

CONTENTS

- I. Objective**
- II. Background**
- III. Chicago Roofing Contractor's Association Commitment/Pledge**
- IV. OSHA's Commitment/Pledge**
- V. Commitment by CRCA Members**
- VI. Contractor Termination**
- VII. Employee/Employer Rights**
- VIII. Termination of Agreement**
- IX. Partnership Evaluation**

I. OBJECTIVE

This partnering agreement was jointly developed by the Chicago Roofing Contractors Association (CRCA) and the Aurora, Chicago North and Calumet City offices of the Occupational Safety and Health Administration. The common objective and goal of the agreement is to provide a safe and healthful work environment for employees engaged in roofing work in the Chicagoland area, and to help prevent serious accidents within the industry through training and enhanced safety and health programs.

By focusing the efforts, skills and resources of the CRCA, member employers and OSHA, it is believed that this cooperative and voluntary program can reduce hazards and serious injuries at jobsites, and that participants will maintain an injury and illness rate below the national average for the roofing industry.

This initiative represents a voluntary agreement and affords a partnership alternative to the traditional OSHA enforcement procedures. This partnership program is consistent with OSHA's long range efforts to develop a business/labor/government partnership approach to safety management, allows for better use of OSHA resources, and encourages more participation in the safety process by each partner. The members of the CRCA have been consulted about the formation of this partnership and are encouraged to provide input on an ongoing basis to help suggest improvements and further enhancements to this partnership initiative.

II. BACKGROUND AND GOALS

The Chicago Roofing Contractors Association (CRCA) is the oldest trade association of its kind. It was originally founded in 1877 and has focused on commercial, industrial and residential roofing construction with over 125 member companies with 9,000 employees representing all aspects involved in the roofing and waterproofing industry. Member companies provide not only the installation of all types of roofing and waterproofing products, but the distribution of these products as well. CRCA members pledge themselves, their companies and their employees to maintain an honest and efficient organization for the application of roofing and waterproofing work.

CRCA's mission is to:

- Encourage and foster a feeling of friendship and cooperation among its members.
- Provide for the mutual exchange of practical and educational information and data that may be useful to its members.
- Establish, and endeavor to maintain, a high standard of business ethics and conduct among its members, and to encourage such feelings among all others associated in the roofing industry.

One of the CRCA's principle goals and a longstanding commitment of the association is to promote safety awareness and serve as a safety resource for its members. This safety commitment includes information, education, referrals and training. The CRCA and OSHA believe that by maintaining a focus on safety, lives can be saved. The impact of accidents leads to employee deaths, injuries, equipment damage, and costs pertaining to

Chicagoland Roofing Safety Partnership

worker's compensation insurance, down time, temporary employees, fines, penalties and civil penalties. A focus on safety is one objective that OSHA and all CRCA members have in common.

This focus on safety has resulted in the formation of this partnership, which provides incentives to contractors and labor to increase safety and health awareness on construction jobsites. OSHA supports this program and realizes the importance of this unique opportunity to incorporate a recognition program into this partnership agreement. OSHA, along with CRCA, has a vested interest in the protection of employees and working with other associations and groups to assist in promoting safety.

By the formation of this partnership, CRCA and OSHA agree to develop a working relationship that fosters mutual trust and respect for each other's role in providing safe and prosperous work sites.

Additionally, as partners, we are committed to working together to achieve workplace safety through the following shared strategies and objectives:

A. A six member committee (three from CRCA, and three from OSHA (Area Directors or designees) will be established to meet on a regular basis at predetermined times and places to provide for discussions that will be used to:

- Implement a continuing and open communication policy between OSHA and the CRCA membership, in a manner that encourages respect and understanding.

Chicagoland Roofing Safety Partnership

- Share knowledge of the best industry technology, innovations and work practices that improve jobsite safety and health performance.
- Provide cooperation in the development and continuous improvement of safety training programs for the roofing industry and OSHA.
- Ensure that enforcement policies and standard interpretations are effective, fair and consistent with local inspection perspectives.
- Review the definition of mechanical equipment as it relates to its use on industrial flat roofs, with the goal being that there will be an agreement reached defining which specific pieces of equipment will be permitted to be used.

