



OSHA STRATEGIC PARTNERSHIP AGREEMENT

BETWEEN

THE OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION (OSHA), SAN ANTONIO AREA OFFICE

&

HARVEY-CLEARY BUILDERS

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I. IDENTIFICATION OF PARTNERS

A. Background

To facilitate OSHA's goal of reducing occupational-related fatalities and serious injuries within the construction industry, OSHA and Harvey-Cleary Builders have agreed to enter into a cooperative partnership agreement with respect to the La Villita Kimpton Project, which will effectively implement all facets of jobsite safety and achieve self-compliance through cooperative efforts from Labor, Management, and OSHA.

This partnership is designed to address the hazards within the construction industry, and to promote and recognize a jobsite controlled by a contractor that has demonstrated an effective safety and health program. The Partnership agreement is an effective tool for ensuring safety at the Project. It will serve to establish a cooperative effort in ensuring safety and maintaining an open line of communication between OSHA and contractors on the worksite. The partnership is consistent with OSHA's long-range efforts to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources and innovation in safety management, and encourages increased participation in the safety process from the construction community.

B. Partners

- Occupational Safety and Health Administration San Antonio Area Office
- Harvey-Cleary Builders

II. PURPOSE / SCOPE

This partnering agreement was developed jointly by OSHA and Harvey-Cleary Builders –La Villita Kimpton project team. The common objective and goal of the agreement is to provide a safe and healthful work environment for employees involved in the construction industry and to help prevent serious accidents and fatalities within the industry through increased training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

III. GOALS AND STRATEGIES

A. Outcomes

OSHA and Harvey-Cleary Builders are committed to reducing workplace accidents and fatalities, improving safety and health programs through the direction of leadership, and providing accountability of all participants in this agreement.

B. Goal

The overall goal of the partnership is to create a working relationship that focuses on preventing work-related fatalities, controlling or eliminating serious workplace hazards, and establishing a foundation for the development of an effective safety and health program. This partnership will strive to achieve that goal by establishing a foundation of proactive measures which will include:

1. Achieving a “Speak Up & Stay Safe” job site at the project;
2. Developing a model safety and health program, utilizing OSHA’s updated Recommended Practices for Safety and Health Programs as a model;
3. Providing for collaborative training opportunities between Harvey-Cleary Builders and the San Antonio Area OSHA Office;
4. Collaborating, using the Harvey-Cleary Builders and San Antonio Area OSHA Office resources, to create and disseminate new safety and health materials to all participants;
5. Mentoring and coaching participating subcontractors and their employees;
6. Increasing communication and mutual respect between stakeholders;
7. Developing a business/labor/government partnership approach to safety management; and
8. More efficiently directing OSHA resources towards the construction industry whose safety and health efforts require the most assistance.

C. Strategies

These goals shall be achieved through vigorous self-inspection, implementation, and verification of written comprehensive safety and health programs. Safety and Health Management System (SHMS) improvement will be evaluated by reviewing the self inspections and reports sent to OSHA. While this partnership focuses on specific safety and health elements, partners are encouraged to implement a comprehensive Safety and Health Management System (SHMS) based on the following guidelines:

Implement a comprehensive job site inspection program by:

1. Utilizing technological tools, such as “Safety Database” and other means, such as Job Hazard Analysis or the Job Safety Analysis to effectively reduce or eliminate potential hazards to employees working at the site.
2. Effectively correcting hazards found during the project on a day-to-day basis.

3. Ensure all serious hazards are controlled through safe processes or procedures.
4. Implement an aggressive Fall Protection Plan to include fall protection in all cases where work is being performed six feet or more above lower surfaces. The fall protection plan includes verifying that each contractor using personal fall protection equipment has received the required documented fall protection training. The plan will also include a Rescue Plan in the case of a fall arrest condition.
5. The Harvey-Cleary Builders Environmental Health and Safety Manager will review subcontractor Written Safety Programs, recent worker injury/illness trends reports, and site safety inspection/audit reports.

