



Partnership Agreement

Between

**United States Department of Labor
Occupational Safety and Health Administration
(OSHA)
Kansas City Area Office and Wichita Area Office**

&

**The Sheet Metal and Air Conditioning Contractors'
National Association of Kansas City Chapter
(SMACNA-KC)**

&

**Sheet Metal Air, Rail & Transportation, (SMART)
Local Union No. 2.**

Month/DAY/20XX_____

I. IDENTIFICATION OF PARTNERS

Sheet Metal and Air Conditioning Contractors' National Association-Kansas City Chapter (SMACNA-KC), Sheet Metal Air, Rail, & Transportation (SMART) Local Union No. 2, and the Kansas City and Wichita Area Offices of the Occupational Safety and Health Administration (OSHA) recognize the importance of providing a safe and healthy work environment for employees engaged in the construction and fabrication industry.

This OSHA Strategic Partnership (OSP) Agreement with SMACNA-KC and its members in Missouri and Kansas will facilitate the goals of OSHA to reduce occupational related fatalities and serious injuries and illness at construction and fabrication job sites.

The SMACNA-KC Chapter was founded in 1930 to address issues of member firms that affect the industry locally, nationally, and internationally. It serves members' needs to improve their competitive advantage and business environment through SMACNA-KC construction and fabrication standards, industry education, labor relations, industry marketing, business studies, and safety training. SMACNA-KC has more than 1200 active union and non-union workers employed by 38-member companies in Missouri and Kansas. Ten member companies are going to participate in the OSP. (See Appendix A) Participation in the Partnership is strictly voluntary and is available to any member of the SMACNA-KC who meets the qualification requirements specified in this OSP agreement. The Kansas City Area Office is the lead OSHA office during the existence of this OSP.

This partnership follows a successful two year OSHA Alliance with the Sheet Metal and Air Conditioning Contractors' National Association-Kansas City Chapter and the Sheet Metal Air, Rail, & Transportation (SMART) Local Union No. 2. The SMACNA-KC Partnership continues efforts initiated during the Sheet Metal and Air Conditioning Contractors' National Association-Kansas City Chapter and SMART Local No. 2 alliance to continue work on making positive changes to the "safety culture" of this sector of the sheet metal industry.

Primary Partners:

- OSHA Kansas City Area Office
- OSHA Wichita Area Office
- Sheet Metal and Air Conditioning Contractors' National Association-Kansas City Chapter (SMACNA-KC)

Pledging their support for the Partnership:

- Sheet Metal Air, Rail & Transportation (SMART), Local Union No. 2.

II. PURPOSE/SCOPE

The goal of this OSP is to improve safety and health conditions for employees of companies belonging to the Sheet Metal and Air Conditioning Contractors' National Associations-Kansas City Chapter (SMACNA-KC). To accomplish this goal, a cooperative partnership has been established between the SMACNA-KC, labor, and government that will encourage (SMACNA-KC) members and their employees, in both construction and general industry, to improve their safety and health performance. The Partnership will ensure participants in the OSP meet the program qualification, then, monitor, and assist them in their efforts. Members who demonstrate exemplary safety and health performance will be recognized as "the best of the best" in worker safety in western Missouri and Kansas. The Partnership is to be conducted within the jurisdictional area of the Kansas City and Wichita OSHA Area Offices.

III. GOALS/STRATEGIES AND PERFORMANCE MEASURES

The overall goal of the Partnership is to create a cooperative working relationship that focuses on preventing work-related fatalities, eliminating serious workplace hazards, and establishing a foundation for the development and/or improvement of effective safety and health programs for participating employers. Specific responsibilities for contractor compliance and involvement in the Partnership for compliance, site audits, partnership improvements, review of partnership modifications, and goals are delineated in Section III of this document.

- A. At construction worksites, reduce the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from:
 - 1. Falls
 - 2. Struck-By
 - 3. Caught-In/Between
 - 4. Electrocutions

- B. At general industry (fabrication shops), reduce the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on injuries and fatalities resulting from:
 - 1. Amputations
 - 2. Cuts, Lacerations or Punctures
 - 3. Lockout/Tagout hazards
 - 4. Lack of Adequate Machine Guarding

| Goals | Strategies | Performance Measures |
|---|---|---|
| <p>Achieve a group aggregate rate of accidents, injuries, and illnesses below the most current year published BLS National Average for NAICS 238 (Specialty Trade Contractors) and for the NAICS 332 (Fabricated Metal Product Manufacturing); Zero fatalities.</p> | <p>Implementation of comprehensive safety and health management system for the participating establishments.</p> | <p>OSHA injury and illness data: (group aggregate and employer)</p> <ol style="list-style-type: none"> 1. Total Case Incidence Rate (TCIR) 2. Days Away, Restricted or Transferred (DART) Rate <p>An annual comparison of these rates with the most current BLS published data for NAICS 238 for each year. The 2019 BLS TCIR, DART rates for NAICS 238 are 3.1, and 1.8, and 332 are 3.9 and 2.1 respectively, are the baseline rates for the partnership. Additionally, the projects injury and illness data compared to this established baseline.</p> |
| <p>Developing an employer/government partnership that will encourage involvement of the owner, construction/general industry managers, and subcontractors in the improvement of safety and health performance.</p> | <p>Require the employer/contractor and all subcontractors to develop and implement a written safety and health management programs (including a fall protection plan).</p> | <p>SMACNA will verify by reviewing the number of employer/contractors/subcontractors that implemented and/or improved written safety and health programs from year to year.</p> |
| <p>Implementing strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught in, and electrical), and the four general industry hazards (amputations, cuts/lacerations/punctures, lockout/tagout & machine guarding).</p> | <ol style="list-style-type: none"> 1. Conduct 30-hour and 10-hour OSHA training courses (see Section VII); 2. Provide all employees site-specific safety training/orientations; 3. Implement and enforce an ongoing site safety audit program (to include weekly site walk through) 4. Actively promote the | <p>Document the number of managers and employees trained and the training hours received (including orientation and 10 & 30-hour courses); document the number of hazards identified and abated during the safety audits by SMACNA; track the number of innovative strategies, near misses and approaches to training. Additionally, promote and track innovative strategies identified to abate observed hazards.</p> |

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| | rapid abatement of observed hazards. | |
| Provide for workers active involvement. | Provide worker involvement in weekly site safety meetings, site safety walk around, Job Hazard Analyses (JHAs). | Document the number of workers involved in weekly site safety meetings, site safety walk-around, and JHAs from year to year. |

Additional anticipated outcomes include:

- A. Increase the number of employers who developed, implemented, and/or improved effective safety and health management systems, including training programs for management, supervisors, and employees as referenced in Section VII. OSP Management and Operation/Implementation, under Safety and Health Management Systems (Program) Criteria.
- B. Develop criteria for a model employer safety and health program.
- C. Allow OSHA to focus resources on companies that require assistance from OSHA rather than companies that have demonstrated they have effective safety and health programs in place.
- D. Create a mentoring program for SMACNA-KC members by members who are actively involved with the partnership agreement.
- E. Make safety and health resources available to all members of SMACNA-KC.

The overall success of the partnership will be measured as follows:

The overall success of this program will be jointly evaluated by the Partnership Executive Safety Committee, Kansas City Area Office, and Wichita Area Office, based on the following eight measures:

- A. Annual group aggregate TCIR, and DART, will be compared to the most currently published Bureau of Labor (BLS) National Average rates for NAICSs 238 and 332, with zero fatalities. The 2019 BLS TCIR and DART rates for NAICS 23 are 3.1, and 1.8, respectively. The 2019 BLS TCIR and DART rates for NAICS 332 are 3.9, and 2.1, respectively. These rates serve as the baseline for the partnership.
- B. Each individual participating employer's annual TCIR, and DART Rates will be compared the most currently published BLS National Average rates for their specific primary NAICS.
- C. Partnership participants will show a downward trend in injuries and a reduction of near misses, from year to year.
- D. Records of training certifications and/or training rosters will be maintained by SMACNA. The number of managers and employees trained, and hours of training provided, will be included in the annual evaluation. This may include, but is not limited to, OSHA 10 and 30-hour training courses as well as other hazard specific training, provided by SMACNA and/or OSHA Kansas City Area Office or the Wichita Area Office personnel.

- E. Evaluate the effectiveness of the 100% Fall Protection Plan through the number of plans implemented and/or improved and as measured by injury/illness records, and a reduction in near misses.
- F. No fatalities experienced by any participating member.
- G. Employers' safety and health programs and/or management systems, including changes, will be evaluated annually by the Partnership Executive Safety Committee, during initial application to the Partnership and upon renewal.
- H. Employers' safety and health programs and/or management systems will be evaluated annually by the Partnership Executive Safety Committee during initial application to the partnership and upon renewal. Changes concerning the general effectiveness of the safety and health programs for participating employers' programs will be provided annually to the OSHA Kansas City Area Office, and the Compliance Assistance Specialist.

IV. ANNUAL EVALUATION

The partnership will be evaluated annually utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003. The data used to conduct the annual evaluation will be collected on a calendar year basis and the annual evaluation will be sent to OSHA National Office the first week of March each year. The annual evaluation will be provided to the OSHA Area Offices and to the SMACNA's Safety Director who will subsequently share evaluation with the Partnership Executive Steering Committee. To evaluate the progress of the Partnership, the Partnership Executive Safety Committee shall review the annual evaluation, and if necessary, address opportunities for improvement.

In preparation for the annual evaluation, the CASs from OSHA's Kansas City and Wichita Area Offices will request the following information from the participating employers at the end of the calendar year:

- A. OSHA Form 300s and 300As and hours worked for each employers' work sites (including construction sites, general industry sites and corporate/home offices) operating only in Missouri and Kansas, including the employer's primary NAICS.
- B. Training activities, including number of employees and managers trained, hours of training provided, and training subjects/topics.
- C. Number of self-inspections performed, including the number of hazards identified and abated/corrected.
- D. Other relevant safety and health activities, such as success stories, safety awards, and challenges and opportunities for improvement in their safety and health management systems.

V. OSP BENEFITS/INCENTIVES

- A. Partnering contractors will receive maximum reductions allowed by OSHA CPL 02-00-150; Field Operations Manual (FOM) dated April 22, 2011, for good faith, size, and history for penalties assessed for OSHA violations. Note: In the event that the FOM is revised, the most current FOM will be utilized.
- B. Other-than-serious violations observed and immediately abated during an OSHA visit shall not be cited.
- C. Priority will be given to "phone and fax" safety and health complaints in lieu of on-site inspections.
- D. This Partnership requires frequent inspections of the worksite by SMACNA-KC, contractors, and subcontractors to identify and correct hazards. It serves as a model to contractors and others by demonstrating how to implement a strong safety and health program on a multi-employer jobsite. It also encourages a higher level of participation in the safety process by involving everyone on the jobsite. The knowledge gained from this Partnership will be applied to reduce injuries and illnesses at future work sites.
- E. Special recognition from SMACNA-KC partners designating the employer as a participant in the SMACNA's Partnership. The employer may receive incentives from owners and respective insurance companies/contractors/unions and recognition from affiliates of the partnership program, including the use of the partnership logo and/or signage in accordance with OSHA guidance for the use of the OSHA Strategic Partnership Program Logo.
- F. OSHA will provide SMACNA-KC partners with Local Emphasis Program (LEP)/National Emphasis Program (NEP) compliance assistance material for partnership utilization.
- G. One of the core benefits of the Partnership Program will be to provide guidance on how to develop employers' safety and health programs that can serve as models for others to emulate. The program will include the development of criteria for a "model" company; and those companies that qualify will be asked to mentor smaller companies, or employers with less effective safety and health programs. SMACNA-KC can also provide such mentoring services. This mentoring may take several forms as follows:
 - 1. Structured programs created within the scope of ongoing contractor association/apprenticeship safety and health education;
 - 2. Programs developed for presentation at the SMACNA-KC meetings; and
 - 3. Instruction offered in conjunction with apprentice/journeyman training programs, and other training programs.

VI. VERIFICATIONS

- A. OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite as well as alleged "imminent" danger situations per the FOM. *Note: In the event that the FOM is revised, the most current FOM will be utilized.*
- B. OSHA will continue to investigate complaints and referrals received in accordance with OSHA Instruction CPL 02-00-140, Complaint Policies and Procedures and the FOM. *Note: In the event that the FOM is revised, the most current FOM will be utilized.*
- C. An **on-site enforcement verification inspection** of the participating employers will be performed when a jobsite of the respective worksite receives an OSHA enforcement inspection for any reason, programmed or un-programmed. Note: OSHA will not implement any scheduling of a participating contractor partner for an on-site enforcement verification inspection over and above that which would be experienced by a non-partnership site. The scope of the on-site enforcement verification inspection will be in accordance with the Field Operations Manual (FOM) and the focused inspection policy. These inspections will use "Focused Inspection" initiative policy {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, caught-in/between and electrical shock. Inspections conducted in response to complainants, 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 in accordance with OSHA Standards Interpretation and Compliance Letter, August 22, 1994, Guidance to Compliance Officers for Focused Inspections in the Construction Industry.
- D. **On-site non-enforcement verification visits**, performed by SMACNA- KC and/or the Partnership Executive Safety Committee, may be conducted as appropriate during initial application to the partnership, during renewal applications, at the request by a participating employer, and anytime the Safety Committee identifies a potential safety and health issue, to further assess participating contractors' implementation of the partnership agreement. These on-site visits should confirm that the partner's worksite is operating a safety and health management system that adequately ensures the protection of employees.
- E. **Off-site verifications** SMACNA-KC and Partnership Executive Steering Committee will perform off-site verifications during the application/renewal process and during the annual evaluation and review of participating employers' submitted injury/illness data and safety activities. Additional off-site verifications may also be performed by any or all of the following entities: SMACNA-KC, Partnership Executive Steering Committee, OSHA's Kansas City and Wichita Area Offices, to ensure participating employers are continuing to meet the requirements of the partnership agreement.

VII. OSP MANAGEMENT/ OPERATION AND IMPLEMENTATION

Program Implementation

- A. SMACNA-KC, the U.S. Department of Labor/Occupational Safety and Health Administration, Kansas City Area Office, Wichita Area Office, and SMART Local Union No. 2 will form a Partnership Executive Safety Committee to monitor the implementation of this Agreement. The Committee will consist of a representative from each of the designated partners. SMACNA-KC will serve as the chairperson and as OSHA's primary contact. The Committee will review contractor compliance and involvement in the Partnership, analyze job site audits, achievements, and successes.
- B. All employers interested in participating in the program must submit a completed application form to the SMACNA-KC for review. SMACNA-KC will inform members and the respective CAS from OSHA's Kansas City, and Wichita of those who have successfully completed the application process and are eligible for participation in the program. SMACNA-KC will provide a copy of the application and supporting documents received to the CASs from OSHA's Kansas City, and Wichita Area Offices.
- C. Contractors who qualify and accept the established requirements of the SMACNA-KC OSP must reapply by February 1st of each year and shall provide all required documentation to SMACNA-KC verifying that they still meet current established guidelines. In addition, SMACNA-KC will provide a copy of the renewal application and supporting documents to the CASs from OSHA's Kansas City, and Wichita Area Offices.

Qualification Criteria

A company seeking participation in the partnership program shall:

- A. Be engaged in the construction industry, fabricated metal product manufacturing, and be a member of SMACNA-KC.
- B. Agree to provide written safety and health programs, training records, and injury/illness records to the Partnership Executive Safety Committee.
- C. Have no fatalities or catastrophes that have resulted in accident-related serious citations becoming a Final Order of the Occupational Safety and Health Administration Review Commission within the last three years.
- D. Have no willful violations or repeat violations that have become a Final Order of the Occupational Safety and Health Administration Review Commission in the last three years.
- ~~E.~~ Have three-year TCIR and three-year DART rates below at least one of the three most recent years of specific industry national averages for nonfatal injuries and illnesses at the most precise level published by BLS. Note: In performing a rate comparison, both the DART and TCIR will be compared to the same year of BLS data.
- F. Construction participants shall have implemented a 100% fall protection program requiring and enforcing the use of conventional fall protection (i.e. personal fall arrest

systems, safety net systems or guardrail systems as defined within 29 CFR 1926.502, when their employees are performing work that is in excess of six feet above a lower level. General industry participants shall have implemented a fall protection program requiring and enforcing the use of conventional fall protection as defined in 29 CFR 1910.28, and when their employees are performing work that is in excess of four feet above a lower level.

- G. Have read this partnership agreement in full and signify agreement to all of the requirements herein by signing a copy of the "SMACNA-KC Partnership Program Application Form."
- H. Participants will have the following:
 - 1. A written safety and health program.
 - 2. A designated competent person at all worksite(s).
 - 3. Weekly documented safety training at all worksite(s).
 - 4. Employers' submitted injury/illness data and safety activities.

VIII. SAFETY AND HEALTH MANAGEMENT SYSTEMS (Program Criteria)

SMACNA-KC will be responsible for collecting employers' written safety and health programs and training records. Information gathered will be forwarded to the Partnership Executive Safety Committee for review and verification. An employer seeking participation in the partnership program must have a safety and health program that meets the following criteria:

- A. SMACNA-KC will share their member's recommended comprehensive safety and health program, which is based on OSHA's 'Recommended Practices for Safety and Health Programs in Construction', dated October 2016. This may be found at:
<https://www.osha.gov/shpguidelines/>

Safety and Health Programs are a critical part of this OSP in that it is an important aspect of collaboration between the project management team, supervisors, and the workers on site. The safety and health programs will enhance the Partnership through collaboration of all parties on site, and increased communication among parties, to impact worker safety and health. Safety and Health Programs will include, but not be limited to, the following core elements:

The OSHA's 'Recommended Practices' contain seven core elements including:

Management Leadership

SMACNA-KC will implement a Safety and Health Program patterned after OSHA's 'Recommended Practices for Safety and Health Programs in Construction' dated October 2016, this may be found at: <https://www.osha.gov/Publications/OSHA3886.pdf> OSHA's "Recommended Practices contain seven core elements---Management Leadership, worker participation, hazard identification and assessment, hazard prevention and control, education and training, program evaluation and improvement, and communication and coordination for employers on multiemployer worksites. The recommended practices will encourage partnering employers to commit a high level of worker involvement to assist in

monitoring and identifying job site hazards on a continual basis to prevent accidents. Safety programs will be implemented at the initiation of the OSP with the implementation continuing throughout the duration of the OSP.

Worker Participation

Workers will be highly encouraged to report jobsite hazards they observe and bring all potential hazards to the attention of their supervisor for immediate correction. Reported information will be used to improve workplace safety and no worker will experience retaliation for bringing such information to management's attention. This will be encouraged in the following ways:

1. All contractors will hold a Job Site Safety Orientation with each worker prior to their work on site.
2. All contractors will provide a system to allow workers to report potential job site hazards to SMACNA-KC, all other contractors, and/or supervisors upon discovery to stop work if necessary.
3. All contractors will require all workers to attend daily toolbox talks.
4. All contractors will participate in monthly safety audits and provide all subcontractors on site with a copy of the safety audit reports for use in discussion with workers during toolbox talks.
5. All contractors will share the result of accident investigations, site safety walkthroughs, and exposure monitoring to help workers understand workplace hazards.
6. All workers on-site are obligated to utilize Stop-Work Authority, if they observe any condition that could result in an incident.
7. SMACNA-KC and all other contractors involved will ensure workers and/or their representatives are involved with daily and monthly site inspections.
8. SMACNA-KC and all other contractors involved will ensure workers and/or their representatives participate in monthly safety meetings, as well as report any near miss or unsafe conditions.
9. SMACNA-KC, Sheet Metal Workers Local No.2, and all other contractors involved will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards.
10. SMACNA-KC and all other contractors will ensure the development and implementation of a procedure for the safe reporting of all work-related injuries and illnesses, and prohibits discrimination against an employee from reporting these events, as directed in 29 CFR 1904.35 and 1904.36.
11. Involve workers, who often have the best understanding of the conditions that create hazards and insights into how they can be controlled.

Hazard Identification and Assessment

SMACNA-KC will identify and assess hazards, employers and workers by:

1. Collecting and reviewing information about the hazards present or likely to be present at the job site by using JHA's and identifying hazard trends.

2. Conducting frequent and regular inspections of the job site to identify new or recurring hazards. Informal daily inspections along with documented weekly walkthrough inspections will help with identifying hazards.
3. Investigating all injuries, illnesses, incidents, and close calls/near misses to identify the underlying hazards, their causes, and safety and health program shortcomings. This will require an accident/incident investigation program along with a Near Miss Program.
4. Identify trends for employee injuries, illnesses, and all hazards reported. Workers Compensation Loss Runs and OSHA 300 Logs will be utilized in this process.
5. Consider all hazards associated with emergency or non-routine situations. These hazards will be identified in JHA's and the Emergency Action Plan.

For each hazard identified, participating companies will determine the severity and likelihood of incidents that could result, and use this information to prioritize corrective actions. Some hazards, such as housekeeping and tripping hazards, can and should be fixed as they are found. Fixing a hazard on the spot emphasizes the importance of safety and health and takes advantage of a safety leadership opportunity. Fixing other hazards identified using the processes described here will be addressed in the next section, "Hazard Prevention and Control."

Hazard Prevention and Control

SMACNA-KC considers Hazard Prevention and Control to be a process requiring continual efforts of monitoring and identifying job site hazards, and taking corrective actions to maintain a safe and healthy job site at all times.

Participating companies will effectively control and prevent hazards; employers should:

1. Identify and evaluate options for controlling hazards, using a "hierarchy of controls." Prioritizing (Engineering, Administrative and Personal Protective Equipment) in that order.
2. SMACNA-KC and all other contractors involved will ensure that everyone knows how to use and maintain personal protective equipment.
3. Create and use a hazard control plan to guide the selection and implementation of controls. The highest priority for abatement will be given to severe hazards and those most likely to cause injury.
4. Develop plans with measures to protect workers during emergencies and non-routine activities. JHA's will be used to identify hazards associated with these types of activities.
5. Evaluate the effectiveness of existing controls to determine whether they continue to provide protection, or whether different controls may be more effective. Review new technologies for their potential to be more protective, more reliable, or less costly.

Education and Training

1. SMACNA-KC and all participating contractors will ensure employees receive the proper education and authorization prior to being permitted to perform any task.
2. SMACNA-KC and all participating contractors will not allow workers to be exposed to safety and/or health hazards created by themselves or others.
3. SMACNA-KC and all participating contractors will ensure that supervisors are trained to recognize both health and safety hazards associated with their scope of work and understand their responsibilities.

Program evaluation and improvement

SMACNA-KC will ensure that all contractors and subcontractors continually evaluate and improve their safety and health programs, including:

1. Control measures are periodically evaluated for effectiveness.
2. Processes are established to monitor program performance, certify program implementation, and identify program shortcomings and opportunities for improvement.
3. Necessary actions are taken to improve the program and overall safety and health performance.

Communication and Coordination for Employers on Multiemployer Worksites:

On multiemployer worksites, SMACNA-KC will ensure that all contractors and subcontractors communicate and coordinate with all employers on the worksite to include:

1. The commitment of all general contractors, and staffing agencies to provide subcontractors the same level of safety and health protection to all employees.
2. Ensuring general contractors, contractors, subcontractors, and staffing agencies will communicate the hazards present at the worksite created by other trades.
3. Ensuring general contractors will establish specifications and qualifications for contractors and staffing agencies.
4. Prior to beginning work, general contractors, contractors, union representatives, and staffing agencies will coordinate on work planning and scheduling to identify and resolve any conflicts that could impact safety and health.

B. The Partnership Executive Safety Committee (with SMACNA-KC as the Chair) will:

1. Mentor contractors and subcontractors who have not yet developed their own safety and health program and, if necessary, refer them to other entities for assistance.
2. Share the responsibility for overseeing site safety, to serve as a point of contact, and to oversee the partnership goals.
3. Coordinate, conduct, and document a comprehensive site audit on a monthly basis. If non-compliant activity or hazards are discovered, immediate correction is required.

SMACNA-KC and all other contractors involved will document the corrective action taken, and share this information during the quarterly OSP review meeting.

4. Audit the Partnership and make recommendations for improvement.
5. Ensure that contractors and subcontractors develop and implement a procedure for the reporting of all work-related injuries and illnesses, which prohibits discrimination against an employee from reporting these events, as directed in Title 29 CFR 1904.35 and 1904.36.

C. The Participants Shall:

1. Enforce 100% fall protection for all fall hazards over six (6) feet.
2. Act as the Project Site Safety Leadership Team and will share the responsibility for overseeing site safety, to serve as a point of contact, and to oversee the partnership goals.
3. Conduct and document daily safety audits.
4. Ensure that all subcontractors participate in job-site safety meetings/toolbox talks on a daily basis and document all attendance and topics.
5. Allow OSHA access to the site during inspection activities (programmed and un-programmed activities such as fatalities, referrals, and employee complaints).
6. Share and make available to all workers the results of job-site inspections, and investigations of near misses and incidents.
7. Require the use of appropriate personal protective equipment by everyone entering the work site. Appropriate personal protective equipment will include: leather work shoes/boots (dress shoes, tennis shoes and any other types of shoes are not allowed on site), ANSI approved Safety-toe shoes when hazard analysis shows necessary, ANSI approved hardhats, eye protection and high-visibility reflective vests or clothing as a minimum, will be worn at all times on the worksite.

D. OSHA will:

1. Participate in the monthly Partnership Executive Safety Committee meetings. These meetings will meet the requirement for quarterly OSP meetings.
2. Designate a Kansas City Area Office and Wichita Area Office point of contact to be used as a resource for technical issues, and may assist with safety and health training/toolbox meetings.
3. Review project records, including but not limited to injury/illness logs, safety, and health programs, and safety and health self-audits.

E. Trade Unions will:

1. Represent all Unions affiliated with the work trade scopes of this project.
2. Assist in trade jurisdiction and work requirements and offer additional OSHA certified safety training to their respective union members.
3. Assist in planning and implementation of all safety and health programs
4. Be part of the Executive Steering Committee.

IX. WORKER AND EMPLOYER RIGHTS

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

- A. All contractors on site will remain subject to OSHA inspections and investigations in accordance with agency procedures.

X. EVALUATION

On a quarterly basis, the Partnership Executive Safety Committee, comprised of representatives from SMACNA-KC, SMART Local No. 2, and a representative(s) from OSHA, shall meet to and discuss the program, share project data, discuss best practices and challenges, and make any modifications as required to continually improve the Partnership. These quarterly meetings will serve as an on-site non-enforcement verification visit. Other Site Contractors performing work will be invited to attend to offer further feedback.

The program will be evaluated on an annual basis using the Strategic Partnership Annual Evaluation Format measurement system, as specified in Appendix C of OSHA Directive CSP 03-02-003 and the metrics set forth in paragraph III above.

It will be the responsibility of SMACNA-KC to collect required data to evaluate and track the overall results and successes of the partnership program. This data will be shared with OSHA Kansas City and Wichita Area Offices and other partners as necessary. The OSHA-Kansas City and Wichita Area Offices, and SMACNA-KC will jointly conduct, write, and submit the annual evaluation with input received from the partners.

XI. OSP TERMS

- A. This Agreement will remain in effect for a period of three years. If any signatory of this Agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to terminate must be provided to all other signatories.
- B. If OSHA chooses to terminate its participation in the Partnership, the entire agreement is terminated.
- C. Changes to the OSP may be implemented in writing if all parties agree that it is in true best interest of all members involved.
- D. Should either of the principal participants (OSHA or SMACNA-KC) elect to withdraw from participation in the Partnership prior notification in writing of the intent to terminate shall be given to the other Party. 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 SMACNA-KC are the only entities that can terminate this Partnership.

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 7/31/2022), 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

Appendix A- List of the SMACNA-KC partners

| | Company Name | NAICS Code | General Industry or Construction |
|------------|---------------------------------|-------------------|---|
| 1. | A. Zahner Company | 332323 | General Industry |
| 2. | Design Mechanical, Inc. | 238220 | Construction |
| 3. | Flynn Midwest LP | 238220 | Construction |
| 4. | Gieske Custom Metal Fabricators | 332322 | General Industry |
| 5. | P.M. Contracting, Inc. | 332322 | General Industry |
| 6. | Pro Metals, LLC | 238220 | Construction |
| 7. | Russco Custom Fabricators, Inc. | 238290 | Construction |
| 8. | Stadium Sheet Metal | 238220 | Construction |
| 9. | VHC Van Hoeke Contracting, Inc | 238220 | Construction |
| 10. | Wil-Clair Steel Metal | 238290 | Construction |

OSHA Strategic Partnership Agreement and SMACNA-KC

Signature Page

This OSHA Strategic Partnership (OSP) agreement revised and entered into this _____ day of _____, 2021, by SMACNA-KC, the Kansas City and Wichita Area OSHA Offices, will be for a period of three years. Any party can cancel this Agreement by written notice in accordance with Section XII of this program.

Approved by:

Karena Lorek
Area Director
Kansas City Area Office

Stacey Smyly
SMACNA-KC Chapter, Executive Director

Ryan Hodge
Area Director
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Greg Chastain
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