

I. General

Charleston Area Office of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and PJ Dick Incorporated (hereafter referred to as “PJ Dick”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia University College of Business & Economics (hereafter referred to as “Project”).

The goal of this Partnership is to encourage joint cooperation between OSHA, PJ Dick, and trade contractors to foster a safe work environment for all project employees.

The Partnership calls for the Project to be managed consistent with OSHA’s 1989 Safety and Health Management Guidelines or its equivalent. OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and assist as resources and/or OSHA Policy allow. To show their commitment to the Partnership, participating trade contractors will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any trade contractors from, lessen their safety responsibilities, nor change any contractual obligations between PJ Dick, Project Owner/Developer, or trade contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

This Partnership will not in any way affect employees’ ability to exercise rights under the Occupational Safety and Health (“OSH”) Act and OSHA regulations. The Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

II. Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration, Charleston Area Office (OSHA)
- PJ Dick Incorporated

The following organizations pledge to support the Partnership:

- West Virginia University
- West Virginia State Building and Construction Trades Council – Charleston, WV
- North Central West Virginia Building Trades Council – Morgantown, WV
- Trade Contractors

III. Project Overview

Project construction started Fall 2019 with completion set for Spring 2022. It is expected that 20 - 30 trade contractors will employ approximately 150-200 craft persons at peak construction.

Project details include:

Owner:

West Virginia University
 83 Beechurst Avenue
 Morgantown, WV 26506

Project highlights:

- New College of Business and Economics
- Construction cost \$82,500,000
- (6) Levels
- 180,000 sf
- Offices, grad spaces, classrooms, computer labs
- 4,500 sf auditorium
- 7,000 sf fitness center

Major components of the work will include: site construction, excavation work, caisson installation, rebar installation, concrete foundations, cast-in-place concrete, structural steel and metal work, electrical, masonry, mechanical/plumbing, glazing, and roofing.

IV. Partnership Goals, Strategies, Measures

The primary objective of this Partnership is to create a working relationship that focuses on preventing work-related injuries and fatalities, controlling or eliminating serious workplace hazards, and establishing a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

Goal	Strategy	Measures/Products
1. Reduce the total number of injury and illness cases, thereby providing a safer and healthier work environment for workers at the Project.	a. Review the OSHA 300 data of all project contractors. b. Calculate the Project's Days Away From Work, Restricted, Or Job Transferred (DART) rate. c. Partners will meet quarterly to review injury and illness statistics and work together to resolve workplace safety and health issues and reduce injury and illnesses.	a. The Partnership baseline DART rate is established at 4.3. b. Reduce the DART rate by 3 percent annually.
2. Control workplace hazards by assisting contractors with the implementation of an effective safety and health management system.	a. PJ Dick will conduct evaluations of each trade contractor's safety and health management system in accordance with Appendix C. b. PJ Dick will conduct Safe Construction training for trade contractor supervision.	The Partners will meet quarterly to review: <ul style="list-style-type: none"> a. The number of trade contractors that have completed PJ Dick's safety evaluation and have pledged both support and cooperation to the Partnership. b. The number of trade contractor supervisors who