Ensure employees receive training as follows:

1. Subcontractors with a crew size of 10 or more employees are required to submit an OSHA outreach 30 HR training card for the competent person positions. Employers with 10 or less employees will submit 10-hour course completion records. Subcontractors with a crew size of 50 or more will assign a full-time safety supervisor with 30-hour credentials, at a minimum. Subcontractors can utilize other instructors, if they can show a valid certification card showing completion of the course.
2. All employees will receive a site-specific construction safety orientation covering jobsite safety and health issues and procedures relative to the work being performed and the requirements outlined in this Partnership Agreement.
3. Harvey-Cleary Builders may assist in coordinating OSHA 10 HR Construction courses for subcontractors as needed to comply with the job site requirement. Safety and Health training to non-English speaking subcontractors with non-English speaking employees will be conducted in Spanish should the need arise. The training can be conducted by a third-party OSHA outreach trainer.
4. Other hazard-specific training will be conducted on an as-needed basis.
5. Strive to attain a goal of 30% of the expected average employees to be trained in the OSHA 10 hour through a combination of on-site training opportunities and encouragement of Subcontractors to train independently. Subcontractors can utilize other instructors, if they can show a valid certification card showing completion of the course. Subcontractors have primary responsibility for providing this training. OSHA will provide assistance as needed.

Supporting Strategies to Ensure a Safe Workplace:

1. Require subcontractors who have written safety and health programs to submit them to Harvey-Cleary Builders Environmental, Health and Safety Coordinator. Additionally, subcontractors that do not have their own written safety and health programs will adopt/adhere to the requirements of Harvey-Cleary Builders safety program.
2. Ensure health-related issues arising during the construction work are adequately addressed internally by the Harvey-Cleary Builders and subcontractors. All health-related issues will be discussed during the partnership safety meetings.
3. An assessment of work areas, through Job Safety Assessment (JSA) development and Safety Data Sheets (SDS) review, will be conducted as appropriate to determine what, if any, respiratory protection is necessary to prevent harm to employees from potential overexposures to hazardous levels of dust, fumes, mists, vapors or gases. Each Subcontractor is responsible for conducting assessments and/or sampling for respiratory hazards associated with their scope of work. A written Respiratory Protection Plan that complies with all Federal, State, and Local regulations must be submitted to the Harvey-Cleary Builders and authorized prior to activities requiring respiratory protection.
4. Ensure compliance with NFPA 70E when working on live electrical equipment, including training and the availability and use of personal protective equipment. A system of control procedures will be implemented to oversee the implementation of appropriate protective measures prior to exposure.
5. Ensure all equipment capable of amputations is adequately guarded, per OSHA and equipment manufacturer requirements.
6. Utilize a third-party, independent, qualified/certified crane inspector to inspect all long-term cranes after they have been erected and certify them for safe operation. A recent inspection (less than one year) by a certified crane inspector will be required for all cranes.
7. Establish and utilize a program to ensure that all crane operators are certified to operate the specific crane in use.
8. Plan all critical lifts to be performed during the construction project

IV. MEASUREMENTS

The San Antonio Area OSHA Office will conduct a non-enforcement verification inspection once a year and a non-enforcement verification inspection upon coordination with the Harvey-Cleary Builders safety team at the San Antonio La Villita Kimpton project.

The measurement system will use the OSHA 300 logs and self-inspections to determine the Days away, restricted and transferred rate (DART) for the participating contractors and compare to the average for the construction industry nationally.

Monthly reports will indicate the applicable number of employers, supervisors and employees trained. Safety training certifications and records will be maintained at the job-site office. All contractors will be required to conduct daily and/or weekly safety toolbox talks, which will be reported as training hours.

Outcome measures will be gathered monthly and will incorporate data to analyze the number of employees surveyed, number of injuries, illnesses, fatalities, and serious hazards found and abated because of onsite audits and job site inspections.

