



CHASE - MINNESOTA

Construction Health And Safety Excellence

A partnering program of the
Associated General Contractors of Minnesota

and

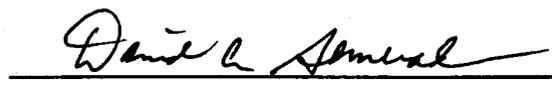
**Occupational Safety and Health Division
of
Minnesota OSHA**

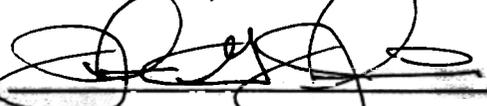


A partnering program between the
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and the
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of the Minnesota Department of Labor and Industry

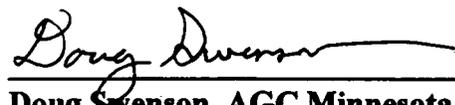
February 24, 2003

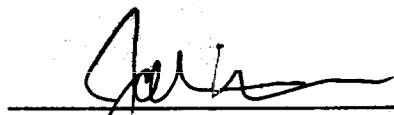

Tony Phillippi, AGC Minnesota Chairman

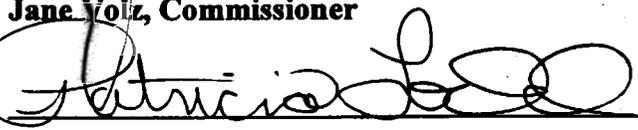

Dave Semerad, AGC Minnesota CEO


John Jenkins, AGC Safety Committee Chair


Jon Hoffert, AGC Minnesota CHASE Committee


Doug Swenson, AGC Minnesota CHASE Committee


Jane Volz, Commissioner


Patricia Todd, Director of MNOSHA Compliance

AGC of Minnesota and Minnesota OSHA's Partnership Program (CHASE) Construction Health and Safety Excellence Program

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.
- (CHASE)** Construction Health and Safety Excellence.
- (Designated Safety Personnel)** 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.
- (Field Construction Supervisory Personnel)** defined as anyone in the field that is authorized to assign or make decisions about the work task.
- (Near-Miss)** An incident creates a hazard that may, or may not, result in an accident. It is a failure to meet acceptable standards.
- (Programmed 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.
- (Unprogrammed Inspection)** is performed only in response to reports of imminent danger, fatalities/catastrophes, and formal complaints.

Definitions of CHASE Program Award Levels of Participation

- (Red Level)** is the basic level in the CHASE program for applicants wanting to meet the basic minimum requirements of a Safety and Health Program.
- (White Level)** is the intermediate level in the CHASE program for applicants desiring a more comprehensive Safety and Health Program.
- (Blue Level)** is the peak level in the CHASE program for applicants striving to be an industry leader with a very comprehensive Safety and Health program.

AGC of Minnesota and Minnesota OSHA's Partnership Program (CHASE) Construction Health and Safety Excellence Program

I. PARTNERSHIP BACKGROUND

In October, 2002, the Associated General 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 Construction Health and Safety Excellence (CHASE) partnership agreement would be the basis for our local agreement.

II. CHASE-MINNESOTA PARTNERSHIP

1. Program Expectations.

This partnership agreement has been negotiated between the AGC of Minnesota and MNOSHA Office representing Minnesota. Owners, Labor and other organizations are encouraged to endorse and participate as signatory partners in the CHASE-MINNESOTA program.

- 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 or the employees' ability to exercise their rights under the OSHA Act and OSHA/MNOSHA regulations.

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 general and specialty contractors 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 Construction Industry in pursuit of safety.

3. Program Implementation.

Once a partnership has been established between AGC of Minnesota and the MNOSHA Office, the Minnesota AGC Safety & Health Committee or designated representatives will inform individual members who have successfully completed the application process and are thus eligible for participation in the Partnership. The AGC of Minnesota will then follow the procedures developed in the statewide partnership to inform the Minnesota OSHA Area Director of the qualified contractors.

