



Theodore Roosevelt Presidential Library

STRATEGIC PARTNERSHIP BETWEEN

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



AND

JE DUNN CONSTRUCTION COMPANY



AND

**NORTH DAKOTA OCCUPATIONAL SAFETY AND HEALTH CONSULTATION PROGRAM
AT BISMARCK STATE COLLEGE**



I. IDENTIFICATION OF PARTNERS

The Bismarck Area Office of the Occupational Safety and Health Administration (OSHA) and JE Dunn Construction Company and the North Dakota Occupational Safety and Health Consultation Program (ND Consultation) 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 Theodore Roosevelt Presidential Library in Medora, North Dakota will facilitate OSHA and its partners 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 Theodore Roosevelt Presidential Library project. JE Dunn Construction is committed to preventing serious accidents and fatalities during the construction of the Theodore Roosevelt Presidential Library project through increased training, implementation of best work practices, enhanced safety standards, an effective safety and health management system (SHMS), and compliance with applicable OSHA standards and regulations.

The Theodore Roosevelt Presidential Library will consist of constructing a 60,000 square foot two story building, including offices, auditorium, and museum spaces as well as 90 acres of native grassland restoration. The project will employ approximately 50 trade partners bringing up to 70 workers at peak construction. The project will begin June 15, 2023, and complete estimated by June of 2026 or at the temporary certification of occupancy, whichever comes first.

GOALS/STRATEGIES

The overall goal of the partnership is to make safety and health a core value in all American workplaces. We will 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 and implementation of an effective SHMS. Additionally, the partnership will focus on targeting the most hazardous risks to protect the vulnerable workforce. 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 JE Dunn Construction Services, OSHA, and ND Consultation.

GOALS	STRATEGIES	MEASURES
<p>1) Maintain a project-wide injury and illness rate, which is 25% below the 2021 BLS Total Recordable Case (TRC) rate of 2.7 and Days Away from Work, Restricted or Transfer (DART) rate of 1.9 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 for non-compliance b. Provide a comprehensive Job Site Safety Orientation for all workers prior to allowing them to work on site. c. Provide all necessary engineering controls, administrative controls, and personal protective equipment and require sub-contractors to do the same. d. Conduct weekly site safety audits to identify and abate hazards. 	<ul style="list-style-type: none"> a. JE Dunn 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"> - 25% below the Total Recordable Case rate (<2.7) - 25% below the Days Away, Restricted or Transfer rate (1.9) JE Dunn Construction will provide monthly incident reports to the partners. These reports include: first aid, injury, near miss and property damage reports. b. Incident reports will be logged monthly to track for trends and share information.

GOALS	STRATEGIES	MEASURES
<p>2) Increase the number of written safety and health management programs implemented by contractors/subcontractors. All (100%) contractors/subcontractors will have developed and implemented a written safety and health program upon completion of work at the site.</p>	<ul style="list-style-type: none"> a. JE Dunn Construction will mentor contractors/subcontractors who have not yet developed their own safety and health programs. b. JE Dunn Construction will provide a model site specific safety and health program to assist contractors/subcontractors in the development of their program. c. JE Dunn Construction and ND Consultation will provide contractors/subcontractors with resources to enhance the programs under development. d. All contractors/subcontractors will participate in monthly site audits. 	<ul style="list-style-type: none"> a. The number of contractors/subcontractors that develop a program because of their involvement in this project/partnership will be tracked. b. The percentage of contractors/subcontractors that have an overall SHMS program that meets the requirement of this partnership will be determined. c. The specific SHMS programs created or modified will be tracked.
<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 enhanced monitoring of exposure to health hazards such as heat, noise, and air contaminants.</p>	<ul style="list-style-type: none"> a. JE Dunn 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. JE Dunn 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. b. Track the number of pre-task safety meetings held by contractors/subcontractors. c. Track the number of incident investigations conducted by contractors/subcontractors when hazards are reported.

GOALS	STRATEGIES	MEASURES
	<ul style="list-style-type: none"> e. Ensure participation in weekly toolbox meetings by contractors/subcontractors. f. JE Dunn will work with site contractors to develop IH monitoring strategies at each phase of the project and provide them with IH resource support as needed. g. JE Dunn Construction and ND Consultation support OSHA's trench and fall protection initiative to further the industry's awareness of fall hazards in the workplace by participating in OSHAs local and National Trench and Fall Stand Downs. h. JE Dunn Construction will display Fall Stand Down posters in locations where employees are working and inside contractor trailers. i. Implement and require 100% fall protection for all fall hazards over six (6) feet, including steel erection and scaffolding at the site. j. JE Dunn 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. k. JE Dunn Construction will ensure silica controls are in place by following Table 1, including wet cutting techniques and/or dust collection systems in addition to the mandatory use of respiratory protection. Conduct silica exposure monitoring when tasks are not performed in accordance with Table 1. 	<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. Conduct carbon monoxide monitoring when gas powered equipment is operated indoors and at any other time when ventilation is limited. 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, JE Dunn Construction will coordinate to ensure steps are being taken to reduce or eliminate exposure. All information will be shared with all partners. 	
<p>4) 100% Participation in Safety Stand-Downs and similar events.</p>	<ul style="list-style-type: none"> a. OSHA and JE Dunn Construction will provide contractors with information about upcoming stand- down events. b. JE Dunn Construction will encourage subcontractors to participate in stand-down events. c. OSHA and ND Consultation will assist JE Dunn Construction with Safe + Sound campaign events. d. OSHA and ND Consultation will assist with other campaign events including fall stand down and trench stand down, heat illness, suicide prevention and other events that are relevant to the jobsite. 	<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 site.

