



Pete Lien Corporate Headquarters

STRATEGIC PARTNERSHIP BETWEEN

**UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
SIOUX FALLS AREA OFFICE**



AND



AND

SOUTH DAKOTA STATE UNIVERSITY OSHA CONSULTATION



I. IDENTIFICATION OF PARTNERS

The Sioux Falls Area Office of the Occupational Safety and Health Administration (OSHA), South Dakota State University (SDSU) OSHA Consultation and Scull Construction Service, Inc recognize the importance of providing a safe and healthful work environment for workers engaged in the construction industry. This OSHA Strategic Partnership Agreement (hereafter referred to as "OSP" or "the partnership") at the Pete Lien Corporate Headquarters in Rapid City, SD will facilitate OSHA and Scull's mutual goal to reduce work-related fatalities, injuries, and illnesses within the construction industry.

All contractors and subcontractors working at this site will be required to participate in the partnership agreement.

PURPOSE/SCOPE

The purpose of this partnership is to provide a safe and healthful work environment for workers involved with the Pete Lien Corporate Headquarters project. Scull Construction is committed to preventing serious accidents and fatalities during the construction of the Pete Lien Corporate Headquarters Project through increased training, implementation of best work practices, an effective safety and health management system (SHMS), and compliance, exceeding minimum requirements whenever possible with applicable OSHA standards and regulations.

The Pete Lien Corporate Headquarters will consist of a single, multi-level building approximately 32,500 square feet. The project will team with 20 trade partners and involve approximately 75 craftsmen on site at peak construction. The project will begin April of 2023 and complete November of 2024.

GOALS/STRATEGIES

The overall goal of the partnership is to create a working relationship that focuses on preventing work-related fatalities, injuries, and illnesses by controlling and/or eliminating serious workplace hazards and establishing a foundation for the development of an effective SHMS. Specific responsibilities for contractor compliance and involvement in the partnership for compliance, site audits, partnership improvement, and the evaluation of partnership modifications and achievements are delineated in Section IX of this agreement. Responsibilities are delineated for Scull Construction Services, OSHA, and South Dakota State University OSHA Consultation.

GOALS	STRATEGIES	MEASURES
<p>1) Maintain a project-wide injury and illness rate, which is 10% below the 2021 BLS Total Recordable Case (TRC) rate of 1.9 and Days Away from Work, Restricted or Transfer (DART) rate of 1.0 for the construction industry (NAICS 2362).</p>	<p>Establish proactive measures for the common hazards found at construction sites by (but not limited to):</p> <ul style="list-style-type: none"> a. Maintaining authority to enforce safety rules and regulations at the site. This authority will include provisions to hold contractors and employees accountable and, if necessary, remove contractor employees from the job site. b. Provide a comprehensive Job Site Safety Orientation for all workers prior to allowing them to work on site. c. Providing all necessary engineering controls, administrative controls, and personal protective equipment. d. Conduct weekly site safety audits to identify and abate hazards. 	<ul style="list-style-type: none"> a. Scull Construction will collect and calculate the following injury and illness data and make it available for review monthly, for comparison to the national average: <ul style="list-style-type: none"> - 10% below the Total Recordable Case rate (<1.9) - 10% below the Days Away, Restricted or Transfer rate (1.0) b. Scull Construction will compare the site’s TRC and DART with the 2021 BLS data published TRC rate of 1.9 and DART rate of 1.0 for construction (NAICS 2362). c. Scull Construction will make available

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		<p>monthly incident reports to the partners. These reports include: first aid, injury, near miss and property damage reports.</p> <p>d. Incident reports will be logged monthly to track for trends and share information.</p>
<p>2) Increase the number of written safety and health management programs implemented by contractors/subcontractors. All (100%) contractors/subcontractors will have a developed and implemented a written safety and health program upon completion of work at the site.</p>	<p>a. Scull Construction will mentor contractors/subcontractors who have not yet developed their own safety and health programs.</p> <p>b. Scull Construction will provide a model site specific safety and health program to assist contractors/subcontractors in the development of their program.</p> <p>c. Scull Construction and SDSU will Provide contractors/subcontractors with resources to enhance the programs under development.</p> <p>d. All contractors/subcontractors will participate in monthly site audits.</p>	<p>a. The number of contractors/subcontractors that develop a program and/or a SHMS because of their involvement in this project/partnership will be tracked.</p> <p>b. The percentage of contractors/subcontractors that have an overall SHMS program that meets the requirement of this partnership will be determined.</p>

GOALS	STRATEGIES	MEASURES
<p>3) Identify and prevent the most common causes of workplace injuries and illnesses in the construction industry, including, but not limited to, falls, trenching, electrical safety, struck-by, caught in/between, silica, heat stress, material handling, and noise hazards. This will include monitoring of exposure to health hazards such as heat, noise, and air contaminants.</p>	<ul style="list-style-type: none"> a. Scull Construction will conduct weekly site safety audits to identify and abate hazards and ensure availability and use of proper clothing and PPE. b. Conduct weekly toolbox meetings with all workers at the site. c. Maintain an open-door safety policy for the site that encourages hazard reporting. d. Scull Construction Safety Team conduct injury investigations and site safety audits. 	<ul style="list-style-type: none"> a. Track the number of reported hazards and near misses along with actions taken to eliminate hazards. Share this information with other site contractors on a weekly basis. b. Track and report the number of pre- task safety meetings held by contractors/subcontractors. c. Track the number of incident investigations conducted by contractors/subcontractors. Share this information with other site contractors on a weekly basis.

GOALS	STRATEGIES	MEASURES
	<ul style="list-style-type: none"> e. Ensure participation in weekly toolbox meetings by contractors/subcontractors. f. Scull Construction and SDSU support OSHA's trench and fall protection initiatives to further the industry's awareness of fall hazards in the workplace by participating in OSHA's local and National Trench and Fall Stand Downs. g. Scull Construction will display Fall Stand Down posters in locations where employees are working and inside contractor trailers. h. Implement and require 100% fall protection for all fall hazards over six (6) feet, including steel erection and scaffolding at the site. i. Scull Construction will ensure PPE including hard hats and eye protection will be always worn on the worksite. All employees working at the job shall always wear high-visibility clothing. j. Scull Construction will ensure silica protections are in place by following table I, including wet cutting techniques and/or dust collection systems in addition to the mandatory use of respiratory protection will be used where there is the potential for airborne silica. Conduct silica exposure monitoring when tasks are not performed in accordance with Table I. 	<ul style="list-style-type: none"> d. Track and report monthly total number of individuals monitored for industrial hygiene exposure assessments, types of assessments and maintain results of sampling. e. Minutes of toolbox meetings will be used to track and document attendance. f. 100% of sampling results will be shared with all partners.

GOALS	STRATEGIES	MEASURES
	<ul style="list-style-type: none"> k. Monitor carbon monoxide levels and take corrective actions when levels are elevated. l. Monitor noise exposure levels during high noise operations such as hammer drilling, concrete cutting and jack hammering operations. m. When other potential health hazards exist, such as heat, noise, or air contaminants including silica, CO, or lead, Scull Construction will coordinate and ensure completion of monitoring where the standard requires, to determine employee exposure levels. All information will be shared with all partners. 	

GOALS	STRATEGIES	MEASURES
<p>4) 100% Participation in Safety Stand-Downs and similar events.</p>	<ul style="list-style-type: none"> a. OSHA and Scull Construction will provide contractors with information about upcoming stand- down events. b. Scull Construction will encourage subcontractors to participate in stand-down events. c. OSHA and SDSU will assist Scull Construction with Safe + Sound campaign events. d. OSHA and SDSU will assist with other campaign events including fall stand down and trench stand down, heat illness and other events that are relevant to the jobsite. e. Invite sub-contractors to take knowledge gained in national safety events and pass along to others at different jobsites. 	<ul style="list-style-type: none"> a. Track participation in OSHA’s Fall Stand-down Campaign and report the number and % of participants and contractors at the site. b. Track participation in the National Trench Safety Stand-Down and report the number and % of participants and contractors at the site. c. Track participation in OSHA’s Safe+Sound Week and report the number and % of participants and contractors at the jobsite. d. Track participation in a Suicide Awareness campaign. e. Track number of events taking place as a result of partnership campaign work.
<p>5) Increase identification of hazards and abatement using the ProCore Application and other mobile apps.</p>	<ul style="list-style-type: none"> a. Incorporate ProCore into daily and monthly site audits and weekly toolbox talks. b. Conduct a jobsite stand down on heat hazards which incorporates the use of OSHA’s heat app. and other relevant apps. c. Conduct a jobsite stand down on heat hazards which incorporates the use of OSHA’s heat app. 	<ul style="list-style-type: none"> a. Track the number of hazards identified using ProCore. b. Identify participation during numbers for stand down on heat and other hazards which incorporates the use of applicable OSHA apps. c. Track the number of contractors downloading and using the apps.

II. SAFETY AND HEALTH MANAGEMENT SYSTEMS

The SHMS is a critical part of this OSP Agreement and an important aspect of collaboration between the project management team, supervisors, and the workers on site. This SHMS will include, but not be limited to, the following core elements:

Management Leadership Roles

Scull Construction will implement a SHMS patterned after OSHA's "Recommended Practices for Safety and Health Programs in Construction" that will encourage site employers to commit a high level of worker involvement to assist in monitoring and identifying jobsite hazards on a continual basis to prevent accidents. The SHMS will be implemented at the initiation of the partnership and continue to be implemented during the entire duration of the partnership.

https://www.osha.gov/shpguidelines/docs/8524_OSHA_Construction_Guidelines_R4.pdf

Worker Participation

Any worker at the site will be encouraged to report jobsite hazards and bring all potential hazards to the attention of Scull Construction and/or supervisors if discovered for immediate response and correction. This will be encouraged in the following ways:

- Scull Construction will hold a Job Site Safety Orientation with each worker prior to starting work on site.
- Scull Construction will provide a system to allow workers to report potential jobsite hazards to Scull Construction and/or supervisors upon discovery and stop work if necessary.
- Scull Construction will require all workers to attend weekly stand-down meetings. All identified hazards and resolutions will be tracked.

Hazard Identification and Assessment

This project will always focus on safety and Scull Construction will enforce jobsite safety compliance with OSHA standards by:

- Scull Construction Safety Director will ensure weekly safety audits are conducted. A schedule of weekly site-safety audits will be developed by Scull Construction.
- Scull Construction will take immediate action to correct any unsafe conditions, track all unsafe observations, and provide final statistics to all parties in this agreement.
- Scull Construction will continually monitor all workers, visitors, and others entering the worksite to ensure safe conditions throughout the worksite.

Hazard Prevention and Control

Scull Construction considers Hazard Prevention and Control a process requiring continual efforts of monitoring and identifying jobsite hazards and taking corrective actions to always maintain a safe and healthy jobsite.

- Scull Construction and contractors and subcontractors will ensure that hazard correction procedures are in place and identified for their workers and others that could be exposed

to hazards created.

- Scull Construction and contractors and subcontractors will ensure that everyone knows how to use and maintain personal protective equipment.
- Scull Construction and contractors and subcontractors will make sure that everyone understands and follows the established safe work procedures. This will be accomplished in several ways, including the use of a Procore software system which is accessible by computer, smartphone, or tablet to record, log, and verify corrections of hazards observed at the jobsite. Hazards identified during inspections will be assigned to the responsible party and competent person for the contractor who must report back to Scull Construction with corrective action by a given due date.

Education and Training

Scull Construction understands that providing workers with an understanding of hazard recognition and control, and actively involving them in the process, can help to eliminate hazards before an incident occurs.

- Scull Construction and contractors/subcontractors will ensure work tasks are assigned to workers who are trained and authorized.
- Scull Construction and contractors/subcontractors will ensure workers are not performing work tasks that appear to be unsafe.
- Scull Construction and contractors/subcontractors will ensure that supervisors are trained to recognize hazards and understand their responsibilities.
- Site orientation training will be conducted prior to starting work at the site.
- Weekly toolbox meetings will be held with all workers at the site.

Program Evaluation and Improvement

Scull Construction understands that once a SHMS is established, it should be evaluated to verify that it is being implemented as intended. After that, employers should at least quarterly, take a step back to assess what is working or not, and determine whether the program is on track to achieve its goals. At the conclusion of the Partnership, all parties will meet to evaluate the partnership including goal achievement, SHMS improvements and distribution as well as lessons learned. The results, including best practices and partnership improvement thoughts will be shared with all partners.

- Scull Construction will work with contractors/subcontractors to ensure control measures are periodically evaluated for effectiveness.
- Scull Construction will ensure processes are established to monitor program performance, verify program implementation, and identify program shortcomings and opportunities for improvement.
- Scull Construction will ensure necessary actions are taken by contractors/subcontractors to improve their overall safety and health program and performance.

Communication and Coordination for Employers on Multi-employer Worksites

Scull Construction considers effective communication and coordination among contractors and their workers critical to a safe workplace.

- General contractors, contractors, subcontractors, must commit to providing the same level of safety and health protection to all workers.
- General contractors, contractors, subcontractors, must communicate the hazards present at the worksite and the hazards that contract workers may create on site.
- General contractors establish specifications and qualifications for contractors, subcontractors.
- Prior to beginning work, general contractors, contractors, subcontractors, will coordinate on work planning and scheduling to identify and resolve any conflicts that could impact safety or health.

III. WORKER INVOLVEMENT

- Set a goal that Scull Construction and non-signatory contractors will ensure workers, and/or their representatives participate in monthly safety meetings as well as report any near miss or unsafe conditions to their employer.
- Scull Construction and non-signatory contractors will ensure workers, and/or their representatives are involved with any site safety committee, daily and monthly site inspections as well as regular safety discussions.
- Scull Construction will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards. Regular safety discussions will be the vehicle for dialog and feedback.
- Scull Construction will hold a job site safety orientation with each worker prior to starting work on the site.
- Scull Construction will provide a system to allow workers to report potential jobsite hazards to supervisors upon discovery and stop work if necessary.
- Scull Construction will require all employees to attend safety stand down meetings and events as is reasonably practical.

IV. PERFORMANCE MEASURES

Performance measures will be used to assess the effectiveness of the partnership. Scull Construction will gather and track data for the performance measures and share the information with OSHA and SDSU, as specified in Appendix B of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

V. EVALUATION

The program will be evaluated on an annual basis and at the conclusion of the partnership using the Strategic Partnership Annual Evaluation Format measurement system, as specified in Appendix C of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

It will be the responsibility of Scull Construction to gather required data to evaluate and track the overall results and successes of the partnership program. This data will be shared with OSHA and SDSU.

Scull Construction will write and submit the annual evaluation to the Partners for input and concluding the evaluation. The Sioux Falls Area Office of OSHA will submit the annual evaluation.

VI. VERIFICATION PROCEDURES

OSHA will conduct one unannounced enforcement verification inspection each year for the term of the project. These inspections will be conducted through normal enforcement inspection activity. Inspections conducted in response to reported accidents, complaints, Local Emphasis Programs, or referrals will qualify as the enforcement verification inspection if, in addition to addressing the accident/complaint/referral item(s), the compliance officer completes the focused inspection protocol for the worksite. These inspections include the potential for issuing citations and assessing penalties for violations.

Onsite non-enforcement verification reviews will be conducted as part of the quarterly partnership meeting. Union representatives will be part of the inspection group if applicable. If non-compliant activity or hazards are discovered, immediate correction is required. Scull Construction will document the corrective action taken and share this information during the quarterly update meetings. A referral for an enforcement inspection will be made if management refuses to correct a serious hazard identified during the non-enforcement verification visit.

Scull Construction and its contractors and subcontractors will remain subject to OSHA inspections and investigations in accordance with agency procedures.

VII. INCENTIVES

OSHA's Field Operations Manual details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for partnering companies participating in the partnership program. Additionally, OSHA will provide continual outreach and technical assistance to Scull Construction and its affiliates throughout the partnership period.

VIII. OSP MANAGEMENT AND OPERATION

Scull Construction and its contractors, in association with OSHA and South Dakota OSHA consultation, will form a partnership committee to monitor the implementation of this Agreement. It will consist of a representative from each of the designated Partners. Scull Construction will serve as the chairperson and as OSHA's primary contact. The committee will review contractor compliance and involvement in the partnership; analyze jobsite audits; make partnership improvements; and evaluate partnership modifications, achievements, and success of the partnership.

Scull Construction will:

- Implement Scull Construction comprehensive safety and health management system, which includes:
 - a. management leadership roles,
 - b. worker participation,

- c. hazard identification and assessment,
 - d. hazard preventing and control,
 - e. education and training
 - f. program evaluation and improvement, and
 - g. communication and coordination for employers on multi-employer worksites.
- Mentor contractors/subcontractors who have not yet developed their own safety and health management system and, if necessary, refer them to OSHA and/or South Dakota OSHA consultation for assistance.
 - Ensure 100% fall protection for all fall hazards over six (6) feet, regardless of work being conducted.
 - Participate in the National Fall Prevention Safety Stand-Down Campaign.
 - Participate in the National Ladder Safety Month.
 - Participate in Safe + Sound Week.
 - Participate in the National Trench Safety Stand-Down.
 - Share the responsibility for overseeing site safety, serving as a point of contact, and overseeing the partnership goals.
 - Ensure daily, weekly, and monthly safety audits are conducted, with assistance from jobsite safety committee and supervision.
 - Include regular employees in the jobsite safety committee.
 - Ensure that all contractors/subcontractors participate in jobsite safety meetings/toolbox talks on a weekly basis and document all attendance and topics.
 - Make available monthly accident reports to the Partners, including first aid, injury, property damage, and near-miss reports.
 - Allow OSHA representation on the site for inspection activities (verifications and un-programmed activities such as fatalities and employee complaints).
 - Audit the partnership and make recommendations for improvement.
 - Share and make available to all workers and partners jobsite inspections and near-miss incidents.
 - Require the use of appropriate personal protective equipment by all entering the worksite. Appropriate personal protective equipment will include leather work shoes/boots (dress shoes, tennis shoes, and any other types of shoes are not allowed on site), ANSI-approved hardhats, eye protection and high-visibility reflective vests or high-visibility clothing as a minimum, will be always worn on the worksite.

OSHA will:

- Participate in the quarterly on-site non enforcement verification inspections as resources allow.
- Designate a Sioux Falls Area Office contact to be used as a resource for technical issues.
- Off-site verification review of Scull Construction safety and health self-audits.
- Off-site review of Scull Construction safety and health programs.
- Provide an OSHA representative at committee meeting and activities as resources permit.

South Dakota State University OSHA Consultation will:

- Provide a representative at committee meetings and activities as resources permit.
- Participate in the quarterly site audit inspection as resources allow.
- Assist in planning and implementation of all safety and health management systems.
- Provide/assist in training as resources permit.
- Participate in one jobsite evaluation of SHMS programs and site conditions.

IX. WORKER AND EMPLOYER RIGHTS

This partnership does not preclude workers and/or employers from exercising any rights provided under the OSH Act (or, for federal workers, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

X. OSP TERM

This OSP Agreement will terminate at the completion of construction activities. If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to terminate must be provided to all other signatories.

If OSHA chooses to terminate its participation in the partnership, the entire agreement is terminated.




Changes to the OSP Agreement may be implemented in writing if all parties agree that it is in the best interest of all members involved.

XI. SIGNATORIES

**United States Department of Labor
Occupational Safety & Health Administration**

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms of the OSHA / Scull Construction/ SDSU Construction Partnership

Signed this _____ day of _____, 2023

 <p>OSHA Occupational Safety and Health Administration</p>	OSHA, Sioux Falls Area Office Signature: _____ Printed Name: Sheila Stanley, Area Director
 <p>Scull CONSTRUCTION SERVICE INC.</p>	Scull Construction Services, Inc. Signature: _____ Printed Name: Allen Schmaltz
 <p>SOUTH DAKOTA STATE UNIVERSITY</p>	South Dakota State University OSHA Consultation Signature: _____ Printed Name: Greg DeRynck