4. Eligibility Requirements for the Multi-Step Program: RED, WHITE AND BLUE.

- A The CHASE-Minnesota Program will be implemented in three levels: RED, WHITE and BLUE.
- B. Applications may be submitted at the beginning of each quarter. Eligibility status must be renewed on an annual basis. New and renewal applicants will:
 - 1) Complete the two-part CHASE-Minnesota application form (see Appendix A). 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 Minnesota AGC Safety & Health Committee or the Chapter's designated representative will administer the self-audit evaluation of the CHASE-Minnesota Program. The Committee is comprised of representatives from AGC member companies, or a designated representative appointed by the AGC member companies. Either will approve or reject the CHASE-Minnesota application. Local MNOSHA area offices will serve in an advisory capacity to the AGC Safety & Health Committee or its designated representative.
 - 3) The CHASE-Minnesota Program has three award levels. Entry into the RED, WHITE and BLUE Levels are based on answering "yes" to all of the questions on the self-audit evaluation administered by AGC. In order to determine the contractor's level of eligibility, the contractor must provide the committee or its designated representative with evidence of conformance with each requirement for each level.
 - 4) Once the CHASE-Minnesota partnership has been established between AGC of Minnesota and the MNOSHA area offices, the AGC or designated Chapter representative will inform the chapter members who have successfully completed the application process and are eligible to participate in the partnership program.
 - 5) The top level, BLUE, will be open to those companies whose achievements in the area of worksite safety are outstanding. Acceptance into the BLUE level will require additional validation of safety and health program efficacy 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 the Minnesota OSHA Compliance Occupational Safety and Health Division, in conjunction with the AGC Safety & Health Committee, or designated representative. Contractors who are accepted into the CHASE-Minnesota program receive incentives from OSHA, as listed in Section 7 of this document.

C. RED: Applicants seeking RED 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. (PROVIDE RESOURCES)
- 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 FOR SAMPLE INSPECTION FORM)
- 4) Applicants would be subject to jobsite review by the AGC Safety and Health Committee or the committee's designated representatives.

D. WHITE: Applicants seeking WHITE status must meet the following requirements:

- 1) Implement a comprehensive written safety and health program based on the ANSI A10.38-2000 Guidelines or OSHA's 1989 Safety and Health Program Management Guidelines; and must include 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) Assign at least one *trained employee* with responsibility for employee safety to administer the participant's safety and health program and to conduct documented safety and health inspections of ongoing work. Training for this employee will be deemed satisfactory by completing the AGC Basic Safety Management Training Course or an equivalent curriculum. (See Appendix B)
- 3) 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).
- 4) Conduct and document weekly employee safety meetings.
- 5) 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.
- 6) Receive a qualifying inspection of at least one representative jobsite by the AGC Safety and Health Committee or the committee's designated representatives.
- 7) 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, safety and health program reviews, safety training, and incident near-miss or accident investigations would be acceptable.

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

E. BLUE: Applicants seeking BLUE Status must meet the following requirements:

- 1) Implement a comprehensive written safety and health program based on the ANSI A10.38-2000 Guidelines or OSHA's 1989 Safety and Health Program Management Guidelines; and must include 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. 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 BLUE status agrees to serve as a mentor for contractors on its projects who have yet to attain the same level of recognition within the partnership. BLUE participant companies will agree to maintain a copy of the contracted specialty contractors' safety and health plan, and fall protection plan, or the BLUE participant could require all contracted specialty contractors to follow its programs. If an applicant already has the most current copy of a contracted specialty subcontractors' program, a new program for every site is not needed, unless it is a site-specific program.
- 3) Assign a minimum of *one employee who will administer the Firm's safety and health program*. In addition, this person must complete the AGC Safety Management Training Course (See Appendix B) or equivalent curriculum within three years following application of BLUE level.
- 4) Ensure *designated safety personnel* conduct documented safety and health inspections of all work on their project(s). Personnel, through training and experience, must be able to recognize hazards and will have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-Hour Construction Outreach Course (See Appendix B) will be deemed to be satisfactory.
- 5) 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 into the BLUE 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).

