



STRATEGIC PARTNERSHIP BETWEEN
the OCCUPATIONAL SAFETY and HEALTH
ADMINISTRATION'S

ST. LOUIS & KANSAS CITY
AREA OFFICES

and

The Associated General Contractors of Missouri



I. Identification of Partners

The partners in this agreement will include the Occupational Safety and Health Administration's St. Louis Area Office (SLAO) and participating members of the Associated General Contractors of Missouri (AGC of Missouri/AGCMO). The Kansas City OSHA Area Office will collaborate with the St. Louis Area Office to support this agreement.

Organizations supporting this agreement are the Mid-America Carpenters Regional Council, the Missouri Kansas Laborers' District Council, the St. Louis Building and Construction Trades Council (BCTC), Saint Louis Construction Cooperative, the St. Louis Council of Construction Consumers (SLCCC).

The administration and funding of the partnership program will be by the AGC of Missouri. The AGCMO is the largest civil, commercial, industrial, and infrastructure contractor association in Missouri. AGCMO provides a highly skilled team of association professionals to serve as consultants for all member needs for advocacy, labor, networking, training, safety, and inclusion. Participation in the partnership is strictly voluntary and is available to any member of the AGC of Missouri who meets the qualification requirements of this program (specified in this agreement).

II. Purpose/Scope

The AGC of Missouri and the Occupational Safety and Health Administration of the United States Department of Labor (OSHA), mutually recognize the significance of promoting safe and healthful work environments in the construction and general industries. To advance this mutual goal, the AGCMO and OSHA's St. Louis Area Office (SLAO) formalized a partnership between these entities committed to encouraging contractors to improve their safety and health performance, providing methods to assist them in their efforts, and recognizing employers with exemplary safety and health programs.

On May 26, 2022, the AGCMO and the OSHA St. Louis Area Office entered into the Agreement.

This partnership covers the participating employers'/contractors' construction jobsites, however, also includes any of the participating employers'/contractors' supporting fabrication shops including, but not limited to, sheet metal workshops, pipefitters, plumbers, glaziers, millwrights, ironworkers, and concrete products, and corporate/home offices. The partnership program is within the state of Missouri.

III. Goals/Strategies

The goal of this partnership is to reduce the number of accidents, injuries, and illnesses, among participating employers by implementing effective safety and health programs, as referenced in the section below. The partnership focuses on safety and health topics as follows:

- 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
 - 5. Trench and Excavation Collapses
- B. At the participating employers'/contractors' associated 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. Machine Guarding
 - 5. Electrical hazards

Goals	Strategies	Performance Measures
Reduce injury and illness rates and fatalities.	Implementation of comprehensive safety and health management systems (SHMS) for the employer/contractor and all subcontractors; continuous improvement of existing SHMS	OSHA will evaluate the following: group aggregate and employer injury and illness data- Total Case Incident Rate (TCIR); Days Away, Restricted or Transferred (DART) Rate; Days Away From Work (DAFW) Rate compared to the most current published BLS National Average for NAICS Group 23 (all of construction), and the individual employers' primary NAICS. The 2020 BLS National Average rates for NAICS group 23 will serve as the baseline for the Partnership. <i>Note: The BLS 2020 rates for NAICS Group 23 are TCIR of 2.5, DART of 1.6, and DAFW Rate of 1.1, which will serve as the baseline for the partnership.</i>

