

STRATEGIC PARTNERSHIP AGREEMENT



The Whiting-Turner Contracting Company

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The Occupational Safety and Health Administration
Harrisburg Area Office

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Pennsylvania OSHA Consultation
Indiana University of Pennsylvania

Harrisburg University - Health Sciences Building



SCOPE/BACKGROUND

The Whiting-Turner Contracting Company, the Occupational Safety and Health Administration (OSHA), and Pennsylvania OSHA Consultation mutually recognize the importance of a safe and health-conscious work environment in the construction industry. The Partnership between Whiting-Turner and OSHA has been established to encourage contractors to improve their safety and health awareness, provide assistance in their efforts, and recognize the contractors with exemplary safety and health programs.

This Partnership Agreement for the Harrisburg University Health Sciences Building Project, located at 222 Chestnut Street, Harrisburg, Pennsylvania 17011, will be limited to Whiting-Turner and participating specialty/trade contractors on site. Whiting-Turner will strongly recommend specialty/trade contractors join the Partnership at the time they mobilize on the Harrisburg University Health Sciences project. The Partnership will provide benefits to Whiting-Turner and participating contractors, which include special recognition from OSHA and priority in compliance assistance programs.

The Harrisburg University Project consists of a new 11 story steel-framed building. It will provide education and training in Health Sciences and Manufacturing. The square footage is 264,143 sq. ft. with floors 1-7 currently scheduled for fit-out (floors 8-11 will be shell only).

IDENTIFICATION OF PARTNERS

The following are identified as Partners subject to this Agreement:

- The Whiting-Turner Contracting Company (Whiting-Turner)
- The Occupational Safety and Health Administration, Harrisburg Area Office
- The Pennsylvania OSHA Consultation Program at Indiana University of Pennsylvania

PROJECT OVERVIEW

This project is a 264,143 sq. ft. new construction for Harrisburg University's Health Sciences Building. The following types of construction will be performed:

- Survey
- Sediment and Erosion Control
- Excavation / Site work
- Site Utilities
- Concrete
- Steel Erection
- Landscaping
- Hardscaping
- Millwork
- Miscellaneous Metals
- Structural Studs and Sheathing
- Glazing
- Metal Panels and Siding
- Louvers
- Roofing
- Masonry
- GWB and framing
- Ceilings
- Terrazzo Flooring
- Doors, Frames and Hardware
- Overhead Doors
- Fire Shutters
- Floor Finishes
- Spray Fireproofing
- HVAC
- Mechanical
- Electrical
- Elevators
- Fire Protection
- Plumbing
- Casework
- Duct bank Infrastructure
- Insulation
- Scaffolding

GOALS / STRATEGIES / MEASURES

Goals	Strategies	Performance Measures
1) Reduce the number of at-risk conditions and behaviors that have the potential to result in worker fatalities, injury/illnesses to the lowest reasonable level.	Whiting-Turner will: encourage involvement of the subcontractors in the improvement of safety and health performance; require its subcontractors to develop and implement written safety and health management practices in order to achieve the desired reduction of jobsite incidents	Verify by reviewing the number of subcontractors that have implemented written safety and health management system and recognize those with exemplary systems. Reduce the annual number of injuries, illnesses and fatalities by 5%
2) Reduce the number of injuries affecting The Whiting-Turner Contracting Company and participating subcontractors, emphasizing those resulting from the four primary construction hazards; abating hazards (conditional and behavioral) identified from weekly safety and health inspections and having no repeat occurrences of such issues upon re-inspection.	The Whiting-Turner Contracting Company will require participating subcontractors to conduct weekly toolbox safety meetings and will provide weekly topic information for such meetings for use by subcontractors. Implement and enforce an ongoing safety site audit program (to include daily site walk through), and require subcontractors to perform Job hazard Analysis (JHA) of the non-routine tasks to be performed.	Track all injuries and illnesses daily, including those that require only first aid. Maintain a monthly tracking log of hazards found during the site audits and daily site walk through and document corrective actions. After conducting hazard awareness training/JHAs compare the number of hazards identified during the daily, weekly and monthly audits.
3) Promote the use of Indiana University of Pennsylvania's confidential, no cost consultation program to improve safety and health performance of small subcontractors (< 500 employees nation-wide). The goal is to encourage small subcontractors to voluntarily request a consultation visit at the site.	The Whiting-Turner Contracting Company will: <ul style="list-style-type: none"> • share brochures with each small subcontractor at the site to educate them on the program benefits • promote the program at site safety meetings, employee orientation, and trainings • develop a relationship with the consultation program and support the requests for consultation for subcontractors at the site 	Number of consultation visits performed at the site.
4) Eliminate fatalities and reduce serious injuries and illnesses related to crane safety	Based on collected data, prioritize the target areas that are causing serious injuries and fatalities related to the operation and maintenance of cranes and other material handling equipment involved in the Project. Implement practices to prevent these incidents.	Zero incidents related to crane safety, including injuries to personnel. Number of practices implemented

The goals, strategies and performance measures above will be implemented to meet the following objectives of this Partnership:

- a. Reducing the number of at-risk conditions and behaviors that have the potential to result in worker fatalities, injury/illness, property damage, and environmental impact to the lowest reasonable level.
- b. Reducing the number of injuries affecting Whiting-Turner and participating subcontractors, emphasizing those resulting from the four primary construction hazards (see above); abating hazards (conditional and behavioral) identified from weekly safety and health inspections; and; having no repeat occurrences of such issues upon re-inspection.
- c. Reducing the Total Case Incident Rate (TCIR) and Days Away, Restricted and Transferred (DART) rate to 5% below the current national average for NAICS Code 2362, Nonresidential building construction, based upon the Bureau of Labor Statistics data available for the most current year. The 2019 BLS TCIR and DART rate for NAICS 2362 are 1.9 and 1.1 respectively.
- d. Zero incidents related to crane safety, including injuries to personnel.

STATEMENT OF AGREEMENT

OSHA agrees to:

1. Help identify programmatic needs at this site by reviewing the Whiting-Turner's documented safety and health management system and providing practical guidance for implementation. The review will be performed by the project Safety and Health Manager and a Safety and Health Specialist from the Harrisburg Area Office.
2. Help identify, through the review of OSHA 300 logs, accident or near miss reports, primary causal factors in injuries and illnesses, in particular the focused four construction hazards at this site, and recommend the appropriate corrective actions.
3. Provide information on training resources including available OSHA Training Institute courses and information on other available sources of training.
4. Assist Partners in review and application of OSHA interpretations and clarifications as to the meaning and application of OSHA standards and policy.
5. Participate in training sessions and meetings as resources permit.
6. Designate an experienced safety and health specialist to serve as a resource and liaison person for the Partnership.
7. Meet with Whiting-Turner quarterly to review issues and to examine updated DART and TCIR rates and the injury and illness experiences of its contractors at this site. OSHA shall provide feedback on any noted incident trends and patterns.

The Whiting-Turner Contracting Company agrees to:

1. Serve as a safety resource in support of all of the Project's contractors and subcontractors.
2. Provide notice to all contractors and subcontractors that the Project is subject to this Strategic Partnership with OSHA. All employees will be informed of the partnership and provided a fact sheet during orientation after the agreement is signed.
3. Administer the Partnership quarterly including, but not limited to, the initial contact and evaluation of subcontractor applications to determine whether the subcontractor meets the criteria specified below.

4. Notify the Harrisburg OSHA Area Office on a quarterly basis of the names of subcontractors that have met the Partnership criteria.
5. Maintain a dedicated competent Site Safety and Health Coordinator available to assist contractors and subcontractors with all safety and health issues. The SSHC will have delegated authority to direct the subcontractors to take the appropriate corrective actions and provide verification of their correction.
6. Act as liaison for all site contractors and subcontractors with OSHA.
7. Offer weekly information on safety or health topics of importance for contractors and subcontractors, especially on the focused four construction hazards.
8. Maintain a site injury and illness log of all injuries and illnesses reported by all contractors and tier subcontractors.
9. Meet with OSHA quarterly to examine the injury and illness experience of the contractors and subcontractors and to make corrections and adjustments as needed.
10. Manage the following site safety or health issues common to all areas of the site and be accessible to all contractors and subcontractors to reduce the potential for injury or illness in accordance with this Partnership Agreement:
 - Emergency action plan
 - Hazard communication plan and reposition of site chemicals reported by contractors and subcontractors
 - Fall protection plan and perimeter guards
 - Personal protective equipment, including equipment specified by NFPA 70E, where applicable

The Pennsylvania OSHA Consultation Program at Indiana University of Pennsylvania agrees to:

1. Attend meetings upon request to review data on the worksite and recommend solutions to improve site safety.
2. Provide one full-service consultation visit for Whiting-Turner at the site per year, if so requested. The results from consultation visits will be shared only with the requesting employer, in accordance with 29 CFR 1908.
3. Provide priority scheduling to any small subcontractor (less than 500 employees nation-wide) who request a confidential on-site consultation visit at the Partnership site. Small subcontractors may request a no-cost, confidential consultation visit by telephone at 1-800-382-1241 or on-line at [Consultation Request Form - PA OSHA Consultation Program - Safety Sciences - IUP](#).
4. Provide small subcontractors with a confidential personalized review of their Safety and Health Program when requested as part of a consultation visit.
5. Provide PA OSHA Consultation Program brochures to Whiting-Turner for distribution.

The Whiting-Turner Contracting Company and its subcontractors agree to:

1. Apply all relevant components of their respective comprehensive safety and health programs to the Project. These programs shall include:
 - a. Analysis of all new and acquired work, materials, chemicals, and equipment before construction activity begins to determine potential hazards and to plan for their prevention or control.
 - b. Routine examination and analysis of hazards associated with individual jobs, processes, or phases of construction.

- c. Routine self-inspections and hazard abatement.
 - d. A system for project workers to notify management, without fear of retaliation, about conditions that appear hazardous.
 - e. A system for investigating accidents and near-misses, including procedures for guidance, reports of findings, and the tracking of hazard correction to completion.
 - f. A system to analyze trends through a review of site injury and illness data, and the hazards identified through inspections so that patterns of common causes can be identified and eliminated.
2. Comply with all current OSHA standards.
 3. Have supervisors provide visible leadership in implementing the safety and health program. This includes:
 - a. Supervisors establishing clear lines of communication with project workers.
 - b. Supervisors setting an example of safe and healthful behavior.
 - c. Creating an environment that allows project workers access to their top management and for contractor management to have access to the Whiting-Turner's management.
 4. Report all site injuries and illnesses to Whiting-Turner immediately so that the site injury and illness log may be accurately maintained.
 5. Report all program deficiencies or damage to protective equipment, specifically site fall protection, immediately upon discovery and to take appropriate interim protective measures for protection of their employees.
 6. Contractors and subcontractors will submit to Whiting-Turner, at least quarterly, records of their site recordable injury and illness rates, days away from work rates, restricted workdays, and the contractor's OSHA history.
 7. All contractors and subcontractors must have a person on site that is responsible for, possesses the authority over, and is capable of effectively implementing the overall site safety and health program for that contractor's scope of work.
 8. All contractors and subcontractors must complete a successful assessment of their site safety and health program. This assessment shall consider whether the Contractor:
 - a. has implemented a comprehensive written safety and health program based on OSHA's Recommended Practices Safety & Health Programs in Construction, and has site specific safety plans at this Project's work sites.
 - b. maintains a copy of its contractor's and subcontractors' safety and health plans, hazard communication plans, and enforces a fall protection policy that is consistent with this Agreement.
 - c. has designated safety personnel at each site who conduct documented safety inspections of all work on the contractor's projects through training and experience, can recognize hazards and have authority to take prompt corrective action. Training equivalent to the OSHA 30-Hour Construction Outreach Course is satisfactory.

- d. has trained all field supervisory personnel and has provided additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (This additional training will be dictated by the type and scope of the work the contractor routinely conducts).
 - e. provides safety and health program orientations for all new employees and trains employees for hazard recognition specific to the contractor's worksites.
 - f. has evidence of employee involvement including, but not limited to, participation in self-audits, site inspections, job hazard analyses, safety and health program reviews, safety training and mishap investigations.
 - g. conducts and documents weekly employee safety meetings.
 - h. conducts and documents self-audits.
 - i. has a written enforcement program.
9. Verification by Whiting-Turner Project Safety Manager that a comprehensive written site specific safety and health program exists or that it will be implemented prior to starting work, which is at least equivalent to the criteria referenced herein, including the contractor's or subcontractor's implementation of policies and procedures to ensure that safety rules and procedures are enforced at the site. All submitted and reviewed safety plans will be available for review by the project safety & health management team. All plans will be maintained in Whiting-Turner's site office.
 10. Subcontractors ensure or document that their policy and procedures hold supervisors and workers accountable for following established safety and health rules and OSHA regulations.
 11. Ensure that employee training covers applicable site hazards and the means to correct them, as well as pertinent standards and regulations. Provide appropriate safety information and training to non-English speaking employees in a language they comprehend.
 12. Ensure that within 3 months after obtaining acceptance into this Partnership that the designated safety representative and other person(s) serving in the capacity as the competent person on the project will have completed the OSHA 30-hour course for the construction industry at a minimum.
 13. Provide safety related data or statistics, as requested, including but not limited to man-hours worked, lost work day injuries, accident records, OSHA inspection results, and a summary of and analysis of pertinent safety and health related information for review by OSHA. The purpose of such summary information will assist in preparing an annual report necessary for evaluating the merits of the program and making recommendations for continuous improvement.
 14. Encourage employee involvement in the structure and operation of the Partnership and in decisions that affect their safety & health, to make full use of their insight and energy.
 15. Establish a Tradesmen and Whiting-Turner Project Safety Committee. Key trades that have 20 or more employees onsite are invited to have a safety & health representative who may attend and participate in Project Safety Committee meetings.
 16. Ensure that all employees attend the Whiting Turner Contractor Safety Orientation, which will highlight the Project's campus specific requirements. Whiting Turner will incorporate important information from the orientation into the mandatory Project Safety Orientation.

CONTRACTOR ELIGIBILITY

Subcontractors interested in participating in this opportunity to partner with OSHA must:

1. Sign a letter of agreement with The Whiting-Turner Contracting Company indicating their intent to participate in this partnership and to take steps to adopt into their safety program all of the provisions of the partnership agreement.
2. Verify that they have a comprehensive written safety and health program or will implement one within 30 days of signing the agreement. The program must be based on OSHA's Recommended Practices Safety & Health Programs in Construction. The contractor must have site specific safety plans for all of their worksites.
3. Certify that their policy and procedures hold supervisors and workers accountable for established safety rules and OSHA regulations.
4. Provide the level of training required by OSHA regulations to their supervisors and workers either through their own training personnel or other consultants or trainers.
5. Ensure that as soon as possible, but not longer than three months after obtaining acceptance into this partnership, field supervisory personnel or other personnel serving in the capacity of competent person will have completed the OSHA 30-hour course for the construction industry, at a minimum. Records of training certification will be provided to Whiting-Turner and made available for review.
6. Provide periodic safety-related statistics (man hours worked, lost workday injuries, accident records, OSHA inspection results, and training records). Whiting-Turner will provide a summary and analysis for review by OSHA to track the progress of the Partnership in meeting its goals to reduce injury and illness rates and to prepare an annual report to evaluate the merits of the partnership.

VERIFICATION PROCEDURES

In order to assist in measuring the success of this Partnership, an initial onsite non-enforcement verification will be conducted by OSHA after the signing of this Agreement and annually thereafter in accordance with OSHA's Directive for the Strategic Partnership Program, OSHA Instruction CSP 03-02-003. The onsite non-enforcement verifications will consist of a review of written program elements and a walkthrough of site construction hazards. If OSHA identifies serious hazards that Whiting-Turner refuses to correct without acceptable justification, OSHA will make a referral for an enforcement inspection.

Annual verifications will be timed and conducted to adequately evaluate employee exposure to hazards.

Employees and/or employee representatives will be provided the opportunity to be involved in all onsite non-enforcement verification inspections. If employee and/or employee representatives cannot actively participate in the site verification inspection, then employee interviews conducted during the non-enforcement verification audits will be utilized to determine the site's progress in meeting the goals and objectives stipulated within this agreement.

The top causes of injuries and illnesses will be determined by all parties prior to and during the initial OSHA verification inspection. Corrections will be identified by all parties and implemented by Whiting-Turner and/or applicable subcontractor(s). Injury and illness incidents in targeted areas will be evaluated through the OSHA 300 log and any other relevant accident reports.

Additionally, OSHA will meet with the Whiting-Turner Contracting Company quarterly to review Partnership issues and to examine updated DART and TCIR rates and the injury and illness experience of the

Whiting-Turner Contracting Company and its contractors at this site. OSHA shall provide feedback on any noted incident trends and patterns.

BENEFITS

The Whiting-Turner Contracting Company will receive the following benefits from OSHA:

1. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating The Whiting-Turner Contracting Company as a participant in the OSPP.
2. Availability of informational materials such as safety and health publications and electronic educational resources.
3. After the signing of the Partnership, an initial onsite non-enforcement verification inspection will be conducted by OSHA in accordance with OSHA's Directive for the Strategic Partnership Program (OSHA instruction CSP 03-02-003.) Following the initial onsite non-enforcement inspection conducted by OSHA a review of the written program of the construction site hazards. If OSHA identifies serious hazards that Whiting-Turner or its subcontractors refuse to correct, OSHA will make a referral for an enforcement inspection.
4. OSHA will not issue penalties to participating subcontractors for other-than-serious violations, provided the violations are immediately abated in accordance with OSHA's Field Operations Manual.

OSHA INSPECTIONS

This Partnership provides for the immediate response to each allegation of a safety or health hazard brought to its attention by any person engaged in the project. Upon a finding that an allegation is valid, the responsible employer shall promptly abate the hazard.

Formal Complaints and Other Investigations:

OSHA personnel will continue to conduct investigations resulting from programs scheduling, formal complaints, referrals, fatalities, catastrophes, other accidents or significant events. OSHA will also investigate employers whose workers are exposed to or are creating plain view hazards at partnering worksites. 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.

EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

EVALUATION

An evaluation of this Partnership will be conducted annually. Appendix C of the Directive CSP [03-02-003], "OSHA Strategic Partnership Program for Worker Safety and Health," will be used to provide pertinent information needed to assess the Partnership.

It will be the responsibility of Whiting-Turner to gather all relevant data to evaluate and track overall results and success of the Partnership.

After the first year of the Partnership, subsequent evaluations are to be conducted annually prior to the anniversary of the signing.

TERMINATION

This Agreement will terminate upon completion of the project but no later than three (3) years from the date of signing. If either OSHA or The Whiting-Turner Contracting Company wishes to withdraw their participation prior to the established termination date, the Agreement will terminate upon receiving a written notice of the intent to withdraw from either signatory.

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

SIGNATORIES (The following parties agree to the terms and conditions of this agreement.)

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Signed December 16, 2021