

Peoria Area Office

and

Southern Illinois Builders Association/Associated General Contractors of America

1. Partnership Background

On March 12, 1998, the Associated General Contractors of America (AGC) and the United States Department of Labor Occupational Safety and Health Administration (OSHA) signed a partnership charter that mutually recognized the importance of providing a safe and healthful work environment in the construction industry. To advance our mutual goal, we strongly agreed on the need to develop a working relationship that creates mutual trust and respect for the respective roles of each organization in the construction safety process. The Construction Health and Safety Excellence (CHASE) partnership agreement as described within this document is the direct result of the 1998 partnership charter.

II CHASE Partnership

1. Program Expectations

This agreement between the AGC of America and the Occupational Safety and Health Administration is intended to serve as a template for the AGC Chapters to use as a basis for partnerships with the Federal OSHA Area Offices. The actual partnerships will be negotiated between the AGC chapters and the OSHA Area Offices. Owners, Labor and other organizations are encouraged to endorse and participate as signatory partners in the CHASE program.

1. Implementation of this program is expected to result in decreases serious injuries, illnesses and fatalities for participating contractors and improvement of existing safety and health programs.
2. This agreement provides for incentives to construction contractors that voluntarily participate in the CHASE program and demonstrate implementation of effective safety and health programs.
3. This agreement will not in any way affect employees' ability to exercise rights under the OSHA Act and OSHA regulations, including walk-around rights.

2. Specific Goals of CHASE

1. To reduce by 3% annually the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between and electrocutions).
2. To increase the number of general and specialty contractors who implement effective safety and health programs and provide effective safety and health training for management, supervisors and employees.
3. To recognize those contractors with exemplary safety and health programs and effective site-specific safety and health plans.

3. Program Implementation

Once a partnership has been established between an AGC chapter and an OSHA Area Office, the chapter Safety Committee or designated representative will inform members who have successfully completed the application process and are thus eligible for participation in the partnership. The local chapter will then follow the procedures developed in the local partnership to inform the OSHA Area Director of the qualified contractors.

4. Eligibility Requirements for the Multi-Step Program : RED, WHITE, AND BLUE.

1. The CHASE Program will be implemented in three levels: RED, WHITE, and BLUE.
2. Applications may be submitted at the beginning of each quarter. Eligibility status must be renewed on an annual basis. New and renewal applicants will:
 1. Complete the two-part CHASE application form

1. The first part of the form will request data from the summary of the contractor's OSHA 200 log. The second part of the form will be self-audit evaluation checklist (see Appendix A), which will require applicants to answer a series of questions related to their safety program.
 2. The chapter safety and health committee or the chapter's designated representative will administer the self-audit evaluation of the CHASE Program. The safety and health committee is comprised of representatives from AGC member companies, or the chapter's designated representative will be appointed by the AGC member companies. Either will approve or reject the CHASE application. Local OSHA area offices will serve in an advisory capacity to the chapter safety and health committee or its designated representative.
 3. The CHASE Program has three award levels. Entry into the RED and WHITE and BLUE Levels are based on answering Ayes to all of the questions on the self-audit evaluation administered by AGC. In order to determine the contractor's level of eligibility, the contractors must provide its chapter safety committee or its chapter's designated representative with evidence of conformance with each requirement for each level.
 4. Once a partnership has been established between the local chapter of AGC and the OSHA Area Office, the chapter safety and health committee or designated chapter representative will inform the chapter members who have successfully completed the application process and are eligible to participate in the partnership program.
 5. The top level, BLUE, will be open to those companies whose achievement in the area of worksite safety are outstanding. Acceptance into the BLUE level will require additional validation of safety and health program efficacy through a comprehensive onsite qualifying inspection. The qualifying inspection will be conducted on at least one active job site by the chapter safety and health committee or designated representative.
 6. Contractors who are accepted into the CHASE Program receive incentives from OSHA.
3. RED: Applicants seeking REED status must meet the following requirements:
 1. Develop and implement a written safety and health program that addresses those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between and electrocutions);
 2. Conduct weekly employee safety meetings;
 3. Conduct and document self-audits.
 4. WHITE: Applicants seeking WHITE status must meet the following requirements:
 1. Implement a comprehensive written safety and health program based on the ANSI A10.38-1991 Guidelines or OSHA's 1989 Safety and Health Program Management Guidelines;
 2. Assign at least one trained employee with responsibility for employee safety to administer the participants safety and health program and to conduct documented safety and health inspections of ongoing work; training equivalent to the AGC Safety Management Course or equivalent will be deemed satisfactory;
 3. Conduct an orientation of all new of all new employees in the safety and health program of the company, and show evidence of effective employee training for avoidance of hazards specific to the contractor's worksite(s);
 4. Conduct weekly employee safety meetings;
 5. Conduct and document self-audits;
 6. Show evidence of employee involvement in the safety and health program, for example, participation in self-audits, site inspections, job hazard analysis, safety and health

