELECTRIC SERVICE	37,288.84
G & W DIESEL	FIRE	REPAIRS - E-2	8,522.72
GT DISTRIBUTORS	POLICE	FIREARMS/ACCESSORIES	1,339.48
JORDAN ISBELL	POLICE	MEAL ALLOWANCE - NFA - 10	2,658.00
KRISTIE MAXWELL, TRUSTEE	GENERAL	MIXED DRINK TAX	2,263.25
LANE FLOORING	STREET	FLOORING - PUBLIC WORKS	1,835.00
MEAC	GAS	PURCHASED NATURAL GAS	22,692.00
OWEN & WITHERINGTON	ATTORNEY	PROFESSIONAL SERVICES	4,275.00
PITNEY BOWES PURCHASE POWER	REC/TREAS	POSTAGE	2,000.00
PURVIS INDUSTRIES	WWTP	BEARINGS FOR AE BRUSH	3,440.55
PURVIS INDUSTRIES	WWTP	BEARINGS FOR AE BRUSH	6,140.05
REBEL SERVICES	AIRPORT	METER CALIBRATION	1,236.60
REGIONS CORPORATE TRUST	GEN/WAT/SEW	DEBT SERVICE 2021 BONDS	303,895.00
ROGERS TURNING WRENCHES	GENERAL	REPAIR 2020 FORD	3,711.41

SAFE INDUSTRIES	FIRE	EXTRICATION TOOLS	35,143.00
SMART SOURCE	WTP	WATER BACTERIA FORMS	1,199.12
SOUTHERN ROOFING/RENOVAION	GENERAL	ROOF REPAIR	17,766.82
SOUTHERN ROOFING/RENOVAION	GENERAL	RENOVATIONS - 209 W PLEASANT	9,659.89
TC EMERGENY AGENCY	GENERAL	QTR PYMNT JAN-MAR 24	6,956.83
WASCON INC	SEWER	EXTREME E/ONE AMGP PUMPS	4,168.18
WOOTEN OIL CO, INC	GENERAL	FUEL	19,488.45
WOOTEN OIL CO, INC	GEN/SW/SEW/GAS	FUEL	1,213.99
			649,816.95

Motion was made by Alderman Danny Wallace and seconded by Alderman Chris Richardson that the preceding bills over/under \$1000.00 be paid when properly approved.
Motion passed.

There being no further business, the meeting adjourned at 5:56 p.m.

Attest: _____
Deputy Recorder-Treasurer Mayor

The Beer Board of the City of Covington, Tennessee met at City Hall on April 23, 2024, at 5:30 p.m. with the following members present: Mayor Jan Hensley, Aldermen: C H Sullivan, Danny Wallace, Jean Johnson, Chris Richardson, John Edwards and Jeff Morris. Also present were Public Works Director David Gray, Fire Chief Richard Griggs, Park and Recreation Director Molly Glass, Police Chief Donna Turner, Building Official Lessie Fisher, Human Resource Director Cody Bumpus, Assistant to the Mayor Jason Fleming, City Attorney Rachel Witherington, and Recorder-Treasurer Tina Dunn.

Meeting was called to order by Mayor Jan Hensley.

Public Hearing regarding the consideration of a beer permit for Rob's Uptown Vibes located at 113-C East Spring Ave. for Class II On Premise Consumption was called to order.

Motion was made by Alderman Sullivan and seconded by Alderman Edwards to approve the beer permit for Rob's Uptown Vibes located at 113-C East Spring Ave. for Class II On Premise Consumption.

Motion passed.

Public Hearing regarding the consideration of the suspension, revocation, or civil penalty in lieu of suspension concerning the Off Premise Beer Permit of Wal-Mart #93 located at 201 Lanny Bridges Blvd. for selling beer to a minor was called to order.

Motion was made by Alderman Sullivan and seconded by Alderman Morris to impose a fine of \$1,000.00 to Wal-Mart #93 located at 201 Lanny Bridges Blvd. for selling beer to a minor. If certification is not provided for Responsible Vendor, the fine will be \$2,500.00.

Motion passed.

Public Hearing regarding the consideration of the suspension, revocation, or civil penalty in lieu of suspension of the Off Premise Beer Permit of Jubilee Seven Eleven, LLC dba Hwy 51 Exxon #2 located at 955 Hwy 51 North for selling beer to a minor was called to order.

Motion was made by Alderman Sullivan and seconded by Alderman Morris to impose a \$2,500.00 fine to Jubilee Seven Eleven, LLC dba Hwy 51 Exxon #2 located at 955 Hwy 51 North for selling beer to a minor.

Motion passed.

There being no further business, the meeting adjourned at 5:39 p.m.

The General Welfare – Public Safety Committee met at City of Covington on April 23, 2024, at 4:00 p.m. with the following members present: Mayor Jan Hensley, Alderman Chris Richardson, Alderman John Edwards, and Alderman C H Sullivan. Also, present were Police Chief Donna Turner, Fire Chief Richard Griggs, Public Works Director David Gray, Human Resource Director Cody Bumpus, Alderwoman Jean Johnson, Alderman Jeff Morris, Alderman Danny Wallace, Park and Recreation Director Molly Glass, Assistant to the Mayor Jason Fleming, and Recorder-Treasurer Tina Dunn.

Meeting was called to order by Chairman Alderman Chris Richardson.

Fire Chief Griggs reported he attended the Tipton County Fire Chiefs Meeting and also attended the West Tennessee Chiefs Meeting in Jackson. There were eleven hours worked by the volunteers in March. The run report was presented showing 201 calls for the period March 21st – April 18th. The county coverage area collections are \$76,125.00 for the current year. The building renovations invitation to bid for both stations was presented. This invitation will be published and bid openings will be May 3, 2024. The quote was presented to repair the door for Engine 2 in the amount of \$3,470.99. The interlocal agreement for dispatching services was presented for review. The quarter amount due from the City of Covington is \$37,404.90. This is a decrease from the current quarter payment. The agreement will be discussed at the next Finance & Administration Committee Meeting. Chief Griggs reported Russell Thigpen has been hired to fill the fire inspector position and will begin on May 6th. Firefighters Owen and Moffatt attended the Fire Instructors course in Munford. Firefighter Moore attended a Firefighter Survival course at TFACA and a Haz-Mat Operations course in Jackson.

Motion was made by Alderman Sullivan and seconded by Mayor Hensley to approve the fire department report.
Motion passed.

Chief Turner reported the department has seven vacancies. CPD Staff presented cases to the Tipton County Grand Jury. CPD had 28 cases indicted for Patrol and CID. The first five patrol cars have been inspected and assigned to staff as take-home vehicles. The drone policy was submitted last month for review. CPD has trained and licensed (FAA) four staff members for the Unmanned Aircraft System. Team Commander Nic Shaw is training and observing the new pilots in required flying hours and pilot skills proficiency. Training and Monthly Activities were presented for review (See Attached). The statistics for the month were presented showing 1,607 calls for the month and 116 traffic stops. Compliance and Risk Reports for Hatchie Ave. and Best Street were presented for review. These will be discussed at the next Public Works Committee Meeting. A meeting to discuss the grant to reduce violence that was granted to the City and the Boys & Girls Club will be held on May 9th at 6:00 p.m.

Motion was made by Alderman Sullivan and seconded by Mayor Hensley to approve the Drone Policy.
Motion passed.

Motion was made by Alderman Sullivan and seconded by Mayor Hensley to approve the police department report.

Motion passed.

There being no further business, the meeting was adjourned at 4:28 p.m.

The Public Works Committee met at City of Covington on May 7, 2024, at 4:00 p.m. with the following members present: Chairman Alderman Danny Wallace, Alderman Jeff Morris, and Alderwoman Jean Johnson. Also, present were Public Works Director David Gray, Building Official Lessie Fisher, Police Chief Donna Turner, Fire Chief Richard Griggs, Human Resource Director Cody Bumpus, Alderman Chris Richardson, Alderman John Edwards, Utilities Manager Calvin Johnson, Assistant to the Mayor Jason Fleming, and Recorder-Treasurer Tina Dunn.

Chairman Alderman Wallace called meeting to order.