Goals	Strategies	Performance Measures
Developing an employer/government partnership that will encourage involvement of the owner, construction manager and subcontractors in the improvement of safety and health performance.	Require the employer/contractor and all subcontractors to develop and implement written safety and health systems (SHMS) (Including fall protection plans) and work on continuous improvement of existing SHMS.	The AGCMO Vice President of Safety in conjunction with the steering committee, will verify by reviewing the number of employer/contractors/subcontractors that implemented and/or improved written safety and health programs from year to year. The measurement will be compared annually as part of the OSP evaluation.
Implement innovative strategies to eliminate serious accidents, including the four primary construction hazards (Falls, struck by, caught in, and electrical), trench and excavations; four general industry hazards (amputations, cuts/lacerations/punctures, lockout/tagout, machine guarding, and electrical)	<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 at least weekly site walk through) 4. Actively promote the rapid abatement of observed hazards 5. GCs conduct random audits to check conditions of subcontractors work areas 	Track innovative strategies to identify to abate observed hazards; promote innovative methods through mentorship programs; documentation of training for managers and employees (including orientation and 10 & 30-hour courses); document the number hazards identified and abated during safety audits; track the number of innovative strategies or approaches to training.
Provide for worker involvement	Provide worker involvement in weekly site safety meetings; site safety walk arounds; Job Hazard Analysis (JHAs)	Document the number of workers involved in weekly site safety meetings; site safety walk arounds; and JHAs from year to year. Survey employees to evaluate if they are instrumental in the OSP.

Goals	Strategies	Performance Measures
Develop a working relationship with to maintain a continuing dialogue that supports various OSHA safety and health campaigns and initiatives	Participating employers will participate in and/or support safety and health campaigns, as relevant: <ul style="list-style-type: none"> a. Work Zone Awareness Campaign b. National Stand-Down to prevent falls in construction c. NUCA Trench Safety Stand-Down d. NIOSH/OSHA Heat Illness Prevention Campaign e. OSHA's Safe + Sound Campaign f. Construction Suicide Prevention Stand-Down 	This goal will be measured by obtaining information from participating employers who participated in or hosted events relative to: <ul style="list-style-type: none"> a. Work Zone Awareness Campaign b. National Stand-Down to prevent falls in construction c. NUCA Trench Safety Stand-Down d. NIOSH/OSHA Heat Illness Prevention campaign e. OSHA's Safe + Sound campaign f. Construction Suicide Prevention Stand-Down

C. Additional anticipated goals include:

1. Increase awareness of mental health resources, with a focus on suicide awareness and prevention in the construction industry for participating employers and their workers. Additionally, conduct outreach to employers and workers outside the partnership encouraging a focus on total worker health. Promote utilization of the resources developed and available on the [AGCMO Mental Health & Suicide Prevention in The Construction Industry](#) website.
2. 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 reference in Section V, OSP Management and Operation/Implementation, Safety and Health Management Systems Criteria.
3. The AGCMO Vice President of Safety and Steering Committee will develop criteria for a model contractor safety and health program.
4. The OSP allows OSHA to focus resources on companies that require assistance from OSHA, rather than companies that have demonstrated existence of effective safety and health programs.
5. Create a mentoring program for the AGCMO members by members who are actively involved with the partnership program.
6. Make safety and health resources available to all members of the AGCMO and the construction industry.

IV. Performance Measures

The Partnership Steering Committee and OSHA St. Louis Area Office will jointly evaluate the overall success of this program based on the following eight measures:

1. Annual group aggregate TCIR, DART, and DAFW Rates will be compared to the most currently published Bureau of Labor (BLS) National Average rates for construction (NAICS Group 23), with zero fatalities. The BLS 2020 rates for NAICS Group 23 are TCIR of 2.5, DART of 1.6, and DAFW Rate of 1.1, which will serve as the baseline for the partnership.
2. Each individual participating employer's annual TCIR, DART and DAFW Rates will be compared with the most currently published BLS National Average rates for their specific primary NAICS (provided by the participating employer), with zero fatalities.
3. Partnership participants will show a downward trend in injuries and reduced near misses, from year to year.
4. Documented jobsite inspections and decrease in the total number of hazards identified and corrected.
5. Records of training certifications/training rosters are required. Documented number of managers and employees trained, and actual hours trained for managers and employees. This may include, but not be limited to, OSHA 10- and 30-hour courses as well as other hazard specific training and orientations.
6. 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 near misses.
7. The Partnership Steering Committee will evaluate employers' safety and health programs and/or management systems during initial application to the partnership, annually, and upon renewal. Changes concerning the general effectiveness of the safety and health programs for participating employers' programs are available annually to the OSHA Region VII Partnership Coordinator and Partnership Point of Contact.
8. Evaluation of the Injury/Illness Incidence or days away, restricted, or transferred (DART) rates of members. Each member's injury/illness and/or DART rates, along with employee data, is provided to the AGCMO Vice President of Safety and OSHA St. Louis Area Office on a quarterly and an annual basis for evaluation; the annual evaluation is provided to the Steering Committee. Quarterly Meetings to occur on mutually agreed upon site.