- program reviews, safety training, and mishap investigations;
 - 7. Develop and maintain a Substance Abuse Policy;
 - 8. Provide all field construction supervisory personnel with training equivalent to the AGC Supervisor Safety Competency Training Center Course;
 - 9. Maintain a total case injury/illness incidence rate that is 10% less than the most current Bureau of Labor Statistics national rate for the construction industry.
5. BLUE: Applicants seeking BLUE Status must meet the following requirements:
- 1. Implement a comprehensive written safety and health program based on the ANSI A10.38-1991 Guidelines or OSHA 1989 Safety and Health Program Management Guidelines. Ensure that written, site-specific, safety and health plans are used by all contractors in their project.
 - 2. Applicant achieving BLUE status agrees to serve as a mentor for contractors on its project who have yet to attain the same level of recognition within the partnership. BLUE participant companies will agree to maintain a copy of the specialty contractors' safety and health plan, hazard communication plan, and fall protection plan, or the BLUE participant could require all specialty contractors to follow its program;
 - 3. Assign a minimum of one employee who will administer the firm's safety and health program. This person must have attended the AGC Safety Management Training Course or equivalent in the previous three years;
 - 4. Ensure designated safety personnel conduct documented safety and health inspections of all work on their project(s). Personnel, through training and experience, must be able to recognize hazards and will have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-Hour Construction Outreach Course will be deemed to be satisfactory;
 - 5. Train all field construction supervisory personnel. In addition to the Supervisory Safety Competency Course, additional training shall be provided for competent persons in such areas as Scaffolding, Excavation, Fall Protection, etc. (this additional training will be predicated by the type and scope of work the applicant routinely conducts);
 - 6. Provide evidence of employee involvement in all levels of the safety and health program, such as self-audits, site inspections, job hazards analysis, safety and health program reviews, safety training and mishap investigations.
 - 7. Provide a safety and health program orientation for all new employees and show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s);
 - 8. Conduct weekly employee safety meetings;
 - 9. Implement and maintain a Substance Abuse Policy;
 - 10. Conduct and document self-audits;
 - 11. Implement a 6-foot Fall Protection Policy;
 - 12. Maintain a total case injury/illness incidence rate that is 10% less than the most current Bureau of Labor Statistics national rate for the construction industry;
 - 13. Receive a qualifying inspection of at least one representative job site by the chapter safety committee or the chapter's designated representatives;
 - 14. Have no willful violations in the last three years;
 - 15. Have no repeated serious violations in the last three years; and
 - 16. Have no fatalities or catastrophes within the last three years that resulted in serious or willful citations related to the incident.

5. Program Confidentiality

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. The information will be used

only to measure the effectiveness of the partnership program. However, in the event of an OSHA inspections, such information that is relevant to any element of the investigation and normally is available will be provided to OSHA upon request.

