



**United States Department of Labor  
Occupational Safety & Health  
Administration – St. Louis Area Office**

**&**

**PARIC Corporation**

**For the Butler Brothers Building  
Project**

**June 14, 2022**

**1717 Olive Street  
St. Louis, MO**

## **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. PARIC Corporation
3. Project Subcontractors - All subcontractors that work on this project are considered partners. All contracts with subcontractors that are not already executed will incorporate this OSHA partnership into their respective agreements. If contracts with subcontractors have already been executed, PARIC will attempt to incorporate this OSHA partnership into their respective agreements with a subcontractor change order which will include a provision acknowledging the subcontractor's obligations under this partnership agreement.

B. Supporting Group

1. Olive Street Partners, LLC, the building's developer, is a supporting partner in that it applauds the coordination between PARIC and OSHA and supports the mission of project and partnership. As a supporting partner Development Services Group is under no obligations or requirements of this contract.
2. The St. Louis Building and Construction Trades Council, the Mid-America Carpenters Regional Council, and the Missouri Kansas Laborers' District Council support the partnership.

## **II. Purpose/Scope**

- A. The St. Louis Area Office of the Occupational Safety and Health Administration (OSHA), PARIC, and project subcontractors recognize the need for a safe and healthy jobsite. The goal of this partnership agreement is to help ensure that the renovation of the Butler Brothers Building at 1717 Olive Street, St. Louis, MO will provide a safe work environment for all employees.
- B. As part of downtown St. Louis historic renovation, The Butler Brothers Building renovation/construction plans include transforming the vacant 10-story building into 385 apartments with interior parking spaces and retail.
- C. This partnership is designed to address hazards within the construction industry, and also to promote and recognize jobsites that have a demonstrated an effective safety and health program.
- 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 PARIC or any of PARIC's subcontractor(s), nor does it lessen any/all affirmative defenses, legal rights or due process afforded contractors with respect to Agency enforcement action.

### III. Goals/Strategies and Performance Measures

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

Goals	Strategies	Performance Measures
Minimize the occurrence of accidents, injuries, and illnesses on the project; experience zero fatalities; Project injury/illness data below the current Bureau of Labor Statistics (BLS) National Average for NAICS 23 (all of construction)	Implementation of a comprehensive safety and health program for the site	OSHA injury and illness data: 1. Total Case Incident Rate (TCIR) 2. Days Away, Restricted or Transferred (DART) Rate. 3. Days Away from Work (DAFW) Rate The rates will be compared to the baseline data for NAICS 23 as well as the latest BLS data each year. The 2020 BLS TCIR, DART, and DAFW Rates for NAICS 23 are 2.5, 1.6, and 1.1, respectively, and will be utilized as the baseline for the partnership.
Provide for Management Commitment and Employee Participation; Develop a contractor/government partnership that will encourage involvement of the subcontractors in the improvement of safety and health performance	Require the contractor and all subcontractors to develop and implement a written safety and health program, and/or project specific program	Verify and track the number of subcontractors' involvement in creating safety plans that are specific to the contractor's work on the project

<b>Goals</b>	<b>Strategies</b>	<b>Performance Measures</b>
Conduct Job-Site Analyses	Recognize hazards in a timely manner; Perform initial task hazard analysis and update as project advances	Track the number of job-site and task hazard analyses, as well as employee involvement in the analyses
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)	Document the number of site safety audits and number of hazards identified and abated during the safety audits; track all injuries and illnesses, including near misses
Provide for general safety and health, and job task specific hazard training	<ol style="list-style-type: none"> <li>1. Provide all employees site specific safety orientation</li> <li>2. Require 10-hour OSHA training for employees. (See B.2. below under Program Implementation of Strategies)</li> <li>3. Require 30-hour OSHA training for Superintendents (See B.2. below under Program Implementation of Strategies)</li> <li>4. Provide all employees with weekly toolbox talks</li> </ol>	Document the number of employees trained and the training hours received (including orientation, toolbox talks, and 10 & 30-hour courses)
Provide for worker involvement	<p>Provide worker involvement/participation in:</p> <ol style="list-style-type: none"> <li>1. Weekly site safety meetings</li> <li>2. Site safety audits</li> <li>3. Task Hazard Analyses</li> <li>4. OSHA initiatives, including the National Fall Stand-down and Safe and Sound Week</li> </ol>	<p>Document the number of:</p> <ol style="list-style-type: none"> <li>1. Weekly site safety meetings</li> <li>2. Site safety audits</li> <li>3. Task Hazard Analyses</li> <li>4. Number of employees/employers participating in the OSHA initiatives (Fall Stand-down and Safe and Sound Week event)</li> </ol>

**Program Implementation Strategies:**

- A. Frequent jobsite safety audits/inspections will be completed by the general contractor and subcontractors utilizing a system developed by PARIC. This system provides comprehensive coverage and documentation over a wide variety of site conditions.
- B. Ensure employees receive training as follows:
  - 1. All contractor employees will receive site specific safety orientation from PARIC covering jobsite safety and health issues and procedures relative to the work being performed. All contractor employees will attend a safety review meeting with their respective subcontractor before performing work on the site.
  - 2. All contractor personnel engaged in construction activities shall have completed the OSHA 10- hour course for the construction industry prior to commencement of work on-site. Superintendents on site shall have completed the OSHA 30- hour construction training course. Records of training certification will be maintained by the respective contractors, and available for review upon request.
  - 3. Other hazard-specific training will be conducted on an as needed basis by the respective contractors.
- C. Implement a comprehensive Fall Protection Plan to include fall protection for all activities where work is being performed six feet or more above a lower surface.
- D. Require all subcontractors who have written safety and health programs to submit them to PARIC before the start of work. Subcontractors who do not have their own written safety and health plan have the option of adopting the safety and health program of their prime contractor, developing one utilizing services provided by other Partnership Members, or secure the services of an outside consulting firm. This must be completed and submitted to PARIC before beginning work on-site. All subcontractors shall have an effective safety program in place that 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/>. The 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.
- E. The St. Louis Area OSHA Office may be contacted for clarification on any safety and health related issues.
- F. Create a working relationship between OSHA and the other Partnership Members.

#### **IV. Performance Measurements:**

The effectiveness of this partnership agreement will be assessed quarterly, annually, and at the end of the project through the following performance measurements:

- A. The total TCIR, DART and DAFW Rates for construction (NAICS 23) nationally based on the BLS 2020 published TCIR of 2.5, DART of 1.6 and DAFW Rate of 1.1, which will serve as the baseline for the project. The project rates will also be compared to the most current published BLS rates.
- B. Documented jobsite safety audits/inspections will be verified by PARIC.
- C. Records of training certifications/training rosters will be verified by PARIC. PARIC will also maintain records of site-specific training conducted for all on site employees. These may include, but not be limited to, OSHA 10- and 30-hour courses, people who have attended the site-specific safety orientation, employee's attendance at weekly toolbox talks, as well as other hazard specific training.
- D. Evaluation and documentation of the effectiveness of the Fall Protection Plan will be verified by PARIC.
- E. Safety and Health Programs will be maintained on file by PARIC. Reports are to be made quarterly concerning the general effectiveness of the safety and health programs and provided to the St. Louis Area OSHA office for review.

#### V. Quarterly Meetings and Annual Evaluation

On a quarterly basis, the Executive Safety Committee comprised of PARIC on site project manager, project superintendent Project Safety Manager, Corporate Safety Director and off-site project director and a representative(s) from OSHA shall meet and discuss the program and make any modifications as required to continually improve the partnership. These quarterly meetings will serve as an on-site non-enforcement verification visit. From time to time, subcontractors will be invited to attend to offer further feedback. The partnership will be evaluated annually from the signing date and will use the 300 logs from the previous year and utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003. This data will be provided to the OSHA Area Office.

#### VI. OSHA Strategic Partnership (OSP) Incentives

- A. In the event that a contractor performing work at the site is cited by OSHA for a violation occurring at the site, a maximum penalty reduction for good faith will be provided, unless otherwise required in accordance with CPL 02-00-164 - Field Operations Manual (FOM), dated April 14, 2020. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- 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 during an OSHA visit shall not be cited if immediately abated.

