



Partnering Charter

**United States Department of Labor
Occupational Safety and Health Administration
Wisconsin Area Offices and
Wisconsin Department of Commerce/Safety Consultation
and
Associated Builders and Contractors of Wisconsin, Inc.**

1. CLAS Partnership

- A. The Associated Builders and Contractors, Inc., (ABC), the Occupational Safety and Health Administration (OSHA), and Wisconsin Consultation (WisCon) mutually recognize the importance of providing a safe and healthful work environment in the construction Industry. To advance our mutual goal, we strongly agree on the need to develop partnerships that foster mutual trust and respect for the respective roles of each organization in the construction safety process. We recognize and embrace the responsibilities inherent in those roles. We are committed to work as partners to achieve construction workplace safety and health through shared strategies and objectives.
- B. This Partnership is expected to result in decreased injuries, illnesses, and fatalities for participant contractors with a resultant decrease in worker compensation costs.
- C. This Partnership (hereafter referred to as the CLAS Partnership, Construction Leaders Agreement for Safety Partnership) will provide assistance and incentives to construction contractors who voluntarily participate in the ABC Safety Training and Evaluation Process (STEP) program and demonstrate implementation of effective safety and health programs.

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

- D. This agreement will not in any way affect employees' exercise of rights under the OSH Act and OSHA regulations, including walk-around rights. As an integral part of an effective safety and health program, the availability of employees to exercise their rights guaranteed under the OSH Act and regulations (such as, but not limited to, the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements, e.g. the OSHA Injury and Illness Log and medical exposure records) will not be infringed. It is anticipated that routine employee involvement in the day to day implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analyses, safety and health program reviews, and mishap investigations.
- E. Employers retain all rights guaranteed under the OSH Act, including the right to appeal or contest citations issued by OSHA.

2. Specific Goals

- A. Reduce by 3% annually the number of injuries, illnesses, and fatalities affecting participant employers with an emphasis on reducing injuries and fatalities resulting from falls, struck-by and caught-in mishaps, and electrocution (focused four construction hazards).
- B. Increase the number of construction companies that implement effective safety and health programs.
- C. Decrease worker compensation costs and OSHA penalties for contractor participants.
- D. Allow OSHA to focus resources on companies that require attention from OSHA, rather than companies that have demonstrated implementation of effective safety programs.
- E. It is anticipated that with minimal use of OSHA resources, this partnership will result in improved safety and health programs, a higher level of employee safety and health training, and as a secondary benefit, improved jobsite safety and health program commitments by subcontractors working with CLAS level participants.

3. Program

- A. ABC has implemented a program to assist its member construction companies in evaluating their safety and health program performance and their safety and health training programs. This program is known as the Safety Training and Evaluation Process, or "STEP" program. The ABC National Office processes all applications and, in turn, presents awards to qualified applicants.

Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership STEP CLAS Incentive Program

- B. The STEP program was created by the ABC National Safety Committee in 1992. The National Safety Committee is composed of construction safety professionals drawn from ABC member companies throughout the United States. Along with this national committee, ABC has over 60 safety committees formed in various chapters across the United States and Guam. Safety committee members at these local chapters identify and provide safety courses and seminars on safety compliance programs pertinent to their geographical area. These committees convey concerns, stance on issues and other items of construction safety interest to the National Safety Committee.
- C. A Partnership Steering Committee from the National Safety Committee will oversee the activities of the STEP CLAS Incentive program. The Partnership Steering Committee will be comprised of safety and health representatives from ABC member companies. The Committee will review and approve or disapprove Platinum applications. OSHA's Directorate of Construction will serve as advisor to the Partnership Steering Committee.
- D. The STEP program has four award levels. The Bronze, Silver, and Gold awards are based on self-evaluation scores, and are administered by ABC. The fourth category, Platinum, will be open to those companies whose achievements in the area of worksite safety are, certifiably, the best of the best. Acceptance into the CLAS level will require additional validation of safety and health program efficacy through an on-site comprehensive inspection. Contractors which are accepted into the CLAS level will receive incentives from OSHA, as listed in Section 6 of this document.
- E. The Partnership Steering Committee will inform the Wisconsin Chapter, of their members who have successfully completed the application process and are thus eligible for participation in the partnership

4. Program Implementation

- A. The STEP program is implemented in two phases:
 - 1) First phase is the completion of the STEP application. ABC National will distribute applications to construction contractor members. Typically, distribution is made January or February of each year. The application consists of a two-part form. Part One of the form requests safety and health statistical data. This data is found on summary OSHA Injury and Illness Logs. Part Two of the form is the self-evaluation section. Here, contractors answer a series of questions related to the safety program; each response has a numerical rating. Responses from questions are totaled, providing a self-evaluation rating.

