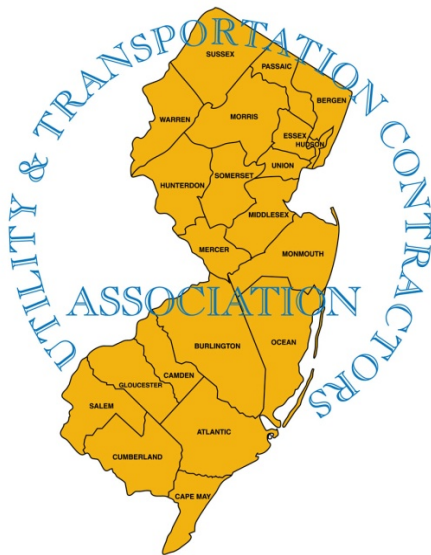


UTCANJ – OSHA

Construction Industry Safety Partnership



**Occupational Safety
and Health Administration**



September 24, 2011

1 Executive Summary

- 1.1 The goal of this program is to develop a statewide industry partnership between the construction industry, labor and government that will encourage New Jersey's contractors to improve their safety and health performance, assist them in their efforts, and recognize contractors with exemplary safety and health programs.
- 1.2 Specifically, the program has two overriding goals:
 - 1.2.1 To improve worker safety and health in the New Jersey construction industry; and recognize contractor
 - 1.2.2 To accomplish this goal in an environment of cooperation among the participating organizations.
- 1.3 The program is to be conducted within the state of New Jersey. The partnership will be available to all heavy-highway, marine, utility, and environmental remediation contracting firms that are members of the Utility and Transportation Contractors' Association of New Jersey (UTCANJ).
- 1.4 Expected outcomes of the program include: allowing OSHA to focus resources toward contractors who have ineffective safety and health programs for their employees; developing criteria for a model contractor safety and health program; mentoring of others in the state of New Jersey's construction industry by partnering with member contractors; and making new safety and health materials available to all contractors who are members of this partnership.
- 1.5 The partnership will provide incentives to participating contractors who voluntarily improve their safety and health performance. Incentives will include special recognition from OSHA, commensurate with their level of safety and health achievement.
- 1.6 This partnership program is consistent with OSHA's long-range efforts to develop a business/labor/government partnership approach to safety management. The partnership allows for better use of OSHA resources, fosters innovation in safety management, and encourages more participation in the safety process by employees and the New Jersey Heavy-Highway construction community.
- 1.7 Perhaps most importantly, this program will help create private and public sector incentives for improved safety. Owners may choose contractors who are participants in the partnership and have demonstrated their commitment to safety for their projects.

2 Utility and Transportation Contractors' Association of New Jersey (UTCANJ) – OSHA Construction Industry Safety Partnership (C.I.S.P.)

2.1 Program Expectations

2.2 Employers, Labor and other organizations are encouraged to endorse and participate as signatory partners in the C.I.S.P. They are encouraged for the following reasons:

2.2.1 Implementation of this program is expected to result in decreased serious injuries, illnesses, and fatalities for participating contractors and improvement of the participant's existing safety and health programs.

2.2.2 This agreement provides incentives for construction contractors that voluntarily participate in the C.I.S.P. and demonstrate implementation of effective safety and health programs.

2.2.3 This agreement will not in any way affect employees' exercise of rights under the OSH Act and OSHA regulations including protection from discrimination for exercising such rights.

3 Background (UTCANJ/OSHA Partnership History)

Utility and Transportation Contractors Association of New Jersey and the United States Department of Labor, Occupational Safety and Health Administration have a history of cooperative efforts, strategic alliances, and partnerships dedicated to improving safety and health among contractors in New Jersey.

UTCANJ and OSHA have worked cooperatively, with other agencies and organizations, to establish the nationally recognized New Jersey Highway Workzone and New Jersey Pilot Silica Partnerships. The UTCANJ continues to work cooperatively in the development of the New Jersey Silica Engineering Control Research Alliance, the first of its kind in the Nation.

UTCANJ and OSHA believe jointly that cooperative efforts, willingness to listen to concerns of interested parties, willingness to learn from previous efforts and efforts to understand each partner's concerns, requirements and philosophy, will benefit the industry, the regulators, and ultimately will provide a safer and healthier work environment for the entire New Jersey heavy, highway, utility, marine and environmental remediation Construction Industry.

4 Goals

The expectations of the Partnership are:

4.1 To reduce by 4% annually the incidence of injuries and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from the four focused construction hazards (falls, struck-by, caught-in/between, and electrocutions).

4.2 Decrease contractors' EMR rates and/or workers compensation costs from the time of application throughout the term of the partnership.

4.3 Increase the implementation of effective contractor safety and health programs.

- 4.4 Increase accessibility to quality safety and health training and education, thereby raising safety and health awareness for both employees and contractors by:
 - 4.4.1 Providing OSHA 30-hour training to all field supervisory employees of participating contractors, throughout the term of the partnership,
 - 4.4.2 Providing the OSHA 10-hour Construction Safety & Health course to a minimum of 10 % of all workers per year throughout the term of the partnership, and
 - 4.4.3 Provide information and/or training on the recognition and control of heat stress for all participating contractor personnel during the first year of the partnership.
- 4.5 Provide a leadership role for the industry.
- 4.6 Allow OSHA to better focus resources on firms that require increased assistance, rather than firms that have implemented effective, meaningful safety and health programs for their employees.

All parties will be consulted on a continuing basis to assess progress in achieving these goals.

- 4.7 Provide outreach materials to all employees of participating contractors during the first year of the partnership and encourage the development of safe driver training and education programs for workers. Particular emphasis will be placed on driver distractions such as texting and hand held cell phone use, as well as driving while impaired or intoxicated.

5 UTCANJ Commitment/Role

- 5.1 Representative(s) from the UTCANJ will administer this program as outlined herein and will serve as the primary safety and health resource, supporting the participating contractors and employees. To fulfill this Partnership, the UTCANJ will also provide the following services:
 - 5.1.1 Act as a liaison for UTCANJ members with OSHA. Members will be able to call the UTCANJ with questions and the UTCANJ will contact OSHA for responses, if required. This commitment does not negate members' rights to contact OSHA directly if they so choose.
 - 5.1.2 Provide up-to-date publications, brochures, and other informational materials (from OSHA, OSHA's New Jersey On-Site Consultation Services, and other appropriate organizations) to the UTCANJ Partnership members.
 - 5.1.3 Foster improvement and promotion of worker safety and health among UTCANJ membership by facilitating communications between OSHA and employers.
 - 5.1.4 Assist contractors of all sizes, especially small contractors, in understanding OSHA's requirements and emerging issues impacting workers' safety and health.
 - 5.1.5 Together with Participant Contractors, provide leadership, guidance, and a positive example to other contractors on issues relating to safety and health.
 - 5.1.6 Develop and build written safety and health policies and programs for participating contractors, including emphasis on contractor/employee responsibilities.

- 5.1.7 Promote construction safety and health excellence through an annual UTCANJ-OSHA Partnership Safety and Health Recognition Program.
- 5.1.8 Notify OSHA on a regular and recurring basis of the name(s) of contractor(s) that have met the partnership criteria.
- 5.1.9 Conduct periodic audits to determine the impact and effectiveness of this partnership with OSHA.

6 OSHA's Commitment/Role

6.1 OSHA Incentives for all Platform Level Participant Contractors

- 6.1.1 OSHA will conduct meetings biannually with the UTCANJ and participating contractors, to provide information on emerging issues and to answer general and specific questions. Additionally, OSHA is committed to meeting quarterly with the UTCANJ as part of the Partnership Advisory Committee (see section 7 of this document for the PAC's commitment/role).
- 6.1.2 To the extent resources allow, OSHA will provide training and technical support to partner contractors to assist them in developing safety and health management systems.
- 6.1.3 To the extent resources allow, OSHA, through the New Jersey Department of Labor and Workforce Development-OSHA Consultation Program will provide free on-site consultation to those employers who qualify, to assist them in developing safety and health management systems.
- 6.1.4 Other-Than-Serious Regulatory violations (e.g., 29CFR 1903 and 1904), no penalties will be assessed for Other-Than-Serious violations provided they are abated the same day as the inspection.
- 6.1.5 Participating contractors will receive the maximum good-faith penalty reduction OSHA policy allows.
- 6.1.6 Participating contractors will be given a penalty reduction for the "Quick Fix" of violations in accordance with OSHA Directive CPL 2.112.

6.2 OSHA Incentives for RED Platform Level Participant Contractors

- 6.2.1 RED Platform Level Participant Contractors:
 - 6.2.1.1 Will be recognized by OSHA and UTCANJ by way of providing a certificate from the UTCANJ designating the contractor as a RED Platform Level Participant Contractor in the UTCANJ Partnership.

6.3 OSHA Incentives for WHITE Platform Level Participant Contractors

- 6.3.1 WHITE Platform Level Participant Contractors:
 - 6.3.1.1 Will be recognized by OSHA and UTCANJ by way of providing a certificate from the UTCANJ designating the contractors as a WHITE Platform Level Participant Contractor in the UTCANJ Partnership.
 - 6.3.1.2 Will be eligible for a 35% discount on penalties, through the established OSHA Region 2 Expedited

Informal Settlement Agreement (EISA) policy, instead of the 25% offered to some non-participants.

6.3.1.3 In the event an OSHA inspection does occur, WHITE Platform Level Participant Contractors will be eligible for “Focused” inspections in accordance with established OSHA policies for Focused Inspections Directive Number: CPL 02 00-150 4/22/2011 Field Operations Manual (FOM).

6.4 OSHA Incentives for BLUE Platform Level Participant Contractors

6.4.1 BLUE Platform Level Participant Contractors: After successful conclusion of an OSHA verification inspection, OSHA and the UTCANJ will provide the following incentives:

6.4.1.1 Recognition from OSHA and UTCANJ designating the contractor as a participant in the UTCANJ program by way of a job site sign for each site in the state, a plaque for the contractor’s corporate office and a certificate to display on each job site inside the job site trailer or office. The cost of the above shall be borne by UTCANJ.

6.4.1.2 BLUE Platform Level Participant Contractors within the jurisdiction of the OSHA Area Offices participating in this partnership, will not receive a programmed inspection within the twelve months following their verification inspection. BLUE Platform Level Participant Contractors who are General Contractors will qualify for construction site inspection deferrals if the conditions described in section 7.1.3 are met.

6.4.1.3 During an OSHA inspection of other contractors at a site where a BLUE Platform Level Participant Contractor is not the General Contractor, the BLUE Platform Level Participant Contractor whose program has been verified by an OSHA inspection within the last twelve months will not be included unless the Compliance Officer documents that the participant is responsible for any employee exposures to serious hazards such as fall, struck by; caught in/between or electric hazards.

6.5 Complaint / Referral Investigations

6.5.1 This partnership provides for the immediate response to each allegation of a safety and/or health hazard brought to the attention of any participating contractor. Upon finding any valid allegations, the contractor shall promptly abate the hazard.

6.5.2 OSHA agrees that a copy of each non-formal complaint/referral related to work sites of participating contractors will be forwarded by fax to the UTCANJ and the appropriate contractor.

6.5.2.1 An investigation by the participating contractor will be conducted as soon as possible after receipt of the complaint/referral.

6.5.2.2 A written response outlining the investigation findings and any corrective action taken will be faxed to OSHA and UTCANJ within two workdays.

6.5.2.3 Failure to meet these time frames will place the complaint/referral beyond the scope of this partnership and OSHA will respond as it would any complaint/referral of a similar nature.

6.5.3 All Participating Contractors recognize that OSHA will fully investigate formal complaints and complaints/referrals involving alleged imminent danger hazards. These investigations will be conducted outside of this partnership agreement in accordance with normal enforcement practices and

may include the issuance of citations and penalties.

6.6 Accident Investigations

6.6.1 Participating contractors recognize that OSHA will fully investigate accidents involving death or serious physical harm. These investigations will be conducted outside of this partnership agreement in accordance with established OSHA enforcement policy. Violations documented during such investigations may result in the issuance of citations and penalties.

6.7 Programmed Inspections

6.7.1 Participating BLUE Platform Level Participant Contractor will not be subject to programmed inspections where a verification inspection has been successfully completed within the last 12 months.

6.8 On-Site Verification Inspections

6.8.1 Prior to qualifying for inspection deferrals, each BLUE Platform Level Participant Contractor will have the effectiveness of its safety and health program as reported by its self-audit verified through planned, on-site comprehensive inspection(s) by the OSHA office having jurisdiction over the work site(s) chosen. OSHA understands that unannounced inspections may result in the absence of key personnel important to a full and fair evaluation. OSHA will cooperate to allow the participant to have such personnel participate in the inspection. Additionally, OSHA will endeavor to conduct its verification inspections within 20 workdays of acceptance by UTCANJ of a BLUE Platform Level Participant Contractor. Verification inspections are focused inspections conducted by OSHA enforcement personnel, and therefore, may result in citations with corresponding penalties. Verification inspections are conducted in an enforcement capacity and as a result, citations and penalties may be issued as a result of these inspections. Enforcement inspections are performed in accordance with the applicable sections of the FOM and other enforcement guidance documents. In addition to traditional enforcement issues, the inspection should assess the partner's progress in meeting the requirements of the partnership agreement. Thorough document review, visual observations and employee interviews, OSHA will assess the partner's commitment to the goal and strategies of this partnership, and evidence a systemic approach to safety and health management.

For employers with multiple worksites, OSHA will conduct verification inspections at participants' worksites with a minimum of one inspection in the event the employer has only one worksite. The minimum number of On-Site verification inspections needed for verification shall be based on the number of active worksites at which the partner currently performs work within the UTCANJ jurisdictional boundary as follows:

1 Site	1 Inspection
2-10 Sites	2 Inspections
11-25 Sites	4 Inspections
26-99 Sites	6 Inspections
100 or more sites	8 Inspections

OSHA understands that unannounced inspections may result in the absence of key personnel important to a full and fair evaluation. OSHA will cooperate to allow the participant to have such personnel participate in the inspection(s). Additionally, OSHA will endeavor to conduct its verification inspections within 30 workdays of acceptance by the committee of a Blue Level Participant Contractor. Upon completion of the inspection(s), OSHA will either accept or reject the contractor's application for inspection deferral and participation at the BLUE Inspection Deferral Level.

Blue Level partners must re-apply and receive on-site verification inspections annually to maintain partnership with OSHA and to be eligible for partnership benefits.

- 6.8.2 Blue Level partners must re-apply and receive on-site verification inspections annually to maintain partnership with OSHA and to be eligible for partnership incentives.
- 6.8.3 Prior to qualifying for full site inspection deferrals where the participating BLUE Platform Level Participant Contractor is the General contractor at a site, in addition to the requirements in 6.8.1 above:
 - 6.8.3.1 The participating contractor must demonstrate during the verification inspection that it has safety and health responsibility for the job site including their subcontractors (i.e. job site control); and
 - 6.8.3.2 The participating contractor requires each subcontractor on site to have implemented a written comprehensive site-specific safety and health program.

Note that participating RED and WHITE contractors will not be granted deferrals from programmed inspection activity.

7 UTCANJ-OSHA Partnership Advisory Committee Commitment/Role

- 7.1 The UTCANJ and OSHA will form a UTCANJ-OSHA Partnership Advisory Committee (PAC) consisting of representatives from both the UTCANJ and OSHA. This role of this committee is to oversee partnership progress and activities, make recommendations of changes for partnership improvement and to take disciplinary action against participants if warranted. The PAC will meet quarterly to assess the progress of the partnership, discuss partnership activities and determine and schedule future partnership activities.
- 7.2 If necessary, the UTCANJ-OSHA Partnership Advisory Committee will terminate contractors from the partnership, if findings indicate unacceptable performance or submission of falsified application documentation. (Note: At the discretion of the UTCANJ-OSHA Partnership Advisory Committee, a participating contractor may be permitted to correct deficiencies within 30 days of notification and apply to the UTCANJ Partnership Advisory Committee for continued recognition as a partner in good standing before termination would take effect.)
- 7.3 The UTCANJ-OSHA Partnership Advisory Committee has the discretion to veto contractors from participating for just cause. OSHA also has the discretion to unilaterally veto contractors from participating in this Partnership, for just cause, upon providing notification and explanation to the UTCANJ-OSHA Partnership Advisory Committee.

8 Participating Contractor Commitment / Role

The UTCANJ partnership is a Multi-Platform Programs consisting of three levels or classifications based on each participant's level of achievement relating to safety and health. The three participant levels of the UTCANJ Partnership program: RED, WHITE and BLUE.

Program Implementation

8.1 **Eligibility Requirements for the Multi-Platform Program: RED, WHITE and BLUE.** Listed below you will find the eligibility requirements for each phase of the partnering program: RED, WHITE and BLUE Platforms:

8.1.1 **RED:** Applicants seeking entrance onto the RED Platform Level must meet the following requirements:

8.1.1.1 Develop and implement a written safety and health program;

8.1.1.2 Conduct weekly employee safety meetings;

8.1.1.3 Conduct and document self-audits under direction of a *competent person**

Competent person is defined by OSHA in 29 CFR 1926.32(f): A “competent person” means one who is capable of identifying existing and predicable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authorization to take prompt corrective measures to eliminate them.

8.1.1.4 Achieve a score of **94-108** points on their self-audit checklist.

8.1.2 **WHITE:** Applicants seeking entrance onto the WHITE Platform level must meet all of the requirements for the RED level plus meet the following additional requirements.

8.1.2.1 Develop and implement a comprehensive written safety and health program based on ANSI A10.38-1991 Guidelines or OSHA's 1989 Safety and Health Program Management Guidelines.

8.1.2.2 Assign at least one competent person, who has had training equivalent to the OSHA 30-Hour Construction Safety and Health Outreach program, and who has the responsibility for employee safety and health;

8.1.2.3 Ensure designated safety personnel at each site conduct and document daily inspections to identify and correct safety and health hazards;

8.1.2.4 Conduct an orientation of all new employees on the contractor's safety and health programs and show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s);

8.1.2.5 Conduct weekly employee safety meetings which, to the extent possible, include employee representatives;

8.1.2.6 Show evidence of employee involvement in the safety and health program; for example, participation

in self-audits, site inspections, job hazard analyses, safety and health program reviews, safety training, and accident investigations;

- 8.1.2.7 Provide all field construction supervisory personnel with training equivalent to the OSHA 10-Hour Construction Safety training course;
- 8.1.2.8 Maintain a Lost Workday Incidence Rate at or below the national average for their specific Standard Industrial Classification (SIC) as per the Bureau of Labor Statistics;
- 8.1.2.9 Achieve a score of **109-125** from Part III of the Application Packet – Self Evaluation scoring at least half of the points available for each section.
- 8.1.3 **BLUE:** Applicants seeking entrance onto the BLUE Platform level must meet all of the requirements for RED and WHITE levels plus meet the following additional requirements:
 - 8.1.3.1 Ensure all sub-contractors on the site for which the BLUE contractor has responsibility use a written site-specific safety and health program. If a subcontractor does not have a program, they shall adopt and implement the program written by the participant contractor;
 - 8.1.3.2 Assign a minimum of one competent person who will administer the contractor's safety and health program. This person must have attended the OSHA 500 Train the Trainer Course for the Construction Industry or equivalent within the previous four years;
 - 8.1.3.3 Designated site safety personnel, through training and experience, must be able to recognize hazards associated with various phases of construction and shall have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-Hour Construction Safety and Health Training Course will be deemed satisfactory;
 - 8.1.3.4 Implement a 6-foot Fall Protection Policy or a 100% Fall Protection Policy at the prescribed heights in accordance with specific OSHA Regulations;
 - 8.1.3.5 Have no Willful violations within the last three years;
 - 8.1.3.6 Have no Repeated Serious violations within the last three years;
 - 8.1.3.7 Have no fatalities or catastrophes within the past three years that resulted in Serious, Willful or Repeat citations related to the incident;
 - 8.1.3.8 Maintain an Experience Modification Rate at or below a 1.00.
 - 8.1.3.9 Achieve a score of **126-150** from Part III of the Application Packet for Self Evaluation scoring at least half of the points available for each section.

NOTE: This next section is only needed when the participant would like to apply for complete site inspection deferral.

In order to qualify for a complete site inspection deferral, the participant must be the General Contractor and assume a controlling contractor's role:

- 8.1.3.10 General Contractors must have a written policy that addresses subcontractor safety to include requirements for assurance of compliance, safety training, site inspections, accident investigations, safety meetings, and other requirements of the Occupational Safety and Health Act of 1970;
- 8.1.3.11 General Contractors shall involve subcontractors (and subcontractors of subcontractors) in identification and correction of safety and health hazards and concerns. General Contractors shall assure that root causes of fatalities and disabling injuries are identified and preventative action taken;
- 8.1.3.12 General Contractors shall perform and document comprehensive safety and health audits of all subcontractors. Comprehensive audits shall address all aspects of all subcontractors' safety and health management programs including the extend of employee participation;
- 8.1.3.12.1 Additional audits shall be conducted on a periodic basis to monitor the continued effectiveness of all subcontractors' programs. The frequency of the audits shall be determined by the general contractor, but will be conducted at least biannually.
- 8.1.3.13 General Contractors shall conduct daily site inspections by a competent person and document those inspections. The results shall be made available to OSHA upon request;
- 8.1.3.14 General Contractors shall establish an effective policy for dealing with non-complying contractors. Hazards will be documented including time, dates, contractor name and representative, and what action was taken to gain compliance. The general contractor must ensure that hazards with a high probability of causing serious injury are immediately corrected and action taken to ensure the condition does not recur;
- 8.1.3.15 General Contractors agree to require that subcontractor's management officials participate during safety meetings and site inspections;
- 8.1.3.16 General Contractors shall have at least one on-site safety coordinator with his/her only duties being safety and health compliance.

8.2 **Application submission**

- 8.2.1 Applications for new members to the partnership will be accepted quarterly, beginning the first week of November 2011. Applications will only be accepted during the first week of the following months: November, February, May and August. All re-enrolling members should apply during the first week of May every year.
- 8.2.2 All applicants shall:
 - 8.2.2.1 Complete the four-part UTCANJ program application form.
 - 8.2.2.2 The first part will request company information.
 - 8.2.2.3 The second part will request safety statistical data from the summary of the contractor's OSHA 200 log (for the year 2000 only and OSHA 300 log for calendar years beginning 2001) and 300 logs for the past three calendar years. If the employer has not been in business for the past three calendar years it may submit OSHA 300 data for the calendar years they have been in business. All applicants must have been in business long enough to have complete OSHA 300 data for at least one full calendar year.

- 8.2.2.4 The third part will be a self-audit checklist, related to the company’s written safety program.
- 8.2.2.5 The fourth section of the application packet is to document that employee participation is an integral part of the employer’s comprehensive safety and health management system.
- 8.2.2.5.1 Applicant contractors who have agreements with recognized organized labor groups for work conducted under this partnership must submit a list of all labor organizations with which they have labor agreements. In addition, at a minimum, written evidence that organized labor is not opposed to contractor participation is required. Contractor submission of evidence of organized labor support of partnership participation, from at least the BA level, from all labor groups employed to perform work covered under this partnership, is preferred. Written support can be in the form of a letter of support from each labor group, or each group may fill out the **Labor Support Form** located in Part IV-A of the application packet.
- 8.2.2.5.2 Applicant contractors who do not have agreements with recognized labor groups for work conducted under this partnership must certify that employee participation is an integral part of their safety and health management system by completing Part IV-B of the application packet.
- 8.2.2.6 All applicants seeking WHITE and BLUE Level status must score at least half of the available points per section of the Self Evaluation. Applicants seeking RED Level status must score at least one point per section of the Self Evaluation. Additionally, the following minimum total scores must be attained for each of the levels listed below:

RED Level	-	94-108 points
WHITE Level	-	109-125 points
BLUE Level	-	126-150 points

8.2.2.7 Additionally, each participating contractors will supply a list of pending and active sites annually to the UTCANJ. The UTCANJ will forward the BLUE Platform Level Participant Contractors’ site locations to OSHA.

8.3 Program Verification and Acceptance

- 8.3.1 The UTCANJ is responsible for the following program monitoring activities:
 - 8.3.1.1 Receive and maintain all application information submitted by Platform Participant contractors.
 - 8.3.1.2 Review applications submitted by perspective Platform Participants and determine their eligibility for the program. These applications shall be reviewed by the UTCANJ-OSHA Partnership Advisory Committee.
 - 8.3.1.3 Termination of a participant’s current status and re-designation to the appropriate status, if any, in the even the UTCANJ discovers information that significantly contradicts the representations made by the participant in its application.
 - 8.3.1.4 Recommend program improvements to Platform Participant Contractors.
 - 8.3.1.5 Once the participant has been identified by the UTCANJ as a BLUE Platform Level Participant Contractor, the UTCANJ will provide to OSHA for each participant:

8.3.1.5.1 The summary of the contractors' 300 Logs for the last three years and the total number of hours worked for each year. If the contractor has not been in business for the past three calendar years, UTCANJ may submit OSHA 300 data for the calendar years they have been in business. All applicants must have been in business long enough to have complete OSHA 300 data and hours worked for at least one full calendar year.

8.3.1.5.2 A copy of the applicant's self-audit/evaluation forms used by the UTCANJ to verify BLUE status.

8.3.1.5.3 A list of active sites for BLUE Platform Level Participant Contractors only. This list is not needed by the UTCANJ-OSHA Partnership Advisory Committee for the application review process and therefore will not be provided to the committee. The list will be provided directly to OSHA by the UTCANJ upon acceptance of the employer as a potential BLUE Platform Level Participant by the committee prior to the OSHA on-site verification inspection.

8.3.2 OSHA will ensure the following monitoring activities are performed:

8.3.2.1 Prior to qualifying for inspection deferral, each BLUE Platform Level Participant Contractor will have the effectiveness of its safety and health program verified through one verification inspection as defined in Section 6.8 of this agreement.

8.4 Maintaining Participant Status

8.4.1 BLUE Level participants must re-apply and receive on-site verifications inspections annually to maintain partnership with OSHA and to be eligible for partnership incentives.

8.4.2 RED and WHITE participants wishing to elevate to the next level (RED to WHITE or WHITE to BLUE) must re-apply.

9 Program Confidentiality

9.1 Information submitted by contractors as part of the application or renewal process, as well as obtained by virtue of the contractor's application or participation in the program, will be held in strict confidence within the confines of the partnership program. Information will be used only to measure the effectiveness of the partnership program.

10 Partnership Evaluation

10.1 It is the responsibility of the UTCANJ designated representative to gather required participant data to evaluate the overall success of the program. Aggregated data will be reported to the OSHA Area Directors during the quarterly meetings discussed in Sections 6.1.1 and 7 above.

10.1.1 The aggregate data will include the following:

10.1.1.1 The number of new RED, WHITE or BLUE Platform Level Participant Contractors;

10.1.1.2 The number of 10 or 30 hour newly trained UTCANJ member's employees within the State of NJ during the previous year;

- 10.1.1.3 The number of supervisory employees of participating members trained to the OSHA 30hr level;
- 10.1.1.4 The number of participating UTCANJ members who have established written safety and health programs;
- 10.1.1.5 OSHA 300 data from all participating contractors at all levels. This data shall included the aggregate totals for all OSHA Log columns for each calendar year as well as the aggregate total number of hours worked for each calendar year;
- 10.1.1.6 Contractor Experience Modification Rate (EMR) aggregate average.
- 10.2 The partnership will be evaluated annually to determine if the annual goal of a 4% reduction in injury and illness rates has been met. The UTCANJ is responsible for collating the baseline and annual performance data. This information will be reported to the four OSHA Area Offices in New Jersey.
- 10.3 Participant aggregate Lost Workday Incidence Rates and Fatality Rates will be compared with participant baselines and BLS published data to determine if the goals have been met.
- 10.4 Participant incidence of injuries resulting fro the four leading construction hazards (falls, struck-by & caught between, excavations and electrocutions) will be measured and compared against the baseline established in the first year of the partnership.
- 10.5 If all signatory partners agree, partnership criteria may be revised annually based on recommendations for continuous improvement.

11 Contractor Termination

- 11.1 A contractor's participation will be referred to the UTCANJ-OSHA Partnership Advisory Committee for termination or reduction in platform level by the UTCANJ and OSHA will be informed, if one or more of the following occurs:
 - 11.1.1 Information is obtained and verified by the UTCANJ or OSHA that reveals a significant deviation from program criteria;
 - 11.1.2 The contractor has falsified information on the application or supporting records;
 - 11.1.3 If the contractor is a BLUE platform participant, the contractor's Lost Workday Incidence Rate rises above the most current national average for the SIC or NAIC classification to which the contactor belongs;
 - 11.1.4 The contractor takes other actions inconsistent with the goals and intent of this program.
- 11.2 Prior to final termination of a contractor's status, the following will occur:
 - 11.2.1 The contractor will be notified in writing of the intent to terminate;
 - 11.2.2 The notice will include an explanation of the reasons for termination;
 - 11.2.3 The contractor will have an opportunity to reply to the written notice within a period of thirty (30)

days;

- 11.2.4 The contractor will have the right to appear before the UTCANJ-OSHA Partnership Advisory Committee.
- 11.3 The UTCANJ-OSHA Partnership Advisory Committee will have the authority to reinstate the contractor for a 1-year probationary period if it determined that the contractor's experience was unusual and not necessarily inconsistent with a sound safety and health program. In this event, OSHA may conduct another verification inspection.
- 11.4 Any contractor may terminate participation in the program at any time.

12 Employee and Employer Rights and Responsibility

- 12.1 As an integral part of an effective safety and health program, the ability of employees to exercise rights guaranteed under the OSH Act and other applicable 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.
- 12.2 Employer retain all rights guaranteed under the OSH Act, including but not limited to the right to appeal or contest violations issued by OSHA.
- 12.3 Routine employee involvement in the day-to-day implementation of worksite safety and health programs is to be assured, including employee participation in contractor self-audits, site inspections, job hazard analysis, safety and health program reviews and near miss investigations.

13 Termination or amendment of this Partnership

- 13.1 This agreement will terminate three years from the date of signing. If any signatory of this agreement wishes to terminate their participation prior to the established termination date, the agreement will terminate upon receiving a written notice of the intent to withdraw from either signatory. However, individual BLUE participants seeking deferral from programmed inspections must have their programs verified through an on-site OSHA verification inspection each year to remain eligible for OSHA incentives.
- 13.2 OSHA may terminate the partnership with any individual contractor at any time via notification in writing to the management and labor representatives. However, the observation by OSHA from any public place of an imminent danger situation resulting in the issuance of a citation may result in the termination of any partnership with that contractor. OSHA's final decision on the status of the partnership with this contractor will take into account the recommendations of UTCANJ and the UTCANJ-OSHA PAC.
- 13.3 For non-signatory participants of this strategic partnership, OSHA may terminate the participant's involvement at any time with written notice. Additionally, any participant may withdraw their participation from the strategic partnership at any time with a written notice of the intent to withdraw to OSHA.
- 13.4 The UTCANJ-OSHA Partnership Advisory Committee may terminate an individual participant contractor from the partnership if the contractor fails to meet the qualifications or otherwise violates the terms and conditions of this Partnership.

13.5 Any party may propose modification or amendment to this Partnership subject to concurrence by all parties to the Partnership.

13.6 If OSHA chooses to withdraw its participation in the partnership, the entire agreement is terminated. Either party may also propose modification or amendment of the agreement.

14 Partnership Participant Annual Renewal.

14.1 Once accepted into partnership by all parties, contractor incentives will be effective for one year. Contractors must re-apply annually to maintain status in the partnership program. This re-application and acceptance process will be identical to the process stated in the above agreement and is based on the conditions set forth in this program. Contractors seeking re-application must do so sixty days prior to the expiration date of their current partnership agreement. Failure to re-apply within the sixty-day period will forfeit all incentives until all requirements of the above partnership are fulfilled and accepted by the UTCANJ, the UTCANJ-OSHA Partnership Advisory Committee and OSHA.

14.2 It is understood that BLUE level participants who seek deferral from OSHA planned inspections must apply for deferral annually.

APPENDIX

UTCANJ-OSHA
Construction Industry Safety Partnership

SUMMARY AND APPLICATION PACKET

UTCANJ-OSHA Construction Industry Safety Partnership Summary & Application Packet

This program was designed in conjunction with management, trade labor and OSHA representation all working together to create a program which will mutually benefit the membership of the UTCANJ, all corresponding trades which work with the UTCANJ, and the Occupational Safety and Health Administration.

The goals of this program are:

- To reduce by 4% annually the number of injuries and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from the four focused construction hazards (falls, struck-by, caught-in/between, and electrocutions).
- Decrease contractors' EMR rates and/or workers compensation costs from the time of application throughout the term of the partnership.
- Increase the implementation of effective contractor safety and health programs.
- Increase accessibility to quality safety and health training and education, including OSHA 10 and 30-hour courses, thereby raising safety and health awareness for both employees and contractors by:
- Provide a leadership role for the industry.
- Allow OSHA to better focus resources on firms that require increased assistance, rather than firms that have implemented effective, meaningful safety and health programs for their employees.

PARTICIPATION RECOGNITION:

RED LEVEL:

- Certificates for all sites

WHITE LEVEL:

-Certificates for all sites
-Plaque for corporate office

BLUE LEVEL:

-Certificates for all sites
-Plaque for corporate office

-Jobsite Sign
for all sites

In addition to the above, OSHA will remove BLUE Level contractors from the programmed inspection list for one year. All participants must re-apply annually to maintain status in the program.

An annual awards program will also be conducted, sponsored by the UTCANJ and OSHA, to acknowledge publicly those who participate in this program. Awards will be judged by the UTCANJ-OSHA Partnership Advisory Committee and given to members in the following categories:

- 1) Excellent Safety Performance
- 2) Most Improved Contractor
- 3) Safety Mentor of the Year

This is an exciting new venture for New Jersey's construction industry. It promises to be an effective new communication tool between the membership of the UTCANJ, LABOR and OSHA in which all participants will benefit.

If you have any questions, please call the UTCANJ office at 732-292-4300.

The UTCANJ, LABOR and OSHA sincerely appreciate your interest and participation in this program.

UTCANJ-OSHA Construction Industry Safety Partnership

DIRECTIONS FOR ENROLLMENT INTO ALL LEVELS

Checklist and Mailing Address

All applicants must complete the following application to be considered for participation in the partnership.

___ Complete the UTCANJ-OSHA Construction Industry Safety Partnership Application Packet:

___ Part I - Company Information

___ Part II - Statistical Data

___ Part III - Self – Evaluation

___ Part IV – Labor Support / Involvement Documentation

___ Attach a copy of your 300 for the previous three calendar years

___ Attach a list of your current active job sites in New Jersey (BLUE Level Applicants only)

___ Make sure all forms are signed

___ Mail completed package to the Utility and Transportation Contractors' Association of New Jersey

NOTE: All application packets must be complete upon submission. Incomplete packets will be returned by UTCANJ unapproved.

Send completed package to:

Utility and Transportation Contractors Association of New Jersey

P.O. Box 728

Allenwood, NJ 08720

732-292-4300

New Jersey Heavy Highway Construction Industry Partnership Program

Application for Enrollment

Part I - Company Information

All companies wishing to participate in the UTCANJ-OSHA Construction Industry Safety Partnership must submit a completed application.

_____ New Application OR _____ Re-application (required annually to sustain participation)

Company Name: _____
Address: _____
City: _____
State: _____ Zip Code: _____

Phone Number: () _____ Fax: () _____ E-mail: _____

Please supply the following information:

Number of employees: _____ (Include all field and office personnel)
Number of Safety, Health and Environmental Personnel within company: Full-Time: _____ Part-Time: _____

Do you subcontract safety responsibilities to an outside firm? Yes No

(If yes, please supply the following information)

Name of Consultant: _____
Address: _____
City: _____
State: _____ Zip Code: _____

Phone Number: () _____ Fax: () _____ E-mail: _____

Do you have a substance abuse program? (If yes, please provide copy with application.) Yes No

Number of Recordable Injuries/Illnesses in current and past two calendar years: _____

Have you, or any of your sub contractors had any fatalities in the past 3 years? Yes No

Number of Fatalities:

If so, did you receive OSHA citations? Yes No

What were the citations you received?

I have supplied the above information to the best of my ability and have not knowingly made any false representation of the above stated company applying for enrollment into the UTCANJ-OSHA Construction Industry Safety Partnership.

Completed by: _____

Title: _____

Signature: _____

Confirmed by: _____

(President/CEO)

Title: _____

Signature: _____

**UTCANJ-OSHA Construction Industry Safety Partnership
Application for Enrollment**

Part II - Statistical Data

Company Name: _____

For Each of the Previous Three Calendar Years

You may photocopy this form and submit one form with data from each of the previous calendar years

1. _____ **Average Number of Employees - (an average number of persons on your payroll for each of the previous calendar years)**
2. _____ **Total Hours Worked - (the total of all hours worked for each of the previous three calendar years by all employees in the company, including office personnel, not including hours for vacation or sick leave).**

Number of Work-Related Injury or Illness Cases*

- a. _____ **Total number of work-related deaths (report all deaths which were the result of any injury or occupational illness). See OSHA Log Form 300, Column G (OSHA Log Form 200 Columns 1+8).**
 - b. _____ **Total number of recordable cases with days away from work, days of restricted work activity, or job transfer (DART). See OSHA Log Form 300, Sum of Columns H+I(OSHA Log Form 200 Sum of Columns 2+9).**
 - c. _____ **Total number of non-fatal cases without lost workdays, restricted work activity, or job transfer. See OSHA Log Form 300, Column J (OSHA Log Form 200 Columns 6+13).**
 - d. _____ **Total number of recordable cases with days away from work. See OSHA Log Form 300 Column H.**
3. _____ **Total Number of recordable Cases (a+b+c).**

Number of Lost Workdays Due to Work Related Injuries or Illnesses*

- a. _____ **Total number of workdays lost (Days away from work, do not include day of injury). See OSHA Log Form 300, Column L (OSHA Log Form 200 Sum of Columns 4+11)**
 - b. _____ **Total number of, days of restricted work activity, or job transfer. See OSHA Log Form 300, Column K (OSHA Log Form 200 Sum of Columns 5+12).**
4. _____ **Total Number of Workdays Lost (a+b).**

***NOTE: If you are not required to maintain OSHA Log Form 300 (or OSHA Log Form 200 prior to calendar year 2001), refer to your insurance records to obtain the information requested above.**

**UTCANJ-OSHA Construction Industry Safety Partnership
Application for Enrollment**

Part II - Statistical Data (continued)

Current Information

Contractor Experience Modification Rate: _____

Completed by(print name): _____

Signature: _____

Date: _____

Application for Enrollment

Part III - Self Evaluation

Directions: Place a check next to all items which apply to your program. Each checked item represents one point unless otherwise specified. Please write the number of points for each section into subtotal column. Once complete, add subtotals to get your total score. Your total score will help you determine what level your company should apply for in the UTCANJ-OSHA Construction Industry Safety Partnership Program.

Company Name: _____

A. SAFETY & HEALTH PROGRAM (15 points possible)

- | | |
|--|--|
| <input type="checkbox"/> Is in writing | <input type="checkbox"/> Gives direction of Safety Program |
| <input type="checkbox"/> Has been read by all employees | <input type="checkbox"/> Emphasizes management approach |
| <input type="checkbox"/> Is site specific | <input type="checkbox"/> Signed by CEO/President |
| <input type="checkbox"/> Addresses major hazards on the site | <input type="checkbox"/> Specifies management accountability |
| <input type="checkbox"/> Details consequences of violating safety rules | <input type="checkbox"/> Is reviewed by the Safety Director |
| <input type="checkbox"/> Copies of Subcontractors' Safety & Health programs kept on file | <input type="checkbox"/> Is shared with employees before job begins |
| <input type="checkbox"/> Is shared with subcontractors | <input type="checkbox"/> Sub's programs reviewed and feedback provided |
| <input type="checkbox"/> Program reviewed at least annually and revised as needed | |

Subtotal _____

B. MANAGEMENT COMMITMENT (6 points possible)

_____ Participates in Safety Committee activities

_____ Makes safety part of performance reviews

_____ Sets safety objectives

_____ Makes safety a percentage of total salary

_____ Budgets funds for safety activities

_____ Requires regular feedback on safety activities

Subtotal _____

C. SUPERVISOR MEETINGS (5.5 points possible)

_____ Weekly meetings including safety (2 pts.)

_____ Safety Training is conducted at this time

_____ Monthly meeting including safety

_____ Accident/Injury records reviewed

_____ Quarterly meetings including safety (.5 pt.)

Subtotal _____

D. Contractor RESPONSIBILITY (5.5 points possible)

_____ Provides job site specific safety training

Participates in safety meetings including:

_____ Provides all necessary Personal Protective Equipment

Tool Box Talks: _____ Weekly _____ Monthly (.5 pt.)

_____ Trains employees in the hazards of jobs

_____ Corporate Safety Meetings

Subtotal _____

E. EMPLOYEE PARTICIPATION (7 points possible)

_____ Participates in Safety Program

_____ Is aware of all hazards present in work area

_____ Participates in tool box talks weekly

_____ Participates in safety committee activities

_____ Participates in safety training

_____ Has been trained in emergency procedures

_____ Reports hazards to management

Subtotal _____

F. PROJECT PRE-PLANNING (7 points possible)

- _____ Pre-Bid Safety Assessment is completed
- _____ Supervisors are involved with process at bid stage
- _____ All potential hazards are recognized
- _____ Safety equipment is mobilized prior to start of project
- _____ Monies allocated for safety on project
- _____ Employee safety orientation mandated
- _____ Hire a Jobsite Safety Coordinator if Project bid is over \$ 1 million

Subtotal _____

G. ANNUAL SAFETY BUDGET (4 points possible)

- _____ Is established yearly
- _____ Is derived from safety program savings
- _____ Is based on planned programs
- _____ Management is aware of budget

Subtotal _____

H. GOALS OF SAFETY PROGRAM (7 points possible)

- _____ Goals and objectives defined in program
- _____ Audits conducted to assess performance
- _____ Program developed to attain goals
- _____ Long term goals set
- _____ Management responsible for feedback from reports
- _____ Short term goals set
- _____ Employees are aware of goals

Subtotal _____

I. SAFETY ORIENTATION (11 points possible)

_____ Orientation is conducted for all new hires

_____ Orientation conducted when employee transfers to a new jobsite

_____ Employees sign orientation roster

_____ Recordkeeping activities are performed

_____ Management participates in Orientation

Orientation includes: (but is not limited to)

_____ Hazard Communication Training

_____ Rules and Regulations Training

_____ Jobsite Hazard Exposure Training

_____ Personal Protective Equipment Training

_____ Fall Protection

_____ Emergency Action Procedures

Subtotal _____

J. SAFETY TRAINING AND EDUCATION (15 points possible)

_____ All field employees have had a 10-hour OSHA Construction Safety Course

_____ Site specific training

_____ Training includes hazard recognition

_____ First aid and CPR

_____ Fire protection and prevention

_____ Housekeeping

_____ Sanitation

_____ Training is documented (Date, Subject, Trainer)

_____ Personal protective equipment

_____ Trade specific training

_____ Material handling techniques

_____ Tool safety

_____ Scaffold safety

_____ Fall protection

_____ Motor vehicle safety training

Subtotal _____

K. RULES and REGULATIONS (6 points possible)

- _____ Rules and regulations are published and posted on site
- _____ Rules are updated at least annually
- _____ Enforcement policy in place
employees
- _____ Rules are enforced equally among all
- _____ Subcontractors are expected to follow rules and enforcement policy is the same
- _____ Rules are clear, concise and easy to read

Subtotal _____

L. SUPERVISOR/PROJECT MANAGER TRAINING (13 points possible)

- _____ All supervisors/project managers trained with a 30-hour OSHA Construction Safety Course
- _____ Accident investigation training
- _____ First Aid/CPR Trained
- _____ Company has in-house Safety Director
- _____ Conducts safety meetings
- _____ Training conducted by Safety Director or outside agency
- _____ Is involved with Safety Committee
- _____ Conducts jobsite safety inspections
- _____ Supervisory skills training
- _____ Has ability to recognize hazards
- _____ Management skills training
- _____ Has ability to stop project for safety violations
- _____ Emergency reporting procedures training

Subtotal _____

M. TOOL BOX TALKS (9.5 points possible)

- _____ Meetings held weekly
- _____ Attendance and topic records kept
- _____ Meetings held monthly (.5 pt)
- _____ Employee participation in meetings
- _____ Conducted by supervisor or safety coordinator
- _____ Employees pick topic and conduct meetings
- _____ Attended by management (Project Engineer at least monthly)
- _____ Meetings are attended by subcontractors
- _____ Talks are site specific
- _____ Talks are timely

Subtotal _____

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N. PERSONAL PROTECTIVE EQUIPMENT AND ITS USE (9 points possible)

- _____ Determination made to find PPE needs
- _____ Employees receive training on specific equipment use and maintenance
- _____ Regular inspections conducted on PPE
- _____ Respiratory Protection Program in place
- _____ Task specific PPE requirements are documented
- _____ Employees aware of enforcement policies
- _____ PPE is provided in accordance with OSHA standards
- _____ Only approved PPE is used
- _____ PPE use is regularly enforced

Subtotal _____

O. JOBSITE INSPECTIONS/AUDITS (11.5 points possible)

_____ Inspections are conducted daily (3 pts)
inspection reports

_____ Management analyzes

_____ Inspections are conducted weekly (2 pts)
continuing problems

_____ Management acts on

_____ Inspections are conducted monthly

_____ Abatement dates are set

_____ Inspections are conducted quarterly (.5 pt)
are conducted

_____ Follow up inspections

_____ Results are documented

Subtotal _____

P. ACCIDENT INVESTIGATION (7 points possible)

_____ Employees trained in Investigation Procedures
employee/management team

_____ Conducted by

_____ All near misses are investigated
accidents and
documented

_____ Reports are made of all

_____ Analysis of all accident information is conducted and corrections are made

_____ Management reviews all documentation
are completed

_____ Follow up inspections

Subtotal _____

Q. RECORDKEEPING REQUIREMENTS (11 *points possible*)

_____ Employee Training
Sheets

_____ Material Safety Data

_____ Medical Records

_____ First Aid Log

_____ Accident Investigations

_____ Orientation Records

_____ OSHA 300 Log
Records

_____ Respiratory Fit Testing

_____ Inspections Reports
Evaluations

_____ Respiratory Medical

_____ Records of periodic site inspections

Subtotal _____

TOTAL POINTS SCORED: _____

TOTAL POINTS NEEDED FOR EACH LEVEL:

Red Level:

White Level:

BLUE Level:

94-108

109-125

126-142

What level of the UTCANJ-OSHA Construction Industry Safety Partnership are you applying for? (please circle one)

Level Applied For:

RED

WHITE

BLUE

I have read, understand and answered the above questions to the best of my ability. I have not knowingly made any false representation of this company applying for the UTCANJ-OSHA Construction Industry Safety Partnership.

Company Name: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone Number: _____ **Fax Number:** _____ **E-mail:** _____

Name of person completing Self Evaluation:

Title: _____

Signature: _____

Date: _____

Confirmation of Information:

Company President/CEO: _____

Signature: _____ **Date:** _____

UTCANJ-OSHA Construction Industry Safety Partnership Application for Enrollment

Part IV-A – Written Documentation of Organized Labor Support.

Directions: To participate in the Partnership, written documentation of organized labor support is required for all applicants that have agreements with organized labor. All applicants who do not have agreements with organized labor must complete Part IV-B of this part of the application only. Documentation of labor support must be signed by a union official who is at least at the BA level. Applicants may either obtain separate letters of support from each Union from which it employs labor in New Jersey, or it may have each union complete a copy of this form. Written support is required from all organized labor groups applicants utilize in New Jersey for this application to be considered complete.

Organized labor written documentation of support of employer’s participation in the UTCANJ-OSHA Construction Industry Safety Partnership

The undersigned labor group fully supports, or at a minimum, is not opposed to, the participation of _____ (name of company) in the UTCANJ-OSHA Construction Industry Safety Partnership and we agree that this applicant includes employee involvement as part of its overall safety and health management system. We fully understand support of the above-mentioned employer’s participation in this partnership, in no way, diminishes any employees’ rights under the Occupational Safety and Health Act (e.g., employees’ right to file complaints).

Name of Organized Labor Group _____

Name of Authorized representative _____

Signature of Authorized representative _____

Title of Authorized Representative _____

Date- _____

UTCANJ-OSHA Construction Industry Safety Partnership Application for Enrollment

Part IV-B – Written Documentation of Employee Involvement for applicants who do not have agreements with organized labor groups.

Directions: To participate in the Partnership, written certification of employee involvement in the applicant's safety and health management system is required. All applicants do have agreements with organized labor must complete Part IV-A of this part of the application only. The following certification must be executed by an officer representing the applicant contractor for the application to be considered complete.

Written certification of employee participation in the applicant's safety and health management system.

The undersigned applicant contractor representative certifies that employee involvement is an integral part of the applicant's safety and health management system. Furthermore, the aforementioned employee involvement meets or exceeds the employee involvement requirements outlined in Section 7 of this partnership for the level of participation the applicant is applying for.

Name of applicant contractor _____

Name of Authorized Representative _____

Signature of authorized representative _____

Title of authorized representative _____

Date- _____