- D. This partnership requires frequent inspections of the worksite by PARIC, subcontractors and other members of the partnership to identify and correct hazards. It serves as a model to subcontractors 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. PARIC and contractors may contact the St. Louis Area OSHA Office for clarification of safety and health related issues.
- F. Create a working relationship between OSHA, PARIC, and contractors that enhances employee safety and health specific to this project, and nationally through education, and the sharing of best practices

## VII. OSHA Verification

- 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 procedures contained in the FOM. **Note: In the event that the FOM is revised, the most current FOM will be utilized.**
- C. OSHA will complete at least one focused “monitoring” (onsite enforcement) inspection each year during the term of the partnership. These inspections 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, caught-in, and electrical hazards. Inspections conducted in response to complaints, Local and/or National Emphasis Programs (LEP/NEP), or referrals will qualify as the monitoring inspection if, in addition to addressing the complaint/LEP/NEP/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.
- D. On-site non-enforcement verification visits will be performed by OSHA representatives, by their participation in the quarterly Executive Safety Committee meetings (as outlined in Section IV of the partnership agreement).
- E. PARIC will permit OSHA immediate access for any inspection to be made pursuant to Section VI paragraphs A, B, and C and will not require an inspection warrant for any such inspection.

## VIII. OSP Management and Operation

Each subcontractor will designate at least one representative to attend the project pre-activity meeting before beginning major operations of work, as well as the

weekly meetings. The Project Executive for PARIC, Inc. or his designee will oversee the meetings. During the weekly meetings, all participants will evaluate the progress of the partnership. The representatives will review the completed and summarized safety audits/ inspections of the site as part of the weekly meeting. Identified hazards and abatement as well as trends will be discussed. OSHA may provide a representative to share current issues in construction risk control and provide input for improvement. Safety representatives will meet the criteria to participate as outlined below:

## **PARIC**

- A. Implement a comprehensive written safety and health program. The written safety and health program should address recognized hazards and should be 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/docs/8524 OSHA Construction Guidelines R4.pdf](https://www.osha.gov/shpguidelines/docs/8524%20OSHA%20Construction%20Guidelines%20R4.pdf).
- B. Will require subcontractors who have not developed their own safety and health program to meet the requirement provided in paragraph III. D. of the "Program Implementation of Strategies" section of this agreement.
- C. Have the authority to enforce safety rules and regulations, by implementing an appropriate Disciplinary Program. This authority will include provisions to hold contractors and employees accountable and, if necessary, take appropriate actions to enforce compliance with the established project safety rules and regulations.
- D. Provide a Project Superintendent / Manager who will have as part of their job description a responsibility for site safety and health, to serve as a point of contact and to assist the senior construction manager in overseeing the partnership goals.
- E. Conduct and document weekly job site safety audits/ inspections. These inspections are in addition to the general audits/inspections that should occur daily (documented on Daily Construction Report form). Provide a copy of the documented audits/inspections of subcontractors' work areas to the subcontractor(s) working in each respective area.
- F. Review accident reports weekly with the subcontractors including first aid and near miss reports.
- G. Implement a Task Hazard Analysis Program to identify safe work procedures before performing work.
- H. Conduct and retain summary documentation of weekly toolbox talks and training logs.
- I. Evaluate and document the effectiveness of the Fall Protection Plan and take corrective action as needed.
- J. Maintain/compile injury and illness data and provide to OSHA.



- K. Provide and post signage identifying the site as an OSHA Partnership Project.
- L. In addition to OSHA's notification requirements, PARIC will notify the local OSHA area office of safety or health related events which are likely to generate public attention and/or news media coverage. This notification will be provided in a timely manner and will include sufficient background and incident information for responding to agency and public inquiries.
- M. Ensure that subcontractors receive PARIC Site Specific Safety Plan prior to commencing work on site.
- N. 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 29 CFR 1904.35 and 1904.36.
- O. Ensure that contractors and subcontractors evaluate and improve their safety and health programs, which should include:
  - 1. Hazard control measures are periodically evaluated for effectiveness.
  - 2. The 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.
- P. Since this is a multiemployer worksite, ensure that contractors and subcontractors communicate and coordinate with all employers on this worksite, which should include:
  - 1. General contractors, contractors, and staffing agencies commit to providing the same level of safety and health protection to all employees.
  - 2. General contractors, contractors, subcontractors, and staffing agencies communicate the hazards present at the worksite and the hazards that the work of the contract workers may create on site.
  - 3. General contractors establish specifications and qualifications for contractors and staffing agencies.
  - 4. Prior to beginning work, general contractors, contractors, and staffing agencies coordinate on work planning and scheduling to identify and resolve any conflicts that could impact safety and health.

**PARIC will require subcontractors to do the following:**

- A. Appoint an on-site person to act as a safety representative to resolve jobsite safety matters and be the liaison to PARIC.
- B. Conduct daily non-documented safety audits/inspections of their work area and operations. In addition to daily non-documented audits/inspections, subcontractors will participate in weekly documented audits/inspections completed by PARIC. This will allow subcontractor employees to participate in

the weekly documented audits/inspection process, increasing hazard awareness for not only their work operations but all work operations being performed on site. Findings and abatement based on monthly documented audits/inspections will be communicated to all employees on site.

