



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

**&**

**McCarthy Building Companies, Inc.**

**Washington University School of Medicine  
Neuroscience Research Building  
4370 Duncan Aves  
St. Louis, MO**

**Partnership Agreement  
November 13, 2020**

## **I. Identification of Partners**

A. The Partners in this agreement will include the following:

1. Occupational Safety and Health Administration, OSHA's St. Louis, MO Area Office
2. McCarthy Building Companies, Inc.
3. Project Subcontractors – All subcontractors that work on this project are considered Partners. All contracts with subcontractors not already executed will incorporate this OSHA Partnership into their respective agreements. If contracts with subcontractors are executed, McCarthy Building Companies, Inc. will incorporate this OSHA Partnership into their respective agreements with a subcontractor change order. This will include a provision acknowledging the subcontractor's obligations under this partnership agreement.

B. Supporting Groups

1. Washington University is a supporting partner in that it endorses the coordination between McCarthy Building Companies, Inc. and OSHA and support the mission of project and partnership. As a supporting partner, Washington University is not a signatory to any specific requirement of this contract.
2. The Building and Construction Trades council, the St. Louis – Kansas City Carpenters Regional Council, and the Eastern Missouri Laborers' District Council support the partnership.

## **II. Purpose/Scope**

- A. The St. Louis Area Office of the Occupational Safety and Health Administration (OSHA), McCarthy Building Companies, Inc., and project subcontractors recognize the need for a safe and healthy jobsite. The goal of this partnership agreement is to help ensure that the construction of the Washington University Neuroscience Research Center will provide a safe work environment for all employees.
- B. The Washington University School of Medicine Neuroscience Research building is a planned state-of-the-art 12 story, 609,000 square foot facility. This facility will enable the strategic alignment and co-location of the School of Medicine's nationally recognized program strengths in neuroscience, neurology, and psychiatry through research and its applications to education and clinical practice.

The work scope also includes an 1,800-car parking garage, which will assist in meeting the School of Medicine's 10-year parking needs. A pedestrian connection (link) will also be constructed from the existing link endpoint through the St. Louis Children's Hospital garage to this new building.

Major construction work will begin spring 2020, with plans for the campus to become operational in 2023.

- C. In addition to addressing hazards within the construction industry, this partnership will promote a comprehensive and collaborative effort that exceeds minimum best practices in the construction industry.
- D. Specifications and assignments within this partnership document do not relieve the contractors from or lessen their safety and health responsibilities, nor change any contractual obligations between McCarthy Building Companies, Inc. and subcontractors, nor does it lessen any/all affirmative defenses, legal rights, or due process afforded contractors with respect to Agency enforcement action.

## Goals/Strategies and Performance Measures

OSHA has identified the top four causes of fatalities in construction. These are falls, struck by equipment or machinery, electrocution, and caught-in or between equipment or materials. The overall goal for this Partnership Agreement is to minimize mishaps, injuries and illnesses on the project and experience zero fatalities.

Goals	Strategies	Performance Measures
<p>Minimize accidents, injuries and illnesses on the project; zero fatalities; and maintain the project injury/illness data below the current Bureau of Labor Statistics (BLS) National Average for NAICS 23 (all of construction).</p> <p>Reduce the DART rate by 10% annually.</p>	<p>Implementation of comprehensive safety and health management system for the site.</p> <p>Review the OSHA 300 data of all project contractors</p> <p>Calculate the projects Days Away From Work, Restricted, or Job Transfer (DART) rate</p> <p>Partners will meet quarterly to review industry and illness statistics and work together to resolve workplace safety and health issues and reduce injuries and illnesses</p>	<p>The partnership will compare site:</p> <p>Total Case Incident Rate (TCIR)</p> <p>Days Away, Restricted or Transferred (DART) Rate;</p> <p>Days Away From Work (DAFW) Rate.</p> <p>A comparison of actual project injury and illness data to the baseline, and most current published BLS Data for NAICS 23 will occur annually.</p> <p><b><i>Note: The baseline rates for the partnership are 3.0, 1.8, and 1.2, respectively as established by 2018 BLS data for NAICS 23</i></b></p>
<p>Provide for Management Commitment and Employee Participation.</p> <p>Develop a construction management / contractor / OSHA relationship that will encourage involvement of all jobsite contractors to improve safety and health performance,</p>	<p>Require all contractors to develop and implement a written safety and health program that is specific to the Neuroscience Campus project.</p>	<p>Track and verify the number of contractors who have created safety plans that are specific to the contractor’s work on the Washington University Neuroscience Research Center project.</p>