V. Safety and Health Management Systems Criteria

The AGCMO will be responsible for collecting employers' written safety and health programs and training records. The Partnership Steering Committee will review and verify the information gathered. An employer seeking participation in the partnership program must have a safety and health system that meets the following criteria:

A. Management Commitment and Employee Participation:

1. A written safety policy statement signed by a company principal, or officer with authority, and distributed to all employees.
2. A written safety and health program that addresses recognized hazards and is based on the American National Standards Institute/American Society of Safety Engineers (ANSI/ASSE) A-10.38-2000 (R2007), Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment, or the “Recommended Practices for Safety and Health Programs in Construction,” dated October 2016. This may be found at <https://www.osha.gov/shpguidelines/>. OSHA’s “Recommended Practices” contain seven core elements: (1) management leadership, (2) worker participation, (3) hazard identification and assessment, (4) hazard prevention and control, (5) education and training, (6) program evaluation and improvement, and (7) communication and coordination for employers on multiemployer worksites. OSHA Regulations are a minimum expectation.
3. Top Management shall appoint a designated safety coordinator to implement and monitor the applicant/member’s safety and health program. The safety coordinator shall:
 - a. Have responsibilities clearly defined in writing.
 - b. The safety coordinator will report to the executive management of the company.
 - c. The designated safety coordinator must complete the OSHA 30-Hour Construction Outreach Training Course or equivalent training. Records of training certification will be maintained and available for review by the Partnership Steering Committee or OSHA upon request.
 - d. The designated safety coordinator must have completed the American Red Cross First Aid and CPR Course or equivalent training within the past two years. Records of training certification will be maintained and available for review by the Partnership Steering Committee or OSHA upon request.
 - e. Have at least five years of construction experience, or a combination of five years of experience and formal education as deemed appropriate by the Partnership Steering Committee.
 - f. Have the line authority from the employer’s top management to stop work, instruct, or otherwise direct field supervisory personnel/field employees on matters relating to safety and health.
 - g. Conduct periodic onsite safety and health audits, depending on the hazards involved that address at a minimum the following areas: fall hazards, electrical hazards, caught in between hazards, struck by hazards, and trenching and excavation (for construction sites).
4. It is the responsibility of the employer to establish a comprehensive safety and health disciplinary program.
5. The employer’s program shall clearly state the disciplinary procedures utilized, including termination for willful or repeated safety and health violations. The program shall also have procedures for lesser forms of discipline for less serious types of safety and health violations.

6. An employer who is party to a collective bargaining agreement containing an established grievance procedure may utilize such procedure for enforcement of its disciplinary rules.
7. Employee participation is an important element in any safety and health management system. Participating employers shall involve employees:
 - 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 goal 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, job hazard analyses (JHAs), incident investigations (as appropriate) and OSHA safety and health campaigns, as relevant.

B. Job-Site Analysis:

1. The employer shall have a job-site system to recognize and abate safety and health hazards before work commences, with particular attention to the four key construction industry hazards (falls, electrocutions, caught-in/between injuries, and struck by injuries), and general industry hazards (amputations, cuts/lacerations/punctures, lockout/tag out, machine guarding, and electrical hazards).
2. Job-site safety and health inspections conducted shall include subcontractors.
3. Enforcement of job-site accountability for safety and health program shall be a priority.

C. Hazard Prevention and Control:

1. Conduct and document investigations of accidents and “near miss” events to determine their causes.
2. Develop measures to control hazards through engineering controls, administrative and work practice controls, or the use of personal protective equipment as required.

D. Training:

1. All jobsite supervisors and foremen shall:
 - a. All supervisory personnel engaged in construction activities or other personnel serving in the capacity as a competent person shall have completed the OSHA 10-hour Construction Outreach Course (or its equivalent). Records of training certification will be maintained and available for review by the Partnership Steering Committee or OSHA upon request.
 - b. Employee safety and health training program at all levels of the company.
 - c. Training programs to make workers aware of potential health exposures.
 - d. All supervisory personnel engaged in construction activities shall complete a minimum of 4 hours of documented safety and health training annually. Records of training certification will be maintained and available for review by the Partnership Steering Committee or OSHA upon request.

- e. Site Visits by the Partnership Committee's designated third-party safety professional/consultant.
 - i. As part of the initial application process for participation in the Partnership, the Committee has designated third-party safety consultant contracted to provide such services will conduct a visit to the applicant's place of business. The applicant pays for costs for this analysis.
 - ii. The visits will include interviews with the company's principals, supervisors, and employees, as well as a visit to at least one job site. These visits are to confirm that the member is meeting the criteria established by the Committee.
 - iii. If these visits show that the member fails to meet established program criteria, the member is subject to reconciliation or termination procedures as deemed by the Committee.
- 2. The following employee safety and health training programs shall be conducted and documented at all levels of the company:
 - a. Training on specific jobsite and industry safety and health hazards.
 - b. Weekly toolbox safety training; invited to attend are all non-participant employees on the worksite.
 - c. Formal new employee safety and health orientation.
 - d. Periodic safety meetings and various guest speakers, to include OSHA, AGCMO, and Contractor Supervision and Safety Personnel; these meetings are to include OSHA's Safe and Sound Week and the National Safety Stand Down to Prevent Falls in Construction. When an OSHA representative attends these meetings, the meeting will serve as an on-site non-enforcement verification visit by OSHA.

VI. Worker Involvement

Encourage worker involvement in weekly site safety meetings, site safety inspections, near miss reporting, reporting observed hazards, and participation in the performance of Job Hazard Analyses (JHAs).

VII. Annual Evaluation

OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003, dated November 6, 2013, requires an annual evaluation using Appendix C for the minimum data required. The partnership will collect data used to conduct the annual evaluation on a calendar year basis; the annual evaluation is required at OSHA St. Louis Area Office within one month after each anniversary of the OSP signing and to the National Office within two months after each anniversary of the OSP signing. The AGCMO Vice President of Safety will receive the annual evaluation report and will subsequently share with the Partnership Steering Committee. To evaluate the progress of the Partnership, the Partnership Steering Committee shall review the annual evaluation, and if necessary, address opportunities for improvement.

In preparation for the annual evaluation, the OSHA Region VII Partnership Coordinator or Partnership Point of Contact 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, associated general industry sites and corporate/home offices) operating in Missouri, including the employer's primary NAICS. However, partners can provide information from the states of Nebraska and Kansas to provide a more comprehensive evaluation.
- 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. Request other relevant safety and health activities, such as success stories, safety awards, challenges, and opportunities for improvement of their safety and health management systems.

VIII. Incentives

- A. Partnering contractors will receive the benefits allowed to employers by the OSHA CPL 02-00-164; Field Operations Manual (FOM) dated April 14, 2020. Note: If there is a revision to the FOM, the most recent FOM will be used.
- B. Special recognition from the AGCMO, designating the employer as a participant in the Partnership, may result with 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.
- C. OSHA will provide the AGCMO with Local Emphasis Program (LEP)/National Emphasis Program (NEP) compliance assistance materials for partnership utilization.
- D. OSHA agrees to educate their staff regarding the terms of this Partnership.
- E. One of the core benefits of the Partnership will be to develop employers' safety and health systems that can serve as models for others to emulate. The program will include the development of criteria for a "model" company; and model companies that qualify are encouraged to mentor smaller companies, or employers with less effective safety and health systems. The AGC of Missouri 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 AGCMO meetings
 - 3. Instruction offered in conjunction with apprentice/journeyman training programs, and other training programs

IX. OSHA Verification

- A. OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite, as well as alleged “imminent” danger situations accordance with OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM) effective April 14, 2020. Note: In the event that the FOM is revised, OSHA shall provide such revised FOM provision to AGCMO and the most current FOM will be utilized thereafter.
- B. OSHA will continue to investigate complaints and referrals received in accordance with OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM) effective April 14, 2020, Complaint Policies and Procedures. Note: If the FOM is revised, OSHA shall provide such revised FOM provision to AGCMO and the most current FOM will be utilized thereafter utilized.
- C. OSHA will perform an on-site enforcement verification inspection of the participating employers if a jobsite of the respective worksite receives an OSHA enforcement inspection for any reason, programmed or unprogrammed. Note that 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. OSHA’s Focused Inspection policies do not cover the General Industry operations of partner companies and will be subject to traditional enforcement inspections based on scope.
- D. AGCMO and/or the AGCMO Steering Committee will perform on-site non-enforcement verification visits, as appropriate during initial application to the partnership, during renewal applications, at the request by a participating employer, and anytime the Steering Committee identifies a potential safety and health issue, to assess further participating contractors’ implementation of the partnership agreement and progress towards goal achievement. These worksite observations should be sufficient to confirm that the partner’s worksite is operating a safety and health management system that adequately ensures the protection of employees.
- E. The AGCMO, the Partnership Steering Committee, and/or the OSHA Region VII Partnership Coordinator, may conduct off-site verifications to ensure participating employers are meeting the requirements of the partnership agreement. The partners will generally perform off-site verifications during the application/renewal process, the annual evaluation, and review of participating employers’ submitted injury/illness data and safety activities during quarterly meetings.

X. OSP Management and Operation/Implementation

Partnership Implementation

- A. The AGCMO has appointed a Partnership Steering Committee consisting of a representative from the OSHA St. Louis Area Office (advisory – nonvoting,) a representative from AGCMO (advisory/secretary – nonvoting,) five (5) representatives from the Partnership members (voting). The Partnership Steering Committee may consist of up to seven representatives. Term limits for committee members will be for three years, with reappointment possible.
- B. All employers interested in participating in the program must submit a completed Partnership application form to the Partnership Steering Committee for review. The AGCMO will inform members and St. Louis Area Director or his designee of those who have successfully completed the application process and are eligible for participation in the program. The Partnership Steering Committee will provide a copy of the application and supporting documents received to the OSHA Region VII Partnership Coordinator or Partnership Point of Contact.

Qualification Criteria

- A. Overall administration and responsibility of the Partnership is by the AGCMO; however, the Partnership requires the efforts the Partnership Steering Committee and the OSHA St. Louis Area Office to function. The roles, duties, and authorities of these entities are described as follows:
 - 1. The Partnership Steering Committee:
 - a. The composition of the Committee consists of seven (7) representatives from labor, management, government, other stakeholder organizations, and contractor/specialty contractor members as follows:
 - 1) One (1) representative from the OSHA St. Louis Area Office (advisory – nonvoting)
 - 2) One (1) representative from AGCMO (advisory/secretary – nonvoting)
 - 3) Five (5) representatives from the Partnership members (Chair and Vice Chair)
 - b. The Chair and Vice Chair serve concurrent two (2) year terms. Thereafter, the Chair resigns from the Committee and Vice Chair becomes Chair for the next two (2) years with a new Vice Chair selected from among the Partnership members through a simple majority vote of the partners. Each organization shall appoint a representative and an alternate to serve on the Committee. Each organization except OSHA and AGCMO is entitled to one vote. OSHA and AGCMO will serve in an advisory capacity providing advice, assistance, and oversight as described in this agreement. AGCMO will serve as secretary to the Committee.
 - c. The Committee will be responsible for developing the criteria for recognizing participants with exemplary safety performance, with developing performance

measurements, with evaluating program processes, and with interacting with other affected parties.

2. The Area Director for the St. Louis OSHA office (OSHA) or his designee will coordinate OSHA's role in participating in Committee meetings and will provide advice and assistance to the Committee on the following items:
 - a. Member performance criteria, including the safety and health program criteria for participating members
 - b. Performance measurements established to measure the effectiveness of the Partnership
 - c. Criteria used to qualify individuals to perform on-site visits for the purpose of internal program verification by the Committee
 - d. Partnership removal criteria for the removal of a member from the Partnership
- B. The Partnership Program will operate in the following way:
 1. Contractors who are members of AGCMO may apply for membership in the Partnership provided they meet certain established criteria listed later in this agreement.
 2. The Committee will review and evaluate the applications using criteria developed by the Committee.
 3. The criteria for participation in the Partnership will include a visit to the applicant's place of business and an inspection of at least one job site performed by the designated third-party professional/safety consultant.
 4. The Committee will be charged with establishing qualification criteria for third party safety professionals/consultants (e.g., extensive experience in the construction industry, working knowledge of construction procedures and practices, and expertise with regard to safety and health programs addressing falls, electrocutions, caught in between injuries, struck by injuries, crushed by excavation and trenching, and related applicable hazards). The third-party safety professional will conduct job site visits at the time of a contractor's initial application and as directed by the Committee.
 5. Members who participate in the Partnership can reapply annually by providing evidence of continued superior safety and health performance.
 - a. Members who reapply will provide documentation that they still meet established criteria. Employers may be subject to annual site inspections in conjunction with the annual renewal. The Committee will establish criteria for termination of participating members, and the criteria will include an appeals process.
- C. The Committee will have the authority to grant extensions to the participating members, to grant probationary periods with mentoring/ review by other participants (reconciliation), or to terminate active status.
- D. The Committee will establish its own operating procedures, which may include rules for changing the composition of the Committee.
- E. The Committee will monitor the Partnership program against the established program performance criteria. The Committee will prepare an annual report for AGCMO,

evaluating the merits of the program and making recommendations for continuous improvement. All participating members can receive the annual report.

- F. The safety professional/consultant engaged by the Committee will:
1. Conduct reviews as required by the Steering Committee to ensure that the participating members meet program requirements
 2. Provide recommendations/advisories to terminate a participating member's status if such findings indicate unacceptable performance
 3. Provide recommendations to the Committee for appropriate program improvement
- G. It is understood by all parties that information submitted by applicants as part of the application or renewal process, as well as information obtained by virtue of the member's application or participation in the program, will be held in strict confidence within the confines of the partnership program. However, in the event of an unprogrammed inspection, the partner will provide information relevant to any elements of the investigation when requested by OSHA, based on Section VI of this document. OSHA will handle any document provided to the agency or generated because of any OSHA inspection in accordance Agency policies and records management policies.
- H. Contractor Eligibility: To apply for participation in the Partnership, a construction company must meet the following criteria:
1. Have no fatalities or catastrophes that result in accident-related serious, willful, or repeat violations that become a Final Order of the OSHA Review Commission within the three (3) years prior to application to the Partnership.
 2. Have no willful or repeat violations that have become a Final Order of the OSHA Review Commission in the last five (5) years.
 3. Agree to provide injury and accident records to the Partnership Committee on request.
 4. The participants of the partnership have established a written safety and health program meeting the criteria set forth below in Section VII, Safety and Health Management Systems Criteria.
 5. The partners have provided clear evidence of implementation of the program throughout the company.
 6. The participants must maintain compliance with all applicable OSHA regulations and requirements and/or agree to immediately correct hazards brought to their attention through enforcement and/or OSP activities.
 7. All participants of the partnership have made safety and health an integral part of the company's training and employee awareness programs.
 8. Has had the effectiveness of the safety and health program confirmed by a site visit. The applicant and its employees are not only operating safely but can serve as a model for other contractors and their employees.
 9. Has a DART Rate which is less than the average rate for its NAICS code published by the Bureau of Labor Statistics for the most recent year available.

10. Has a company-wide 100% Fall Protection Policy.
11. Have read this partnership agreement in full and signify agreement to all of the requirements herein by signing a copy of the "Partnership Application Form."