Public Works Director Gray gave an update on the bridge replacement on Burnett Lane. There has been correspondence between TDEC and Community Development Partners about the possibility of an emergency grant. Director Gray recommended the removal of the bridge and placement of temporary culverts. The discussion for the bridge replacement will be placed on the Board of Mayor and Aldermen agenda for next week. Contact will be made with TDEC or CDP to see if any information for the approval of the emergency grant has been received. An update on the 2018 TAP Grant was given. This project is for sidewalks along Hwy 51 from Tatlock to Lanny Bridges. An estimate was presented showing the new cost for the project has increased to \$2,036,088.00. This would change the city's 20% match to \$407,217.60. The original match that was approved in 2019 was \$237,000.00 which would be funded from the fund balance in the general fund. Servline will be sending out information for the leak loss protection program. This information will be mailed to customers in June. The program will go into effect on September 1, 2024. Public Works Week will be from May 20th-24th. The Public Works Luncheon will be on Friday, May 24th. The annual bids for the public works department will be opened on Tuesday, May 14, 2024 beginning at 9:00 a.m. There is an opening for a brush truck assistant operator in the department.

Motion was made by Alderman Morris and seconded by Alderwoman Johnson to approve the additional city match funding for the 2018 TAP Grant in the amount of \$170,000.00 from the general fund balance.

Motion passed.

Motion was made Alderman Morris and seconded by Alderwoman Johnson to approve the report from Director David Gray.

Motion passed.

Building Official Lessie Fisher reported there are two employees in the Codes Department that will be absent for an extended period of time. A2H is in the process of working on the documentation for the two blighted properties that the owners agreed to participate in in the blight grant program. Site plans have been submitted for an RV Park on Mt. Carmel Road. Also, site plans have been submitted for a two-phase multi-family development located at the east end of Meadowview Cove. An application for rezoning was submitted for the property located at 962 Hwy 51 North and Industrial Rd. The Highway side is requested to change to B-2 (City/Hwy Oriented Business District) with the industrial side to remain at M-1.

Motion was made by Alderman Morris and seconded by Alderwoman Johnson to approve the report from Building Official Lessie Fisher.
Motion passed.

There being no further business, the meeting adjourned at 4:40 p.m.

COVINGTON MUNICIPAL - REGIONAL PLANNING COMMISSION APPOINTMENTS, 2024

Recently, we have had two resignations from the Covington Municipal-Regional Planning Commission and tonight I come before this body to make my recommendations to fill those vacant positions.

First, I would like to recommend Benton Lindsey to immediately fill the unexpired term of Laine Peeler Olsen representing the City of Covington in the Class I Position. His term will expire in 2025.

Second, regretfully, it is my duty to announce that Alice Tillman Fisher has resigned her seat on the Covington Municipal-Regional Planning Commission effective the 30th day of June 2024. She has been a faithful member of the Covington Municipal-Regional Planning Commission for a total of 26 years having been appointed in 1998. She is currently serving as Secretary of that body. I wish to publicly thank Alice Fisher for all her hard work and due diligence throughout the years for the benefit of the citizens of Covington.

Third, I would like to recommend Jason Randall Poyner to fill the unexpired term of Alice Tillman Fisher representing the City of Covington in the Class III Position with his term beginning on the 1st day of July 2024. Mr. Poyner's term will end 2027.

PROCLAMATION

National Public Works Week, May 19–25, 2024

“Advancing Quality of Life For All”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of City of Covington, Tennessee; and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City Of Covington to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, Jan Wade Hensley, Mayor of the City of Covington, do hereby designate the week May 19–25, 2024, as

National Public Works Week

and I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Covington, Tennessee to be affixed. This the 14th of May 2024.

The Honorable Jan Hensley, Mayor
City of Covington, Tennessee
200 West Washington Street
Covington, TN 38019

April 8, 2024

RE: Annexation of Property (279.7 Acres) on the east side of Highway 179, at the end of Cotton Top Road in Tipton County, Tennessee.

Mayor Hensley,

Please accept this letter as our request for the 279.7 acres of land described on attached Exhibit "A" be annexed into the City of Covington.

The Property is comprised of two tracts of land being a part of Gary W. Taylor, Trustee property recorded in Record Book 1450, Page 916 (Tax Map 049, Parcel 005.00) containing 243.3 acres of land and a part of the Ceres Land Management and Consulting, LLC property recorded in Record Book 1497, Page 826 (Tax Map 049, Parcel 008.00) containing 36.4 acres of land.

Sincerely,

 TRUSTEE
Gary W. Taylor, Trustee


Partner
Ceres Land Management and Consulting, LLC

ORDINANCE NUMBER -1770

ORDINANCE TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Covington hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY OF COVINGTON that there be and is hereby amended as follows:

TITLE:

This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Covington.

PURPOSE:

The City of Covington in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
 - a) Top Management Commitment and Employee Involvement.
 - b) Continually analyze the worksite to identify all hazards and potential hazards.
 - c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
 - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees.
- 3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, 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 regarding the adequacy of the form and content of records.
- 5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
- 6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7) Provide education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this Program Plan.

COVERAGE:

The provisions of the Occupational Safety and Health Program Plan for the employees of The City of Covington shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal, or permanent.

STANDARDS AUTHORIZED:

The Occupational Safety and Health standards adopted by The City of Covington are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

VARIANCES FROM STANDARDS AUTHORIZED:

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this ordinance, Rusty Thigpen, Fire Inspector for the City of Covington is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

FUNDING THE PROGRAM PLAN:

Sufficient funds for administering and staffing the Program Plan pursuant to this ordinance shall be made available as authorized by The City of Covington.

SEVERABILITY:

SECTION 2. BE IT FURTHER ORDAINED that if any section, sub-section, 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 separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

AMENDMENTS, ETC:

SECTION 3. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of The City of Covington requiring it.

(Executive) _____ (Date)

(Passed First Reading)

(Executive) _____ (Date)

(Passed Second Reading)

(Executive) _____ (Date)

(Public Hearing)

(Executive) _____ (Date)

(Passed Third Reading)

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

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I. PURPOSE AND COVERAGE

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

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

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

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

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means The City of Covington and includes each administrative department, board, commission, division, or other agency of The City of Covington.
- c. SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND 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 Covington.
- d. 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.

- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

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

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

III. EMPLOYER'S RIGHTS AND DUTIES

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

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from an unreasonable restraint on the right of the Commissioner of Labor and

Workforce Development to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of their legally privileged communication.
- g. Employer shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEE'S RIGHTS AND DUTIES

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

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program 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.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer the opportunities provided in § 50-3-203.
- f. 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.
- g. 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.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such an employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program 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.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. 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.
1. The Safety Director may designate a person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
 2. The Safety Director may delegate the power to make inspections, provided the procedures employed are as effective as those employed by the Safety Director.
 3. The Safety Director shall employ measures to coordinate, to the extent possible, the activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 4. 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.
 5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The 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.
 7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. **The Safety Director shall, in the eventuality that there is a fatality, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
1. 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.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) 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 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. 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:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific data) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer:
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.

- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accidents, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and type Recordkeeping Forms in the search box.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

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

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the 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 not, why not, what action has been or will be taken to correct or abate the condition(s) and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days.

- following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.
 - f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

a. Safety Director and/or Compliance Inspector(s):

1. 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.
2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 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, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

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

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle 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.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct 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.
5. Instruct employees on the hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on the use of personal protective and emergency equipment required. They shall also be instructed on all

specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

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

- a. In order to carry out the purposes of this Ordinance, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied to any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an

effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

- h. The 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:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
 - 2. Records are made of the inspections, any discrepancies found, and corrective actions taken. This information is forwarded to the Safety Director.
- i. 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.

XII. IMMINENT DANGER PROCEDURES

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

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the 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:
 1. Issue an abatement order to the head of the worksite.
 2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to be violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the 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 a 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.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand.
 2. Written reprimand.
 3. Suspension for three (3) or more working days.
 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the 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 this 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.

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

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, 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.
- b. 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.

Signature: Safety Director, Occupational Safety and Health and Date

APPENDIX - 1 WORK LOCATIONS (ORGANIZATIONAL CHART)

Covington Airport - 169 Airport Pkwy Dr. Covington, TN 38019 (901) 476-1392	<u>3 employees</u>	Public Works 300 S. College St. Covington, TN 38019 (901) 476-9613	<u>23 employees</u>
City Hall - 200 W. Washington Ave Covington, TN 38019 (901) 476-9613	<u>9 employees</u>	Utility Billing 200 W. Washington Ave Covington, TN 38019 (901) 476-9613	<u>2 employees</u>
Code Compliance - 200 W. Washington Ave Covington, TN 38019 (901) 476-7191	<u>5 employees</u>	Street/Sanitations 410 E. Ripley St. Covington, TN 38019 (901) 476-6793	<u>27 employees</u>
Covington Electric Systems - 1469 S. Main St. Covington, TN 38019 (901) 476-7104	<u>19 employees</u>	Maintenance Shop 410 E. Ripley St. Covington, TN 38019 (901) 476-6793	<u>3 employees</u>
Covington Fire Department 101 Tennessee Avenue Covington, TN 38019 (901) 476-2578	<u>29 employees</u>	Human Resources 200 W. Washington Ave Covington, TN 38019 (901) 476-9613	<u>2 employees</u>
Covington Police Department 211 S. Main St. 300 W. Church St. Covington, TN 38019 (901) 444-1047	<u>35 employees</u>	Park & Recreation 790 Bert Johnston Ave Covington, TN 38019 (901) 476-3734	<u>26 employees</u>

TOTAL NUMBER OF EMPLOYEES: 183

APPENDIX – II NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE CITY OF COVINGTON

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthy 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 ensure 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 the Human Resources Director.