Measurement factors will be compiled monthly and submitted to the OSHA Partnership Coordinator.

V. ANNUAL EVALUATIONS

Partnership Evaluation: The partnership will be evaluated by the San Antonio Area Office on an annual basis, in accordance with the Strategic Partnership Annual Evaluation Format measurement system as specified in Appendix C of CSP 03-02- 003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

OSHA may ask that the following information be provided by the company during the on-site non-enforcement verification visit, for review or collection by OSHA:

1. OSHA 300/300A and 301 Logs of Injuries and Illnesses.
2. Exposure assessment data for all hazardous chemicals to which employees may be over-exposed.
3. Number of employee training sessions held, number of employees and supervisors/managers trained.
4. Number of, and results of safety /health audits and inspections, which may include hazards identified and corrected.
5. Any documentation relating to employee involvement or participation, including minutes of safety meetings.
6. Any documentation of communication between management and employees (may include computer memos, feedback on each suggestion, or other appropriate documentation).
7. Any documentation relating to any partners participation in health or safety seminars (i.e. 10 and 30-Hour Construction Safety and Health Courses, Safety and Health Fair, Trade Shows, etc.).

VI. BENEFITS

Maximum penalty reductions for all tiered contractors working on any partnership jobsite as allowed in the OSHA Field Operations Manual (FOM) for good faith and history. When calculating the initial penalty reduction, OSHA will grant up to 25% reduction provided in the OSHA FOM where the employer has taken specific, significant steps beyond those provided in the OSHA FOM to achieve a high level of employee protection. This additional reduction will not apply to high gravity serious, willful, failure to abate or repeat citations.

Priority consideration for compliance assistance and offsite technical assistance (phone calls/faxes) by OSHA as resources allow.

VII. OSHA INSPECTIONS & VERIFICATIONS

OSHA will conduct one unannounced non-enforcement verification inspection each year for the term of the project. OSHA, in addition, will conduct non-enforcement verification inspections. These inspections will be conducted through normal enforcement inspection activity. Inspections conducted in response to complaints, Local/Regional Emphasis Programs, or Referrals will qualify as the monitoring inspection if, in addition to addressing the complaint/referral item(s), the compliance officer completes the focused inspection protocol for the worksite.

The non-enforcement verification visits will be conducted within 6 months of the partner member signing. OSP verifications must be performed in accordance with the OSP Program Directive, CSP [03-02-003].

Harvey-Cleary Builders and its subcontractors on the San Antonio La Villita Kimpton project will remain subject to OSHA inspections and investigations in accordance with agency procedures. OSHA will continue to investigate fatalities and catastrophes that occur at member companies as well as formal complaints received.

VIII. PARTNERSHIP MANAGEMENT & OPERATION

A. Participating Contractors

Selection Criteria for Participants

Executive Commitment: Participants agree to submit a letter stating executive commitment to develop and maintain a safety and health program for this construction project. It should make clear such a program is a priority for the officer and that he (or she) will personally track programs and hold managers accountable for administration of the program. The letter should be addressed to the OSHA San Antonio Area Director. A similar letter should be addressed to managers and employees of the Harvey-Cleary Builders

La Villita Kimpton team and posted for two months in the workplace. Such letters must also be translated (in writing) in the language of the workers.

Commitments to develop a safety and health program, below are the elements of such a program:

Management Commitment and Employee Involvement

Member agrees to:

1. State clearly a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site (and personnel at other locations with responsibility for the site) fully understand the priority and importance of safety and health protection in the organization.
2. Establish and communicate a clear goal for the safety and health program and define objectives for meeting that goal so that all members of the organization understand the results desired and measures planned for achieving them.
3. Provide visible top management involvement in implementing the program so that all employees understand that management's commitment is serious.
4. Arrange for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health so that they will commit their insight and energy to achieving the safety and health program's goal and objectives.
5. Assign and communicate responsibility for all aspects of the program so that managers, supervisors, and employees in all parts of the organization know what performance is expected of them.
6. Provide adequate authority and resources to responsible parties so that assigned responsibilities can be met.
7. Review program operations at least quarterly to evaluate their success in meeting the goals and objectives so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection.