Goals	Strategies	Performance Measures
Conduct Job-Site Analyses	<p>Identify hazards in a timely manner.</p> <p>Perform initial task hazard analyses, and update these analyses as project advances</p>	<p>Track the total number of hazards identified vs those identified by workers to measure employee involvement in hazard recognition and correction.</p> <p>Track the number of jobsite task hazard analyses, and the employee involvement in the analyses.</p>
Hazard Prevention and Control – Implement innovative strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical),	Implement and enforce an ongoing site safety audit program (including daily observations and weekly group site walks),	<p>Document the number of site safety audits,</p> <p>Document the number of hazards identified during site safety audits,</p> <p>Document the number of hazards and abated during site safety audits.</p> <p>Document and track all injuries and illnesses, including near misses</p>
Provide for general safety and health, and job task specific hazard training.	<p>Provide all employees site specific safety orientation</p> <p>Support the goal that all employees have OSHA 10-Hour training</p> <p>Support the goal that all Superintendents have OSHA 30-Hour training</p> <p>Provide all employees with weekly toolbox talks</p>	<p>Document the number of employees and supervisors trained and the number of training hours received.</p> <p><i>Note: Include orientation, toolbox talks, and 10 &amp; 30-Hour courses.</i></p>

Goals	Strategies	Performance Measures
Provide for worker involvement.	Provide worker involvement/participation in: Weekly site safety meetings Site safety audits Task Hazard Analyses OSHA initiatives, including the National Fall Prevention Stand-down and Safe and Sound Week.	Document the number of: Weekly site safety meetings Site safety audits Task Hazard Analysis Employees and employers participating in the OSHA initiatives such as but not limited to the Fall prevention Stand-down and Safe and Sound Week event.

**Program Implementation Strategies:**

McCarthy Building Companies, Inc. requires all contractors on the Washington University Neuroscience Research Center project to comply with Items A through Q below:

- A. Develop and maintain rigorous project safety specifications for use in all contracts.
- B. Require that all contractors develop pre-construction hazard assessments on all projects and document existing conditions and proposed control measures.
- C. Conduct initial (safety kick-off) meeting with McCarthy project management, McCarthy project safety manager, and McCarthy project superintendent(s). McCarthy will require all contractors to develop a project specific safety management plan prior to the start of their work on the Washington University Neuroscience Research Center.
- D. Support the goal that all McCarthy Building Companies, Inc. field managers working on the Washington University Neuroscience Research Center will have completed an OSHA 30-Hour Construction training course.
- E. Each of the weekly contractor coordination meetings will dedicate the first portion of the meeting to discussing project safety and will be documented.
- F. Require that all tiered contractors provide an annual, quarterly, weekly, or daily inspection of equipment as appropriate. Record(s) of inspections will be documented and maintained at the project sites. Require that all equipment capable of amputations be adequately guarded.
- G. 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. Ensure that a competent person will be provided for all tasks required by OSHA standards and regulations.