Participating employer termination

- A. An employer's participation in the Partnership program will be terminated by The AGCMO and/or OSHA if one or more of the following occurs:
 1. An inspection by OSHA or AGCMO representatives reveals a significant deviation from program criteria, such as a willful or repeat violations, and accident-related serious citations resulting from a fatality or catastrophic event.
 2. The employer has falsified information on the application or supporting documentation.
 3. The member is absent from two or more quarterly meetings during any 12-month period, without having furnished for any such absence(s) a written explanation satisfactory to the Committee.
 4. The employer takes any other such actions that may be determined to be grounds for termination by the Partnership Steering Committee. For example: Participating contractors can be terminated if they deviate from a combination of specific requirements outlined within this program and/or experience a fatality or catastrophe that results in incident-related serious citations becoming a Final Order of the Occupational Safety and Health Administration Review Commission.
- B. Prior to the final termination of an employer's status, the following will occur:
 1. Written notification to the employer of the intent to terminate the partnership is required.
 2. The written notice will include an explanation of the reasons for termination.
 3. The employer will have an opportunity to reply to the written notice within thirty days, will have the right to make an appearance before the Partnership Steering Committee, and have counsel representation.
- C. The Partnership Steering Committee, after receiving concurrence from OSHA Regional Administrator, has the authority to reinstate the employer if it determines the employer's experience was unusual, and not inconsistent with a sound safety and health program.
- D. Any employer may withdraw from the OSP at any time by providing thirty days written notification of intent to the Partnership Steering Committee.

XI. 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.

Participating employers retain all rights guaranteed under the Occupational Safety and Health Act (OSH Act), including the right to appeal or contest citations issued by OSHA.

This agreement will not in any way affect employees' exercise of rights under the OSH Act and OSHA regulations, including walk-around rights. As an integral part of an effective safety and health program, the employer will not infringe on the opportunity for employees to exercise their rights as guaranteed under the OSH Act and regulations. Including, but not limited to, the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements, e.g., the OSHA-300 log and medical exposure records. It is anticipated that routine employee involvement in daily implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analysis, safety and health program reviews, and incident investigations.

XII. Term of OSP

- A. This partnership may be terminated by any of the participating organizations with a thirty-day day notice.
- B. Should either of the principal participants (OSHA or the AGCMO) 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 the AGCMO 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.
- C. This partnership agreement will remain in effect for five years from the signing date of this agreement.

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 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

Signature Page

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms of this AGC of Missouri - OSHA Partnering Agreement.

The date of this OSHA St. Louis Area Office – AGC of Missouri Partnership Agreement is May 26, 2022.

Principal Participants:	Principal Participant:
William D. McDonald, CSP Area Director Occupational Safety and Health Administration – St. Louis Area Office	Leonard Toenjes, CAE President Associated General Contractors of Missouri
Brandon Anderson Vice President of Safety Associated General Contractors of Missouri	

Supporting Participants	Supporting Participants
Brandon Flinn Business Manager/Secretary Treasurer Missouri Kansas Laborers' District Council	Barry Stelzer Assistant Safety Director Mid-America Carpenters Regional Council
John Stiffler Executive Secretary- Treasurer St. Louis Building and Construction Trades Council	Kelly Jackson Executive Director St. Louis Council of Construction Consumers
Brandon Anderson Vice President of Safety Associated General Contractors of Missouri	

Appendix A:

Partner Members:

Partner	SIC	NAICS
Acme Constructors	1542	236220
Brinkmann Constructors	1542	236220
BSI Construction	1542	236220
D & L Painting & Drywall	1711	238210
Guarantee Electric	1721	238320
Russell - HBD	1542	236220
Interface Construction Co.	1542	236220
Kozeny-Wagner Inc.	1611	237310
Keely Construction	1611	237310
McCarthy Construction Co	1542	236220
McGrath & Associates	1542	236220
Paric Corporation	1542	236220
S.M. Wilson	1542	236220
Tarlton Construction	1542	236220
T. J. Wies Contracting	1711	238210
Vee-Jay Cement	1611	237310
Waterhout Construction	1542	236220
Western Group	1542	236220