Worksite Analysis

Member agrees to:

1. Conduct periodic workplace inspections/audits for identifying and correcting safety and health hazards. Fall, electrical, struck by and caught between hazards will be documented and corrected.
2. Inspections/audits will be conducted as frequently as deemed necessary by the company, but in no case less than once every month
3. The company will utilize the services of the Safety Representative or their designee to perform these inspections/audits in addition to their own inspection/audit.

4. Perform routine job hazards analyses.
5. Provide a reliable system for employees to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses and encourage employees to use the system without fear of reprisal. This system utilizes employee insight and experience in safety and health protection and allows employee concerns to be addressed.
6. Investigate accidents and "near miss" incidents so that their causes and means of prevention can be identified.
7. Maintain records of recordable injuries and illnesses as required by OSHA.
8. Analyze injury and illness trends to identify work practice improvements or material modifications necessary to prevent accidents.
9. Harvey-Cleary Builders designated safety and health representative will prepare an annual analysis of the company's safety and health program. This will include a summary of all major hazards found and corrected through inspection and safety committee efforts, those still uncorrected, injury/illness trends, and recommendations for safety and health improvements.

Hazard Prevention and Control

Member agrees to:

1. Establish, at the earliest time, safe work practices and procedures that are understood and followed by all affected parties. Understanding and compliance are a result of training, positive reinforcement, correction of unsafe performance, and if necessary, enforcement through a clearly communicated disciplinary system.
2. Ensure subcontractors provide & utilize personal protective equipment.
3. Maintain the facility and equipment to prevent equipment breakdowns.
4. Plan and prepare for emergencies, and conduct training and emergency drills, as needed, to ensure that proper responses to emergencies will be "second nature" for full-time, on-site employees.
5. Establish elements of a medical program that includes first aid onsite as well as nearby emergency medical care to reduce the risk of any injury or illness that occurs.

Safety and Health Training

Member agrees to:

1. Instruct each employee, through; new hire orientation, field coaching, and ongoing safety meetings, in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
2. Ensure training of, and provide instruction to, workers on fall protection and prevention of electrocutions, caught-between and struck-by accidents.
3. Ensure training of select personnel in basic first aid and CPR
4. Instruct personnel in hazard communications.

5. Make SDS available to any requesting employee.
6. Coach/instruct workers in any other aspects that will enable them to do their jobs safely.

Cooperation with OSHA

Member agrees to:

1. Allow OSHA to conduct on-site non-enforcement verification visits in accordance with this partnership agreement.
2. Cooperate with OSHA during all inspections and to share information on its safety and health program, program analysis, recordkeeping data, and internal inspection/audit results.
3. Allow an employee representative to participate on OSHA inspections and to allow interviews with workers.
4. Post notices of imminent danger, when issued by OSHA, and then will immediately correct the hazards or voluntarily remove workers from exposure.

B. OSHA

OSHA Commitment

1. OSHA will endeavor to support the Harvey-Cleary Builders at the San Antonio La Villita Kimpton project, in reasonable requested training.
2. OSHA will furnish technical advice, publications and training material to the employer upon request. Such requests will not cause an OSHA inspection.
3. Informal complaints (unsigned) -- participant will have an opportunity to resolve such complaints; however, if corrections are inadequate, an inspection may be made to compel compliance.
4. OSHA will participate as available in when requested for outreach and training opportunities.

Partnership Limitations

It is stipulated that partnering employers remain subject to OSHA inspections and investigations in accordance with established Agency procedures.