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 the Human Resources Director 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 COVINGTON is available for inspection by any employee at City Hall and the Safety Director's office during regular office hours.

Signature: MAYOR AND DATE

APPENDIX - III PROGRAM PLAN BUDGET

(Either answer questions 1-11 or fill in the statement below)

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

TOTAL ESTIMATED PROGRAM PLAN FUNDING,
ESTIMATE OF TOTAL BUDGET FOR:

OR Use This Statement:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

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

APPENDIX – IV ACCIDENT REPORTING PROCEDURES

(1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities, inpatient hospitalizations, amputations, and losses of an eye 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 Safety Director will ensure completion of required reports and records in accordance with Section VIII of the basic plan.

(16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities, inpatient hospitalizations, amputations, and losses of an eye 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 investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

(51-250) 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. All fatalities, inpatient hospitalizations, amputations, and losses of an eye 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 or Compliance Inspector, if necessary) 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.

(251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves a fatality, hospitalization, amputation, loss of an eye, loss of consciousness, broken bones, or third-degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) 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 record keeper.

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 as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.

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

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

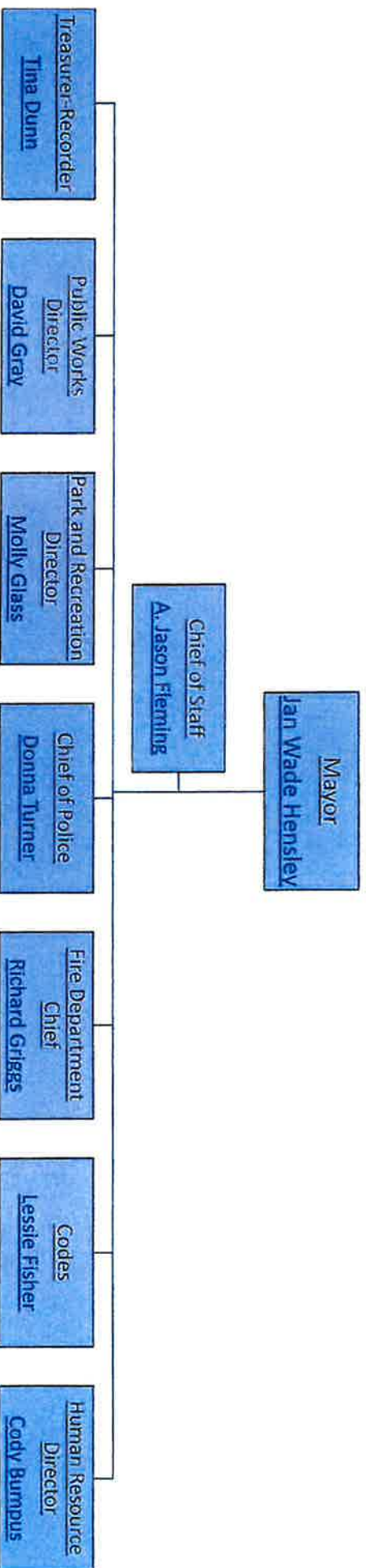
The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250),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

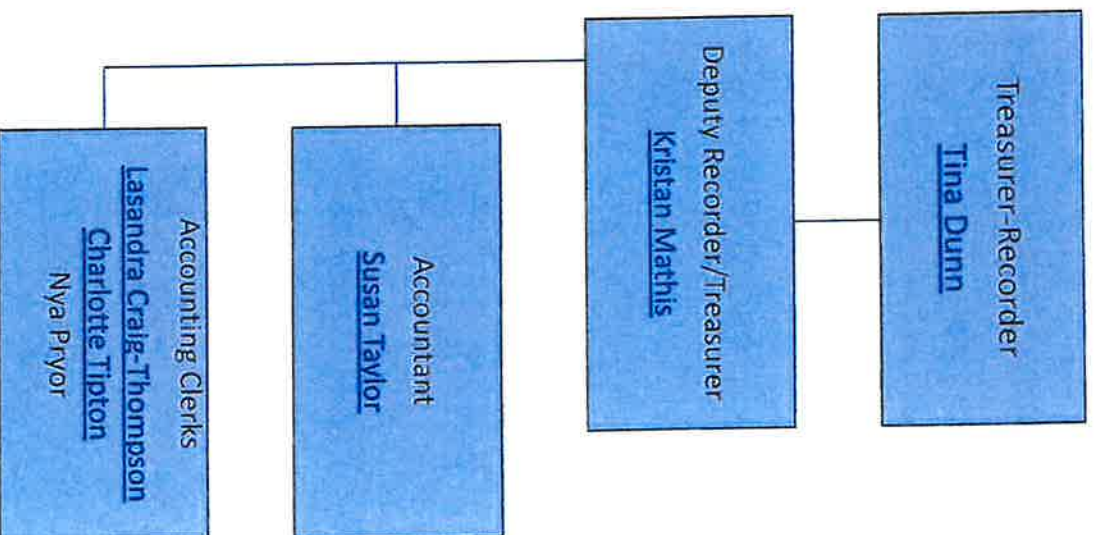
Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.

