



I. General

The Charleston Area Office of the Occupational Safety and Health Administration (hereafter referred to as "OSHA"), Swope Construction Co. (hereafter referred to as "Swope") and the West Virginia OSHA Consultation Program, have agreed to implement an OSHA Strategic Partnership (hereafter referred to as "Partnership") during construction of the Coalfield Elementary School (hereafter referred to as "Project").

This Partnership aims to encourage joint cooperation between OSHA, Swope, the West Virginia OSHA Consultation Program and trade contractors to foster a safe work environment for all Project employees. The Partnership calls for the Project to be managed consistent with OSHA's [Recommended Practices for Safety and Health Programs in Construction](#) or its equivalent. OSHA will provide timely responses to requests for information and for clarification of OSHA standards and will assist as resources and/or OSHA Policy allow. To show their commitment to the Partnership, participating trade contractors (hereafter referred to as "participating contractors") will voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities, nor will it change any contractual obligations between Swope, Project Owner/Developer, or participating contractor, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action(s).

This Partnership will not in any way affect employees' ability to exercise rights under the Occupational Safety and Health Act (hereafter referred to as "OSH Act") and OSHA regulations. The Partnership is consistent with OSHA's long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources, for innovation in safety management, and encourages more participation in the safety process by each stakeholder.

II. Identification of Partners

The following organizations are considered Partners:

- Occupational Safety and Health Administration, Charleston Area Office
- Swope Construction Co.
- West Virginia OSHA Consultation Program

The following organizations pledge to support the Partnership:

- State of West Virginia Department of Administration – General Services Division
- Participating Trade Subcontractors



III. Project Overview

Project construction started in May 2023 with completion set for May 2025. It is expected that 30 trade contractors will employ approximately 70 craft persons at peak construction.

Project Details:

Owner: McDowell County Board of Education
Owner Address: 900 Mount View High School Road, Welch, WV 24801

New Construction

Contract Amount: \$24,179,000

Project Location: 895 Mount View High School Road, Welch, WV 24801

Project scope includes site and building construction for a new elementary school. Site work includes, but is not limited to landscaping, asphalt parking areas and driveways, concrete sidewalks and curbing, storm water system, utility extensions and earthwork including over excavation and cement stabilization. The building is a 65,328 sqft, single-story facility with masonry load bearing walls on a spread footing foundation system. Roofing consists of membrane and metal roofing over steel and heavy timber framing. Exterior walls are brick and stone veneer, fiber cement and metal panel siding with aluminum storefront systems and hollow metal doors. Interior partitions consist of masonry and metal studs with wood doors. Interior finishes include gypsum board, paint, polished concrete, luxury vinyl tile, epoxy flooring, porcelain tile, lay-in acoustical ceilings, and suspended ceilings. The work includes all associated mechanical, electrical, and plumbing.

IV. Partnership Goals, Strategies, Measures

The primary objective of this Partnership is to create a working relationship that focuses on preventing work-related injuries and fatalities, controlling or eliminating serious workplace hazards, and establishing a foundation for the development of an effective safety and health program. The goals employed to achieve these results will include the following:

Goal	Strategy	Measures/Products
1. Reduce the total number of injuries thereby providing a safer and healthier work environment for workers at the Project.	Partners will meet quarterly to review injury and illness statistics and work together to resolve workplace safety and health issues and reduce injury and illnesses. This includes a review of 300 data from all project contractors and calculation of the DART rate.	a. The Partnership baseline DART rate is established at 5.3 b. Reduce the DART rate by 2 percent annually.
2. Control workplace hazards by assisting trade contractors with the implementation of an effective safety and health management systems.	a. Swope will conduct evaluations of each trade contractor's safety and health management system in accordance with Appendix C and make suggestions for improvement.	The number of trade contractors that have completed Swope safety and health management system evaluation and have pledged both support and cooperation to the Partnership.



Partnership Agreement

Goal	Strategy	Measures/Products
3. Conduct effective self-inspections and assist trade contractors with training resources and technical assistance in areas where workers might be exposed to hazards.	<p>a. Swope will document all self-inspections, the number of hazards corrected, and safety training conducted by trade contractors for workers on the Project.</p> <p>b. All workers and unescorted visitors will be oriented to the content of Swope Subcontractor Safety Handbook.</p>	<p>a. The number of self-inspections performed, the number of hazards identified and corrected.</p> <p>b. The number of training sessions conducted, and the number of training hours provided for workers and supervision.</p> <p>c. The number of trade contractor workers and supervisors who have completed site orientation training.</p>
3) Promote the use of West Virginia's confidential, no cost consultation program to improve safety and health performance of small subcontractors (< 500 employees nation-wide). The goal is to encourage small subcontractors to voluntarily request a consultation visit at the site.	<p>Swope will:</p> <ul style="list-style-type: none">• share brochures with each small subcontractor at the site to educate them on the program benefits• promote the program at site safety meetings, employee orientation, and trainings• develop a relationship with the consultation program and support the requests for consultation for subcontractors at the site	Number of consultation visits performed at the site.