- H. Require that trench plans, fall protection plans, emergency response plans, lift plans, and daily job hazard analysis be developed, reviewed, and documented prior to starting work as it relates to the contractor's scope of work.
- I. Require that daily site safety inspections are conducted by McCarthy's project management team or other designated individuals. All inspection findings and corrective actions will be documented, tracked, and communicated to all levels of workers on the project
- J. Provide resources to conduct OSHA 10 and 30-Hour Outreach training, Task Hazard Analysis (THA) development, incident investigation, and other general construction safety training. Training will be provided periodically to project workers, and management. Safety and health training will be conducted in Spanish as the need arises.
- K. Require and ensure that all tiered contractors have effective drug/alcohol testing and return to work programs.
- L. Project safety performance will be tracked and evaluated. "Lessons Learned" information will be developed and distributed to other McCarthy managed projects throughout Region VII.
- M. Require that health-related issues arising during the course of the construction project are adequately addressed by the creating contractor with participation by Project Safety Manager. An effective monitoring program will be implemented to assess exposures to health hazards. Control measures will be implemented when exposures exceed permissible exposure limits.
- N. Provide recognition to contractors that demonstrate the ability to provide a safe working environment.
- O. 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.
- P. Require that all crane operators are certified and trained to operate the specific crane in use. Documentation to demonstrate competency will be provided and maintained at the project site.
- Q. Require that all critical lifts be identified and a plan to safely perform be developed and implemented prior to the lift.

#### **IV. Safety and Health Management System**

McCarthy Building Companies, Inc. will implement a comprehensive safety and health program that includes **management leadership and worker involvement, worksite analysis, hazard prevention and control, and safety and health training.**

##### **Management Leadership**

- A. 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.
- B. 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 understand the results desired and measures planned for achieving them.
- C. Provide visible top management involvement in implementing the program so that all employees understand that management's commitment is serious.
- D. 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.
- E. Have the authority to enforce safety rules and regulations. This authority will include provisions to hold subcontractors and employees accountable and, if necessary, remove contractor employees from the job site.
- F. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
- G. Hold managers, supervisors, and employees accountable for meeting their responsibilities so that essential tasks will be performed.
- H. Review program operations at least annually 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**

- a. Conduct and document periodic workplace inspections/audits for the purpose of identifying and correcting safety and health hazards.
- b. Inspections/audits will be conducted as frequently as deemed necessary by the company, but in no case less than once every month.
- c. Analyze any new task, processes, materials, and equipment.



- d. Perform routine Job Hazard Analysis.
- e. 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.
- f. Investigate accidents and "near miss" incidents so that their causes and means of prevention can be identified.
- g. Maintain records of recordable injuries and illnesses as required by OSHA.
- h. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.

### **Hazard Prevention and Control**

- a. 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.
- b. Provide personal protective equipment
- c. Maintain the facility and equipment to prevent equipment breakdowns.
- d. 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.
- e. Establish a medical program that includes first aid onsite as well as nearby physician and emergency medical care to reduce the severity any injury or illness that occurs.

### **Safety and Health Training**

- a. 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.
- b. Train workers on fall protection, prevention of electrocutions, caught-between and struck-by accidents
- c. Ensure select personnel are trained in basic first aid and CPR
- d. Train personnel in hazard communications.

- e. Make safety data sheets (SDSs) available to any requesting employee.
- f. Train workers in any other aspects that will enable them to do their jobs safely.

### **Worker Involvement**

Worker involvement is an essential component of an affective safety and health program.

- a. 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.
- b. Ensure workers are involved in the safety and health program through participation in activities such as safety walkthroughs, weekly site safety meetings, site safety audits, task hazard analyses, incident investigations (as appropriate) and OSHA initiatives, including the National Fall Stand-down and Safe and Sound Week.

## **V. Performance Measures**

The effectiveness of this partnership agreement will be accessed quarterly, 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 (TCIR) and the days away, restricted, transferred (DART) for the project site and compare to the most recently published BLS rate for NAICS 23.
- b. The applicable number of employers, supervisors, and employees trained. Records will also be maintained for those that receive OSHA 10 and 30-Hour training. All contractors 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 McCarthy Building Companies, Inc. and each affected contractor.
- f. Near miss incidents and first aid cases will be tracked.

## **VI. Annual Evaluation**

The partnership will be evaluated on an annual basis using 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.

McCarthy Building Companies, Inc. is responsible for gathering the data to evaluate and track the overall results and success of the partnership program.

The OSHA Strategic Partnership (OSP) evaluation committee is responsible for writing and submitting the annual evaluation report. See section IX for committee identification.

## **VII. OSHA Verifications**

OSHA will verify compliance with this agreement through the following types of activity.

- a. Off-site verifications may be performed by the Compliance Assistance Specialist or other designated OSHA personnel as desired by either party to this agreement. The off-site verifications will assist with maintaining the effectiveness of the partnership without entering the partner's worksite and typically will include review of injury and illness data, jobsite inspections, and other data and reports.
- b. Quarterly on-site non-enforcement verifications are conducted by the OSHA Compliance Assistance Specialist or other designated OSHA personnel, and a representative of the Missouri Department of Labor and Industrial Relations, On-Site Safety and Health Consultation to review and discuss the progress of the partnership. The review will typically include a presentation of site safety and health program status and activities by McCarthy Building Companies, Inc. followed by a walkthrough of the worksite. During these visits, serious hazards will be identified, and the implementation of safety and health management systems will be discussed. All serious hazards identified will be corrected immediately. If management refuses to correct the hazards a referral will be made for an enforcement inspection.
- c. A minimum of one on-site enforcement inspection shall be performed annually for the term of the partnership 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.

McCarthy Building Companies, Inc. 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 02-00-164, Field Operations Manual, dated April 14, 2020 or the most current revision. If deemed appropriate by the area office complaints, referrals, and hospitalizations will be handled via phone and e-mail.

### **VIII. Incentives**

- a. Citations issued to site contractors shall include maximum penalty reduction for good faith as prescribed by CPL 02-00-164, Field Operations Manual (FOM), dated April 14, 2020 or the most current revision.
- b. Priority utilization of "phone and fax" for safety and health complaints in lieu of on-site inspections. The scope of the phone & fax investigation process may not be expanded beyond what is allowed by reference in the Field Operations Manual (FOM).
- c. Other-than-serious violations observed, and immediately abated during an OSHA visit shall not be cited.
- d. McCarthy Building Companies, Inc. and contractors may contact the St. Louis Area OSHA Office for clarification of safety and health related issues.
- e. Create a working relationship between OSHA, McCarthy Building Companies, Inc., and contractors that enhances employee safety and health specific to this project, and nationally through education, and the sharing of best practices

### **IX. OSP Management and Operation**

An OSP evaluation committee made up of the designated signatories to the agreement will review contractor compliance and involvement in the partnership; analyze jobsite audits; make partnership improvements; and evaluate partnership modifications, achievements, and success.

## **X. 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.

## **XI. OSP Term**

This agreement shall be in effect until completion of the major construction activities, Should OSHA or McCarthy Building Companies, Inc. elect to withdraw from participation in the partnership, prior notification in writing of the intent to terminate shall be provided to the other participant. A thirty (30) day written notice is required prior to termination, during which the parties have an opportunity to resolve any issues to avoid termination. Termination by either Party shall constitute a cancellation of the partnership. OSHA and McCarthy Building Companies, Inc. are the only entities that can terminate this partnership.

## **XII. Signatures**

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the McCarthy Building Companies, Inc. / OSHA Partnering Agreement for the Washington University Neuroscience Research Center in St. Louis, MO.

The date of this OSHA St. Louis Area Office/McCarthy Building Companies, Inc. Partnership Agreement is November 13, 2020.

### **Principal Participants:**

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**William D. McDonald, CSP**  
Area Director  
Occupational Safety and Health  
Administration  
St. Louis Area Office

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**Andy Poirot**  
Project Director  
McCarthy Building Companies, Inc.

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**Matt Sauer**  
Project Manager  
McCarthy Building Companies,  
Inc.

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**Steve Miller**  
Safety Director  
McCarthy Building Companies, Inc.

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**Scott Nauman**  
Project Safety Manager  
McCarthy Building Companies,  
Inc.

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**Trey Patterson**  
Regional Safety Manager  
McCarthy Building Companies, Inc.

### **Supporting Participants:**

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**John Stiffler**  
Executive Secretary-Treasurer  
St. Louis Building & Construction  
Trades Council

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**Brandon Flinn**  
Business Manager  
Eastern Missouri Laborers' District  
Council

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**Barry Stelzer**  
Safety Director  
St. Louis – Kansas City  
Carpenters Regional Council

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**Steven Sobo**  
Senior Technical Director  
Washington University School of  
Medicine