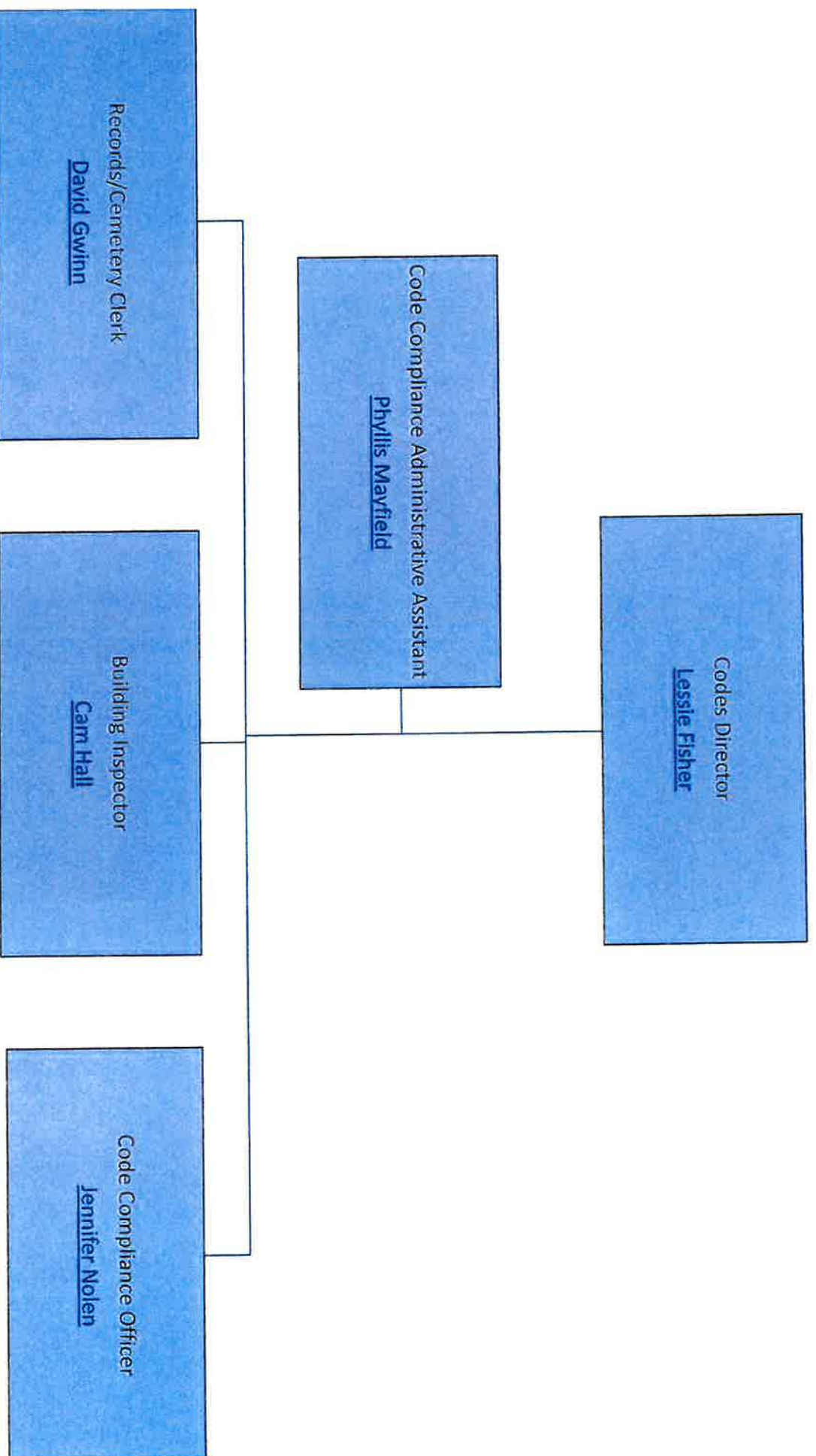
Airport Manager
Vacant

Airport Lineman
Gregory Johnson

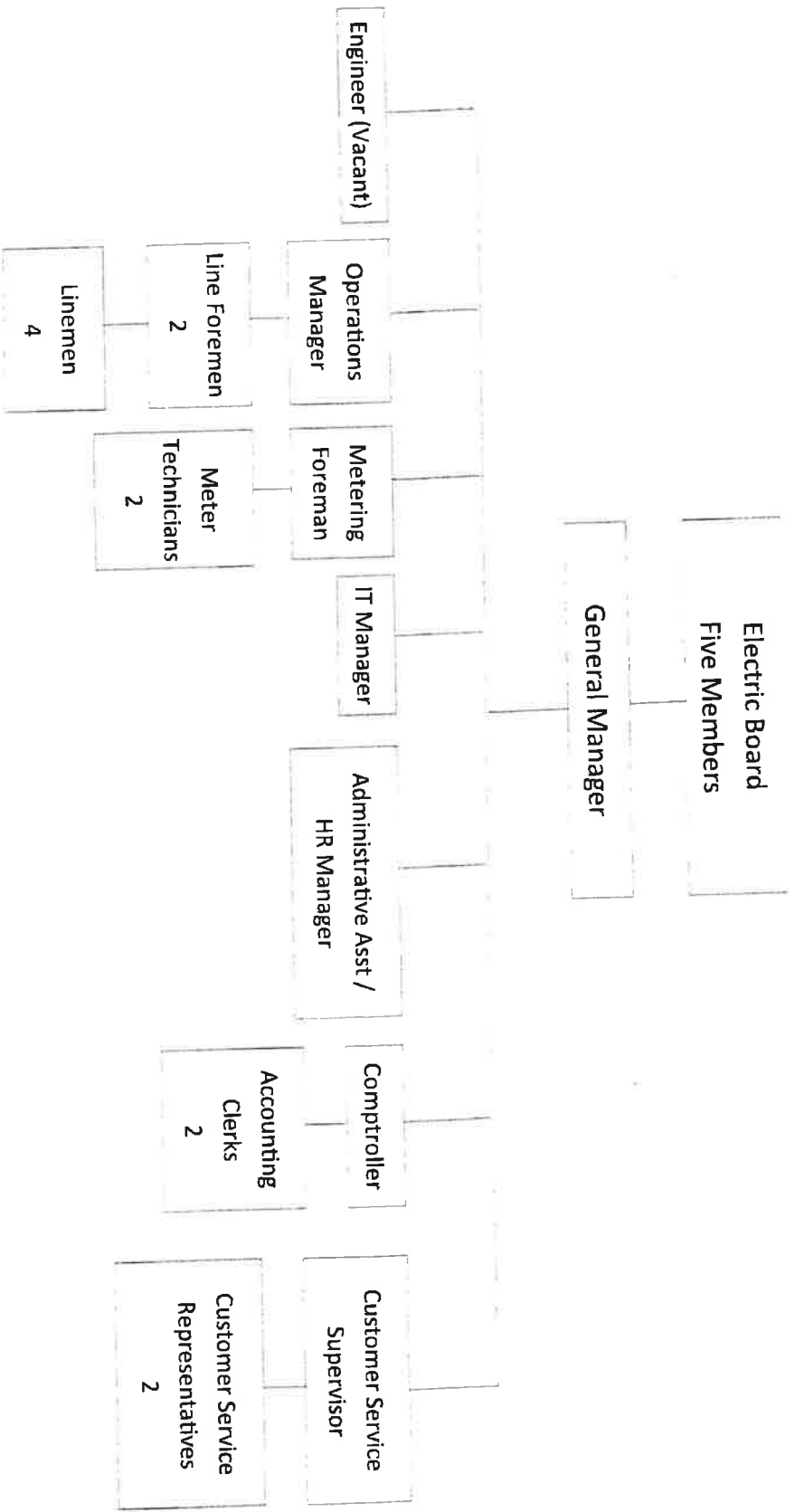
Airport Lineman
Mark Freeman







COVINGTON ELECTRIC SYSTEM ORGANIZATIONAL CHART



CFD

RICHARD GRIGGS
FIRE CHIEF

JEREMY CHANNELL
ASST. CHIEF

DAN RUFFIN
LT.

KIT BURROW
LT.

GLENN TRAVIS
CAPTAIN

ANNA
GOFORTH
ADMIN. ASST.

RUSTY THIGPEN
INSPECTOR

NICK TINDALL
LT.

BRAD
DUNAVANT LT.

ED MOSS LT.

