

Partnership Agreement for Safety/Health Success (PASS)  
Toledo Area Office

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## OVERVIEW

- A. The goal of this program is to develop a cooperative work environment between the Occupational Safety and Health Administration and the Joint Construction Safety and Health Committee (JCSHC). The JCSHC is comprised of a Safety and Health Professional and an Executive Director from each of the following organizations: Construction Contractors Council, Mechanical Contractors Association of Northwestern Ohio, Toledo Electrical Contractors Association, and Northwestern Ohio Building and Construction Trades Council.. OSHA will serve as an advisor to this committee. This program will be administered by the JCSJC and will be implemented within the jurisdictional area of the Toledo OSHA Area Office. The program will be available to all contractors that are signatory to any labor agreement within the jurisdiction of this program.
- B. Expected outcomes of the program include: allowing OSHA to focus resources toward contractors who have little or no regard for the safety and health of their employees; developing criteria for a model contractor safety and health program; jointly utilizing all safety and health resources available to participating contractors, and reducing occupational injuries and illnesses experienced by participating contractors.
- C. The program will provide incentives to participating contractors who voluntarily improve their safety and health performance. Incentives will include special recognition from OSHA and recognition from the Joint Construction Safety and Health Committee.
- D. This program is consistent with OSHA=s long-range efforts to develop a business/government commitment to safety and health. The program allows for better use of OSHA resources, fosters innovation in safety management, and encourages more participation in the safety process by the unions and the participatory trade associations.
- E. Perhaps most importantly, this program will help to create private sector incentives for improved safety. Building owners may request that their projects will be done by contractors who are participants in the program and can demonstrate their commitment to safety.
- F. Participation in this partnership is based on an evaluation by the Selection and Review Committee, of the criteria set forth in this program. The selection and review committee will be comprised of one representative from each of the following bodies: The Construction Contractors Council, The Mechanical Contractors Association of Northwestern Ohio, The Toledo electrical Contractors Association, and the Northwestern Ohio Building and Construction Trades Council. The selection and review committee must unanimously agree on recommendations for contractor=s participation status, which is subject to OSHA=s verification.
- G. OSHA will be notified each time a new partner is accepted into the partnership program.

## CRITERIA FOR QUALIFICATION

- A. General qualification criteria, the contractor must:
  - 1. Be engaged in the construction business and be signatory to a labor contract within the jurisdiction of this program. As least 50 percent of the company=s annual sales must come from these contracting activities:
  - 2. Agree to provide Safety and Health, injury and accident records for evaluation;
  - 3. Have an established, written safety and health program that is consistent with the criteria set forth in this program;