Partnership Agreement

Goal	Strategy	Measures/Products
<p>4. Develop a working relationship with OSHA to maintain a continuing dialogue that supports various safety and health campaigns/initiatives.</p>	<ul style="list-style-type: none"> a. Swope and all on-site participating trade contractors will participate in the OSHA Region III Focus Four Campaign. b. Swope and all on-site participating contractors will hold an annual event to support the OSHA National Fall Prevention Safety Stand-Down until the Project is completed. Swope and all participating trade contractors will display a stand-down poster and stickers (available on OSHA webpage) on site. c. Swope and all on-site participating trade contractors will participate in the NIOSH/OSHA annual Heat Illness Prevention campaign until the Project is completed. Swope and all participating trade contractors will use the OSHA/NIOSH Heat Safety Tool App and display new Heat Illness Prevention infographics in both English and Spanish (available on OSHA webpage) on site. d. Swope and all on-site participating trade contractors will hold an annual event to support the NUCA Trench Safety Stand-Down until the Project is completed. Swope and all participating trade contractors will display the stand-down poster and stickers (available on OSHA and NUCA webpages) on the site. e. Swope and all on-site participating contractors will register and hold an annual event to support the OSHA Safe + Sound Week until the project is completed. Swope and all participating trade contractors will display campaign information (available on OSHA webpage) on site. f. Swope and all on-site participating contractors will hold an annual event to support the prevention of Suicide and Opioid deaths in construction until the Project is completed. Swope and all participating trade contractors will display information (available on OSHA and NIOSH webpages) on site. 	<p>The Partners will meet as needed to verify and/or review:</p> <ul style="list-style-type: none"> a. The number of workers trained in each safety talk that is associated with the Region III Focus Four Campaign. b. The use OSHA's "National Fall Safety Stand-Down" webpage to log their event, provide information about their stand down activity, complete the survey and print participation certificate. c. The implementation of Swope heat illness prevention plan. The number of workers trained on the annual Heat Illness Prevention "Water, Rest, Shade" campaign. d. The use NUCA's "National Trench Safety Stand-Down" webpage to log the event(s), provide information about their stand down activity, complete the survey and print participation certificate. e. The use OSHA's Safe + Sound Week Campaign webpage to register the event(s), provide information about their activity, complete the survey and print participation certificate. f. The number of workers trained in each safety talk that is associated with the prevention of Suicide and Opioid deaths in construction.

V. Partnership Management and Operation

Swope and OSHA will form a committee to monitor the implementation of this Partnership. It will consist of a representative from each of the Partners. The Compliance Assistance Specialist (CAS) will serve as OSHA's primary contact. The Committee will review trade contractor compliance and involvement in the Partnership, analyze job site audits, make Partnership improvements, and evaluate Partnership modifications, achievements, and successes.

Partnership Roles and Responsibilities

OSHA agrees to:

1. Evaluate the Swope Project Safety Plan (Attachment 1) prior to and during the OSHA enforcement verification inspections using Appendix C (or equivalent) and determine whether effective safety and health management systems are in place.
2. Designate an OSHA Compliance Assistance Specialist (CAS) to serve as a resource and liaison person for the Partnership.
3. Meet with Swope quarterly and additionally as needed to review project safety performance. Safety performance will be evaluated through review of trade contractors' OSHA 300 logs for the Project and related accident reports.
4. Provide timely responses to requests for information and clarification of OSHA standards, as resources and OSHA Policy permit.
5. Provide information on OSHA training resources available.

Swope agrees to:

1. Provide a Safety Manager to serve as a safety resource and liaison person for the Partnership and to assist trade contractors with safety issues/concerns.
2. Provide notice to all trade contractors that the Project is subject to this Partnership and include the Partnership Fact Sheet (Appendix A) in the Project New Worker Safety Orientation.
3. Develop and implement the Project Safety Plan (Attachment 1).
4. Evaluate trade contractors' safety and health management systems utilizing Swope Safety Evaluation (Attachment 2).
5. Notify the OSHA Charleston Area Office of trade contractors that have completed Swope Safety Evaluation and have pledged both support and cooperation to the Partnership (Appendix B).
6. Offer trade contractors safety and health information (i.e., toolbox safety meetings) especially on the focused four construction hazards (Falls; Caught-In or Between; Struck-By; and, Electrocutions).
7. Maintain a Project safety performance report. Require all active trade contractors to submit an updated OSHA 300 Log for the Project.
8. Meet with OSHA quarterly to review the safety performance of Swope and trade contractors and provide feedback on noted incident trends or patterns.
9. Coordinate safety related matters that pertain to site general conditions such as hazard communications, emergency response, installation and maintenance of building perimeter guardrail systems, and housekeeping.