DWAIN
EDWARDS
DRIVER

MATT MASSEY
DRIVER

JEREMY
MCDIVITT
DRIVER

LEE WALLACE
DRIVER

DEE WALLACE
DRIVER

JOSH POSEY
DRIVER

MATT
GARDNER
FIREFIGHTER/
AEMT

MATT JACOME
FIREFIGHTER/
AEMT

LEE HADLEY
FIREFIGHTER/
AEMT

ZACK MOFFETT
FIREFIGHTER
/AEMT

SAM SIMMONS
FIREFIGHTER/
AEMT

NICK VARNER
FIREFIGHTER/
AEMT

ANDREW OWEN
FIREFIGHTER/
PARAMEDIC

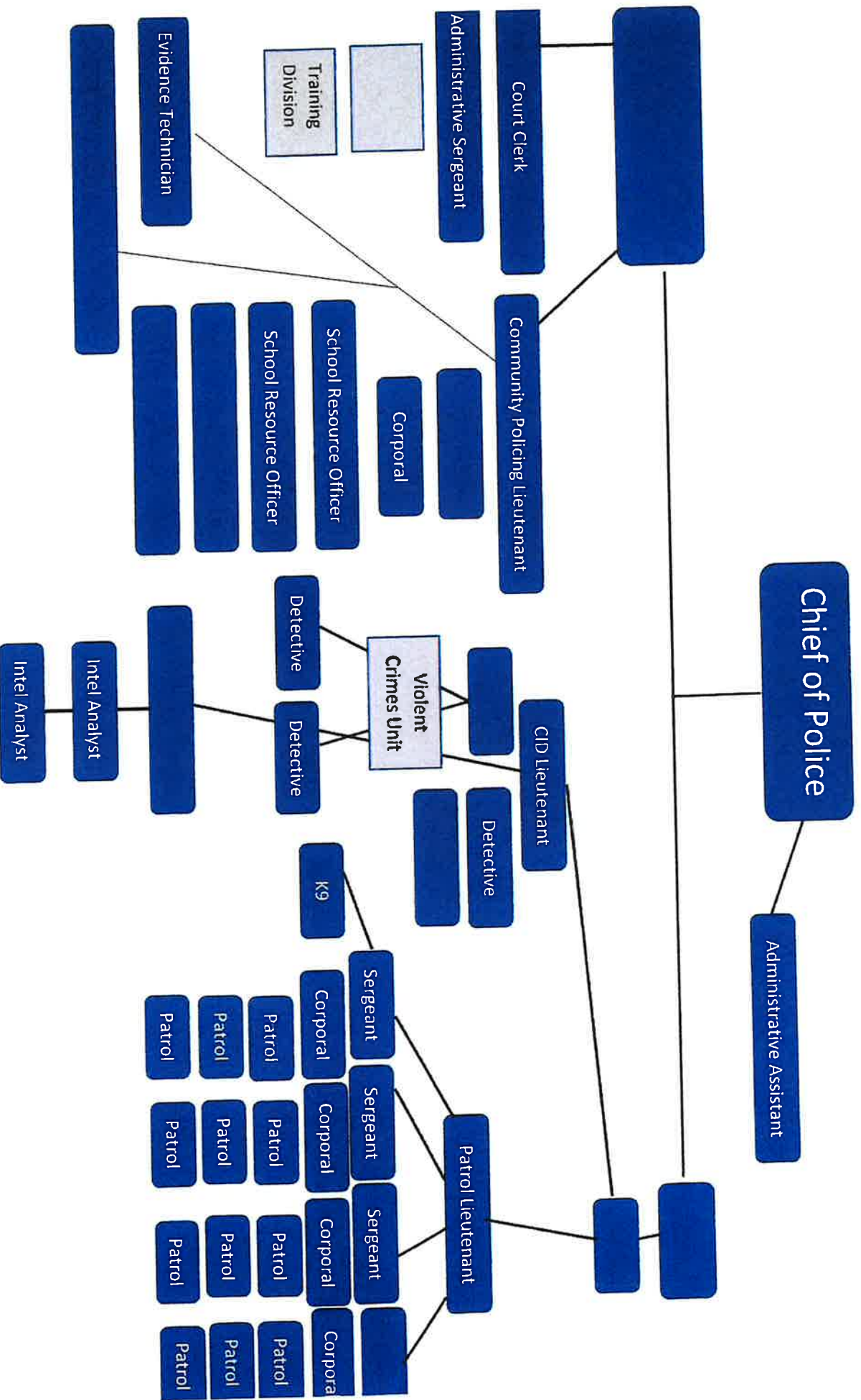
ZACK COOK
FIREFIGHTER/
PARAMEDIC

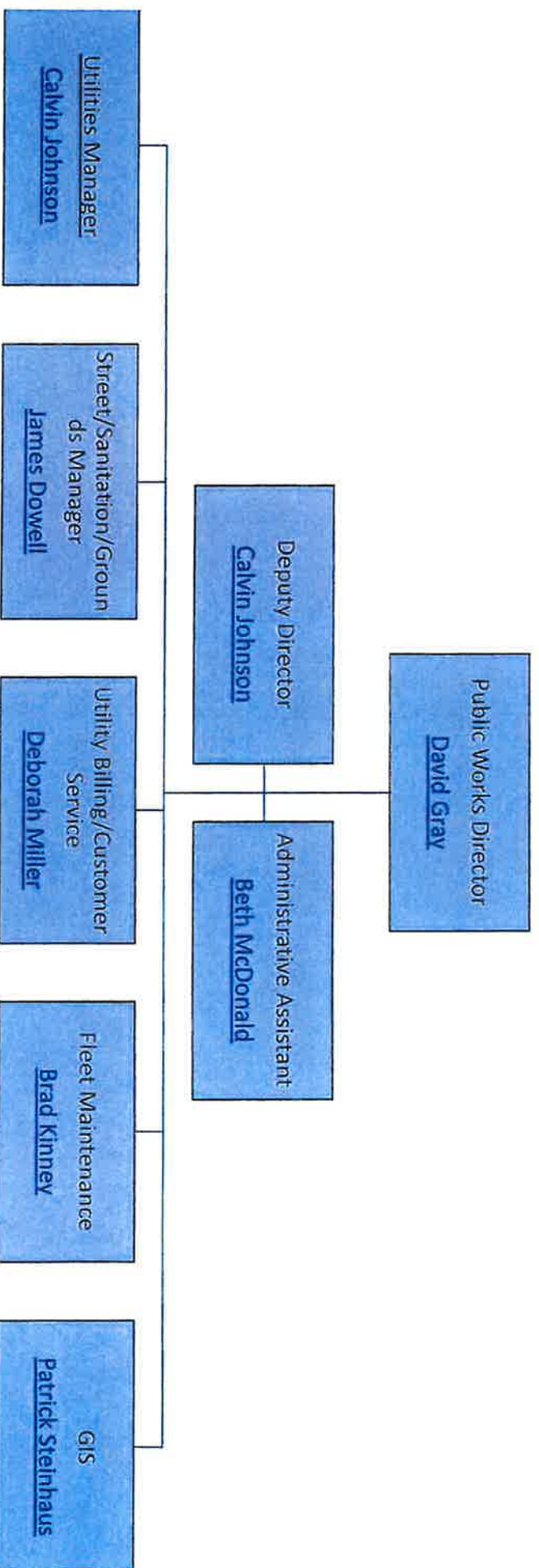
CODY PEELER
FIREFIGHTER/
AEMT

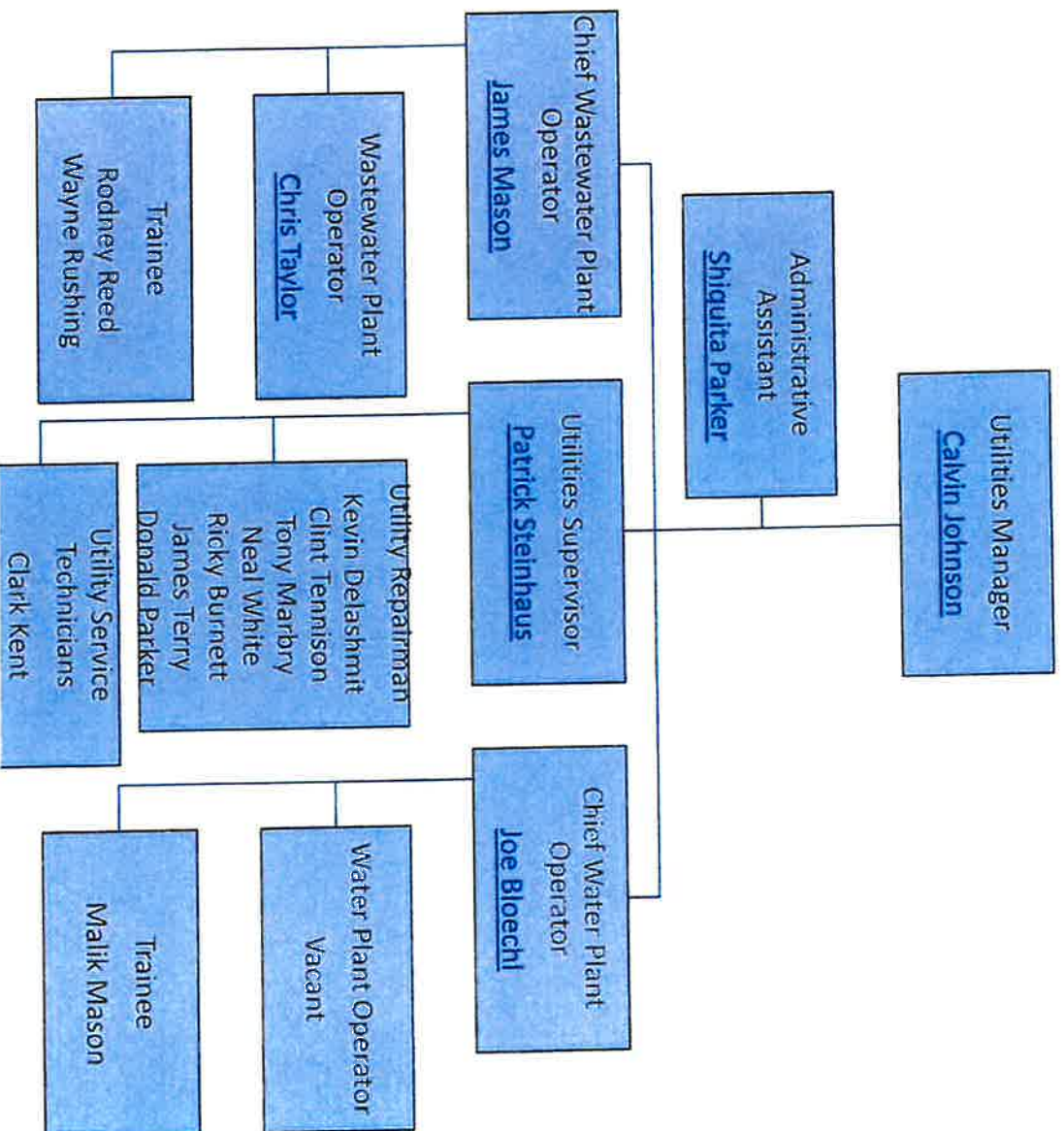
KYLE GINN
FIREFIGHTER/
AEMT

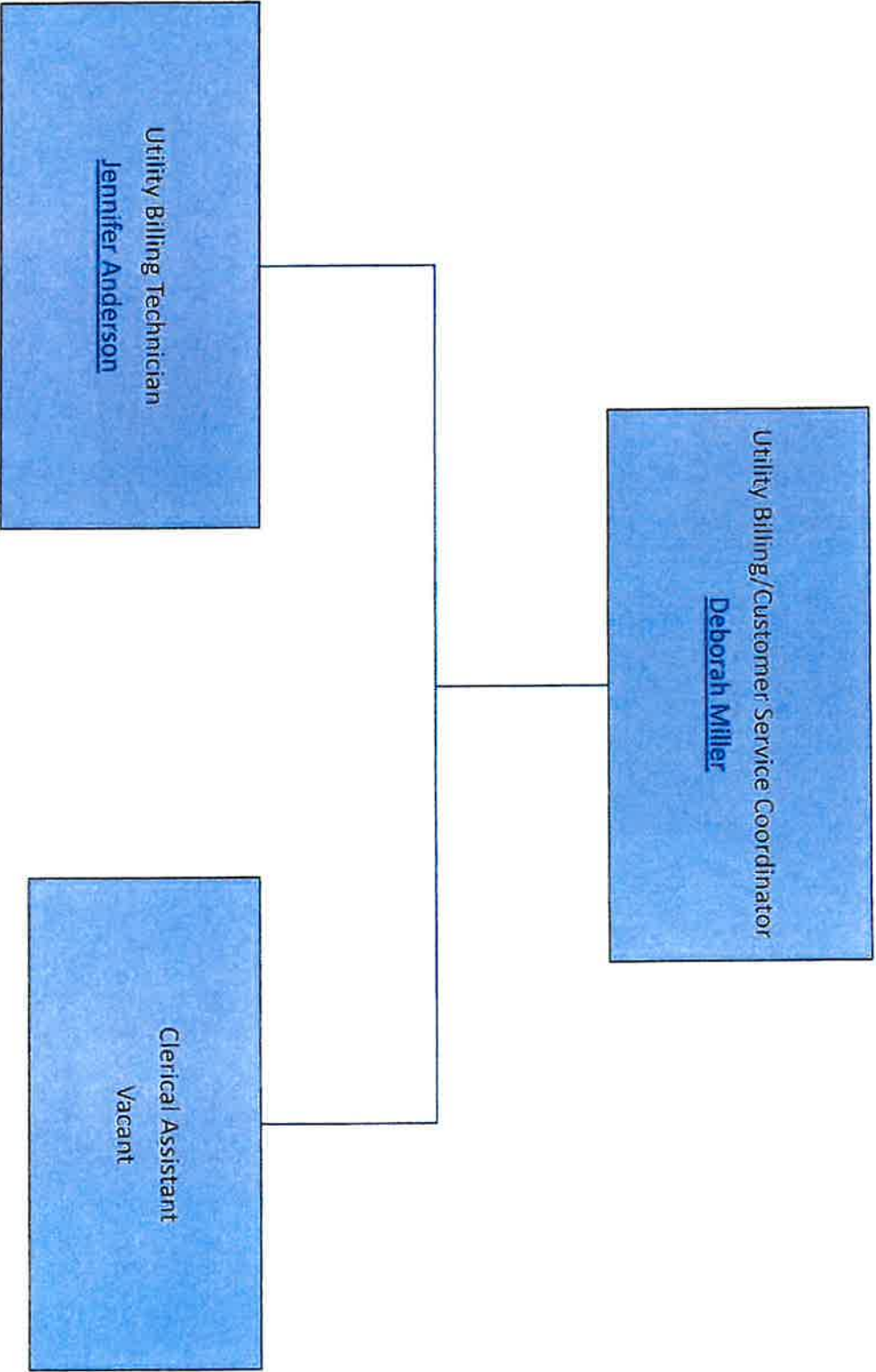
TERRANCE
SMITH
FIREFIGHTER/
AEMT

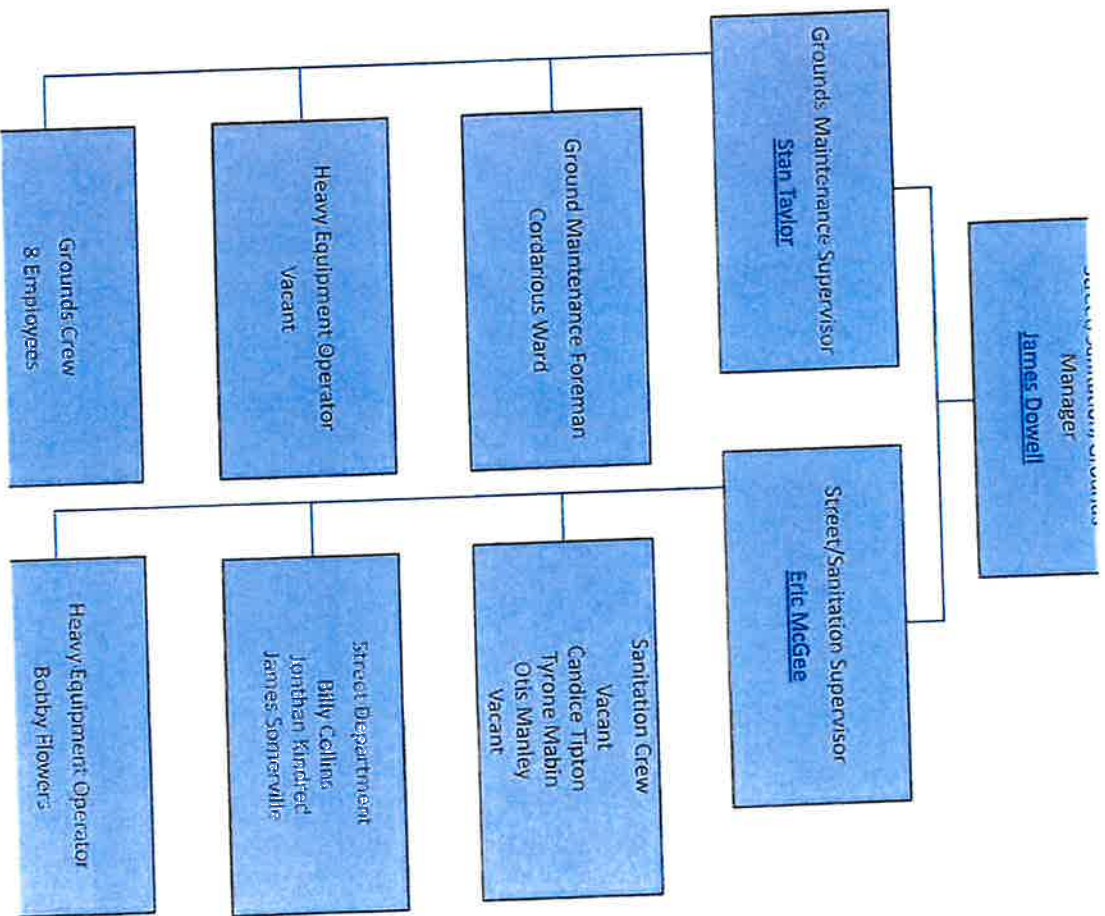
TAYLOR MOORE
FIREFIGHTER/
AEMT

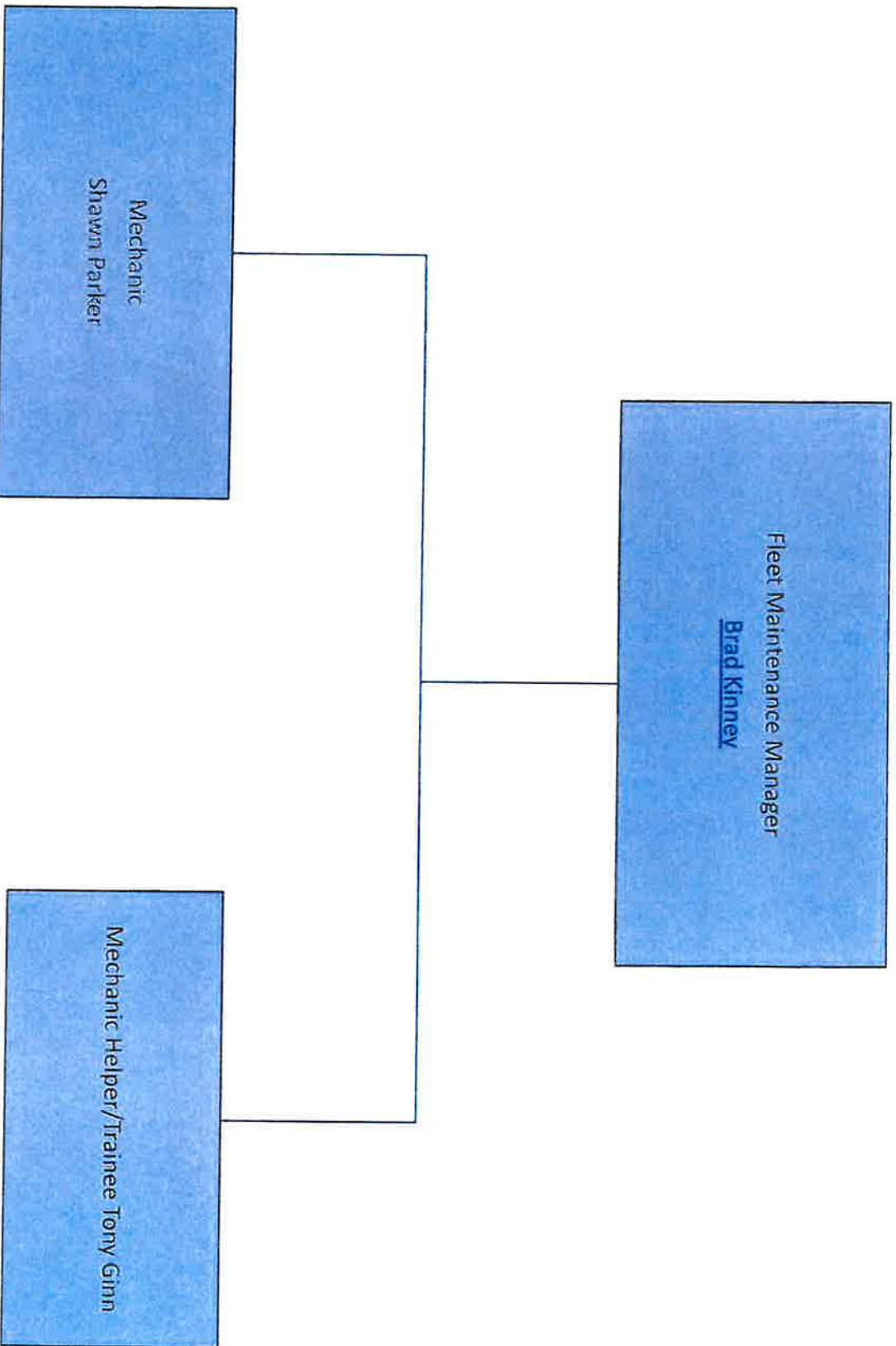






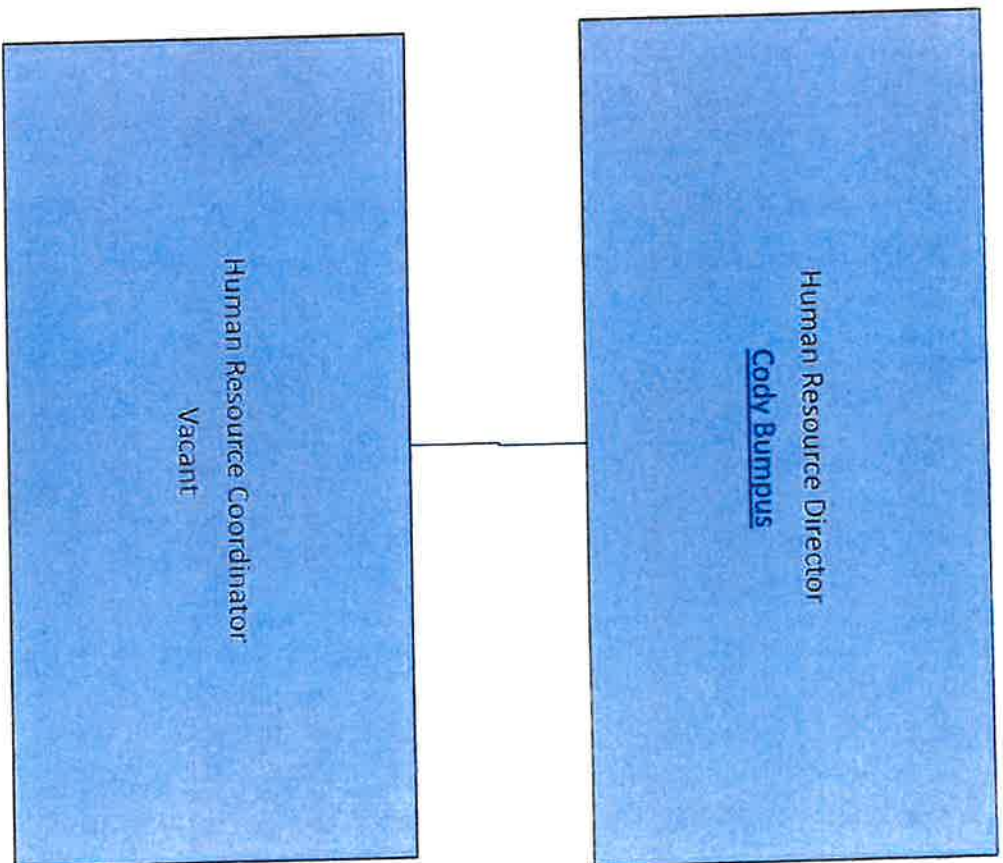






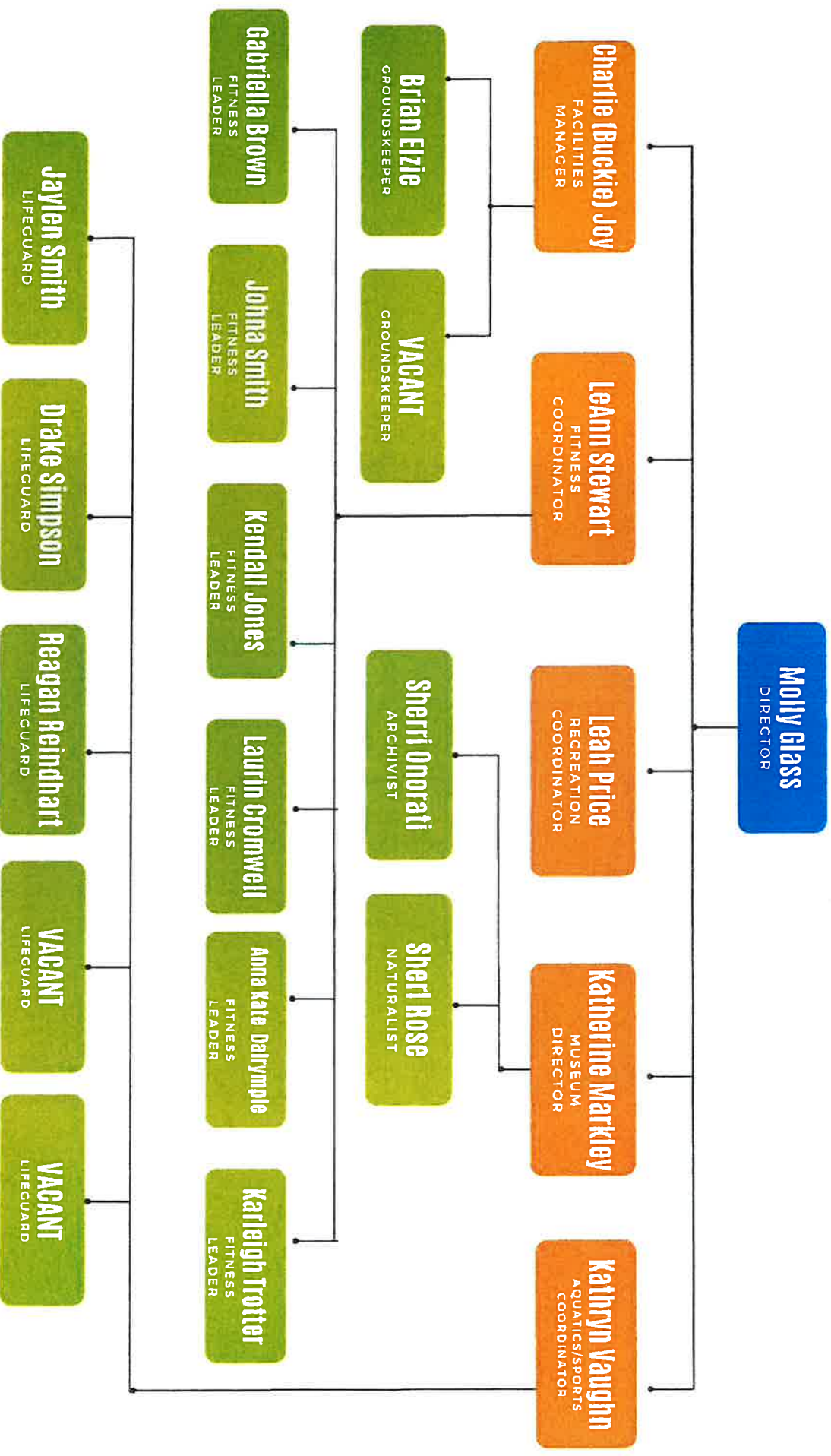
Human Resource Director
Cody Bumpus

Human Resource Coordinator
Vacant





CITY OF COVINGTON PARKS AND RECREATION ORGANIZATION CHART



Work Location - Name	Address	Contact Person	Phone #	# Employees
Covington Airport	169 Airport Pkwy Dr.	Vacant	901-476-1392	3
City Hall	200 W. Washington Ave	Jan Hensley	901-476-9613	9
Code Compliance	200 W. Washington Ave	Lessie Fisher	901-476-7191	5
Covington Electric Systems	1469 S. Main St.	Will White	901-476-7104	19
Covington Fire Department	101 Tennessee Ave	Richard Griggs	901-476-2578	29
Covington Police Department	211 S. Main St 300 W. Church Ave	Donna Turner	901-444-1047	35
Public Works	300 S. College St.	David Gray	901-476-9613	23
Utility Billing	200 W. Washington Ave	Calvin Johnson	901-476-9613	2
Street / Sanitations	410 E Ripley St.	James Dowell	901-476-6793	27
Maintenance Shop	410 E. Ripley St.	Brad Kinney	901-476-6793	3

Work Location - Name	Address	Contact Person	Phone #	# Employees
Human Resources	200 W. Washington Ave	Cody Bumpus	901-476-9613	2
Park & Recreation	790 Bert Johnston Ave	Molly Glass	901-476-3734	26
TOTAL				183

	Full Time	Part Time
Airport	3	0
City Hall	9	0
Code Compliance	5	0
Electric System	19	0
Fire Dept.	26	3
Police Dept.	35	0
Public Works	55	0
Human Resources	2	0
Parks & Recreations	9	17
Total	163	20

A T & T	ALL	TELEPHONE SERVICE	2,008.05
A T & T	ALL	INTERNET SERVICE	3,560.06
A T & T	POLICE	TELEPHONE SERVICE	2,344.51
A2H	CODES	PROFESSIONAL SERVICES	2,227.50
A2H	STREET	PROFESSIONAL SERVICES	3,329.74
A2H	STREET	PROFESSIONAL SERVICES	7,792.00
ALL TRAFFIC SOLUTIONS	POLICE	APP - TRAFFIC SUITE	1,500.00
AMERICAN EXPRESS	VARIOUS	MISCELLANEOUS PURCHASES	108,104.49
ANDREW OWEN	FIRE	TRAVEL	62.00
BFI NORTH SHELBY LANDFILL	WWTP	SLUDGE REMOVAL	5,283.01
BNY MELLON	BIOMASS	INTEREST PYMT ON BOND	6,320.24
BOB AUSTILL	STREET	REPAIRS	5,832.00
BOUND TREE	FIRE	MEDICAL SUPPLIES	1,469.65
BRENNTAG MID SOUTH INC	WWTP	CHEMICALS	8,201.82
BRENNTAG MID SOUTH INC	WTP	CHEMICALS	2,796.33
BRENNTAG MID SOUTH INC	WWTP	CHEMICALS	4,261.00
