

Barton Malow Alexander OSHA Partnership Agreement Penn State Health, Lancaster Medical Center Project

I. Purpose/Scope

The Harrisburg Area Office of the Occupational Safety and Health Administration (hereafter referred to as "OSHA") and Barton Malow Alexander, a joint venture, (hereafter referred to as "BMA"), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as "Partnership") during construction of The Penn State Health - Lancaster Medical Center Project (hereafter referred to as PSH – LMC). Common objective and goals of the Partnership include the following: to reduce injuries and illnesses; to continue to increase safety and health training; to ensure effective health monitoring is conducted; and, to increase the number employers with safety and health management systems. The goal of this Partnership is to encourage joint cooperation between OSHA, BMA and contractors to foster a safe work environment for all PSH-LMC workers.

The Partnership calls for the PSH-LMC to be managed consistent with OSHA's 1989 Safety and Health Management Guidelines, [OSHA's Recommended Practices for Safety and Health Programs in Construction](#), 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.

This Partnership will not relieve any contractors from or lessen their safety responsibilities nor change any contractual obligations between BMA, PSH-LMC Owner/Developer, 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. 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.

II. Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration, Harrisburg Area Office (OSHA)
- Barton Malow Alexander (BMA)

III. PSH-LMC Project Overview

The PSH-LMC Project is located at 2148 State Road, in Lancaster, Pennsylvania. This is a Joint Venture Project between Barton Malow and Alexander Building Construction. The Lancaster Medical Center is a planned 340,000 SF, six-story hospital located in East Hempfield Township, which will include 144 private inpatient beds, an emergency department, complete medical and surgical capabilities, imaging and lab services, as well as doctor's offices. Estimated project completion date is May 2022.

Major components of the work will include site construction, excavation work, rebar installation, concrete foundations, structural steel and metal work, electrical, masonry, mechanical, plumbing, roofing, and finishes.

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 foundation of the safety and health program at the site will be administered through the implementation of the BMA Site Specific Health and Safety Program.

Partners will meet quarterly to review PSH-LMC injury and illness statistics and work together to resolve workplace safety and health issues. The Partnership goals, strategies, and measures employed to achieve these results will include the following:

Goal	Strategy	Measures/Products
1. Reduce the total number of injuries and illnesses annually. Have injury and illness rates that are equal to or less than the baseline rates, thereby providing a safe and healthy work environment for workers at the project.	a. Review the OSHA 300 data of the Partnership participants and their contractors, excluding OSHA. b. Calculate The Project's Days Away From Work, Restricted, or Job Transferred (DART) rate. c. Compare this data with the baseline rates for the Partnership.	a. This goal will be measured by the overall cumulative DART rate for this project. b. Baseline will be based on the DART rate for NAICS code 2362 nonresidential building construction. c. Injury and illness statistics and work together to resolve workplace safety and health issues.
2. Effective control of workplace	a. Methods to evaluate the on-site	The Partners will meet quarterly to

<p>hazards by assisting the number of on-site contractors with safety and health management systems.</p>	<p>contractors performance in this area will include the implementation of comprehensive safety and health management systems at the site and the increase in the number of contractors that establish effective safety and health management systems.</p>	<p>review:</p> <p>a. Compare the number of on-site contractors that develop and implement effective safety and health management systems because of their participation in the Partnership, with the baseline for the Partnership.</p>
<p>3. Conduct effective self-inspections, training, technical assistance, and consultation activities in areas where workers may be exposed to hazards.</p>	<p>a. BMA will use an established tracking tool to document all self-inspections, the number of hazards corrected, any industrial hygiene monitoring data (if conducted), and training conducted during the Project</p>	<p>The Partners will meet quarterly to review:</p> <p>a. The number of self-inspections performed, the number of hazards identified and corrected</p> <p>b. The number of training sessions conducted by the Partners, training hours for workers and supervisors/managers</p>
<p>4. Develop a working relationship with on-site contractors to maintain a continuing dialogue that supports various OSHA safety and health campaigns/initiatives</p>	<p>BMA and all on-site contractors will participate in OSHA's Focus Four Campaign and annually will hold a National stand-down to prevent falls in construction event until the project is completed.</p> <p>a. BMA and all on-site participating contractors will print and display OSHA's National safety stand-down poster in visible working locations and inside their on-site trailers.</p> <p>b. BMA will present, and all on-site contractors will participate in the weekly toolbox talks associated with Region III's Focus Four Campaign.</p>	<p>All data below will be provided to OSHA during the quarterly meetings.</p> <p>a. BMA, along with their participating contractors will use OSHA's "Join the National Safety Stand-Down" webpage to sign-up for the event, provide information about their stand down activity and complete the survey. In addition, BMA, along with their on-site contractors will provide the Harrisburg Area Office the number of workers that participated.</p> <p>b. BMA will provide the Harrisburg Area Office with the number of workers trained in each week's toolbox talk that is associated with the Region III Focus Four Campaign.</p>

V. Statement of Agreement

OSHA agrees to:

- Evaluate BMA's PSH-LMC Site Specific Health and Safety Program prior to and during the OSHA non-enforcement verification visit using Appendix B (or equivalent) and to determine whether effective safety and health management systems are in place.
- Designate an OSHA Official to serve as a resource and liaison person for the Partnership.

- Meet with BMA quarterly to review PSH-LMC safety performance. Safety performance will be evaluated through review of on-site contractors' OSHA 300 logs for the PSH-LMC and related accident reports.
- Provide timely responses to requests for information and verbal clarification of OSHA standards, as resources permit. Written clarifications for letters of interpretation will be directed to the National Office for clarification.
- Provide information on OSHA training resources.
- Conduct a non-enforcement verification visit within 60 days of the Partnership signing.

BMA agrees to:

1. Provide a Site Safety Manager to serve as a safety resource and liaison person for the Partnership and to assist contractors with safety issues / concerns.
2. Provide notice to all contractors that the PSH-LMC is subject to this Partnership and include the Partnership Fact Sheet (Appendix A) in the PSH-LMC New Employee Safety Orientation and notify contractors of the on-site non-enforcement verification visit.
3. Develop and implement the PSH-LMC Site Specific Safety Plan.
4. Evaluate each contractor's site-specific safety plan, prior to beginning work on site. Conduct preplanning meetings with contractors for high-risk activities.
5. Offer 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), participate in OSHA's Fall Stand Down.
6. Require all on-site contractors to submit an updated OSHA 300 Log for the PSH-LMC.
7. Meet with OSHA quarterly to review the safety performance of BMA and contractors and provide feedback on accident/incident tracking and trending, which is provided by Corporate Safety.
8. Coordinate safety related matters that pertain to site general conditions such as hazard communications, emergency response, confined space entry, installation and maintenance of building perimeter guardrail systems and housekeeping.
9. Implement a six-foot fall protection policy with all contractors, which means a hard barricade or personal fall arrest system.
10. Will implement a progressive disciplinary policy to manage safety performance.
11. Conduct monthly Corporate Safety Audits and Meetings, weekly site inspections, accident/incident investigations, monitor contractor weekly toolbox talks as well as Daily Huddles or Pre-Task Plans, and other safety initiatives as required by BMA.

NOTE: At this time of the COVID-19 Pandemic, BMA is not conducting in-person meetings, lunches and other gatherings requiring close contact or that are not in compliance with CDC or Pennsylvania Department of Health Guidelines. While the guidance is active, meetings will be held virtually to reduce exposure.

12. BMA will provide a designated fulltime safety representative with authority to take corrective action. Each contractor will designate a competent safety person and a list of all competent persons onsite list will be maintained by the BMA safety representative.
13. Provide a list of the participating contractors to OSHA during each quarterly meeting.

VI. **On-Site Non-Enforcement Verifications**

In order to assist in measuring the success of this Partnership, an initial non-enforcement verification visit will be conducted within 60 days of the signing of this agreement, and annually thereafter. Within seven calendar days of the non-enforcement visit, BMA will provide abatement verification to the OSHA Harrisburg Area Director. If the abatement will take longer than seven days, BMA will provide interim safety measures and provide the Area Director with updates, until the abatement is complete. If the abatement is going to take more than fifteen days a discussion with the Area Director or his designee must take place to agree on next-steps. Any imminent danger violations must be corrected immediately. If the abatement of items found in the non-enforcement verification visit are not received in a timely manner, the items will be referred for enforcement.

OSHA will meet with BMA quarterly to review Partnership issues and to examine updated TCIR and DART rates and the injury and illness experience of all on-site contractors at this site. OSHA shall provide feedback on any noted incident trends and patterns.

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 the determination that an allegation is valid, the responsible contractor shall promptly abate the hazard.

OSHA agrees that a copy of each non-formal complaint related to the work at the site and filed with OSHA will be forwarded to the PSH-LMC site office for action. In accordance with applicable law, the identity of a complainant requesting confidentiality will not be revealed. BMA 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 local or national emphasis programs, 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. These investigations will be conducted outside of this Partnership Agreement in accordance with established OSHA enforcement policy. Violations documented during such investigations may result in the issuance of

citations and penalties. 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. **Safety and Health Management Systems**

OSHA and BMA support the implementation of safety and health management systems, including the four main elements of management commitment/employee involvement, hazard identification, hazard correction/control, and employee training. BMA commits to implementing a safety and health management system at the worksite as detailed in Appendix B.

IX. **Worker and Employer Rights – Employee Involvement**

This Partnership does not preclude workers and/or employers from exercising any right provided under the OSH Act (or, for federal workers, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the OSH Act. This Partnership recognizes workers bring valuable skills and perspective to the implementation of an effective site safety and health system. Workers on site will be encouraged and given opportunities to be involved in the site safety and health system. Employee involvement will include, but is 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 B).

X. **Termination**

This Partnership will terminate two years from the date of the signing or upon completion of the PSH-LMC. If either Partner wishes to withdraw its participation prior to the established termination date, a written notice shall be given, stating the reason(s) and providing 30 days' notice to the other party(s).

XI. **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

XII. Signatures

Based on a mutual interest to protect construction workers, the below parties agree to the terms of the OSHA / BMA Partnership Agreement for the construction of The Penn State Health – Lancaster Medical Center Project.

Signed _____ day of _____, 2020

Partners:

Kevin Chambers, Area Director
Harrisburg Area Office
USDOL/OSHA

Name
Title
Barton Malow

Name
Title
Alexander Construction

PARTNERSHIP FACT SHEET - APPENDIX A

Harrisburg Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as "OSHA") and Barton Malow Alexander (hereafter referred to as "BMA"), have agreed to implement an OSHA Strategic Partnership (hereafter referred to as "Partnership") during construction of Penn State Health – Lancaster Medical Center Project (hereafter referred to as "PSH-LMC").

The goal of this Partnership is to encourage joint cooperation between OSHA, BMA, and contractors to foster a safe work environment for all PSH-LMC workers.

The agreement between BMA and OSHA calls for the PSH-LMC 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, participating contractors will voluntarily sign this pledge.

This Partnership will not relieve any contractors from or lessen their safety responsibilities nor change any contractual obligations between BMA, PSH-LMC, Owner/Developer, or 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 workers' ability to exercise rights under the OSH Act.

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.

SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION - APPENDIX B

1. BMA and contractors have or will have implemented a comprehensive written PSH-LMC Safety Plan.
2. BMA maintains or will maintain copies of contractors' safety and health plans, hazard communication plans, and fall protection plans (where applicable). BMA requires contractors to follow its safety plan and will not accept any plans or practices that are less stringent.
3. BMA will have a full-time 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 the 30-Hour Construction Safety Outreach Course, as specified in the PSH-LMC Safety Plan.
4. BMA and contractors have or will have trained field supervisory personnel and have 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 contractor conducts).
5. BMA has or will provide a safety and health management system orientation for all new workers to the site. All contractors are to conduct orientation including hazard recognition specific to their work.
6. BMA and contractors will have employee involvement in the Partnership. Examples include, but will not be limited to, participation in site inspections, job hazard analysis, accident/incident /near-miss investigations and site safety stand downs.
7. BMA and contractors will follow a six-foot fall protection policy, which means a hard barricade or personal fall arrest equipment. This requirement applies to structural steel erection, roofing work, as well as working from scaffolds. A personal fall arrest system is not required when working from ladders, if the worker remains within the confines of the ladder rails.
8. BMA will conduct monthly Corporate Safety Audits and Meetings, weekly site inspections, accident/incident investigations, and will monitor contractor weekly toolbox talks, Daily Huddles, and Pre-Task Plans. .
9. BMA and contractors will have a written enforcement program. BMA's written enforcement program is a progressive discipline system. The program progresses from verbal warnings to written warnings with enforcement. Incidental Employee Misconduct is a "Three Strikes, You're Out Rule". The written enforcement notices will require either complete re-training or dismissal from the job site at BMA's discretion. BMA reserves the right for immediate dismissal without warnings for anything that it deems a blatant disregard of safety rules and regulations. Contractors are subjected to the same enforcement program and policy. Contractors are subject to discipline up to and including fines.
10. Enforce a Zero Tolerance Policy whereby workers engaged in violation of the above-described fall protection policy, NFPA 70 E, applicable confined space regulations, or excavation regulations as described in BMA's safety policy will be removed from the site for 3-days with retraining required prior to returning to the jobsite. A second infraction of the same or other enumerated standards in this paragraph shall require the worker to be permanently removed from the site.