



**SAFETY and HEALTH ARKANSAS  
ASSOCIATED GENERAL CONTRACTORS  
PARTNERSHIP FOR EXCELLENCE (SHAAPE)**



**U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
LITTLE ROCK AREA OFFICE**

**and**

**ARKANSAS CHAPTER  
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.**



# **SAFETY and HEALTH ASSOCIATED GENERAL CONTRACTORS**



## **(AGC) of ARKANSAS PARTNERSHIP for EXCELLENCE (SHAPE)**

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## EXECUTIVE SUMMARY

### OBJECTIVE

This SAFETY and HEALTH ARKANSAS ASSOCIATED GENERAL CONTRACTORS PARTNERSHIP for EXCELLENCE (SHAAPPE) partnering agreement was developed jointly by the Associated General Contractors of Arkansas (AGC) and the Little Rock Area Office of the Occupational Safety and Health Administration (OSHA). The common objective and goal of this agreement is to provide a safe and healthful workplace for all employees engaged in construction activities in Arkansas, and to help prevent serious injuries and illnesses within the industry through increased training and implementation and monitoring of enhanced safety and health training programs.



This initiative represents a voluntary agreement and affords a partnership for voluntary compliance alternative to the traditional OSHA enforcement activities. This partnership is consistent with OSHA's long range efforts to develop a business/labor /government partnership approach to safety management allows for a more effective utilization of OSHA resources, and encourages more participation in the safety process by each stakeholder.

### BACKGROUND

While OSHA has been involved in various efforts during the past several years designed to address the issue of workplace injuries and illness, especially in construction, accidents and fatalities continue to occur at an unacceptable rate. In an attempt to develop a more comprehensive approach to this issue, OSHA implemented Special Emphasis Programs to focus its resources more effectively in the area of enforcement, training and education, consultation and informational outreach programs. These programs have represented a significant commitment toward the improvement of the nation's safety record.

Associated General Contractors of Arkansas (AGC) is a trade association focused on commercial construction with over 280 member companies with over 10,000 employees representing all aspects involved in the construction industry. Member companies include: building construction companies, highway construction companies, utility construction companies, special construction companies, and service and supplier companies.

For many years, AGC has provided opportunities for members and leadership to the Arkansas construction community. Its focus has been to provide the means and measures to help its member develop and grow. One of AGC's principal goals and a long-standing commitment of the Association has been, and continues to be, to promote safety awareness and serve as a safety and health resource for its members. This safety commitment includes information, education, referral and training.



AGC and OSHA believe that maintaining a focus on safety saves lives, time and dollars. The results of this focus can result in a reduction of employee injuries, illnesses and deaths, equipment damage, workers compensation cost, insurance cost, down time and monetary penalties. A focus on safety and health is an objective that OSHA, AGC, and its members have in common.

Forming this partnership (SHAAPE) will increase OSHA's visibility within AGC's membership while encouraging that membership to provide a safe and healthful workplace through voluntary compliance, training, and education.





## PARTICIPATING LEVELS

While it is recognized that it will be the focus and objective of all SHAAPE participants to reduce injuries and illness through training, monitoring, etc., it also recognized that all participants can achieve or maintain the same level of injury/illness rates. This differential may be result of the Lost Workday Injury and Illness (LWDII) rate of the Standard Industrial Classification (SIC) of the employer(s), the number of employees of the employer used to determine work hours, or other valid reasons. Therefore, OSHA and AGC have agreed that this partnership should contain provisions for two levels of participation will be set forth in the sections of the agreement stating the commitments of OSHA, AGC, and the Level 1 and Level 2 employers.



## LENGTH OF AGREEMENTS

Unless modified or superseded, this partnership program will expire on or before August 30, 2008.

Either, or any, partner may withdraw from this partnership agreement by providing written justification to the other partners. Termination will be effective thirty (30) days after receipt of notification. In addition, a participating employer may be requested to withdraw from this partnership agreement, by OSHA and/or AGC, if that employer fails to abide by the commitment it has made.