4. Be in compliance with applicable OSHA requirements;
  5. Have had the effectiveness of the safety and health program confirmed by a JCSH Committee site visit. The contractor and its employees are not only operating safely but can serve as a model for other contractors and their employees;
  6. Meets and maintains all requirements for the acceptable level of partnership;
  7. Become a signatory member of the Partnership Agreement for Safety/Health Success (PASS).
- B. Associate Partner Qualification Criteria, the contractor must fulfill the general qualifications and must:
1. Make a commitment to meet or exceed the requirements for full partner;
  2. Have no fatalities or catastrophic accidents in the past 12 months which resulted in an OSHA citations;
  3. Have no willful, repeat, or failure-to-abate citations in the past 12 months;
  4. Associate partners will be terminated from the program if they fail to progress in their commitment to meet or exceed the requirements for full partner within 24 months from the entrance date into the partnership program.
- C. Full Partner Qualification Criteria, the contractor must fulfill the general qualifications and must:
1. Provide clear evidence of implementation of a pro-active safety and health process including:
    - a. Records of disciplinary actions;
    - b. Verification of a three-year average Injury/Illness Incident Rate which is less than the National Average for their SIC as published by the Bureau of Labor Statistics;
    - c. No fatalities or catastrophic accidents in past three years which resulted in an OSHA citations;
    - d. No willful, repeat, or failure-to-abate citations in past three years; and
    - e. Participation (attendance) in any local safety fair.
  2. Have made safety and health an integral part of the company's training and employee awareness programs; and
  3. Make a Commitment to implement 100% eye protection for all your employees; and
  4. Make a Commitment to implement 100% hard hat usage for all your employees; and
  5. Meets and maintains all requirements for full partnership.
- D. Select Partner Qualification Criteria, The contractor must fulfill the general qualifications and must:
1. Make a commitment to implement conventional fall protection for all employees and subcontractor employees, when employees are exposed to fall hazards greater than six(6) feet; and
  2. Make a commitment to implement 100% hard hat usage for all employees and subcontractor employees; and
  3. Make a commitment to implement 100% eye protection usage for all employees and subcontractor employees; and
  4. Provide clear evidence of implementation of a pro-active safety and health process including:
    - a. Records of disciplinary actions;
    - b. Verification of a three-year average Injury/Illness Incident Rate which is 25% less than the National Average for their SIC as published by the Bureau of Labor Statistics;
    - c. No fatalities or catastrophic accidents in past three years which resulted in OSHA citations;
    - d. No willful, repeat, or failure-to-abate citations in past three years; and
    - e. Participation (planning and attendance) in any local safety fair.
  5. Have made safety and health an integral part of the company's training and employee awareness programs; and
  6. Meets and maintains all requirements for Select partnership.

## PARTNERSHIP INCENTIVES

### A. Associate Partner Incentives

1. Contractors participating in the PASS Program will not be subject to OSHA inspections except as follows:
    - a. OSHA receives a report of an imminent danger situation or a formal written complaint filed by a current employee or employee representative. Non-formal complaints will be addressed with the PASS administrators and the partnering employer.
    - b. A fatality/catastrophe as defined in the OSHA FIRM (CPL 2.103) occurs.
    - c. During OSHA inspection activity, when inspectors observe exposure to uncontrolled hazards.
  2. Will not be included in OSHA inspections of non-partnership employers unless the inspector observes that, as a result of partnership contractor actions, employees are exposed to hazards.
  3. Associate partners will receive priority on scheduling for OSHA on-site consultative services.
- B. Full Partner Incentives
1. Contractors participating in the PASS Program will not be subject to OSHA inspections except as follows;
    - a. OSHA receives a report of an imminent danger situation or a formal written complaint filed by a current employee or employee representative. Non-formal complaints will be addressed with the PASS administrators and partnering employer.
    - b. A fatality/catastrophe as defined in the OSHA FIRM (CPL 2.103) occurs.
    - c. During OSHA inspections activity when inspectors observe exposure to hazards (falls/electrical/caught in between/struck by trenching & excavations).
    - d. Any inspection will be focused in nature.
  2. Will not be included in OSHA inspections of non-partnership employers unless the inspector observes that, as a result of partnership contractor actions, employees are exposed to hazards (falls/electrical/caught in between/struck by/trenching & excavations).
  3. No citations will be issued for other-than-serious violations from OSHA provided that the violation is abated immediately or in the presence of the compliance officer (the contractor reserves the right to request an informal conference and formally contest any alleged OSHA violation/citation);
  4. Will receive maximum reductions allowed for good faith, size and history for penalties assessed for serious OSHA violations;
  5. Full partners will receive priority on scheduling for OSHA on-site consultative services.
- C. Select Partner Incentives
1. Contractors participating in the PASS Program will not be subject to OSHA inspections except as follows;
    - i. OSHA receives a report of an imminent danger situation or a formal written complaint filed by a current employee or employee representative. Non-formal complaints will be addressed with the PASS administrators and the partnering employer.
    - ii. The employer experiences a fatality/catastrophic accident as defined in the OSHA FIRM (CPL 2.103).
    - iii. Any inspection will be focused in nature.
  2. Select partners will not be included in OSHA inspections or non-partnership employers;
  3. No citations will be issued for other-than-serious violations from OSHA, provided that the violation is abated immediately or in the presence of an compliance officer (the contractor reserves the right to request an informal conference and formally contest any alleged OSHA violation/citations);
  4. Select partners receive maximum reductions allowed for good faith, size and history for penalties assessed for serious OSHA violations;
  5. Select partners will receive priority on scheduling for OSHA on-site consultative services.
  6. Select partners may be able to remove the jobsite from the programmed inspection list provided
    - a. The select partner manages all site activities.
    - b. The select partner requires all contractors on site to have written comprehensive site-specific safety and health programs that have been implemented, and
    - c. The jobsite undergoes OSHA verification procedure. The verification procedure will be conducted per current OSHA policy for focused inspections in construction.