BRENNTAG MID SOUTH INC	WTP	CHEMICALS	3,500.00
BRENNTAG MID SOUTH INC	WTP	CHEMICALS	2,253.25
BRENNTAG MID SOUTH INC	WWTP	CHEMICALS	1,890.00
BSN SPORTS	PARKS/REC	BASEBALL JERSEYS	5,150.00
CADENCE BANK	VARIOUS	MISCELLANEOUS PURCHASES	4,343.94
CARROT TOP DESIGNS	ALL	SHIRTS FOR PUBLIC WORKS WEEK	1,187.00
COLUMBIA CHRYSLER DODGE	POLICE	2024 DODGE TRUCK	41,691.00
COTTRELL ELECTRIC	WWTP	REPLACE MOTOR ON SLUG PUMP	3,550.46
COVINGTON - GAS & WATER	VARIOUS	UTILITIES	6,312.20
COVINGTON ELECTRIC	VARIOUS	ELECTRIC UTILITIES	6,227.96
DELL TECHNOLOGIES	CODES	DELL LATITUDE 5540 BTX BASE	1,129.34
DJ SHUBECK CO	WWTP	SCUM & WASTE PUMP PARTS	9,478.66
FIDELITY SEARCH ENTERPRISE	HR	BACKGROUND CHECKS	1,068.00
FIREHOUSE BEDS	FIRE	DOUBLE WARDROBE	3,089.00
G & C SUPPLY CO	WATER	MISC SUPPLIES	1,523.33
G & C SUPPLY CO	WATER	MISC SUPPLIES	2,035.61
G & C SUPPLY CO	WATER	MISC SUPPLIES	12,718.33
G & W DIESEL SERVICE	FIRE	REPAIRS - E4	2,265.33
GULF STATES ENGINEERING	SEWER	SERVICE / REPAIR / HWY 59 PUMP STATION	3,304.54
HC3	VARIOUS	UTILITY BILLING	3,157.45
HUB CITY TIRE CO INC	POLICE	TIRES / PROCESSING FEE	1,619.07
INSOURCE SOLUTIONS	WTP	SOFTWARE	3,601.21
INSOURCE SOLUTIONS	WWTP	SOFTWARE	2,533.64
INTEGRATED CONSTRUCTION	WWTP	BEARING CHANGE OUT INBOARD	2,400.00
INTEGRATED CONSTRUCTION	WWTP	CAVITY PUMP CHANGE OUT	2,230.00
JAN W HENSLEY	MAYOR	TRAVEL	341.70
JENNIFER NOLEN	CODES	TRAVEL	85.75
LESSIE FISHER	CODES	TRAVEL	79.11
LOOSE EQUIPMENT	FIRE	RACK/SHELF/HANGER/FREIGHT	4,183.32
MID SOUTH SOLUTIONS	POLICE	UNIFORMS	1,101.50
MID SOUTH SOLUTIONS	POLICE	UNIFORMS	1,024.50

MID SOUTH SOLUTIONS	POLICE	UNIFORMS	1,319.45
MOLLY GLASS	PARKS/REC	TRAVEL	85.27
NAT'L FORENSIC ACADEMY	POLICE	NFA SESSION - TONY DOSS	12,000.00
PAVEMENT RESTORATION INC	STREET	AGGREGATE MATERIALS	2,740.65
POLYDYNE INC	WWTP	CHEMICALS	6,148.08
SAFE INDUSTRIES	FIRE	FACEPIECE / CYLINDER / FREIGHT	2,142.00
SCHAUS PROF SERVICES	SANITATION	GRANT CONSULTING	4,560.00
SOUTHWEST TN EMC	VARIOUS	ELECTRIC UTILITIES	2,034.76
SYMMETRY	GAS	PURCHASED NATURAL GAS	92,695.19
TACH'D OUT DIESEL	WWTP	DIAGNOSE / REPAIR DRIVELINE	1,800.00
TAYLOR MOORE	FIRE	TRAVEL	31.00
TED'S GLASS CO	FIRE	WINDOWS - N STATION	2,250.00
TIPTON COUNTY	GENERAL	REIMBURSEMENT-VCIF GRANT FEB 2024	60,745.36
TN DEPT OF ENV & CONS	WTP	SEWAGE TREATMENT FLOW 1.5 TO 2 MGD	6,920.00
UTILITY SERVICE CO	WATER	WATER METERS	3,500.00
WALKERS COMMERCIAL CUT	PARKS/REC	TREE REMOVAL (2) - COBB PARR PARK	3,000.00
WALMART	VARIOUS	MISCELLANEOUS PURCHASES	4,801.06
WASCON INC	SEWER	PUMP REPAIRS (3)	2,411.93
WASCON INC	SEWER	EXTREME E/ONE AMGP PUMPS	6,039.47
WEST TN READY MIX	STREET	LIMESTONE	1,698.00
WOLFE COMMUNICATIONS	FIRE	PAGERS / CHARGERS	1,675.50
WOOTEN OIL CO	SA/ST	FUEL	1,029.16
WOOTEN TRACTOR COMPANY	STREET	GEAR BOX / SUPPORTIVE PARTS	2,556.82
XYLEM	SEWER	RENTAL FEE	2,814.58
ZOLL MEDICAL CORP	FIRE	BATTERY, LITHIUM ION, SUPERPOWER II	1,569.48
TOTAL			\$ 526,735.36