



OSHA STRATEGIC PARTNERSHIP AGREEMENT

BETWEEN

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,

AUSTIN AREA OFFICE

&

AMERICAN CONSTRUCTORS

1111 W. 6TH STREET PROJECT

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I. IDENTIFICATION OF PARTNERS

To facilitate OSHA's goal of reducing occupational fatalities, injuries, and illnesses within the construction industry, OSHA and American Constructors have agreed to enter into a cooperative partnership agreement for the American Constructors project within the overall 1111 W. 6th Street project. The 1111 W. 6th Street project is a four-story, mixed use, office and retail building with two levels of below grade parking and the renovation of an existing four-story office building. This partnership will help ensure that the construction projects are utilizing an effective and systematic safety management approach that emphasizes continuous improvement. American Constructors has successfully completed the OSHA Challenge program.

This partnership is designed to address the hazards within the construction industry, and to promote and recognize jobsites controlled and managed by American Constructors that have demonstrated an effective safety and health management system. The partnership agreement will serve to establish a cooperative effort in ensuring a safe worksite and maintaining an open line of communication between OSHA, American Constructors, and their participating subcontractors. Participating subcontractors may join the partnership by submitting a letter of commitment to American Constructors and the OSHA Austin Office. The partnership is consistent with OSHA's efforts to better use their resources, encourage safety management systems, and increase participation by construction subcontractors who utilize effective safety processes.

II. PURPOSE/SCOPE

This agreement was developed jointly by OSHA and American Constructors. The common objective and goal of the partnership is to provide a safe and healthful environment for workers involved in the construction industry through increased training, implementation of best work practices, improved safety and health programs, and compliance with applicable OSHA standards and regulations.

By focusing their efforts, skills, knowledge, and resources, OSHA and American Constructors expect to reduce exposure to hazards and serious injuries by preventing incidents during all construction activities at the 1111 W. 6th Street site.

OSHA has identified the top four causes of fatalities in construction as falls, struck by equipment or machinery, electrocution, and caught in or between equipment. OSHA and American Constructors will devote resources to ensure these top causes of fatalities are eliminated at this worksite by establishing effective safety management systems and implementing best practices to achieve self-compliance at the 1111 W. 6th Street project site.

III. GOALS AND STRATEGIES

The overall goal of the partnership is to create a relationship that focuses on preventing fatalities, controlling or eliminating serious hazards, improving safety management systems, and promoting a positive safety culture for all participating subcontractors on this American Constructors managed project.

A. OUTCOMES

The targeted outcome of this partnership will be to promote a positive safety culture for all participating subcontractors working on this American Constructors managed project through the following means:

1. Contractor(s) development of a model construction safety and health management system that other organizations can use and share.
2. Increasing communication and mutual respect among government, state institutions, and the construction contractor community.
3. Promoting use of available OSHA resources to all project subcontractors where assistance and oversight are needed.
4. Mentoring and providing training opportunities for subcontractors and their employees.
5. Reduction of injury/illness rates, insurance costs, and compensation claims.

B. GOALS

1. Increase the number of employees, employers, and supervisors that have completed relevant safety training.
2. Increase the number of safety and health programs and best safety practices implemented among participating subcontractors. Raise safety awareness among all subcontractors.
3. Reduce and prevent serious incidents, and control or eliminate serious workplace hazards through pre-construction hazard assessments and proactive safety process management.

C. STRATEGIES

1. Develop and maintain rigorous project safety specifications for use in all contracts.
2. Require that all participating subcontractors develop pre-construction hazard assessments on all projects and document existing conditions and proposed control measures.
3. Conduct initial (safety kick-off) meeting with American Constructors project management, safety representative(s), project superintendent(s) and project manager(s). American Constructors will require all subcontractors to develop a project safety management plan prior to the start of their work on this Project Site.
4. Require that each superintendent and all American Constructors field managers working on the 1111 W. 6th Street project site will have completed a thirty (30) hour construction training course (OSHA30).
5. Each of the weekly contractor coordination meetings will dedicate the first portion of the meeting to discussing project safety, and each meeting will be documented.
6. Require that all tiered subcontractors provide annual, quarterly, weekly, or daily inspection documentation of equipment as appropriate. Record(s) of inspections will be documented and maintained at the project site.
7. Require that all equipment capable of amputations be adequately guarded.
8. Require that all workers on the project are provided a site-specific safety orientation prior to starting work. The orientation will include providing information on employee workplace rights and responsibilities.

