

2019 TN Workers' Compensation Conference



A conversation with
TN Occupational Safety and Health
Administration
and
TN Bureau of Workers' Compensation.

Presenters:

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Agenda

Drug Testing

Employer Defenses

Common Safety Violations

Keeping Tennesseans Safe

Drug Testing

TN-OSHA – Neither the TN OSH Act nor the TN-OSHA Rules address drug testing.

Workers' Compensation Drug Free Workplace Program

Chapter 0800-02-12

Rules of the Department of Labor

T.C.A. § 50-9-101 et al

Drug Testing

- Helpful Sources:
 - Substance Abuse & Mental Health Services Administration (SAMHSA) guidelines.
 - Drug and Alcohol Testing Industry Association
 - Substance Abuse Program Administrators Association
 - Office of Drug and Alcohol Policy & Compliance
 - National Laboratory Certification Program
 - Department of Health and Human Services
 - Medical Review Officer Certification Council
 - American Society of Addiction Medicine
 - American Association of Medical Review Officers

Employer Defenses

- TN-OSHA – Case law recognizes the “employee misconduct defense” if employer is able to establish all 4 elements.
 - There are also 6-7 affirmative defenses an employer may assert in defense to a citation/penalty

- Workers’ Compensation – T.C.A. § 50-6-110

Common Safety Violations

- Manufacturing
- HazCom
- Respiratory Prot.
- Noise Exposure
- Lockout/Tag-out
- TN Right to Know

- Construction
- Fall Prot. Training
- Fall Protection
- HazCom
- Scaffolds Training
- Aerial Lifts

- Health Care
- Exposure Control
- Engineering & Work
- Regulated Waste
- Exposure Determin
- Workplace Labeling

Keeping Tennesseans Safe

- Role of the TN Department of Labor and Workforce Development
 - Accident investigations
 - Employee complaints
 - Unannounced program planned inspections of worksites
 - issuance of citations/penalties for violations
 - prosecution of citations/penalties
 - special emphasis programs (SEPs)
 - Training – OSHA 10-hour & 30-hour classes
 - promulgating new TN-OSHA standards

Questions?



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