The information gathered at these forums will be provided to all members to help them understand and properly interpret the OSHA standards.

B. To provide for recognition for those contractors who have demonstrated their commitment to safety and health, through the criteria as specified by this CRCA/OSHA partnership. This recognition will be by forming a LEADER division of the program.

The criteria for becoming a LEADER member are:

- Contractors must have injury and illness rates at an average 10% or more below the current national average for the roofing industry.
- Have a good history with OSHA (no willful or repeat violations within a three year period, and no serious citations related to a fatality within a three year period).
- Have an experience modification rate (EMR) of 0.95 or lower.

Chicagoland Roofing Safety Partnership

- Have a comprehensive written safety and health program in place which is equivalent to OSHA, ANSI or NRCA safety and health program guidelines.

C. The Partnership Goals are:

- An increase in training available to all CRCA members.
- A decrease in injuries, illnesses and fatalities for the participating companies of 5% over three (3) years.
- Decreased worker's compensation costs for participating companies.
- An increased number of companies implementing effective safety programs.

D. The LEADER contractor recognition program will commence only after evaluation of the partnership's outreach and education program available to all CRCA members, estimated to be at one year from the date this agreement is signed.

III. CHICAGO ROOFING CONTRACTOR'S ASSOCIATION COMMITMENT/PLEDGE

The CRCA and OSHA partnering initiative will be focused on Safety and Health Training.

TRAINING PARTNERSHIP:

CRCA, through its Safety Consultant, will administer this partnership program and will serve as the principle safety resource in support of CRCA members, and:

Chicagoland Roofing Safety Partnership

1. Act as liaison for members with OSHA. Members will be able to call CRCA through its Safety Consultant with questions and CRCA, through its Safety Consultant, will contact OSHA for responses.
2. Offer on-going, quality training on topics of importance for members – specifically the focused areas such as fall protection, back injuries, strains and sprains, eye injuries and burns resulting from the use of hot asphalt.
3. Within one year after obtaining acceptance into this partnership program, LEADER members and their supervisory personnel or other personnel serving in the capacity as a “competent person” will have completed the OSHA 30-hour course for the construction industry (or its equivalent). Similarly, all non-supervisory personnel engaged in construction activities will have completed the OSHA 10-hour course for the construction industry (or its equivalent).
4. Provide a photo compliance guide which members can use to assist with their training efforts. Members can use this guide for site-specific training.
5. Provide up-to-date informational materials and brochures to CRCA members.
6. CRCA will secure pertinent publications from all available sources and provide such materials to members upon request, thus helping to save them the time and effort to secure this material.

Chicagoland Roofing Safety Partnership

7. Organize and provide OSHA interpretations of major standards as well as local inspection perspectives. Providing this information to members will help them understand and properly interpret standards.
8. Provide the OSHA construction newsletter to members.
9. Administer the overall partnership program, including but not limited to the initial conduct and evaluation of the LEADER group applications to determine whether the contractor meets the criteria specified within this partnership initiative.
Information to be considered by CRCA will include pertinent company information, i.e., demonstrated safety and health program, training commitments, OSHA citation history, fatalities, injury/illness experience, and similar factors.
(Reference Section V)
10. Will notify OSHA on a regular and recurring basis with the name(s) of contractors which have met the partnership criteria for LEADER status.
11. Will conduct an annual evaluation to determine the impact and effectiveness of this partnership with OSHA.
12. Perform site verification audits, which will be conducted to assure LEADER contractors are adhering to the agreement. CRCA will conduct internal verification audits to maintain quality assurance of the program. The identification of physical hazards and compliance with job safety and health requirements as specified will be included in the audit.