GOALS	STRATEGIES	MEASURES
5) Increase identification of hazards and abatement using the ProCore Application or other similar electronic field system.	a. Incorporate ProCore or other system 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.	a. Track the number of hazards identified, track training and identify trends using ProCore or other system. b. Identify participation numbers who are present 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

JE Dunn 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/shppguidelines/docs/8524 OSHA Construction Guidelines R4.pdf](https://www.osha.gov/shppguidelines/docs/8524%20OSHA%20Construction%20Guidelines%20R4.pdf)

Worker Participation

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

- JE Dunn Construction will hold a Job Site Safety Orientation with each worker prior to starting work on site.
- JE Dunn Construction will provide a system to allow workers to report potential jobsite hazards to JE Dunn Construction and/or supervisors upon discovery and stop work if necessary.
- JE Dunn 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 JE Dunn Construction will enforce jobsite safety compliance with OSHA standards by:

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

Hazard Prevention and Control

JE Dunn 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.

- JE Dunn 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.
- JE Dunn Construction and contractors and subcontractors will ensure that everyone knows how to use and maintain personal protective equipment through documented training and education.
- JE Dunn 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 JE Dunn Construction with corrective action by a given due date.

Education and Training

JE Dunn 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.

- JE Dunn Construction and contractors/sub-contractors will ensure work tasks are assigned to workers who are trained and authorized.
- JE Dunn Construction and contractors/sub-contractors will ensure workers are not performing work tasks that appear to be unsafe.
- JE Dunn Construction and contractors/sub-contractors 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 jobsite.
- Weekly toolbox meetings will be held with available workers at the jobsite.

Program Evaluation and Improvement

JE Dunn 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 review their program at least annually, to assess what is working or not and determine whether the program is on track to achieve its goals.

- JE Dunn Construction will work with contractors/subcontractors to ensure control measures are periodically evaluated for effectiveness.
- JE Dunn Construction will ensure processes are established to monitor program performance, verify program implementation, and identify program shortcomings and opportunities for improvement.
- JE Dunn 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**

JE Dunn 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

- JE Dunn 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.
- JE Dunn 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 when practical.
- JE Dunn 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.
- JE Dunn Construction will hold a job site safety orientation with each worker prior to starting work on the site.
- JE Dunn Construction will provide a system to allow workers to report potential jobsite hazards to supervisors upon discovery and stop work if necessary.
- JE Dunn Construction will require all employees to attend safety stand down meetings and events as is reasonably practical.

IV. PERFORMANCE MEASURES

Performance measures as outlined in Section III will be used to assess the effectiveness of the partnership. JE Dunn Construction will gather and track data for the performance measures and share the information with OSHA and ND Consultation, 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 JE Dunn 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 ND Consultation.

JE Dunn Construction will write and submit the annual evaluation to the Partners for input and concluding the evaluation. The Bismarck 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. This will be a focused inspection including review of electrical, struck-by, caught-in or between, and fall hazards. 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 by OSHA or ND Consultation as part of the quarterly partnership activity. Union representatives will be part of the inspection group if applicable. If non-compliant activity or hazards are discovered, immediate correction is required. JE Dunn 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.

JE Dunn 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 outreach and technical assistance to JE Dunn Construction and its affiliates throughout the partnership period.

VIII. OSP MANAGEMENT AND OPERATION

JE Dunn Construction and its contractors, in association with OSHA and ND 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. JE Dunn 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.

JE Dunn Construction will:

- Implement JE Dunn 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 ND 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 with subcontract partners, 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 representatives 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.
- 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 and Bismarck Area Office contact to be used as a resource for technical issues.
- Off-site verification review of JE Dunn Construction safety and health self-audits.

- Off-site review of JE Dunn Construction safety and health programs.
- Provide an OSHA representative at committee meeting and activities as resources permit.

ND 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.

VIII. 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.\

IX. 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.

IX. SIGNATURES

**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 / JE Dunn Construction/ND OSHA Consultation Construction Partnership

Signed this 28th day of September, 2023.

Participant	Signature
	OSHA, Bismarck Area Office Signature: _____ Printed Name: Scott Overson, Area Director
	JE Dunn Construction Services, Inc. Signature: _____ Printed Name: _____
	North Dakota Occupational Safety and Health Consultation Program Signature: _____ Printed Name: Ihab Shalabi