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Cornhusker Chapter
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Partnering Charter

**United States Department of Labor
Occupational Safety and Health Administration
Omaha Area Office
with
Associated Builders and Contractors
of Nebraska, Inc.**

1. Construction Leaders Agreement for Safety Partnership (CLAS)

1. The Associated Builders and Contractors, Inc., (ABC) and the Occupational Safety and Health Administration (OSHA) 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.
2. This Partnership is expected to result in decreased injuries, illnesses, and fatalities for participant contractors, with a resultant decrease in worker compensation costs.
3. This Partnership (hereafter referred to as CLAS) 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.
4. 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 opportunity for 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-200/300 log and medical exposure records will not be infringed. It is anticipated that routine employee involvement in day to day implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analysis, safety and health program reviews, and mishap investigations.

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

2. Specific Goals

1. 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).
2. Encourage CLAS participants to inspire other contractors to go beyond OSHA's minimum requirements, and further reduce exposure to falls, struck by, caught in-between, and electrical hazards.
3. Implement a fall protection program where general contractors and subcontractors require and enforce the use of conventional fall protection(i.e. personal fall arrest systems, safety net systems or guardrail systems as defined within 29 CFR 1926.502) when their employees or employees of their subcontractors are performing work that is in excess of 6 feet above a lower level.
4. Increase the number of construction companies that implement effective safety and health programs.
5. Decrease worker compensation costs and OSHA penalties for contractor participants.
6. Allow OSHA to focus resources on companies that require attention from OSHA, rather than companies that have demonstrated implementation of effective safety programs.
7. 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 participants.

3. Program

1. 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.
2. 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 sixty (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, discuss viewpoints on issues and other items of construction safety interest to the National Safety Committee.
3. A Partnership Steering Committee from the National Safety Committee will oversee the activities of the STEP Platinum 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.
4. 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 Platinum level will require additional validation of safety and health program efficacy through an on-site verification inspection. Contractors which are accepted into the CLAS partnership will receive incentives from OSHA, as listed in Section 6 of this document.
5. The Partnership Steering Committee will notify the Cornhusker Chapter of their members who have successfully completed the application process and are thus eligible for participation in the partnership.

4. Program Implementation

1. 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 200/300 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.

1. Applicants seeking a CLAS participation will have additional criteria to satisfy. Platinum application applicants must:
 - 1) Have been recipients of the 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 200/300 Log and have an occupational injury and 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 an ABC verification inspection of at least one active job site by the Cornhusker Chapter to be conducted before referral to the Omaha Area Office;
 - 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; and require subcontractors to develop an equivalent safety and health program;
 - 6) 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;
 - 7) Show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s);
 - 8) Have designated safety personnel who, through training and experience, are able to recognize work hazards and have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-hour Construction Safety course will be deemed to be satisfactory;
 - 9) Have no Willful violations in the last three years;
 - 10) Have no repeated serious violations in the last three years; and
 - 11) Have no fatalities or catastrophes within the last three years that resulted in serious

citations related to the incident.

5. Program Verification

2. The ABC National Director of Safety and Health is responsible for the following program monitoring activities;
 - 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 participating contractor's status if findings indicate unacceptable performance or submission of falsified documentation;
 - 4) Providing recommendations to ABC National Safety Committee for program improvements.
3. Annually, no later than June 30th, The Cornhusker Chapter will provide OSHA with a list of CLAS participants working within the jurisdiction of the Omaha Area Office. Additionally, participants randomly selected from the CLAS member list will have the effectiveness of their safety and health programs verified through an onsite inspection by OSHA, (these sites will be randomly selected using the guidelines established by CPL 2.25 I, Appendix C). The Omaha Area Office will conduct the randomized verification inspection within 30 days of receipt of the CLAS participant list. The number of OSHA random onsite verification inspections per The Cornhusker Chapters partnership jurisdiction is a minimum of 1 inspection or a maximum of 10% of participants annually, at the Area Director's discretion. In addition, any other OSHA inspection of a CLAS participant's job site can serve as a verification inspection. Upon completion of a satisfactory inspection, OSHA will forward a letter to the President of the ABC, Cornhusker Chapter, indicating the results. Additionally, copies of any citations issued to a CLAS participant will be forwarded to the Executive Director of the ABC once the inspection file becomes a matter of public record.
4. 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 Step participant.
5. 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 the 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.

6. Incentives

- A. CLAS participants will receive special recognition in the ABC national publication.
- B. The Cornhusker Chapter may act as a facilitator between small employer program participants who are requesting assistance with on site consultation needs, and the OSHA funded 21(d) Consultation program. Consultation visits will not replace the requirements for the Cornhusker Chapter and OSHA verification inspections. Reference Section 4, B. 4.
- C. Upon acceptance as a CLAS participant, the Omaha OSHA Area Director will provide certain incentives to participants:
 - 1) After successful conclusion of any OSHA verification inspection, that participant contractor's sites within the Area Office's jurisdiction will not receive another programmed inspection within the next twelve months. However, any contractor who is selected for inspection because of an LEP or NEP will remain subject to this inspection. Inspections should remain focused on the hazard identified by the LEP/NEP, unless the compliance officer documents that the CLAS participant is responsible for, or has employees exposed to, serious plain view hazards or the hazards listed in 2.A. (Specific Partnership Objectives);
 - 2) After such verification inspections, CLAS participants will receive unprogrammed inspections as per CPL 2.103 and CPL 2.115. OSHA will use telephone and fax to handle all other complaints;
 - 3) OSHA will not issue citation for other-than-serious violations, provided the violations are abated immediately while the compliance officer is on site or within a prescribed period of time;
 - 4) If cited by OSHA, CLAS participants in good standing will be eligible for the maximum penalty reductions currently available in the OSHA Field Inspection Reference Manual (CPL 2.103);
 - 5) During OSHA inspections of non-participant employers, CLAS participants whose program has been previously verified will not be included in the inspection unless the compliance officer documents that the CLAS participant is responsible for, or has employees exposed to, serious plain view hazards or the hazards listed in 2.A. (Specific Partnership Objectives).

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. 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.
- 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 no later than 1 year after first notification of partnership qualification is made to the Omaha Area Office by the Cornhusker Chapter (May 9, 2002 this year).
- D.** The partnership annual report will be reviewed by the Omaha Area OSHA office and the Cornhusker Chapter. The Cornhusker Chapter will perform an evaluation of the local results. That evaluation will respond to the requirements of OSHA Instruction TED 8-0.2, OSHA Strategic Partnerships for Worker Safety and Health, paragraph IX.K. Program Evaluation, and if both partners agree, partnership criteria may be revised based on recommendations for continuous improvement.
- E.** ABC CLAS partners will be encouraged to provide assistance to employers in the STEP program who aspire to achieve platinum status.

8. Contractor Termination

- 1. 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) An inspection reveals CLAS participants, or those contractors retained by them, who do not implement an effective safety and health program based on ANSI A-10.38 guidelines or those OSHA 1989 Safety and Health Program Management Guidelines;
 - 3) The contractor has falsified information on the application or supporting records;
 - 4) The contractor's injury/illness rate rises above 8.0, and/or,
 - 5) Contractor takes other such actions that may be determined to be grounds for termination by the Cornhusker Chapter.
- 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 days; and,
 - 4) The contractor will have the right to make an appearance before the Cornhusker Chapter.
3. The Cornhusker Chapter 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 this event, another verification inspection by OSHA will be conducted.
 4. Any contractor may terminate participation in the program at any time.

9. Duration and Location of Partnership

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

Agreed this day, _____

Charles E. Adkins, CIH
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U.S. Department of Labor, OSHA
Region VII, Kansas City Regional Office

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