6. Program Oversight

1. The AGC National Director for Safety and Health is responsible for the following program monitoring activities:
 1. Periodic reviews of participatory AGC Chapter Partnering activities to ensure compliance with the partnership requirements, including random onsite visits of participant contractor work sites.
 2. Recommendations to the AGC Safety and Health Committee for program improvements.
2. The OSHA Area Director will conduct a verification inspection of one worksite before conferring incentives listed in Section 7.C.2-6 to the BLUE Participant. Verification inspections will be conducted per the current OSHA policy for focused inspections in construction.

7. Incentives

Upon acceptance as a partnership participant, the OSHA Area Office will provide certain incentives to participants.

1. RED Participants
 1. Will not receive citations for other-than-serious violations, provided that the hazards are abated within a prescribed period of time
2. WHITE Participants
 1. Will be given special recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program;
 2. Will not receive citations for other-than-serious violations, provided that the hazards are abated within a prescribed period of time;
 3. Will be given the maximum good faith penalty reductions currently available in current OSHA policy.
3. BLUE Participants: After successful conclusion of an OSHA verification inspections, OSHA will provide the following incentives:
 1. Will be given special recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program;
 2. BLUE participant job sites within the Area Office jurisdiction will not receive another programmed inspection within the next twelve months;
 3. BLUE participants will receive unprogrammed inspections only in response to reports of imminent danger, fatalities/catastrophes, and formal complaints. OSHA will use telephone or fax to handle all another complaints except those cases involving serious injuries. When an inspection of a non-formal complaint is deemed necessary, a copy of the complaint will be provided to the participant=s Safety Director or other designated representative at the time of the inspection;
 4. OSHA will not issue citations for other-than-serious violations provided the violations are abated at the time of the inspection;
 5. If cited by OSHA, BLUE participants will receive the maximum good faith and history penalty reductions currently available under existing OSHA policy;
 6. During an OSHA inspection, BLUE participants whose program has previously been verified by an OSHA inspection will not be included in the inspection unless the Compliance Officer documents that the participant is responsible for any employee exposures to serious hazards such as falls, struck by, caught in-between or electrocution hazards.

8. Partnership Evaluation

1. It is the responsibility of the chapter safety committee or designated representative to gather required participant data to evaluate the overall success of the program. Aggregated data will be reported to AGC national and the OSHA Area Director.
 2. The partnership will be evaluated annually to determine whether the annual goal of a 3% reduction in the number of injuries, illnesses and fatalities has been met. AGC national is responsible for collating baseline and annual performance data upon which the partnership will be measured. This aggregated data will be reported to the OSHA Directorate of Construction.
 3. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether goals have been met at the chapter and national level.
 4. Participant incidence of injuries from hazards that are the four leading causes of death on construction sites (fall, struck-by, caught in/between, and electrocutions) will be measured and compared against a baseline established in the first year of the partnership.
 5. If all signatory partners agree, partnership criteria may be revised annually based on recommendations for continuous improvement.
9. Contractor Termination
1. A contractor's participation will be terminated by the AGC Chapter, and OSHA will be informed if one or more of the following occurs:
 1. An inspection by the AGC chapter, the AGC national Office or OSHA reveals a significant deviation from the program criteria;
 2. The contractor has falsified information on the application of supporting records;
 3. The contractor's total case injury/illness incidence rate rises above criteria set in paragraph 4.D.9 for white level participants or paragraph 4.E.12 for Blue level participants; or
 4. The contractor takes other such actions that may be determined to be grounds for termination by the chapter safety committee.
 2. 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 appear before the chapter safety committee.
 3. The chapter safety 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. In the event, OSHA may conduct another verification inspection.
 4. Any contractor may terminate participation in the program at any time.
10. Term and Location of Partnership
1. The partnership will have an initial term of three years and may be renewed if all signatory parties concur.
 2. Any signatory party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the other partner.

Agreed to this day November 20, 2001

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