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

- 2) The second phase of the STEP program is the evaluation of applicants and the distribution of certificates. Application evaluation is conducted at the ABC National office. Data from each application is keyed into ABC National's database. This includes information from the applicant's Summary OSHA Injury and Illness Log, employee work-hours from the noted calendar year, as well as the self-evaluation score. While Summary OSHA Injury and Illness Log data are collected from all STEP participants, these data will be used for evaluation purposes only for Platinum award level applicants; self evaluation scores are used to determine the award levels of Bronze, Silver and Gold.
- B. Applicants seeking CLAS status will have additional criteria to satisfy. CLAS applicants must:
- 1) Have been recipients of Gold certificate in the prior year and must qualify as Gold level (self-evaluation score 120 or higher) in the current year;
 - 2) Submit their Summary OSHA Injury and Illness Log and have an occupational injury & illness recordable rate (total case per BLS formula) below 8.0;
 - 3) Supply a statement from their insurer that verifies the applicant's self-evaluation score;
 - 4) Receive a comprehensive inspection of at least one active job site to be conducted jointly by WisCon, the Wisconsin Chapter, or its designated representatives;
 - 5) Have a written site specific safety and health program based on the ANSI A-10.38 guidelines or the OSHA 1989 Safety and Health Program Management Guidelines;
 - 6) Participants are encouraged to go beyond OSHA's minimum requirements, and further reduce exposure to fall, struck by, caught in-between, and electrical hazards.
 - 7) Show evidence of employee involvement in the safety and health program, for example, participation in self-audits, site inspections, job hazard analyses, safety and health program reviews, safety training, and mishap investigations;
 - 8) Show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s);
 - 9) Have provided construction site supervisors with training equivalent to the OSHA 10-hour construction safety course;
 - 10) Have designated safety personnel who, through training and experience, are able to recognize work hazards and have the authority to take prompt corrective

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

action. Training curriculum equivalent to the OSHA 30-hour Construction Safety course will be deemed to be satisfactory;

- 11) Have no Willful violations in the last three years;
- 12) Have no repeated serious violations in the last three years; and,
- 13) Have no fatalities or catastrophes within the last three years that resulted in serious citations related to the incident.

5. Incentives

- A. CLAS participants will receive special recognition in ABC's national publication.
- B. Upon acceptance as a CLAS participant, Wisconsin OSHA Area Director will provide certain incentives to participants:
 - 1) Participant contractor's will not receive programmed inspections within the next twelve months;
 - 2) CLAS participants will receive unprogrammed inspections only in response to reports of imminent danger, fatalities/catastrophes, observed serious hazards, and signed formal complaints. OSHA will use telephone and fax to handle all other complaints except in cases of reported serious injuries. When an inspection of an informal complaint is deemed necessary, a copy of the complaint will be provided to the ABC National Safety Director.
 - 3) OSHA will not issue citations for other-than-serious violations, provided the violations are abated immediately.
 - 4) If cited by OSHA, CLAS participants in good standing will be eligible for the maximum good faith, size and history penalty reductions currently available in the OSHA Field Inspection Reference Manual (CPL 2.103) Companies will be eligible for a forty percent discount on fines, through the Expedited Informal Settlement Agreement/EISA (instead of the thirty percent offered to non-participants.);
 - 5) During OSHA inspections of non-participant employers, CLAS Partnership participants will not be included in the inspection unless the compliance officer documents that the CLAS participant is responsible for, or has employees exposed to hazards listed in 2.A. (Specific Partnership Objectives).