- 6) 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.
- 7) 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).
- 8) Conduct and document weekly employee safety meetings. (SEE APPENDIX FOR SAMPLE INSPECTION FORM)
- 9) 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.
- 10) 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.
- 11) 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.
- 12) Applicants are required to participate in MNOSHA Workplace Safety Consultation Program, whenever feasible.
- 13) 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, two digits Standard Industrial Classification (SIC) Code. The most recent numbers will usually be those from the previous calendar year.
- 14) Receive a qualifying inspection, by the Minnesota OSHA Compliance Occupational Safety and Health Division, in conjunction with the AGC Safety Committee's designated representatives; of at least one representative 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. 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. Blue level applicants not passing the qualifying inspection the first time. May be given second opportunity with a different active jobsite to qualify for the blue level. The representative who will conduct this inspection must be experienced in construction safety.
- 15) Have no willful violations which became final in the last three years.
- 16) Have no repeated serious violations which became final in the last three years.
- 17) 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 CHASE-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 AGC of Minnesota designated representative is responsible for the following program monitoring activities:

-) 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 AGC Safety and Health Committee for program improvements.

B. The Minnesota OSHA Compliance Occupational Safety and Health Division, in conjunction with the AGC Safety Committee's designated representatives will conduct a qualifying/verification inspection of one worksite before conferring incentives listed in section 7.c.2-6 to the Blue Participant.

7. Incentives.

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

A. RED Participants:

- 1) Will be given special written recognition from MNOSHA and AGC designating the contractor as a red level participant in the CHASE-Minnesota Program.
- 2) Will not receive a penalty assessment for citations related to other-than-serious violations, provided that the hazards are abated within MNOSHA prescribed abatement period.

B. WHITE Participants:

-) Will be given special written recognition from MNOSHA and AGC designating the contractor as a white level participant in the CHASE-Minnesota Program.
- 2) Will not receive citations for other-than-serious violations, provided that the hazards are abated within MNOSHA prescribed abatement period.
- 3) Will be given the maximum good faith penalty reductions currently available under MNOSHA policy.

C. BLUE 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 AGC designating the contractor as a blue level participant in the CHASE-Minnesota Program.
- 2) BLUE participant jobsites within the MNOSHA jurisdiction in the State of Minnesota will not receive a *programmed inspection* within the next twelve months after acceptance into the BLUE level of the partnership. (Providing the blue level participant is actively involved with MNOSHA Workplace Safety Consultation Program).
- 3) BLUE participants will receive *unprogrammed inspections* 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 citations or other-than-serious violations provided the violations are abated within MNOSHA prescribed abatement period.
- 5) If cited by MNOSHA, BLUE participants will receive the maximum good faith and history penalty reductions currently available under existing MNOSHA policy.
- 6) During an MNOSHA inspection, BLUE participants whose program has previously been verified by a quality assurance inspection will not be included in the inspection unless the Compliance Officer documents that the participant is responsible for any employee exposures to serious hazards such as falls, struck by; caught in/between or electrocution hazards.
- 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.
- 9) MNOSHA Area Directors agree to meet with AGC on a quarterly basis throughout the terms of this agreement to assure open lines of communication with all partnering contractors.

8. Partnership Evaluation.

- A. It is the responsibility of each chapter-designated representative to gather required participant data to evaluate the overall success of the 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. AGC Chapters are 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.

- C. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether goals have been met at the chapter and/or national level.
- 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 AGC Chapter, and MNOSHA will be informed of the termination if one or more of the following occurs:

- 1) An inspection by the Safety and Health CHASE 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.D.10 for White level participants or paragraph 4.E.13 for Blue level participants; or
- 4) The contractor takes other such actions that may be determined to be grounds for termination by the chapter Safety and Health CHASE Committee.

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

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 AGC Safety and Health CHASE Committee.

- C. The AGC Safety and Health CHASE 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 may be performed.

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

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. Any signatory party to the partnership may withdraw from the agreement at any time after submitting written notification of intent to the AGC Safety and Health CHASE Committee.