IV. OSHA'S COMMITMENT/PLEDGE

OSHA will support CRCA and its activities to increase the safety efforts for **ALL** CRCA members by providing:

1. Assistance to the CRCA in the development of criteria and materials to be used for safety training.
2. Technical information to CRCA regarding the OSHA grant process, if necessary, to apply for funding for the CRCA safety program.
3. OSHA representatives to meet with CRCA membership on a regular basis to discuss current job site findings, current violation trends and possible options/corrective measures to eliminate hazards.
 - During the first year these meetings will be scheduled every other month or 6 times per year.
 - In subsequent years meetings will be scheduled once per quarter or 4 times per year.
4. Information on current violations and statistics, including relevant directives and interpretations, proposed standards and similar information which may be of interest to CRCA membership for possible publication in CRCA mailings to its members.
5. Audits will be completed through normal OSHA enforcement inspection activities so that at least 10% of the LEADER members will receive OSHA inspections.
6. No local enforcement initiatives will be developed or performed for this partnership.

Chicagoland Roofing Safety Partnership

7. Recognition and consideration for CRCA safety training programs when inspecting jobsites of CRCA members, consider the extent of employee training and instruction and the CRCA members safety and health programs.

Furthermore, OSHA will support those CRCA members that have established and implemented a comprehensive safety program (such as referenced in FRN54:3904-3916, Safety and Health Program Management Guidelines, January 26, 1989 and/or American National Standards Institute (ANSI A 10.38, Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment), including the appropriate monitoring/presence of a competent person(s) (as defined within 29 CFR 1926.32(f), ensuring program enforcement, employee involvement and effectively trained their employees and supervisors (e.g. utilizing CRCA's safety training program or equivalent training). OSHA will focus and limit the scope of its investigation to the four primary groups of hazards accounting for the most fatalities and injuries in the roofing industry: falls, electrical hazards, material handling hazards and burns.

For those CRCA contractor members that are granted LEADER status, OSHA will:

- 1) Only conduct jobsite inspections as defined herein:
 - a. If OSHA receives a report of an imminent danger situation or a formal written complaint filed by a current employee or employee representative.
 - b. If a fatality/catastrophe as defined in OSHA Instruction CPL 2.103 Field Information Reference Manual occurs.

Chicagoland Roofing Safety Partnership

- c. If OSHA observes a serious hazard covered by an OSHA emphasis program.
- 2) Consider participants eligible for the maximum good faith, size and penalty reductions currently outlined within OSHA Instruction CPL 2.103 Field Information Reference Manual);
- 3) Will not issue citations for other-than-serious violations which are abated immediately or in the presence of the compliance officer
- 3) When conducting inspections of multi employer jobsites will not include CRCA LEADER contractors within the scope of site inspections, other than as referenced above.

V. COMMITMENT BY CRCA MEMBERS

ALL CRCA members will be able to take advantage of this opportunity to partner with OSHA however, those contractors desiring to participate in the LEADER division of this partnership agreement must:

1. Sign a letter of agreement with CRCA indicating their intent to participate in this partnership initiative as a LEADER member.
2. Certify that their local company has not received citations by any OSHA office within the past three (3) years for alleged violations classified as willful or repeat violations, and no serious citations related to a fatality for three years.
3. Verify that a comprehensive written safety and health program is in place which is at least equivalent to the criteria for participation, including the CRCA members' statement that their policies and procedures to ensure that safety rules and procedures are enforced at their jobsites.
4. Certify that their policy and procedures is to hold supervisor(s) and employee(s) accountable for following established safety rules and OSHA regulations.
5. Provide the level of training required by OSHA regulations to their employees either through CRCA, their own training personnel or other consultant/trainers.
6. Ensure that within one (1) year after obtaining acceptance into the LEADER division of this partnership program, all supervisory personnel or other personnel serving in the capacity as a "competent person" will have

Chicagoland Roofing Safety Partnership

completed the OSHA 30-hour course for the construction industry (or its equivalent). Records of training will be provided to CRCA and made available for review.