SAFETY AND HEALTH PROGRAM CRITERIA

The complete criteria for a sound company safety and health program will be determined by the Joint Construction Safety and Health Committee, but will include the following:

- A. Management Commitment and Employee Participation:

1. A written safety and health program that addresses recognized hazards and is consistent with the guidelines in ANSI A10.38-1991.
  2. Employee participation in company safety and health programs including but not limited to:
    1. Participation on safety and health committees, joint labor-management committees, and other advisory or specific purpose committees, if otherwise lawful and appropriate;
    2. Conducting site inspections, safety and health audits, job hazard analyses, and other types of hazard identification;
    3. Developing and using a system for reporting hazards;
    4. Developing and revising the site's safety and health rules and safe work practices;
    5. Participating on workplace teams charged with identifying root causes of accidents, incidents, or breakdowns;
    6. Implementing controls to eliminate or reduce hazard exposure;
    7. Collecting samples for monitoring;
    8. Making presentations at safety and health meetings;
    9. Delivering training to current and newly hired employees; and participating in safety and health reviews.
  3. Annual safety and health program review.
  4. Compliance with the occupational safety and health standards promulgated by OSHA.
  5. Designation of an individual by top management to implement and monitor the contractor's safety and health program:
    1. Regardless of employer size, the individual selected shall have completed, as a minimum, the OSHA 30-hour Construction Safety and Health Training Course or equivalent training within three (3) years immediately prior to appointment.
    2. The individual appointed by the contractor shall have at least five (5) years of construction experience, or a combination of five (5) years of experience and formal education.
    3. The individual appointed shall have line authority from contractor top management to order or otherwise direct field supervisory personnel/field employees to take prompt corrective measures to eliminate recognized safety and health hazards.
    4. The individual appointed shall periodically conduct safety and health audits to identify hazards with emphasis on fall hazards, electrical hazards, caught in between hazards, and struck by hazards. More comprehensive safety and health audits will be conducted in areas of high hazards (confined space, excavation, asbestos, etc.).
    5. The individual appointed shall accumulate 10-hours of continuing safety and health training each year.
  6. Responsibility of each contractor and subcontractor on a project for enforcement of its own safety and health program.
    1. Each contractor and subcontractor shall establish disciplinary rules that include discharge for willful or repeated safety violations, and may include lesser forms of discipline for less serious types of violations.
    2. A contractor or subcontractor who is party to a collective bargaining agreement containing an established grievance procedure may utilize such procedure for enforcement of its disciplinary rules.
- B. Job-Site Analysis:
1. Job-site systems shall be implemented to recognize and abate serious hazards in a timely manner with particular attention to the four key industry hazards (falls, electrocutions, caught between injuries and struck by injuries);
  2. Frequent and regular job-site safety inspections shall be conducted by line supervisors; and
  3. Job-site shall have accountability for safety and health program enforcement.
- C. Hazard Prevention and Control:
- a. Regular investigation of accidents and serious Anear miss@ events to determine their causes.
  - b. Controls of hazards through engineering, administrative and work practice controls primarily or the use of PPE as required.
- D. Training:
- a. All employees shall have completed, prior to the start of work, company/job-site safety orientation.
  - b. Job site supervisors and foreman shall have completed 16-hours of safety and health training including the

OSHA 10-hour course or equivalent training, within the past three (3) years. Equivalent training would include instructions pertaining to accident prevention and investigation that have been tailored to the scope of the supervisor=s or foreman=s duties.

- c. All other (non-supervisors and non-foremen) employees shall be trained in PPE, hazard communication, fire prevention/protection, electrical safety, hand and power tool safety, and material handling at a minimum and on the specific hazards of the worksite.
- d. Programs to make the workers aware of potential health hazards.

#### APPLICATION PROCESS

- A. As part of the initial application process for participation in the PASS program, a visit to the applying contractor=s place of business will be conducted by a representative of the JCSH committee.
  - 1. The visits will include interviews with the company=s principals, supervisors and employees, as well as a visit to at least one job site. The purpose of the visits is to conform that the criteria established by the JCSH committee are being met.
  - 2. It is not intended that site visits will be conducted as part of the contractor=s quarterly renewal process. However, random visits to at least one active site for each participating contractor will be conducted on an on-going basis among firms in the PASS program. These random visits may include:
    - 1. An inspection of the contractor=s place of business; or
    - 2. Safety and health program documentation; or
    - 3. Interviews with employees.
  - 3. Site visits may be performed for partnering employers, if a JCSH committee member observes violations of this partnership agreement or the OSHA standards.
  - 4. If these visits show that the company fails to meet established program criteria, the company may be subject to termination from the program., according to termination procedures.
  - 5. It is anticipated that OSHA=s onsite evaluation of the effectiveness of the partnership agreement will occur during the normal course of compliance investigations and onsite inspections consistent with the criteria specified with this partnership.
- B. Initially and quarterly thereafter, participating employers will be required to submit the PASS application and necessary safety and health documentation to the JCSH committee for review of participation status.

#### EMPLOYEE/EMPLOYER RIGHTS

- A. As an integral part of an effective safety and health program the availability of the employees to exercise their rights, which are 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) will not be infringed.
- B. Employers retain all rights under the OSH Act, including the right to appeal or contest violations issued by OSHA.

#### TERMINATION OF CONTRACTOR STATUS

- A. Contractor=s participation will be terminated 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; or
  - 3. The contractor takes other such actions that may be determined to be grounds for termination by the JCSH Committee.
- B. Prior to the final termination of the contractor=s status, the following will occur:
  - a. The contractor will be notified in writing of the intent to terminate. The notice will include an explanation of the reasons for termination;
  - b. The contractor will have an opportunity to rely to the written notice within a period of thirty (30) days; and
  - c. The contractor will have the right to make an appearance before the JCSH Committee.
- C. The JCSH Committee will have the authority to reinstate the contractor if it determines that the contractor=s experience was unusual and not necessarily inconsistent with a sound safety and health program.
- D. Any contractor may terminate its participation in the program at any time with written notice.

## MEASURING THE PROGRAM=S SUCCESS

- A. The success of this program will be measured on an annual basis through:
  - 1. An evaluation of the injury/Illness Incidence rates of participating contractors; and
  - 2. An evaluation questionnaire sent to all participating employers and labor organizations.
- B. The program will be deemed successful if there is a 3% downward trend of Injury/Illness Incidence rates and majority approval rating on the evaluation questionnaire.
- C. OSHA will provide the JCSH committee copies of any citations issued to any partnering employer and annually OSHA will provide a report regarding the overall partnership program, which will be shared with the members of the sponsoring organizations.