## ASSOCIATED GENERAL CONTRACTORS of ARKANSAS COMMITMENT

As an expression of its commitment to this SHAAPE partnership agreement, AGC agrees to accomplish the following endeavors:



- A. Act as liaison between its members and OSHA
- B. Offer on-going, quality training of topics of importance to members; specifically the focused areas such as fall protection, scaffolding, excavation, etc.
- C. Provide tool box talks to members to assist with training efforts.
- D. Provide up-to-date informational material and brochures to AGC members, securing those materials from pertinent sources such as OSHA, other AGC members, etc.
- E. Organize and provide OSHA's interpretations of major standards as well as local inspection perspectives. Providing this information to members will help them understand and properly interpret standards.
- F. Provide FATAL FACTS to members from OSHA inspections/investigations as available.
- G. Develop safety training criteria for all levels of construction employees. This will help to define and better clarify what OSHA accepts as adequate training for superintendents, supervisors, foremen, and every level of construction worker.
- H. Assist members in developing written safety and health policies and procedures including emphasis on company/employee responsibilities.
- I. Administer the overall partnership program, including but no limited to, the initial conduct and evaluation of the partnership applications to determine whether the contractor meets the criteria specified within this partnership initiative. Information to be considered by AGC will include pertinent company information, i.e., demonstrated safety and health program, training commitments, OSHA citation history, fatalities, injury/illness experience, and similar factors.
- J. AGC will notify OSHA on a regular and recurring basis with the name(s) of contractors which have met the partnership criteria, including notifying OSHA whether the contractor qualified as a "Level 1" or "Level 2" partner.
- K. AGC will conduct a periodic evaluation to determine the impact and effectiveness of this partnership with OSHA.



### III. OSHA - LITTLE ROCK AREA OFFICE'S COMMITMENT

As an expression of its commitments to this SHAAPE partnership agreement initiative, OSHA-Little Rock Area Office agrees to accomplish the following endeavors:

Contractors, Level 1 and Level 2 participating in this SHAAPE partnership initiative will be subject to OSHA inspections as follows:



#### Level 1 and Level 2

- Reported imminent danger situations
- Formal complaints filed by a current employee or employee representative
- A fatality/catastrophe as defined in OSHA Instruction CPL 2.103 (Field Inspection Reference Manual)
- Monitoring inspections to ensure participant is complying with requirements of partnership. This will be a “FOCUS” inspection only, unless conditions noted warrant an expansion of the inspection.
- Non-Participants- When conducting inspections of contractors/employer not participating in the SHAAPE agreement, OSHA will **not** include Level 1 or Level 2 participants within the scope of site inspections, other than as referenced above. This includes construction managers, general contractors, or subcontractors working on jobsites or projects controlled by a contractor that is not a partnering member.

As an expression of its commitments to this SHAAPE partnership agreement initiative, OSHA-Little Rock Area Office agrees to accomplish the following endeavors for Level 1 participants:

#### Level 1

- A. Assist AGC in the development of safety training criteria
- B. Assist AGC in the presentation of training to members, primarily through the use of OSHA's Compliance Assistance Specialist
- C. Provide an OSHA representative to meet with AGC membership on a regular basis (e.g., monthly) to discuss current jobsite findings, as appropriate, current violation trends, and possible options/corrective measures to eliminate hazards.
- D. Share information on current violations and statistics, including relevant interpretations, proposed standards, and similar information which may be of interest to AGC membership (for possible publication in AGC mailings to members.)
- E. Recognize and consider AGC safety and health training programs when inspecting .



- Where participating members have established and implemented a comprehensive safety and health program (such as referenced in Federal Register Number 54:3904-3916, “Safety and Health Program Management Guidelines”, January 26 1989, and/or American National Standards Institute (ANSI) A10.38, “Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment”), including the appropriate monitoring/presence of a competent person(s) as defined within 29 CFR 1926.32(f), ensuring program enforcement, employee involvement and effectively trained trained their employees and supervisors (e.g., utilizing AGC’s safety training program or equivalent training), OSHA will focus and limit the scope of its investigation to the four primary groups of hazards which account for most fatalities and injuries in the construction industry: falls, electrical hazards, caught-in, and struck-by hazards.
- Evaluate the employer’s compliance with the terms and principles contained in the partnership agreement
  - Following an OSHA verification inspection, remove Level 1 participants from the initial OSHA targeted inspection schedule on which they may appear, placing them on a secondary list, and other inspection would normally only be scheduled in association with investigations of formal complaints and fatalities/catastrophes.
- Consider Level 1 participants eligible for the maximum size, good faith, and history for penalty reductions currently outlined within OSHA Instruction CPL 2.103 (Field Inspection Reference Manual)
- Normally not issue citations for “other than serious” violations which are abated immediately or in the presence of the Compliance Safety and Health Officer (CSHO).



In addition, OSHA-Little Rock Area Office agrees to accomplish the following endeavors for Level 2 participants:

#### Level 1

- A. Normal limit its site inspection/investigations as it relates to Level 2 participants to those hazards listed as part of a “FOCUS” inspection; i.e., falls, electrical hazards, caught-in, and stuck-by hazards.
- B. Evaluate the employer’s compliance with the terms principles contained in the partnership agreement.
- C. Normally not issue citations for “other-than-serious” violations which are abated



immediately or in the presence of the CSHO.

## IV COMMITMENT OF AGC PARTNERSHIP MEMBERS



As stated in the Executive Summary of this SHAAPE partnership agreement, the levels of commitment for participating employers, and the primary levels of commitment for each level are as follows:

### Level 1

Level 1 is the highest level of participants in the SHAAPE partnership program. It will include primarily General Contractors and Subcontractors who met all requirements for that level. Level 1 participants must meet the following requirements:

- A. Have an LWDII for the referenced year that is at or below the national rate for similar companies (based on their SIC code) listed by the Bureau of Labor Statistics, U.S. Department of Labor, for the most recent BLS data.
- B. Have no fatalities or catastrophes within the last three years that resulted in, as a final order, serious or willful citations related to the incident.

Level 2 is the minimum level of participation in the SHAAPE partnership program. It will include primarily Subcontractors and smaller General Contractors who cannot, at the time of entering the agreement, meet the requirements of Level 1 participants. While Level 2 participants will not be required to meet the Level 1 participants, must show continual improvement each year in working toward that goal.

In addition to the above specific requirements, all AGC members who wish to participate in the SHAAPE partnership initiative at Level 1 or Level 2 must agree to the following commitments and the following requirements:

- A. Sign a letter of agreement with AGC indicating their intent to participate in this partnership initiative, and request recognition by AGC as a Level 1 or Level 2 partner.
- B. Certify that their company has not received, as a final order, willful violations in the last three years.
- C. Verify that a comprehensive written safety and health program is in place which is at least equivalent to the criteria referenced in the Section III, paragraph F, as the minimum established criteria for participation, including the AGC member's implementation of policies and procedures to ensure that safety rules and



procedures are enforced at their jobsites.

- D. Certify that their policy and procedures hold supervisor(s) and employee(s) accountable for following established safety rules and OSHA regulations.
- E. Provide the level of training required by OSHA regulations to their employees either through AGC, their own training personnel, or other consultants/trainers.
- F. Ensure that within one year after obtaining AGC's acceptance into this partnership program at least one person responsible for administering the company's safety and health program will have completed the OSHA 30-hour course for the construction industry (or its equivalent). Records of training certification will be provided to AGC and made available for review.
- G. Ensure that within one year after obtaining AGC's acceptance into this partnership program, all field construction supervisory personnel who have been employed for at least six months, will have completed the OSHA 10-hour course for the construction industry (or its equivalent) predicated the type and scope of work for contractor routinely conducts. Records of training certification will be providing to AGC and made available for review.
- H. Provide quarterly safety related data or statistics to AGC concerning such issues as hours worked, lost workday injuries, accident records, and OSHA inspection results. AGC will provide a summary of and analysis of pertinent safety related information for review by OSHA. The purpose of such summary information will assist in preparing an annual report necessary for the evaluation the merit of the program and making recommendations for continuous improvement.
- I. Conduct weekly employee safety meetings.
- J. Conduct and document self-inspection audits.
- K. Implement and maintain a substance abuse program.
- L. Implement a 6-foot Fall Protection Policy.





## **IV COMMITMENT OF AGC PARTNERSHIP MEMBERS**

As an integral part of an effective safety and health program, the availability of employees to exercise their rights which are guaranteed under the OSHA Act and regulations (such as, but not limited to, the right to file a safety and health complaint, and the right to information collected pursuant to OSHA requirements, will not be infringed. It is anticipated that routine employee involvement in the day-to-day implementation of worksite safety and health programs will be assure, including employee participation in employer self-audits, site inspections, job hazard analyses, safety and health program review and mishap investigations.

## **VI. PARTNERSHIP EVALUATION**

This partnership will be evaluated annually by all participants. Such evaluation will include criteria such as, but not limited to, contractor lost workday injury rates, number of OSHA recordable injuries, workers compensation experience modification rates, (training provided to employees and employer representatives,) etc.. AGC



## SIGNATURE PAGE

**Based on a mutual interest to protect construction workers in the State of Arkansas, the parties below agree to the above terms of an AGC/OSHA Partnership Agreement**



Signed this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
MIKE WILKINSON  
President  
Arkansas Chapter  
Associated General Contractors  
of America, Inc.

\_\_\_\_\_  
PAUL J. HANSEN  
Area Director  
Little Rock Area Office