9. Ensure that a competent person will be provided for all tasks required by OSHA standards and regulations such as fall protection, scaffolds and trenching.
10. Require that trench plans, fall protection plans, emergency response plans, lift plans and daily job hazard analysis be developed, reviewed by the safety representative, and documented prior to starting work as it relates to the contractor's scope of work.
11. Require that daily site safety inspections are conducted by American Constructors supervisors, onsite safety representative or other designated individuals. All inspection findings and corrective actions shall be communicated to all levels of workers. Safety observations will be documented for leading and lagging indicators.
12. Provide resources to conduct OSHA 10/30-hour training, Task Hazard Analysis (THA) development, incident investigation, and other general construction safety training. Training will be provided periodically to project workers, management, and campus representatives. Safety and health training will be conducted in Spanish as the need arises.
13. Project safety performance will be tracked and evaluated. "Lessons Learned" information will be developed and distributed to other American Constructors projects located throughout the Austin area and shared with OSHA quarterly.
14. Require that health-related issues arising during the course of the construction project are adequately addressed by the creating contractor with participation by American Constructors supervisors and the safety representative. An effective monitoring program will be implemented to assess exposures to health hazards. Control measures will be implemented when exposures exceed applicable action limits or permissible exposure limits.
15. Provide award/recognition to subcontractors that demonstrate the ability to provide a safe working environment.
16. Require any contractor using tower or mobile cranes to demonstrate proper working conditions through inspections conducted by qualified crane inspectors prior to use. Documentation of inspections will be maintained at the project.
17. Require that all crane operators are competent and certified to operate the specific crane in use. Documentation to demonstrate competency will be provided and maintained at the project site.
18. Require that all critical lifts be identified and a plan to safely perform be developed and implemented prior to the lift.
19. Incidents involving amputations, inpatient hospitalization, or loss of an eye, or workplace fatality will be reported to OSHA.

IV. SAFETY AND HEALTH MANAGEMENT SYSTEM

American Constructors will implement a comprehensive safety and health program, which includes 1). Management leadership and worker involvement, 2). Worksite analysis, 3). Hazard prevention and control, and 4). Safety and health training.

Management Leadership and Worker Involvement

1. State clearly a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site fully understand the priority and importance of safety and health protection in the organization.
2. Establish and communicate a clear goal for the safety and health program and define objectives for meeting that goal so that all members of the organization and OSHA understand the results desired and measures planned for achieving them.
3. Provide visible top management involvement in implementing the program so that all employees understand that management's commitment is serious.
4. Arrange for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health so that they will commit their insight and energy to achieving the safety and health program's goal and objectives.
5. Assign and communicate responsibility for all aspects of the program so that managers, supervisors, and employees in all parts of the organization know what performance is expected of them.
6. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold participating employers and employees accountable and, if necessary, remove employers or employees from the job site.
7. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
8. Hold managers, supervisors, and employees accountable for meeting their responsibilities to ensure essential tasks will be performed.
9. Review program operations at least quarterly to evaluate their success in meeting the goals and objectives so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection.

Worksite Analysis

1. Conduct periodic workplace inspections/audits for the purpose of identifying and correcting safety and health hazards. Fall, electrical, struck by and caught between hazards will be documented and corrected.
2. Inspections/audits will be conducted as frequently as deemed necessary by the company, but in no case less than daily.
3. Analyze any new task, processes, materials, and equipment.
4. Perform routine job hazards analyses.
5. Provide a reliable system for employees to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses and encourage employees to use the system without fear of reprisal. This system utilizes employee insight and experience in safety and health protection and allows employee concerns to be addressed.
6. Investigate incidents and "near miss" incidents so that their causes and means of prevention can be identified.
7. Maintain records of recordable injuries and illnesses as required by OSHA.
8. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to remove hazards and prevent incidents.

Hazard Prevention and Control

1. Establish, at the earliest time, safe work practices and procedures that are understood and followed by all affected parties. Understanding and compliance are a result of training, positive reinforcement, correction of unsafe performance, and if necessary, enforcement through a clearly communicated disciplinary system.
2. Each contractor and trade contractor shall provide personal protective equipment for the task to be performed safely.
3. Maintain the facility and equipment to prevent equipment breakdowns.
4. Plan and prepare for emergencies, and conduct training and emergency drills, as needed, to ensure that proper responses to emergencies will be "second nature" for all persons involved.
5. Establish a medical program that includes first aid onsite as well as nearby physician and emergency medical care to reduce the risk of any injury or illness that occurs.