Limited Scope Inspections

1. OSHA will conduct un-programmed inspections in accordance with the current Agency enforcement policies and procedures, as specified in the Field Operations Manual CPL 02-00-148.
2. OSHA will conduct fatality/accident investigations.
3. OSHA will conduct investigations of formal (signed) complaints and informal(unsigned) complaints that do not result in voluntary and adequate corrections by the employer.

Partnership Management

Harvey-Cleary Builders will be responsible for providing the required monthly evaluations to the Compliance Assistance Specialist at the San Antonio Area OSHA Office.

IX. EMPLOYEE AND EMPLOYER RIGHTS

This partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act, nor does it abrogate responsibilities to comply with rules and regulations adopted pursuant to the Act.

X. TERMINATION

If OSHA chooses to withdraw its participation in the partnership, the entire agreement is terminated.

This agreement will terminate when the project is completed. If either OSHA or Harvey-Cleary Builders wish 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.

OSHA will terminate the participant's agreement for any sustained willful violation or any sustained failure-to-abate situations.

OSHA will terminate the participant's agreement for a fatality or catastrophic event that occurs at the site. The partnership will terminate and will be closed for the duration of this project.

OSHA will terminate the participant's agreement in the event of proven and unresolved discrimination against employees who exercise their protected safety and health rights under the OSH Act.

XI. TERM & LOCATION OF PARTNERSHIP AGREEMENT

This partnership will expire at the completion of this project.

XII. SIGNATURES

Signed this 11th day of January 2023

XXXX

Project Manager

Harvey-Cleary Builders

XXXXXXX

Vice President

Harvey-Cleary Builders

xxxxxxx

EH&S Area Manager

Harvey-Cleary Builders

Alejandro Porter

Area Director

U. S. DOL - OSHA

San Antonio Area Office

Attachments:

Management Commitment Letter

Application Site Information

Self- Inspection

Mr. Alejandro Porter Area

Director

U.S. Department of Labor – OSHA

Fountainhead Tower, Suite 605

8200 W. Interstate 10

San Antonio, TX 78230

Phone (210) 472-5040

Fax (210) 472-5045

Dear Mr. Porter,

Harvey-Cleary Builders is committed to a comprehensive safety and health program that will involve employees at all levels. It is our goal to include the employee in safety and health inspections, and safety and health program analysis.

Harvey-Cleary Builders will focus our efforts on providing safety and health training to our employees in the four areas where most accidents occur in the construction industry: falls, struck by, caught in between and electrocutions hazards. To accomplish this goal, we will utilize the Harvey-Cleary Builders safety designee to assist in maintaining records of all injuries occurring in the work place, conducting inspections of the work place and providing training to all employees.

Signature _____

Title _____

Company Name _____

Date _____



STRATEGIC PARTNERSHIP APPLICATION SITE INFORMATION

Employer Name: Harvey-Cleary Builders

Name of Project: San Antonio La Villita Kimpton
Project

Site Address: 423 S. Alamo St., San
Antonio, TX 78205

Contact Person:

Email address:

Office Phone:

Fax:

Start Date:

Estimated Completion Date: August 2024

OSHA STRATEGIC PARTNERSHIP MONTHLY SELF INSPECTION

Employer Name: **Harvey-Cleary Builders**

Name of Project: **La Villita Kimpton Project**

Total number of employees on-site: _____

Accident Information: _____

Number of Days Away cases: _____

Number of restricted/Transferred cases: _____

Hazards identified and corrected: _____

Report for the Month of: _____

Number of Sub Contractors/Companies in Partnership: Number of Self _____

Inspections Performed: _____

Number of Workers Covered by Self Inspection: Training Hours: _____

Type of Hazards	Identified	# Immediately Corrected	# Corrected within 1 Week	Total Corrected
Fall Hazard				
Electrical Hazard				
Struck by Hazard				
Caught In/Between Hazard				
Other				
Total				

Training:

of employees _____

of supervisors _____

Inspection(s) conducted by:
