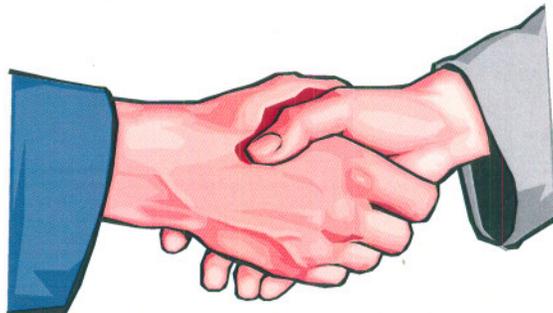




A partnering program between the
Associated Builders and Contractors of Minnesota
and the
Occupational Safety and Health Division
Of the Minnesota Department of Labor and Industry

ABC of Minnesota and Minnesota OSHA's Partnership Program



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Of the Minnesota Department of Labor and Industry**

As of March 24, 2006



Nancy Jones, MN ABC Chairman



Scott Brener, Commissioner



Robert Heise, MN ABC President



Roslyn Wade, Asst. Commissioner



Don Hines, MN ABC Safety Committee
Chairman



Jeff Isakson, Director OSHA Compliance



Steve Schultz, MN ABC Minnesota
Partnership



Tyrone Taylor, Construction Safety
Supervisor – OSHA



Kris Pilling-Davis, MN ABC Minnesota
Partnership

Definition Page

- (Accident) An undesirable event that results from a failure to meet acceptable standards and causes harm to people, property, or processes.
- (AWAIR) A workplace accident and injury reduction program
- (OSHI) Occupational Safety and Health Investigator
- (Competent Person) A person, through training and experience, must be able to recognize hazards and will have the authority to take prompt corrective action.
- (ERTK) Employee Right-To-Know Program
- (Performance Survey) Phone interview with Gold applicant in regards to their safety program following the STEP (Safety Training and Evaluation Process) submittal form.
- (Near Miss) An incident creates a hazard that may or may not result in an accident. It is a failure to meet acceptable standards.
- (Planned Inspection) is aimed at high-risk areas based on OSHA's targeting and priority methods, based on factors such as workers' compensation claims or current special emphasis programs.
- (Qualifying Inspection) is a jobsite inspection to determine degree of excellences for the level the applicant is seeking.
- (Unplanned Inspection) is performed only in response to reports of imminent danger, fatalities/catastrophes, and formal complaints.

Definitions of Partnership Program Award Levels of Participation

- (Silver Level) is the basic level of the Partnership Program for applicants wanting to meet the basic minimum requirements of a Safety and Health Program.
- (Gold Level) is the intermediate level of the Partnership Program for applicants desiring a more comprehensive Safety and Health Program.
- (Platinum Level) is the peak level of the Partnership Program for applicants striving to be an industry leader with a very comprehensive Safety and Health Program.

ABC of Minnesota and Minnesota OSHA's Partnership Program

I. PARTNERSHIP BACKGROUND

In October 2004, the Associated Builders and Contractors of Minnesota and the Occupational Safety and Health Division of Minnesota OSHA met to discuss a partnership charter that mutually recognized the importance of providing a safe and healthful work environment in the construction industry in addition to formalizing a long-standing relationship between our two organizations. To advance our mutual goal, we strongly agreed on the need to develop a working relationship that creates mutual trust and respect for the respective roles of each organization in the construction safety process. It was agreed upon that the Partnership agreement would be the basis for our local agreement.

This partnership agreement has been negotiated between the ABC of Minnesota and MNOSHA Office representing Minnesota. Owners, members and other organizations are encouraged to endorse and participate as signatory partners in this partnership.

II. MINNESOTA PARTNERSHIP

1. Program Expectations:

- A. Implementation of this program is expected to result in decreased serious injuries, illnesses, and fatalities for participating contractors and the improvement of existing safety and health programs within the State of Minnesota.
- B. This agreement provides for incentives to construction contractors that voluntarily participate in the program and demonstrate implementation of effective safety and health programs.
- C. This agreement will not in any way affect the employer's of the employees' ability to exercise their rights under the OSHA Act and OSHA/MNOSHA regulations.
- D. Decrease workers' compensation costs and MNOSHA penalties for contractor participants.

2. Specific Goals of the Partnership

- A. To reduce by 3% annually the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between and electrocutions).
- B. To increase the number of ABC member companies who implement effective safety and health programs and provide effective safety and health training for management, supervisors and employees.
- C. To recognize those contractors with exemplary safety and health programs and effective site-specific safety and health plans.
- D. To promote open lines of communication between MNOSHA and the ABC member companies in pursuit of safety.

- E. It is anticipated that with minimal use of MNOSHA resources, this partnership will result in improved safety and health programs, a higher level of employee safety and health training, and as a secondary benefit, improved jobsite safety and health program commitments by subcontractors working with participants.

3. Program Implementation.

MN ABC Safety Committee will inform individual members who have successfully completed the ABC step application process and are thus eligible for participation in this Partnership. The ABC Minnesota chapter will then follow the procedures developed in this statewide partnership to inform the Minnesota OSHA Area Director of the qualified contractors.

4. Eligibility Requirements for this multi-level Program: SILVER, GOLD, or PLATINUM

- A. Applications must be submitted annually. Eligibility status must be renewed every twelve months.

- 1) Complete the ABC STEP application form. The first part of the form will request data from the summary of the contractor's OSHA's form 300 Log of Work-Related Injuries and Illnesses. The second part of the form will be a self-audit evaluation checklist, which will require applicants to answer a series of questions related to their safety program.
- 2) The National ABC Safety Committee will review the self-audit evaluation of the STEP application. The Committee is comprised of representatives from ABC member companies. The committee will either approve or reject the application.
- 3) In order to determine the contractor's level of eligibility, the contractor must provide the committee with evidence of conformance with each requirement for each level.
- 4) Once the partnership has been established between ABC of Minnesota and the MNOSHA area offices, the ABC representatives will inform the chapter members who have successfully completed the application process and are eligible to participate in the partnership program. Local MNOSHA area offices will serve in an advisory capacity to the ABC Safety Committee.
- 5) The top level, Platinum, will be open to those companies whose achievements in the area of worksite safety are outstanding. Acceptance into the Platinum level will require additional validation of safety and health program effectiveness through a comprehensive onsite *qualifying inspection*. The qualifying inspection will be conducted on at least one active jobsite (the chosen jobsite will be a representation of the applicant's larger projects, i.e. within the top 1/3 by volume or by number of subcontractors) by Minnesota OSHA Workplace Safety Compliance, in conjunction with the ABC Safety Committee. Contractors who are accepted into the Partnership Program receive incentives from OSHA, as listed in Section 7 of this document.

B. SILVER: Applicants seeking SILVER status must meet the following requirements:

- 1) Develop and implement a written safety and health program that addresses those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between and electrocutions); Also to be included, a written (AWAIR) A Workplace Accident and Injury Reduction program and (ERTK) Employee Right-to-Know program. The written program shall incorporate in its entirety 29CFR 1926 Subpart C of the General Safety & Health Provisions.
- 2) Conduct and document weekly employee safety meetings.
- 3) Conduct and document self-audits. Self-audits must be conducted as often as needed to assure safety, but for the purposes of this partnership, audits must be documented, at least on a weekly basis. Size of job will dictate more frequent documentation. (SEE APPENDIX A FOR SAMPLE INSPECTION – DAILY CONSTRUCTION SITE SAFETY CHECKLIST)
- 4) Applicants would be subject to jobsite review by the ABC Safety Committee.

C. GOLD: Applicants seeking GOLD status must meet the following requirements.

- 1) Implement a comprehensive written safety and health program based on a written (AWAIR) A Workplace Accident and Injury Reduction program and (ERTK) Employee Right-to-Know program. The written program shall incorporate in its entirety 29CFR 1926 Subpart C of the General Safety & Health Provisions.
- 2) Conduct an orientation of all new employees in the safety and health program of the company, and show evidence of effective employee training for avoidance of hazards specific to the contractor's worksite(s).
- 3) Conduct and document weekly employee safety meetings.
- 4) Conduct and document self-audits. Self-audits must be conducted as often as needed to assure safety, but for the purposes of this partnership, audits must be documented, at least on a weekly basis. Size of job will dictate more frequent documentation. (SEE APPENDIX A FOR SAMPLE INSPECTION – DAILY CONSTRUCTION SITE SAFETY CHECKLIST)
- 5) Receive a performance survey from the members' designated safety representative.
- 6) Show evidence of employee involvement in the safety and health program. A safety committee, comprised of company employees and management, or participation of employees in self-audits, site inspections, job hazard analysis, or safety and health program reviews. Safety training, and incident near miss or accident investigations would be acceptable.
- 7) Develop, implement and maintain a prohibited substance policy and testing program that complies with applicable laws, statutes and agreements. (A state licensed Employee Assistance Program shall be available to any employee covered by the testing program.)

- 8) Provide all **field construction supervisory personnel** with training equivalent to the OSHA 10-Hour Training Course for Construction. (See Appendix B)
- 9) Maintain a total case injury/illness incidence rate that is at/or below the most current Bureau of Labor Statistics State of MN rate for the applicant's four digits Standard Industrial Classification (SIC) Code. The most recent numbers will usually be those from the previous calendar year.
- 10) Applicants are strongly encouraged to participate in MNOSHA Workplace Safety Consultation Programs.

D. **PLATINUM:** Applicants seeking PLATINUM status must meet the following requirements:

- 1) Implement a comprehensive written safety and health program based on 29CFR 1926 Subpart C of the General Safety and Health Provisions. This plan must also include a written (AWAIR) A Workplace Accident and Injury Reduction program and (ERTK) Employee Right-to-Know program. Ensure, through inspection, that any written site-specific safety and health plan is incorporated by those contractors that have a direct written contract with the applicant.
- 2) Applicant achieving PLATINUM status agrees to serve as a mentor to their subcontractors on its projects who have yet to attain the same level of recognition within the partnership. The PLATINUM participant shall require all contracted specialty contractors to follow its programs.
- 3) Assign a minimum of **one employee** who will administer the Firm's Safety and Health program. This person must complete the OSHA 30 course (See Appendix B) or equivalent curriculum within three years following application of PLATINUM level.
- 4) Train all **field construction supervisory personnel** (defined as anyone in the field that is authorized to assign or make decisions about the work.) All personnel meeting this definition must complete the OSHA 10-hour course in construction (See Appendix B) or equivalent. Certification within the previous three years will be deemed to be satisfactory. The applicant agrees to secure this training for a minimum of 30% of this group within the first year after application. The balance of this group will complete this requirement by the end of the second year after acceptance in the PLATINUM level. Additional training shall be provided for competent persons in such areas as Scaffolding, Excavation, Fall Protection, etc. (this additional training will be predicated by the type and scope of work the applicant routinely conducts).
- 5) Provide evidence of employee involvement in all levels of the safety and health program, such as self-audits, site inspections, job hazard analysis, safety and health program reviews, safety training and incident near-miss or accident investigations.
- 6) Conduct an orientation of all new employees in the safety and health program of the company and show evidence of effective employee training for avoidance of hazards specific to the contractor's worksite(s).

- 7) Conduct and document weekly employee safety meetings.
- 8) Develop, implement and maintain a prohibited substance policy and testing program, including random testing that complies with applicable laws, statutes and agreements. A state licensed Employee Assistance Program shall be available to any employee covered by the testing program.
- 9) Conduct and document self-audits. Self-audits must be conducted as often as needed to assure safety, but for the purposes of this partnership, audits must be documented at least on a weekly basis. Size of job will dictate more frequent documentation.
- 10) Implement a **6-foot Fall Protection Policy** for work governed by OSHA Standards for Construction 1926 Subparts L, M, and R. This requirement would be incorporated for the applicant's direct employees only. Subcontractors to the applicant will be required to follow suit.
- 11) Applicants are required to participate in MNOSHA Workplace Safety Consultation Program, whenever feasible.
- 12) Maintain a total case injury/illness incidence rate that is 50% below the most current Bureau of Labor Statistics State of MN rate for the applicant's, four digits Standard Industrial Classification (SIC) Code. The most recent numbers will usually be those from the previous calendar year.
- 13) Receive a **qualifying inspection**, by Minnesota OSHA Workplace Safety Compliance, in conjunction with the ABC Safety Committee. The chosen jobsite will be a representation of the applicant's larger projects, i.e. within the top 1/3 by volume or by number of subcontractors. Verification inspections will be conducted per current MNOSHA policy for focused inspections in construction. The jobsite cannot receive a serious citation in the areas of (falls, struck by, caught in/between or electrocutions) during the qualifying inspection of the applicant's representative jobsite. Platinum level applicants not passing the qualifying inspection the first time may be given a second opportunity with a different active jobsite to qualify for the Platinum level, within 30 days of first inspection. The representative who will conduct this inspection must be experienced in construction safety.
- 14) Have no willful violations that became final in the last three years.
- 15) Have no repeated serious violations that became final in the last three years.
- 16) Have no fatalities or catastrophes within the last three years that resulted in serious or willful citations related to the incident.

5. Program Confidential

Information submitted by contractors as part of the application or renewal process, as well as information obtained by virtue of the contractor's application or participation in the program, will be held in strict confidence within the confines of the ABC Minnesota partnership program. The information will be used only to measure the effectiveness of the partnership program. However, in the event of a MNOSHA inspection, information that is relevant to the investigation and normally is available (such as company safety programs) will be provided to MNOSHA upon request. However, results of self-audits made by the applicant cannot be used for the purposes of issuing citations.

6. Program Oversight

A. The ABC Safety Committee is responsible for the following program monitoring activities:

- 1) Periodic reviews of participatory firms activities to ensure compliance with the partnership requirements, including random onsite visits of participant contractor worksites.
- 2) Recommendations to the program participants for process improvements.

7. Incentives

Upon acceptance as a partnership participant, the MNOSHA Area Offices will provide certain incentives to participants.

A. **SILVER** participants:

- 1) Will be given special written recognition from MNOSHA and ABC designating the contractor as a Silver level participant in the Partnership Program.

B. **GOLD** participants:

- 1) Will be given special written recognition from MNOSHA and ABC designating the contractor as a Gold level participant in the Partnership Program.
- 2) Will be given the maximum good faith penalty reductions currently available under MNOSHA policy.

C. **PLATINUM** Participants:

After successful conclusion of a quality assurance inspection, MNOSHA will provide the following incentives:

- 1) Will be given special written recognition from MNOSHA and ABC designating the contractor as a Platinum level participant in the Partnership Program.

- 2) Platinum participant jobsites within MNOSHA jurisdiction in the State of Minnesota will not receive a ***programmed inspection*** within the next twelve months after acceptance into the Platinum level of the Partnership. (Providing that the platinum level participant is involved with MNOSHA Workplace Safety Consultation Program).
- 3) Platinum participants will receive *unprogrammed inspection* only in response to reports of imminent danger, fatalities/catastrophes, and formal complaints. MNOSHA will use telephone or fax to handle all other complaints except those cases involving serious injuries. When an inspection of a non-formal complaint is deemed necessary, a copy of the complaint will be provided to the participant's Safety Director or other designated representative at the time of inspection.
- 4) MNOSHA will not issue other-than-serious citation violations provided the violations are abated within MNOSHA prescribed abatement period.
- 5) If cited by MNOSHA, Platinum participants will receive the maximum good faith and history penalty reductions currently available under existing MNOSHA policy.
- 6) MNOSHA Area Directors, or designated representative, agrees to meet with ABC Safety Committee at least annually throughout the terms of this agreement to assure open lines of communication with all partnering contractors.
- 7) Because the partnering contractor serves as a mentor for the specialty contractors on the site, the Partnering contractor will not receive multi-employer citations except for potential citations following a fatality, catastrophe, or a serious injury investigation.
- 8) If inspection of a partner is deemed necessary for any reason, MNOSHA will allow the designated employer representative to be present during the inspection.

8. Partnership Evaluation

- A. It is the responsibility of the ABC Safety Committee to gather required participant data to evaluate the overall success of the Partnership program.
- B. The Partnership will be evaluated annually to determine whether the annual goal of a 3% reduction in the number of injuries, illnesses and fatalities has been met. The ABC Safety Committee is responsible for collating baseline and annual performance data upon which the Partnership will be measured. This aggregated data will be reported to the MNOSHA Directorate of Construction, or designated representative.
- C. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with state BLS published data to determine whether goals have been met.
- D. Participant incidence of injuries from the hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between, and electrocutions)

will be measured and compared against a baseline established in the first year of the partnership.

- E. If all **signatory partners** agree, partnership criteria may be revised annually based on recommendations for continuous improvement.

9. Contractor Termination

A. A contractor's participation will be terminated by the ABC Chapter if:

- 1) An inspection by the ABC Safety Committee or MNOSHA reveals a significant deviation from program criteria.
- 2) The contractor has falsified information on the application or supporting records.
- 3) The contractor's total case injury/illness incidence rate rises above criteria set in paragraph 4.C.9 for Gold level participants or paragraph 4.D.12 for Platinum level participants; or
- 4) The contractor takes other such actions that may be determined to be grounds for termination by the ABC Safety Committee.

B. Prior to final termination of a contractor's status, the following will occur:

- 1) The contractor will be notified in writing of the intent to terminate
- 2) The notice will include an explanation of the reasons for termination.
- 3) The contractor will have an opportunity to reply to the written notice within a period of thirty (30) days: and
- 4) The contractor will have the right to appear before the ABC Safety Committee.

C. The ABC Safety Committee will have the authority to reinstate the contractor if it determines that the contractor's experience was unusual and not necessarily inconsistent with a sound safety and health program. In this event, another quality assurance inspection shall be performed.

D. Any contractor may terminate participation in the program at any time.

E. If for any reason a contractor's participation in this partnership is terminated, MNOSHA will be notified.

10. Term and Location of Partnership.

- A. The partnership will have an initial term of three years and may be renewed if all signatory parties concur.
- B. Either signatory party to the Partnership may withdraw from the agreement at any time after submitting written notification of intent.

Appendix

Appendix A

DAILY CONSTRUCTION SITE SAFETY CHECKLIST

Superintendent _____ Project Name _____

Job # _____ Date _____

Trailer/Site

- First Aid Kit
- Trauma Kit
- Posting requirements
- Emergency #'s Posted (Map)
- Safety Manual w/MSDS
- Toolbox Talks (weekly)
- Fire extinguishers
- Site Emergency plans
- MPCA/silt fence
- Portable water and toilet facilities

Public Protection

- Barricades & Signage
- Fencing
- Visitors Escorted
- Other

Fire Protection

- Fire protection plan/Fire Extinguishers
- Gas cylinders storage/Secured
- LPG tanks barricaded
- Storage of flammable liquids
- Welding equipment/Fire Extinguishers
- Safety cans
- Other

Housekeeping

- Daily debris removal
- Clear access to exits and stairs with signage "Exit" "Not an Exit"
- Site areas clean
- Cords in walkways
- Adequate lighting/caged
- Other

Personal Protective Equipment

- Ear protection
- Eye protection
- Footwear
- Gloves
- Hard hats
- Respirators
- Co-monitoring
- Other

Electrical

- GFCI
- Grounding
- No exposed live parts
- Hard usage three-wire cords
- No cord in pinch points

Fall Protection

- Site fall protection
- Floor holes > 2"
- Wall openings 39" from floor
- Guardrails
- Stair rails w/4> Risers
- Perimeter rails - cables
- Harness and lanyards
- Other

Excavation/Trenches

- Competent person
- Access/egress
- Cave-in protections (slope or box)
- Daily inspections - log
- Soil testing
- Spoil pile 2' back
- No one under overhead loads
- Site-Specific Rescue Plan
- Other

Cranes

- Condition
- Load charts
- Annual inspection
- Certified operator
- Swing radius barricaded
- Other

Access Ladders/Stepladders

- Condition
- Extends at least 3' above landing
- Secured
- Construction grade ladders only
- Other

Heavy Equipment/Tools

- Forklift/Daily inspections
- Aerial lifts
- Manbasket
- Skid steer
- Generators/compressors
- Heaters
- Machine guards in place
- Hand tools in good condition
- Class II Vest or Greater
- Other

Scaffolds

- Competent person
- Daily inspections
- Mobile scaffold requirements
- Fabricated frame scaffold requirements – railings, mudsills, base plates secured
- Other

Appendix B

10-Hour Construction Safety and Health Outreach Program

The 10-hour program is intended to provide instruction on a variety of construction industry safety and health standards to entry-level participants.

1. Introduction to OSHA, OSH Act/General Duty Clause 5(a)(1), Subpart C: General Safety and Health Provisions, Competent Person.
2. Subpart K: Electrical
3. Subpart M: Fall Protection
4. Subpart H: Materials and Handling, Storage, Use and Disposal
5. Subpart L: Scaffolding
6. Subpart P: Excavations
7. Subpart F: Fire Protection and Prevention
8. Subpart I: Tools – Hand and Power
9. Subpart R: Steel Protection
10. Subpart Z: Stairways and Ladders

The class will be taught by Craig Lueck of Cornerstone Management.
Participants will be awarded a completion card. (Must complete entire course)

Topics for 10 & 30-Hour Construction Courses

The 10-hour class is customarily conducted over one and one-half days (but can be conducted in one long day) while the 30-hour course is usually spread over a span of three and one-half days. Each of the following topics is addressed during the 30-hour class. The items marked with an asterisk are mandatory for the 10-hour class, with the balance of time spent on a few topics of your choice:

- Introduction to OSHA & OSHA Standards*
- OSHA Inspection Process*
- OSHA's Multi-Employer Worksite Policy*
- Competent Person Requirements*
- General Safety & Health Provisions*
- Fall Prevention & Personal Fall Protection*
- Electrical Safety*
- Fire Protection & Fire Prevention*
- OSHA Injury/Illness Record-keeping Requirements
- Accident Investigation Process for Supervisors
- Aerial Lifts
- Blood borne Pathogens
- Concrete & Masonry Construction
- Confined Space Entry
- Cranes & Derrick Safety
- Demolition
- Hazard Communication/Employee Right-to-Know
- Hearing Conservation
- Lockout/Tag out
- Material Handling
- Personal Protective Equipment (can include Respiratory protection)
- Protection training & Fit testing)
- Scaffolding Safety Requirements for Supervisors & Users
- Stairway & Ladder Safety
- Steel Erection
- Trenching & Excavations
- Welding & Cutting Safety
- Health & Safety Programs (can include subjects like accident investigation, job safety analysis, & site inspections)