- C. Implement the PARIC Task Hazard Analysis (or an equivalent) program.
- D. Participate in jobsite safety meetings with PARIC.
- E. Receive a copy of all the jobsite audits/inspections conducted by PARIC.
- F. Ensure that its employees attend the PARIC Site Orientation prior to starting work on the project.
- G. Cooperate and participate in all respects with OSHA's involvement with this project including any required meetings, inspections, training, and documentation.

**PARIC will require the following General Provisions for all contractors working on the Jobsite:**

- A. Require the use of conventional fall protection (i.e., personal fall arrest/restraint systems or guardrail systems) when performing work that is 6 feet or greater above a lower level.
- B. All Contractors and Subcontractors will actively participate in the PARIC Task Hazard Analysis Program, or an equivalent pre-planning program that is approved by PARIC.
- C. Ground Fault Circuit Interrupters (GFCI) will be used throughout the project for 110V/120V circuits.
- D. No loads shall be lifted overhead without clearing the path to delivery of materials, equipment, and personnel.
- E. OSHA required trench and excavation protection shall be enforced.
- F. All workers, management and visitors shall wear hardhats, safety glasses, construction work boots and high visibility clothing at all times when on site. (Exception shall be in the on-site project office, vehicle, and equipment cabs.)
- G. Cranes: PARIC and all subcontractors shall provide proof of crane operator training (NCCCO) and perform an operation/load test before any crane is put into use.
- H. Functioning back-up alarms and fire extinguishers shall be present on all motorized construction equipment.
- I. Daily equipment inspections will be conducted and documented by machine operators prior to start of work.
- J. Weekly Toolbox Talks will be held for all employees onsite, documented, and attendance is mandatory. These meetings will provide all employees with an open forum to discuss safety issues or concerns with PARIC and other contractors on the site.

- K. Scaffolds that are narrower than 40" (PERRY TYPE) in width are not to be stacked or used above 6 feet.

#### **OSHA**

- A. OSHA Personnel from the St. Louis Area Office may assist the partners with off-site safety and health training.
- B. OSHA will give priority to the site when technical assistance is requested.
- C. OSHA will ensure that the partnership is evaluated quarterly and will include data used to monitor the success of the partnership efforts. On a quarterly basis, the Senior Construction Manager for PARIC, Inc. or his designee, subcontractors' representatives, and an OSHA representative shall meet and discuss the program and make modifications as required to continually improve the partnership.
- D. OSHA will participate in the review of partner company safety and health programs, with subcontractors as needed, and provide technical assistance and recommendations for improvement.
- E. OSHA will provide national statistics covering all areas of standards enforcement for distribution to the partners.

#### **IX. 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 goals 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.

#### **X. Employee and Employer 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 the Act.

#### **XI. Term of OSP**

This agreement shall be in effect until completion of the major construction activities. Should either of the principal participants (OSHA or PARIC) elect to withdraw from participation in the partnership, the principal participants shall give prior written notification of their intent to withdraw to the other participant. A thirty-day written

notice is required prior to withdrawal, during which the parties have an opportunity to resolve any issues to avoid ending the OSP. Withdrawal by either Party shall constitute a cancellation of the partnership. OSHA and PARIC are the only entities that can terminate this partnership. In the event of a termination, each party agrees that it shall not, directly, or indirectly, contact the media regarding the termination; and it shall not discuss with the media any issues or matters regarding the termination.

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

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

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the PARIC / OSHA Partnering Agreement for the Butler Brothers Building Project in St. Louis, MO.

The date of this OSHA St. Louis Area Office/PARIC Partnership Agreement is June 14, 2022.

## **Principal Participants:**

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**William McDonald**  
Area Director  
Occupational Safety and Health  
Administration – St. Louis Area Office

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**Chris Malone**  
Project Director  
PARIC

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**Mark Kreikemeier**  
Project Manager  
PARIC

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**Shannon Niles**  
Safety Director  
PARIC

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**Jim Dunard**  
Project Superintendent  
PARIC

## **Supporting Participants:**

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

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

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**Barry Stelzer**  
Assistant Safety Director  
Mid-America Carpenters Regional Council

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**Gary Prosterman**  
Manager  
Olive Street Partners, LLC