The West Virginia OSHA Consultation Program agrees to:

1. Attend meetings upon request to review data on the worksite and recommend solutions to improve site safety.

2. Provide one full-service consultation visit for Swope at the site per year, if so requested. The results from consultation visits will be shared only with the requesting employer, in accordance with 29 CFR 1908.
3. Provide priority scheduling to any small subcontractor (less than 500 employees nationwide) who request a confidential on-site consultation visit at the Partnership site. Small subcontractors may request a no-cost, confidential consultation visit on-line at https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/Documents/federal-osh-forms/Request%20For%20Consultation%20Service.pdf.
4. Provide small subcontractors with a confidential personalized review of their Safety and Health Program when requested as part of a consultation visit.
5. Provide WV OSHA Consultation Program brochures to Swope for distribution.

VI. On-Site Enforcement Verification Inspections

In order to assist in measuring the success of this Partnership, OSHA will conduct an initial enforcement verification inspection after the signing of the Partnership, and annually thereafter. The enforcement verifications may be conducted as a focused inspection if the site meets the criteria outlined in OSHA's current enforcement guidelines. In addition to traditional enforcement issues, the inspection will assess Swope's and participating trade contractor's progress in meeting the requirements of the Partnership.

VII. OSHA Inspections

This Partnership provides for the timely response to each allegation of a safety or health hazard brought to each trade contractor's attention by any person. Upon a finding that an allegation is valid, the responsible trade contractor shall promptly abate the hazard.

OSHA agrees that a copy of each non-formal complaint related to the Project and filed with OSHA will be forwarded by fax or mail to the Project office. In accordance with applicable law, the identity of a complainant requesting confidentiality will not be revealed. Swope agrees to investigate these complaints regardless of the trade contractor involved and provide OSHA with a written response within five working days of receiving the non-formal complaint/referral.

OSHA personnel will continue to conduct investigations and inspections in any event or circumstance that may warrant the opening of an OSHA inspection, pursuant to the policy set forth in the Field Operations Manual (FOM). These may include but are not limited to formal complaints, referrals, fatalities, catastrophes, or other accidents or significant events. OSHA will also investigate trade contractors whose employees are exposed to or are creating plain view hazards at the Project. OSHA reserves the right to issue citations and penalties for violations including but not limited to regulatory violations for which mandatory penalties are established.

VIII. Incentives

Swope will receive the following benefits from OSHA:

1. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating Swope as a Partner.
2. Informational materials such as safety and health publications and electronic educational resources.
3. Participating trade contractors will be provided special priority consideration for free, confidential On-Site Consultation services from the West Virginia OSHA Consultation Program. Small subcontractors may request a no-cost, confidential consultation visit by



telephone at 1-304-558-7890 or on-line at
https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/

IX. Worker and Employer Rights – Employee Involvement

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSH Act (or, for federal employees, 29 CFR § 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the OSH Act. This Partnership recognizes employees bring valuable skills and perspective to the implementation of an effective site safety and health system. Employees on site will be encouraged and given opportunities to be involved in the site safety and health program. Employee involvement will include, but is not limited to, participation in self-audits, site inspections, job hazard analysis, safety and health management system reviews, safety training and accident/near miss reporting. Employee involvement will be included in the safety and health management system evaluation (Appendix C).

X. Safety and Health Management Systems (SHMS)

OSHA, Swope and the West Virginia OSHA Consultation Program support the implementation of safety and health management systems, including the main elements of management commitment, employee involvement, hazard identification, hazard correction/control, and employee training. Swope will commit to implementing a safety and health management system at this Partnership site as detailed in Appendix C.

XI. Annual Evaluation

Partners will jointly prepare an annual evaluation of the Partnership using Appendix D. The evaluation will review the success of the Partnership, lessons learned, and changes that will be made to meet the goals of the Partnership. Annual evaluations will be submitted by the Partners to OSHA's Philadelphia Regional Office no later than 45 days after the signing anniversary date each year.

XII. Termination

This Partnership will terminate 2 years from the date of the signing or upon completion of the Project. If either Partner wishes to withdraw its participation prior to the established termination date, the agreement will terminate upon receiving a written notice of the intent to withdraw from either signatory.

XIII. Paperwork Reduction Act

OSHA Strategic Partnerships are part of OSHA's available voluntary cooperative programs. As per the Paperwork Reduction Act of 1995 (PRA OMB CONTROL NO. 1218-0244, expires August 31, 2025), the public reporting burden for this Partnership's collection of information is estimated at 11 hours per participant, per year. If you have any comments regarding this collection of information, including suggestions for reducing the burden or revising the burden estimate, please direct them to:

Occupational Safety and Health Administration
Attention: Director, Office of Partnerships and Recognition
Directorate of Cooperative and State Programs
200 Constitution Avenue, NW – Room N3700



Partnership Agreement

Washington, DC 20210



XIV. Signatures

United States Department of Labor
Occupational Safety & Health
Administration

Based on a mutual interest to protect construction workers, the below parties agree to the terms of the Partnership for the construction of the Marshall University College of Business.

Signed ____ day of _____, 2023

Partners:

Blake McEnany
Area Director
Charleston Area Office
USDOL/OSHA

Ron Mallory
President
Swope Construction Co.

Michael Breedlove
Safety Director
Swope Construction Co.

Lara Miller, CSP
Program Director
WV OSHA Consultation Program
WV Division of Labor



PARTNERSHIP FACT SHEET – APPENDIX A

The Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”), Swope Construction Co (hereafter referred to as “Swope”) and the West Virginia OSHA Consultation Program, have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the Coalfield Elementary School (hereafter referred to as “Project”).

The goal of this Partnership is to encourage joint cooperation between OSHA, and trade contractors to foster a safe work environment for all project employees as described in this Partnership.

The Partnership calls for the Project to be managed consistent with OSHA’s Recommended Practices for Safety and Health Programs in Construction or its equivalent.

OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards, and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors can voluntarily sign a pledge (Appendix B).

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities, nor will it change any contractual obligations between Swope, Project Owner/Developer, or trade contractors, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement actions.

This Partnership will not in any way affect employees’ ability to exercise rights under the Occupational Safety and Health Act and OSHA regulations.

This Partnership is consistent with OSHA’s long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources, for innovation in safety management, and encourages more participation in the safety process by each stakeholder.



PLEDGE – APPENDIX B

The Charleston Area Office, Region III, of the Occupational Safety and Health Administration (hereafter referred to as “OSHA”), Swope Construction Co. (hereafter referred to as “Swope”) and the West Virginia OSHA Consultation Program, have agreed to implement an OSHA Strategic Partnership (hereafter referred to as “Partnership”) during construction of the Coalfield Elementary School (hereafter referred to as “Project”).

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The Partnership calls for the project to be managed consistent with OSHA's Recommended Practices for Safety and Health Programs in Construction or its equivalent.

Under the Partnership, OSHA will provide timely responses to requests for information, requests for clarification of OSHA standards, and other assistance as resources and/or OSHA Policy allow. To show their commitment to the Partnership, contractors can voluntarily sign this pledge.

This Partnership will not relieve any trade contractors from or lessen their safety responsibilities, nor will it change any contractual obligations between Swope, Project Owner/Developer, or trade contractors, nor does it lessen any/all affirmative defenses, legal rights or due process afforded with respect to OSHA enforcement action.

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This Partnership is consistent with OSHA's long-range effort to develop a contractor/government partnership approach to safety management. It allows for better use of OSHA resources, for innovation in safety management, and encourages more participation in the safety process by each stakeholder.

Based on mutual interest to protect construction workers, the below party pledges both support and cooperation to the OSHA / Swope Partnership by following the Swope Project Safety Plan.

Authorized Representative (print / type)

Signature
Safety director

Title (print / type)

Company / Organization (print / type)



SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION – APPENDIX C

1. Swope and trade contractors have implemented a comprehensive written Project Safety Plan.
2. Swope will have copies of trade contractors' safety and health plans, hazard communication plans, and fall protection plans (where applicable) or Swope will require trade contractors to follow its safety plan.
3. Swope and trade contractors will have either a full-time or designated safety representative at the site to conduct and document safety inspections of work, who through training and experience, can recognize hazards, and has authority to take prompt corrective action. The minimum training required for a site safety representative is either the OSHA 10-Hour or 30-Hour Construction Safety Outreach Course, as specified in the Project Safety Plan.
4. Swope and trade contractors have or will have trained field supervisory personnel and provide additional training for competent persons in such areas as scaffolding, excavation, fall protection, crane operations, etc. (Additional training will be dictated by the type and scope of the work the trade contractor routinely conducts).
5. Swope will have a safety and health management system orientation for all new workers, including hazard recognition specific to the worksite.
6. Swope and trade contractors will have employee involvement in the Partnership. Examples include, but are not limited to, participation in self-audits, site inspections, job hazard analysis, Safety and Health Management System reviews, safety training, and accident/near-miss investigations.
7. Swope and trade contractors will conduct and document weekly employee safety meetings.
8. Swope will conduct and document self-audits.
9. Swope and trade contractors will follow a six-foot fall protection policy.
10. Swope and trade contractors have a written enforcement program.