6. Program Monitoring and Quality Assurance

- A. The ABC National Director of Safety and Health is responsible for the following program monitoring activities:

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

- 1) Periodic reviews of participatory ABC chapter activities to ensure that program requirements are met.
 - 2) Reviews will include random on-site verification of CLAS participants to validate partnership program administration;
 - 3) Termination of a participating contractor's status if findings indicate unacceptable performance or submission of falsified documentation;
 - 4) Providing recommendations to the ABC National Safety Committee for program improvements.
- B. Participants randomly selected from the CLAS member list will have the effectiveness of their safety and health programs verified through onsite inspection by OSHA. The number of OSHA onsite quality assurance inspections per partnership jurisdiction is a minimum of 5% or one inspection, and a maximum of 10% of participants annually, at the Area Director's discretion. Any OSHA inspection of a CLAS Partner's job site can serve as a quality assurance inspection
- C. Bronze, Silver, and Gold STEP participants will be ineligible to participate in this program until such time as they have been accepted and formally recognized as a Platinum level participant.
- D. Information submitted by contractors as part of the application or renewal process, as well as information obtained by virtue of the contractor's application or participation in the program, will be held in strict confidence within the confines of the partnership program. However, in event of an OSHA inspection, such information that is relevant to any element of the investigation and normally is available will be provided to OSHA upon request.
- E. As soon as practicable, the Wisconsin Chapter will notify all the Wisconsin Area OSHA offices of the identity of those contractors who have achieved CLAS Partnership status.

7. Program Evaluation

- A. The partnership pilot will be evaluated annually for achievement of the annual goal of a 3 % reduction in the number of injuries, illnesses and fatalities has been met. ABC is responsible for gathering baseline data upon which the partnership will be measured
- B. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether the goal has been met.

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

- C. The ABC National Office will prepare an annual report evaluating the merits of the program and providing recommendations for continuous improvement. The report will include injury/illness total case rates, and fatality rates. Copies of the report will be provided to all of the organizations participating in the partnership.
- D. The partnership annual report will be reviewed by Wisconsin OSHA, WisCon, and the Wisconsin Chapter, and may be revised based on recommendations for continuous improvement.

8. Contractor Termination

- A. A contractor's participation will be terminated and OSHA will be informed if one or more of the following occurs:
 - 1. An inspection reveals a significant deviation from program criteria;
 - 2. The contractor has falsified information on the application or supporting records;
 - 3. The contractor's injury/illness rate rises above 8.0, and/or,
 - 4. Contractor takes other such actions that may be determined to be grounds for termination by the Wisconsin Chapter;
- B. Prior to final termination of a contractor's status, the following will occur:
 - 1. The contractor will be notified in writing of the intent to terminate;
 - 2. The notice will include an explanation of the reasons for termination;
 - 3. The contractor will have an opportunity to reply to the written notice within a period of thirty (30) days; and,
 - 4. The contractor will have the right to make an appearance before the Wisconsin Chapter.
- C. Wisconsin Chapter will have the authority to reinstate the contractor if it determine that the contractor's experience was unusual and not necessarily inconsistent with a sound safety and health program. In this event another comprehensive inspection will be conducted.
- D. Any contractor may terminate participation in the program at any time.

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

9. Duration and Location of Partnership

- A. The partnership pilot shall have an initial term of three years and may be renewed if all parties concur.
- B. Either party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner.
- C. Any party may also propose modification or amendment to the program subject to concurrence by the other partners(s) to the agreement.

Agreed this day, October 10, 2002

Michael G. Connors
Regional Administrator
U.S. Department of Labor OSHA
Region V, Chicago, IL

Ronald Klossner
President
Associated Builders and Contractors
of Wisconsin, Inc.

Kimberly A. Stille
Area Director
U.S. Department of Labor OSHA
Madison Area

George Yoksas
Area Director
U.S. Department of Labor OSHA
Milwaukee Area

Melvin R. Lischefski
Area Director
U.S. Department of Labor OSHA
Appleton Area

Charles E. Burin
Area Director
U.S. Department of Labor OSHA
Eau Claire Area

**Wisconsin OSHA, WisCon, and ABC-Wisconsin Partnership
STEP CLAS Incentive Program**

Karl F. Arps, P.E.
Director
Wisconsin Department of Commerce