7. Ensure that within one (1) year after obtaining acceptance into the LEADER division of this partnership, all non-supervisory personnel engaged in construction activities will have completed the OSHA 10-hour course for the construction industry (or its equivalent).
8. All employees will receive safety orientation when hired. Summer employees and interns will receive a safety orientation, but will be exempt from the 10-hour or equivalent requirement as identified in this partnership agreement.
9. Provide periodic safety related data or statistics to CRCA concerning such issues as man-hours worked, lost work day injuries, accident records and OSHA inspection results. CRCA will provide a summary of and analysis of pertinent safety related information for review by OSHA. The purpose of such summary information will assist in preparing an annual report necessary for evaluating the merits of the program and making recommendations for continuous improvement.
10. Agree to provision which permits verification inspections to be conducted by OSHA through the course of normal inspection activity. At least 10% of the LEADER members will be inspected to assure the provisions of the program are being met.

VI. CONTRACTOR TERMINATION

1. An individual contractor's LEADER status will be terminated by the CRCA if one or more of the following occurs:

- a. The contractor has falsified information on the application or supporting records.
- b. The findings of an OSHA inspection reveal the presence of Willful or Repeat violation(s), or finding a Serious violation related to a fatality.
- c. The contractor's EMR rises above 1.1 for more than one year.
- d. A CRCA or OSHA inspection reveals significant deviation from the program criteria.

2. Prior to termination of a LEADER contractor, the CRCA will perform the following:

The contractor will be notified in writing of the intent to terminate;

- a. The notice will include an explanation of the reasons for termination;
- b. The contractor will have an opportunity to reply to the written notice within a period of thirty (30) days; and
- c. The contractor will have a right to appear before the CRCA safety committee regarding termination.

VII. EMPLOYEE/EMPLOYER RIGHTS

As an integral part of an effective safety and health program, (as defined within Section IV) the availability of 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 (e.g. the OSHA-200 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, for example, including employee participation in employer self-audits, site inspections, job hazard analysis, safety and health program reviews, and mishap investigations.

Employers retain all rights guaranteed under the OSH Act, including the right to appeal or contest violations issued by OSHA.

VIII. TERMINATION OF AGREEMENT

Either partner may withdraw from this agreement by providing written notification to the other partner. Termination shall be effective thirty (30) days after receipt of notification.

Furthermore, any individual contractor electing to participate in this program may withdraw from this agreement by providing written notification to CRCA and OSHA. Termination shall be effective thirty (30) days after receipt.

Unless modified or superseded, this partnership agreement will expire on or before December 31, 2005. As indicated, should any party choose to withdraw prior to that date, thirty (30) days written notice will be given to the other members of the partnership, and the partnership agreement will terminate. Any party may also propose modification or amendment to the program subject to concurrence by the other partner(s) to the agreement.

IX. PARTNERSHIP EVALUATION

This partnership will be evaluated annually by all participants. Such evaluation will include criteria such as, but not necessarily limited to, contractor lost workday injury rates, number of OSHA recordable injuries, workers compensation experience modification rates, etc. CRCA's evaluation will include a comparison of the contractors OSHA lost work day injury and illness rates with the latest available USDOL Bureau of Labor Statistics data for the contractors SIC code. As outlined previously, CRCA will provide a summary of this information to OSHA. (Note: The first evaluation report shall be completed one (1) year after agreement is signed.)

Following implementation of the partnership agreement, every six (6) months during the term of the agreement, all participating contractors shall submit data to CRCA Safety Consultants so that lost time incident rates can be monitored and measured. Such information will be used as an ongoing evaluation tool helping to gauge the effectiveness of the program and will be used to compile the annual evaluation as noted.

It is anticipated that OSHA's onsite evaluation of the effectiveness of this partnership agreement will occur during the normal course of compliance investigations and onsite inspections consistent with the criteria specified within this partnership agreement.

Chicagoland Roofing Safety Partnership

Based upon a mutual interest to protect roofing workers in the Chicagoland area, the parties below agree to the above terms of a CRCA/OSHA Partnering Agreement to be known as the Chicagoland Roofing Safety Partnership.

Signed this 10th day of September, 2002.

Charles Dessent
President
Chicago Roofing Contractors Association

Michael G. Connors, OSHA
Regional Administrator, Region V

Charles J. Shields
OSHA Area Director, North Aurora

Diane M. Turek
OSHA Area Director, Des Plaines

Gary J. Anderson
OSHA Area Director, Calumet City

Peggy Zweber
OSHA Area Director, Peoria