Safety and Health Training

1. Instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
2. Train workers on fall protection, prevention of electrocutions, caught-between and struck-by incidents.
3. Ensure select personnel are trained in basic first aid and CPR.
4. Train personnel in hazard communications.
5. Make safety data sheets (SDSs) available to any requesting employee.
6. Train workers in any other aspects that will enable them to do their jobs safely.

Additionally:

1. Mentor participating subcontractors that have not yet developed their own safety and health program, and if necessary, refer them to the Texas OSHA Consultation group for assistance.
2. Require that all participating subcontractors enforce safety rules and regulations. This authority will include provisions to hold all tiered subcontractors and employees accountable and, if necessary, removal from the job site.
3. Ensure 100% fall protection for fall hazards over six (6) feet as set forth in Site Specific Safety Requirements.
4. Ensure electrical safe work practices will be used when working on or near energized equipment. Ground Fault Circuit Interrupters (GFCI) will be used to protect all temporary electrical circuits that are installed for work on the project. All subcontractors will ensure that their employees are protected by the use of a GFCI at all times.
5. The American Constructors superintendent will be responsible for overseeing site safety and to serve as a point of contact for the project. The jobsite inspection results will be shared and made available to all participating subcontractors on the project. The jobsite inspection results will be shared with OSHA quarterly.

6. Daily safety inspections will be conducted under the supervision of the American Constructors safety representative. Jobsite safety meetings/toolbox talks will be conducted and documented on a weekly basis. Employee workplace rights and responsibilities will be re-emphasized during the jobsite safety meeting/toolbox talks. Incident reports, including first aid, injury, property damage and near miss reports will be brought to the attention of the onsite safety representative the same day as the occurrence, and documented by each contractor within one week.
7. No employee shall be allowed to work directly below a suspended load except for: employees engaged in the initial connection of steel, and employees hooking or unhooking the load. The following criteria must be met when employees are allowed to work under the load: materials being hoisted shall be rigged to prevent unintentional displacement; hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping out of the hook; and all loads shall be rigged by a qualified rigger. All rigging equipment must be tagged with workload limits.
8. Require the use of appropriate personal protective equipment. Hardhats, eye protection, and gloves will be worn at all times in the construction area(s). All employees working near heavy equipment or motorized vehicles will be required to wear highly visible upper body clothing.

V. WORKER INVOLVEMENT

Ensure workers are involved in the safety and health program through participation in activities such as safety walkthroughs and incident investigations as appropriate. Worker involvement is an essential component of an effective safety and health program.

VI. PERFORMANCE MEASURES

The effectiveness of this partnership agreement will be accessed periodically, annually, and at the end of the project through the following performance measurements.

- A. OSHA recordable injuries and illnesses to determine the total case incident rate and the days away from work rate for the project site and compare to the average for the construction industry.
- B. The applicable number of employers, supervisors, and employees trained. Records will also be maintained for those that receive 30-hour and 10- hour OSHA training. All participating subcontractors will be required to conduct and document weekly safety toolbox talks.
- C. The number of safety and health programs instituted.
- D. Outcome measures will be gathered on a monthly basis and will incorporate data to analyze the number of hours worked, number of injuries, illnesses, fatalities, and serious hazards found as a result of onsite audits, job site inspections, and OSHA inspection activity.

- E. Job site inspections will indicate the number of hazards observed and corrected by American Constructors and each affected contractor.
- F. Near miss incidents and first aid cases will be tracked and reported monthly to OSHA.
- G. The baseline will be reviewed quarterly to address goals.

VII. ANNUAL EVALUATION

The partnership will be evaluated on an annual basis through the use of the Strategic Partnership Annual Evaluation Format measurement system as specified in Appendix C of CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

American Constructors is responsible for gathering the data to evaluate and track the overall results and success of the partnership program. This data will be shared with OSHA.

OSHA is responsible for conducting, writing, and submitting the annual evaluation report.

VIII. OSHA VERIFICATIONS

OSHA will verify compliance with this agreement through three types of verification visits.

- A. Off-site verifications are conducted without entering the partner's worksite and would include review of injury and illness data, jobsite inspections, and other data and reports as desired by either party to this agreement.
- B. On-site non-enforcement verifications are conducted to discuss and review the progress of the partnership and could include a presentation of the activities in addition to a walkthrough of the worksite. During these visits, serious hazards will be identified as well as the implementation of safety and health management systems. All serious hazards identified should be corrected as soon as possible. If management refuses to correct the hazards, a referral will be made for an enforcement inspection.
- C. On-site enforcement verifications shall identify any hazards with a focus on falls, struck by equipment or machinery, electrocution, and caught in or between equipment and includes the potential for issuing citations and assessing penalties for violations.

These unannounced visits will be conducted annually for the term of the agreement and will follow the "Focused Inspection" protocol {Memorandum from James W. Stanley, "Guidance to Compliance Officers for Focused Inspections in the Construction Industry", dated August 22, 1994 (Revision 2 issued September 20, 1995 and incorporated herein)} addressing hazards related to falls, struck by equipment or machinery, caught-in or between, and electrical hazards. Inspections conducted in response to complaints, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the verification inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.

Two on-site non-enforcement verification visits shall be conducted each year by the Compliance Assistance Specialist (CAS). In addition, off-site verifications will be conducted periodically by the compliance assistance specialist to maintain the effectiveness of the partnership.

American Constructors will allow OSHA access to the worksite during inspection activities without requiring a warrant.

OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged "imminent" danger situations. Any complaints, referrals or hospitalizations received will be handled in accordance with OSHA Instruction CPL 02-00-160, Field Operations Manual, Chapter 9. If deemed appropriate by the area office complaints, referrals and hospitalizations will be handled via phone and e-mail.

IX. INCENTIVES

Maximum penalty reductions for all tiered subcontractors working on any partnership jobsite as allowed in the OSHA Field Operations Manual (FOM) for good faith and history. When calculating the initial penalty reduction, OSHA will grant the reduction provided in the OSHA FOM where the employer has taken specific, significant steps beyond those provided in the OSHA FOM to achieve a high level of employee protection. This additional reduction will not apply to high gravity serious, willful, failure to abate, or repeat citations.

The application of incentives and maximum penalty reductions for tiered subcontractors are contingent upon satisfactory compliance with safety and health standards.

Other participant incentives from OSHA may include priority consideration for compliance and offsite technical assistance (phone calls/faxes) by OSHA as resources allow.

Other incentives may include a reduction in insurance premiums, workers' compensation claims, and medical costs.

X. PARTNERSHIP MANAGEMENT AND OPERATION

The American Constructors Safety Professional (Safe Construction Consulting, LLC) will be the point of contact for all matters associated with this partnership and will maintain communication with the CAS in the Austin Area Office.

American Constructors will allow OSHA access to the site during inspection activities (monitoring and un-programmed activities such as major injuries and employee complaints) without requiring a warrant.

The CAS in the Austin Area Office will be the designated contact for this agreement and will serve as a resource and assist with safety and health training and provide technical assistance. The CAS will audit the monthly reports/documents and make recommendations for improvement in meeting the partnership goals. The CAS will conduct the off-site non-enforcement and on-site non-enforcement inspections addressed in section VIII.

XI. WORKER AND EMPLOYER RIGHTS

This partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act, nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

XII. PARTNERSHIP TERM

This partnership agreement will cover the American Constructors 1111 W. 6th Street project and will terminate upon completion of the project or on October 1, 2021, which is 18 months from the date of the signing of this agreement. American Constructors and OSHA will make a joint determination of whether or not to continue the partnership.

Either signatory may terminate participation by providing thirty (30) days written notice to the other signatory. Non-signatory participants may terminate their participation by providing written notice to the signatories of this agreement.

XIII. SIGNATURES

Signed on this 8th day of October 2020.

Casey Perkins, CSP
Area Director, Austin Area Office
U.S. Department of Labor/OSHA

Joe Charlton
Vice President of Construction
American Constructors

Daniel Lind
Senior Project Manager
American Constructors

J. Eric Stephan
Safety Consultant
Safe Construction Consulting, LLC.



STRATEGIC PARTNERSHIP SELF INSPECTION

Employer Name..... _____

Name of Project _____

Inspection Date(s): _____

Total number of employees' on-site..... _____

Accident Information:

Number of lost time cases _____

Number of restricted cases..... _____

Hazards identified and corrected:

Falls..... _____

(floors, platforms, roofs)

Electrical _____

(overhead power lines, power tools and cords, outlets, temporary wiring)

Struck By..... _____

(falling objects and vehicles)

Caught-in/Between..... _____

(cave-ins, unguarded machinery, equipment)

Other hazards _____

Training (optional)

of employees _____ **X # of hours** _____ = **Total Hours**

of managers _____ X # of hours _____ = Total Hours _____

Inspection Conducted by:..... _____