		<p>have participated in Safe Construction training.</p>
<p>3. Conduct effective self-inspections, and assist trade contractors with training resources and technical assistance in areas where workers might be exposed to hazards.</p>	<p>a. PJ Dick will document all self-inspections, the number of hazards corrected, and safety training conducted by trade contractors for workers on the Project.</p> <p>b. PJ Dick and the OSHA Compliance Assistance Specialist (when available) will conduct a comprehensive safety walkthrough throughout the site prior to the quarterly partnership meeting. PJ Dick agrees to work with each trade contractor to ensure all identified hazards are corrected in a timely manner. If during the walkthrough, the Compliance Assistance Specialist identifies serious hazards that the trade contractor refuses to correct, the CAS can make a referral for an onsite enforcement inspection.</p>	<p>The Partners will meet quarterly to review:</p> <ul style="list-style-type: none"> a. The number of self-inspections performed in the previous quarter, and the number of hazards identified and corrected. b. The number of training sessions conducted and the number of training hours provided for workers and supervision. c. The results of the quarterly comprehensive safety walkthrough.
<p>4. Develop a working relationship with OSHA to maintain a continuing dialogue that supports various safety and health campaigns/initiatives.</p>	<p>a. PJ Dick and all on-site participating trade contractors will hold an annual event to support the OSHA National Fall Prevention Safety Stand-Down until the Project is completed. PJ Dick and all participating trade contractors will display a stand-down poster (provided by Charleston Area Office) on site.</p> <p>b. PJ Dick and all on-site participating trade contractors will hold an annual event to support the NUCA Trench Safety Stand-Down until the Project is completed. PJ Dick and all participating trade contractors will display the stand-down poster (provided by Charleston Area Office) on the site.</p> <p>c. PJ Dick and all on-site participating trade contractors will participate in the NIOSH/OSHA annual Heat Stress Prevention campaign until the Project is completed. PJ Dick and all participating trade contractors will use the OSHA/NIOSH Heat Safety Tool App and display Heat Stress Prevention posters (provided by Charleston Area Office) on site.</p> <p>d. PJ Dick and all on-site participating trade contractors will participate in the Region III Focus Four Campaign.</p>	<p>The Partners will meet quarterly to verify and/or review:</p> <ul style="list-style-type: none"> a. The use OSHA's "National Fall Safety Stand-Down" webpage to log their event, provide information about their stand down activity and complete the survey. b. The use NUCA's "National Trench Safety Stand-Down" webpage to log the event(s), provide information about their stand down activity and complete the survey. c. The number of workers trained on the annual Heat Stress Prevention "Water, Rest, Shade" campaigns. d. The number of workers trained in each safety talk that is associated with the Region III Focus Four Campaign.

V. Partnership Management and Operation

PJ Dick in association with U.S. Department of Labor/Occupational Safety and Health Administration – Charleston Area Office will form a committee to monitor the implementation of this Partnership. It will consist of a representative from each of the Partners. The Compliance Assistance Specialist (CAS) will serve as OSHA's primary contact. The Committee will review contractor compliance and involvement in the Partnership, analyze job site audits, make Partnership improvements, and evaluate Partnership modifications, achievements, and success.

Partnership Roles and Responsibilities

OSHA agrees to:

1. Evaluate PJ Dick's Project Safety Plan (Attachment 1) prior to and during the OSHA enforcement verification inspections using Appendix C (or equivalent) and to determine whether effective safety and health management systems are in place.
2. Designate an OSHA CAS to serve as a resource and liaison person for the Partnership.
3. Meet with PJ Dick quarterly to review project safety performance. Safety performance will be evaluated through review of trade contractors' OSHA 300 logs for the Project and related accident reports.
4. Participate in the quarterly comprehensive safety walkthrough when available and at OSHA's discretion. If during the walkthrough, the CAS identifies serious hazards that a trade contractor refuses to correct, the CAS can make a referral for an onsite enforcement inspection.
5. Provide timely response to requests for information and clarification of OSHA standards, as resources permit.
6. Provide information on OSHA training resources available.

PJ Dick agrees to:

1. Provide a designated Site Safety Manager to serve as a safety resource and liaison person for the Partnership and to assist trade contractors with safety issues/concerns.
2. Provide notice to all trade contractors that the Project is subject to this Partnership and include the Partnership Fact Sheet (Appendix A) in the Project New Worker Safety Orientation.
3. Develop and implement the Project Safety Plan (Attachment 1).
4. Evaluate trade contractors' safety and health management systems utilizing PJ Dick's Safety Evaluation (Attachment 2).
5. Notify the OSHA Charleston Area Office of trade contractors that have completed PJ Dick's Safety Evaluation and have pledged both support and cooperation to the Partnership (Appendix B).
6. Offer trade contractors safety and health information (i.e., toolbox safety meetings) especially on the focused four construction hazards (which are Falls; Caught-In or Between; Struck-By and Electrocutions).
7. Maintain Project safety performance report. Require all active trade contractors to submit an updated OSHA 300 Log for the Project.
8. Meet with OSHA quarterly to review the safety performance of PJ Dick and trade contractors and provide feedback on noted incident trends or patterns.
9. Perform a quarterly comprehensive safety walkthrough and work with each trade contractor to ensure all identified hazards are corrected in a timely manner. PJ Dick acknowledges that if serious hazards are identified that the trade contractor refuses to correct, the CAS can make a referral for an onsite enforcement inspection.

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10. Coordinate safety related matters that pertain to site general conditions such as hazard communications, emergency response, installation and maintenance of building perimeter guardrail systems and housekeeping.

VI. On-Site Enforcement Verification Inspections

In order to assist in measuring the success of this Partnership, an initial enforcement verification inspection will be conducted after the signing of this Partnership, and annually thereafter. The enforcement verifications may be conducted as a focused inspection if the site meets the criteria outlined in OSHA's current enforcement guidelines. In addition to traditional enforcement issues, the inspection will assess the Partner's and participating trade contractors' progress in meeting the requirements of the Partnership.

VII. OSHA Inspections

This Partnership provides for the timely response to each allegation of a safety or health hazard brought to each contractor's attention by any person. Upon a finding that an allegation is valid, the responsible trade contractor shall promptly abate the hazard.

OSHA agrees that a copy of each non-formal complaint not resulting in an inspection, related to the Project and filed with OSHA will be forwarded by fax or mail to the Project office. In accordance with applicable law, the identity of a complainant requesting confidentiality will not be revealed. PJ Dick agrees to investigate these complaints regardless of the contractor involved and provide OSHA with a written response within five working days of receiving the non-formal complaint/referral.

OSHA personnel will continue to conduct investigations and inspections in any event or circumstance that may warrant the opening of an OSHA inspection, pursuant to the policy set forth in Field Operations Manual (FOM). These may include but are not limited to formal complaints, referrals, fatalities, catastrophes, or other accidents or significant events. OSHA will also investigate contractors whose employees are exposed to or are creating plain view hazards at the Project. OSHA reserves the right to issue citations and penalties for violations including but not limited to regulatory violations for which mandatory penalties are established.

VIII. Incentives

OSHA's FOM details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for participating trade contractors.

IX. Worker and Employer Rights – Employee Involvement

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the OSH Act. This Partnership recognizes employees bring valuable skills and perspective to the implementation of an effective site safety and health system. Employees on site will be encouraged and given opportunities to be involved in the site safety and health system. Employee involvement will include, but are not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near miss reporting. Employee involvement will be included in the Safety and Health Management System Evaluation (Appendix C).

X. Safety and Health Management Systems

OSHA and PJ Dick support the implementation of Safety and Health Management Systems (SHMS), including the four main elements of management commitment/employee involvement, hazard identification, hazard correction/control and employee training. PJ Dick commits to implementing a SHMS at this Partnership site as detailed in Appendix C.

XI. Annual Evaluation

Partners will jointly prepare and annual evaluation of the Partnership using Appendix D. The evaluation will review the success of the Partnership, lessons learned, and changes that will be made to meet the goals of the Partnership. Annual evaluations will be submitted by the Partners to OSHA's Philadelphia Regional Office no later than 45 days after the signing anniversary date each year.

XII. Termination

This Partnership will terminate three years from the date of the signing or upon completion of the Project. If either Partner wishes to withdraw its participation prior to the established termination date, the agreement will terminate upon receiving a written notice of the intent to withdraw from either signatory.

XIII. Paperwork Reduction Act

OSHA Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires July 31, 2022), the public reporting burden for this Partnership's collection of information is estimated at 11 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration
Attention: Director, Office of Partnerships and Recognition
Directorate of Cooperative and State Programs
200 Constitution Avenue, NW – Room N3700
Washington, DC 20210

XIV. Signatures

**United States Department of Labor
Occupational Safety & Health
Administration**

Based on a mutual interest to protect construction workers, the below parties agree to the terms of the Partnership for the construction of the West Virginia University College of Business & Economics Project.

Signed _____ day of _____, 2020

Partners:

**Prentice Cline
Area Director
Charleston Area Office
USDOL/OSHA**

**Jake D. Ploeger
Co-Chief Executive Officer
PJ Dick Incorporated**

**Timothy B. O'Brien
Co-Chief Executive Officer
PJ Dick Incorporated**

In Support of:

**Chuck Parker
President
West Virginia Building and Construction Trades Council Affiliated Construction Trades –
Charleston, WV**

PARTNERSHIP FACT SHEET – APPENDIX A

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and PJ Dick Incorporated (hereafter referred to as “PJ Dick”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia University College of Business & Economics (hereafter referred to as “Project”).

The goal of this Partnership is to encourage joint cooperation between OSHA, PJ Dick, and trade contractors to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between PJ Dick and OSHA calls for the Project to be managed consistent with OSHA’s 1989 Safety and Health Management Guidelines or its equivalent.

OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities nor change any contractual obligations between PJ Dick, Project Owner/Developer, or trade contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

This Partnership will not in any way affect employees’ ability to exercise rights under the OSH Act and OSHA regulations.

This Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

PLEDGE – APPENDIX B

Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”) and PJ Dick Incorporated (hereafter referred to as “PJ Dick”), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the West Virginia University College of Business & Economics (hereafter referred to as “Project”).

The goal of this Partnership is to encourage joint cooperation between OSHA, PJ Dick, and trade contractors to foster a safe work environment for all Project employees as described in this Partnership.

The Partnership between PJ Dick and OSHA calls for the project to be managed consistent with OSHA’s 1989 Safety and Health Management Guidelines or its equivalent.

Under the Partnership, OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors will voluntarily sign this pledge.

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities nor change any contractual obligations between PJ Dick, Project Owner/Developer, or trade contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

This Partnership will not in any way affect employees’ ability to exercise rights under the OSH Act and OSHA regulations.

This Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and for innovation in safety management, and it encourages more participation in the safety process by each stakeholder.

Based on mutual interest to protect construction workers, the below party pledges both support and cooperation to the OSHA / PJ Dick Partnership by following the PJ Dick Project Safety Plan.

Authorized Representative (print / type)

Signature

Title (print / type)

Company / Organization (print / type)

SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION – APPENDIX C

1. PJ Dick and trade contractors have implemented a comprehensive written Project Safety Plan.
2. PJ Dick will have copies of trade contractors' safety and health plans, hazard communication plans, and fall protection plans (where applicable) or PJ Dick requires trade contractor to follow its safety plan.
3. PJ Dick and trade contractors will have a full-time or designated safety representative at the site to conduct and document safety inspections of work, and who through training and experience, can recognize hazards, and has authority to take prompt corrective action. Minimum training required for a site safety representative is either the OSHA 10-Hour or 30-Hour Construction Safety Outreach Course, as specified in the Project Safety Plan.
4. PJ Dick and trade contractors have or will have trained field supervisory personnel and has provided additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (Additional training will be dictated by the type and scope of the work the trade contractor routinely conducts).
5. PJ Dick will have a safety and health management system orientation for all new workers, including hazard recognition specific to the work sites.
6. PJ Dick and trade contractors will have employee involvement in the Partnership. Examples including, but not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near-miss investigations.
7. PJ Dick and trade contractors will conduct and document weekly employee safety meetings.
8. PJ Dick will conduct and document self-audits.
9. PJ Dick and trade contractors will follow a six-foot fall protection policy.
10. PJ Dick and trade contractors have a written enforcement program.