## PROGRAM EVALUATION

It will be the responsibility of the JCSH Committee to establish criteria to evaluate the overall success of the program:

- 1. The Committee will consider, among other things, periodic analysis of accident statistics of Partnership and non-Partnership Program contractors; analysis of insurance industry loss ratios. And feedback from the different Safety and Health resources. It is the responsibility of the JCSH Committee to gather required participant data to evaluate the overall success of the program. Aggregated data will be reported to the OSHA Area Director and the participating partners.
- 2. The partnership will be evaluated annually to determine whether the annual goal of 3% reduction in the number of injuries, illnesses and fatalities has been met. The JCSH Committee will be responsible for collating baseline and annual performance data upon which the partnership will be measured.
- 3. The incidence of injuries from falls, struck-by, caught between and electrocutions will be measured and compared against the baseline established in the first year of the partnership.  
If signatory partners agree, partnership criteria may be revised annually based on recommendations for continuous improvement.

## TRAINING INITIATIVES

Once the program is begun, many construction contractors will be eager to meet the criteria; and JCSH committee, through existing contractor associations, apprenticeship programs and unions, will be prepared to assist in the following ways:

- 1. Gathering existing safety and health training material;
- 2. Referring contractors to appropriate contractor associations that can provide assistance in developing a model company safety program, including identification of appropriate training materials; and
- 3. Helping to arrange for distribution of the materials through existing networks, including the contractor associations, apprenticeship programs, and union training programs.

## PROGRAM IMPLEMENTATION/TERMINATION

- 1. This Partnership will operate for a period of three years from implementation.
- 2. If the partnership is deemed successful, the partnership may be extended for additional three year periods at the consent of the sponsoring organizations.
- 3. The date of the JCSH Committee/OSHA Partnership Agreement is March 16, 2001 and is effective in 15 days.

**PASS APPLICATION**

(Answer questions below for your employees that work in the area covered by the Toledo Area OSHA office.)

Company:

Address:

Phone:

Fax:

Company Contact:

Title:

Construction SIC:

Trades employed:

Do you have a designated safety and health coordinator?

Do you have a safety department?

Do you budget for safety?

Number of full-time safety employees:

Name of safety coordinator:

List any willful, repeat, or failure-to abate citations received within the past three years:

Date of last OSHA inspection:

Do you currently have a comprehensive safety and health program?

Do you currently provide company/jobsite safety orientation for all new hires?

If yes, what type of training do you use? Video? Handouts? Verbal? Other?

Number of employees currently trained in OSHA 10 hour? OSHA 30 hour? 16 hour programs?

OSHA 500 Instructor?

Do you currently use trade association safety and health resources?

	Year	Year	Year
Number of employees:			
Number of Hours Worked?			
Number of Restricted Workdays			
Number of Fatalities			
Number of OSHA Recordable Cases			
Incident Rate			
Experience Modification Rate			

SPONSORING ORGANIZATIONS SIGNATORY PAGE

Based upon a mutual interest to protect construction workers, the parties below agree to the terms and of the JCSH Committee/OSHA Partnering Agreement (PASS):

Bill Brennan	President, Associated General Contractors of Northwest Ohio
Richard Hodges	Executive V.P., Mechanical Contractors Association of Northwestern Ohio
Todd Michaelson	Executive Director, Toledo Electrical Contractors Association
Allen Segur	Northwestern Ohio Building and Construction Trades Council
Stephen Kinn	Director of Safety, Mechanical Contractors Association of Northwestern Ohio
Bill Bostleman	Chairman of the Board, Associated General Contractors of Northwest Ohio
Steve Dunbar	President, Mechanical Contractors Association of Northwestern Ohio.
Dan Bollin	President, Toledo Electrical Contractors Association
Terry Romey	Safety Director, Construction of Contractors Council
Sandra Taylor	Deputy Regional Administrator, Region V OSHA
Arnis Andersons	Area Director, Toledo Area OSHA Office
Owen Wagner	Bureau Chief, Department of Commerce

CONTRACTOR SIGNATURE PAGE

Based upon a mutual interest to protect construction workers, the parties below agree to the terms and level of participation to this JCSH Committee/OSHA Partnering Agreement (PASS):

Date:

Company:

Company Representative:

Company Representative Title:

Participation Status:

Selection and review Committee Representatives:

OSHA Review:

Date:

OSHA Representative: