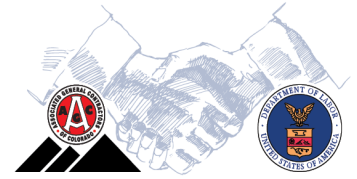


# Construction Health And Safety Excellence (CHASE)



**STRATEGIC PARTNERSHIP BETWEEN THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION DENVER  
AND ENGLEWOOD AREA OFFICES AND THE  
ASSOCIATED GENERAL CONTRACTORS OF AMERICA  
COLORADO BUILDING CHAPTER**

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## Construction Health and Safety Excellence (CHASE) Partnership

### I. Background, Objectives, and Identification of Partners

In 2003 the Occupational Safety & Health Administration (OSHA) Denver and Englewood Area Offices (hereafter referred to as OSHA) and the Associated General Contractors of America, Colorado Building Chapter (hereafter referred to as AGC) mutually recognized the importance of providing a safe and healthful working environment for Colorado's construction workforce. The AGC and OSHA started the process of developing and personalizing the national partnership program to meet the needs of our area in addition to formalizing a long-standing relationship between our two organizations. To advance both parties' mutual goal, it was agreed that the need to develop a good working relationship creating an atmosphere of trust and respect for the roles of AGC and OSHA in the construction safety process was necessary.

The common objective and goal of this agreement is to provide a safe and healthful workplace for all employees engaged in construction activities and to help prevent serious injuries and illnesses within the industry through increased training and implementation & monitoring of enhanced safety & health training programs. This initiative represents a voluntary agreement and affords a partnership for voluntary compliance alternatives to the traditional OSHA enforcement activities. AGC and OSHA believe that maintaining a focus on safety saves lives. The outcome of this focus can result in a reduction of employee injuries, illnesses, deaths and workers' compensation and insurance costs. The focus on safety & health issues is an objective that OSHA, AGC and its members have in common.

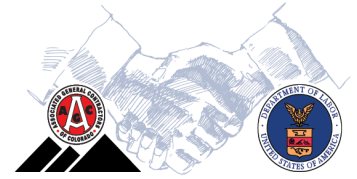
### II. CHASE Partnership

#### 1. Program Expectations

This agreement is between the AGC and OSHA. This agreement covers construction activity in the State of Colorado. The parties mutually agree to the following:

- A. Implementation of this program is expected to result in fewer injuries, illnesses, and fatalities for participating contractors and improvement of existing safety and health programs.
- B. This agreement provides for incentives to construction contractors that voluntarily participate in the CHASE program and demonstrate implementation of effective safety and health programs.
- C. This partnership does not preclude employees or employers from exercising any rights provided under the Occupational Safety and Health Act of 1970, nor does it abrogate any responsibility to comply with the rules and regulations adopted pursuant to the Act.

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D. This program will improve the ability of AGC and OSHA through the collection of reliable data to identify conditions that create a high risk of injury and illness and implement interventions that can reduce the rate of such risks. These rates will be internally comparable from year to year and thus provide a valuable perspective on the effectiveness of the AGC CHASE program.

## 2. Specific Goals of CHASE and Performance Measures

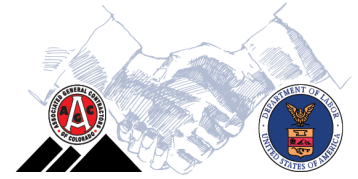
- A. To recognize those contractors with exemplary safety and health programs and effective site-specific safety and health plans.
- B. To strive for enhanced communications between field craft labor both union and non-union, and field/corporate management through joint safety committee participation, presentations and mutual safety auditing.
- C. To grow participation in the AGC and OSHA CHASE partnership by seeking and processing only quality, qualified participants who implement effective safety and health programs and provide effective safety and health training for management, supervisors and employees.
- D. Efforts will be made to have continuous growth in the number of partners over the term of this agreement.
- E. To maintain injury and illness rates below the national average for construction for all participating contractors.
- F. The following performance measures will be used to evaluate the performance of CHASE:
  - 1. Total Case Incident Rate (TCIR). Will monitor the trend of the average of all TCIRs.
  - 2. Days Away, Restricted and Transferred (DART) Rate. Will monitor the trend of the average of all DART rates.
  - 3. Compare safety training man-hours to overall man-hours worked and DART and TCIR rates. Training man hours for the first year of this program will serve as the baseline for comparison for future years.
  - 4. Increase in the number of partners on an annual basis.

NOTE: Data will be collected from all BLUE participating Partnership Members annually. This information will be provided to OSHA for review and inclusion in the annual evaluation (see section 9).

## 3. Program Implementation

The AGC Chapter Chapter's Safety Director will inform members who have successfully completed the application process and are thus eligible for participation in the partnership. The AGC Chapter will then follow

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the procedures developed in this partnership to inform the OSHA Area Directors of the qualified contractors.

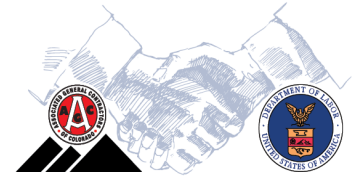
## 4. Worker Involvement

Experience has shown that worker involvement is an essential component of any effective Safety and Health Management System (SHMS). This agreement will incorporate worker involvement through such activities as employee safety meetings, self-audits, and safety and health training. CHASE will also promote individual company programs that include employee involvement such as participation in job hazard analysis, incident investigations and safety committees. Worker involvement will be evaluated during the comprehensive inspections performed by the AGC Safety & Environmental Director and through OSHA verification inspections. Additional details describing worker involvement are found in the next section.

## 5. Eligibility Requirements for the Multi-Step Program: RED, WHITE, AND BLUE

- A. The CHASE Program will be implemented in three levels: RED, WHITE and BLUE.
- B. Eligibility status must be renewed on an annual basis. New and renewal applicants will:
  - 1) Complete the CHASE application form.
    - a. The form will request data from the summary of the contractor's 3 most previous years OSHA 300 log or its equivalent. The form will also include a self-audit evaluation checklist which will require applicants to answer a series of questions related to their safety program.
    - b. The Chapter's Safety Director will either approve or reject the CHASE application. The OSHA Area Offices will serve in an advisory capacity to the Chapter's Safety Director.
    - c. The CHASE Program has three award levels. Entry into the RED, WHITE and BLUE Levels are based on answering "yes" to all of the questions on the self-audit evaluation administered by AGC Chapter's Safety Director. To determine the contractor's level of eligibility, the contractor must provide the AGC with evidence of conformance with each requirement for each level.
    - d. The AGC Chapter's Safety Director will inform the Chapter members who have successfully completed the application process and are eligible to participate in the partnership program.
    - e. The top level, BLUE, will be open to those companies whose achievements in the area of worksite safety are outstanding. Acceptance into the BLUE level will require additional validation of the member's safety and health program efficacy through a comprehensive onsite qualifying inspection. The AGC Chapter's Safety Director will conduct the qualifying inspection on at least one active job site to be determined solely at the discretion of the AGC Chapter's Safety Director. After AGC Chapter's Safety Director conducts a qualifying inspection one of the OSHA Area Directors will also be required to complete a qualifying inspection and generate an approval letter within 30 days of being notified by AGC that they are ready for a qualifying inspection.

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f. Contractors who are accepted into the CHASE Partnership Program are eligible for incentives from OSHA, as listed in Section 8 of this document.

2) Those contractors that do not pass the annual re-qualifying evaluation for their present level will be moved to the next lower level with an opportunity for re-evaluation and reinstatement to their previous level.

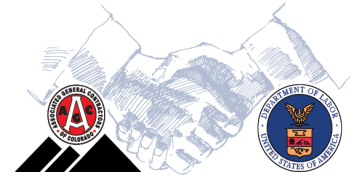
C. **RED:** Applicants seeking RED status must meet the following requirements:

- 1) Develop and implement a written safety and health program that addresses those hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between and electrocutions);
- 2) Conduct weekly employee safety meetings.
- 3) Conduct and document monthly self-audits.
- 4) Promote and nurture employee involvement in day-to-day implementation of their safety and health program (examples of such activities would be to have employees participate in conducting weekly safety meetings, safety training classes, job hazard analysis, accident investigations, hazard recognition activities and safety committee activities);
- 5) Entry into the RED level is based on answering “yes” to all of the questions on the self-audit evaluation administered by AGC.
- 6) Agree to serve as a mentor for contractors on its projects; and
- 7) Commit to helping grow the CHASE Partnership.

D. **WHITE:** Applicants seeking WHITE status must meet the following requirements:

- 1) Meet all of the requirements as outlined in the RED level.
- 2) Implement a comprehensive written safety and health program based on the most current revision of ANSI A10.38 Guidelines or OSHA’s Recommended Practices for Safety and Health Programs for Construction (2016) and ensure that written, site-specific, safety and health plans are used by all contractors on their project.
- 3) Assign at least one trained employee with responsibility for employee safety to administer the participant’s safety and health program and to conduct documented safety and health inspections of ongoing work (training equivalent to the AGC Safety Management Course or equivalent will be deemed satisfactory as determined by the AGC Safety Director).
- 4) Conduct an orientation of all new employees in the safety and health program of the company and

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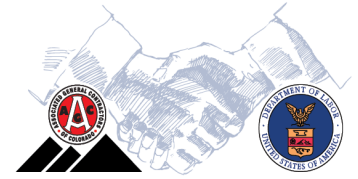
show evidence of effective employee training for avoidance of hazards specific to the contractor's work site(s).

- 5) Develop and maintain a Substance Abuse Program.
- 6) Provide all field construction supervisory personnel with training equivalent to the OSHA Construction 10-Hour Outreach course.
- 7) Maintain a total case injury/illness incidence rate that is trending downward or less than the most current Bureau of Labor Statistics national rate for the North American Industry Classification System (NAICS) for the employer industry.
- 8) Entry into the WHITE Level is based on answering "yes" to all the questions on the self-audit evaluation administered by the AGC.
- 9) Agree to serve as a mentor for contractors on its projects and CHASE Partners who have yet to attain the same level of recognition within the partnership; and
- 10) Commit to helping grow the CHASE Partnership.

E. **BLUE:** Applicants seeking BLUE Status must meet the following requirements:

- 1) Meet all of the requirements as outlined in the WHITE levels.
- 2) Agree to serve as a mentor for contractors on its projects and CHASE Partners who have yet to attain the same level of recognition within the partnership.
- 3) BLUE participant general contractors will agree to require their subcontractors to follow the BLUE Status general contractor's safety and health program unless the subcontractor's program is substantially equivalent to the applicable portion(s) of the BLUE Status general contractor's program.
- 4) Ensure designated safety personnel conduct documented safety and health inspections of all work on their project(s) (Personnel, through training and experience, must be able to recognize hazards and will have the authority to take prompt corrective action. Training curriculum equivalent to the OSHA 30-Hour Construction Outreach Course will be deemed satisfactory. Training equivalency to be determined by the AGC Safety Director.).
- 5) Train all field construction supervisory personnel in the OSHA 30 Hour Construction Outreach Course, or equivalent as determined by the AGC Safety Director (Additional training shall be provided for competent persons in areas such as scaffolding, excavation, fall protection, etc, depending upon the type and scope of work the applicant routinely performs).

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- 6) Achieve and sustain TCIR and DART rates on an annual basis that are either downward trending or at least 10% better than average rates compared to the most recently published Bureau of Labor Statistics (BLS) injury and illness data.
- 7) If applicant is signatory to a union, invite their signatory Union (if applicable) to participate in the AGC CHASE qualifying inspections.
- 8) Have no willful or repeat serious violations in the last three years.
- 9) Have no fatalities or catastrophes within the last three years that resulted in serious or willful citations related to the incident.
- 10) Provide safety training for field staff in Spanish, when applicable; and
- 11) Receive a qualifying inspection of at least one representative project site by the AGC Chapter's Safety & Environmental Director (Applicant will submit a list of sites that are between 30% and 70% complete. At least three sites are preferred. The selected site(s) will be chosen at the discretion of AGC. The inspection will be performed within thirty calendar days after formal notification to AGC of available site(s). The list of projects will also be forwarded to OSHA for their non-enforcement inspection selection.); and
- 12) Commit to helping grow the CHASE Partnership.

## 6. Program Confidentiality

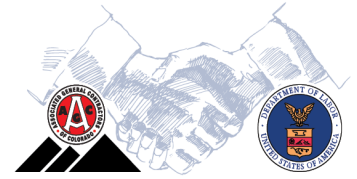
Information submitted by contractors as part of the initial application renewal processes, as well as information obtained by virtue of the contractor's application or participation in the program will be held in strict confidence within the confines of the partnership program. Any such information that will be subject to dissemination and use by OSHA will not identify any specific company; all employee and employer identifiers will be removed. AGC and OSHA will have the authority to release outside the confines of the partnership only this non-company specific aggregated data for purposes of measuring partnership effectiveness and publishing documents for promotional purposes by AGC and/or OSHA. However, in the event of an OSHA inspection, any such information that is relevant to any element of the investigation and normally available in accordance with current OSHA inspection procedures will be provided to OSHA upon request.

## 7. Program Oversight

- A. The AGC Chapter's Safety Director is responsible for the following program monitoring activities:
  - 1) Periodic reviews of the AGC CHASE partnering activities to ensure compliance with the partnership requirements, including random onsite visits of participant contractor work sites; and
  - 2) Communication with Area OSHA Directors for program review/improvements.



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- B. OSHA will conduct a non-enforcement verification inspection within 30 days of receiving an application from AGC of one worksite before conferring incentives listed for Blue Level Participants. Verification inspections will be conducted per current OSHA policy for focused inspections in construction.
- C. AGC Chapter's Safety Director will oversee auditing of OSHA Recordkeeping information for accuracy during the application or re-application process annually.

## 8. Incentives

Upon acceptance as a partnership participant, OSHA will provide certain incentives to participants.

### A. **RED** Participants:

- 1) Will be given recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program; and
- 2) When receiving a focused inspection, participants will not receive a citation for other-than-serious violations, provided that the hazards are abated at the time of the inspection.

### B. **WHITE** Participants:

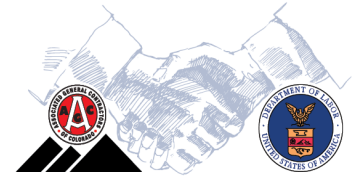
- 1) Will be given recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program.
- 2) When conducting a focused inspection, OSHA will not issue citations for other-than-serious violations provided the violations are abated at the time of the inspection; and
- 3) If cited by OSHA, **WHITE** participants will be receive the maximum good faith penalty reductions available under current OSHA policy.

### C. **BLUE** Participants: After successful conclusion of an OSHA non-enforcement verification inspection, OSHA will provide the following in benefits:

- 1) Will be given special recognition from OSHA and AGC designating the contractor as a participant in the CHASE Program.
- 2) When conducting a focused inspection, OSHA will not issue citations for other-than-serious violations provided the violations are abated at the time of the inspection; and
- 3) If cited by OSHA, **BLUE** participants will receive the maximum good faith and history penalty reductions currently available under current OSHA policy.

## 8. Partnership Evaluation

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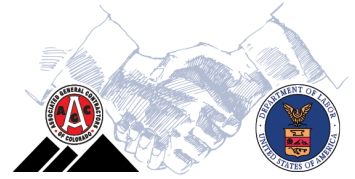
- A. It is the responsibility of the AGC Chapter's Safety Director to gather the required participant data to evaluate the overall success of the program. This data will include, at a minimum, the information needed to complete OSHA's Annual Partnership Evaluation Report as required per OSHA Directive CSP 03-02-003, Appendix C, dated November 16, 2013. Aggregated data from the BLUE participating contractors will be reported to AGC and the OSHA Area Directors. Supporting documentation will be reported annually by the BLUE participants to the AGC Chapter's Safety Director.
- B. The partnership will be evaluated annually to determine whether the goals in Section 2 of this agreement have been met. AGC is responsible for collating baseline and annual performance data upon which the partnership will be measured. This aggregated data will be reported to OSHA.
- C. AGC Partnership participant's aggregate total injury/illness incidence total case rates (TCIR) and fatality rates will be compared with BLS published data to determine whether the goals have been met.
- D. Participant incidence of injuries from the hazards that are the four leading causes of death on construction sites (falls, struck-by, caught in/between, and electrocutions) will be measured and compared against a baseline established in the first year of the partnership.
- E. Participants will be annually required to provide AGC with the number of man-hours and overall training man-hours. This will be used to determine if there is a correlation between TCIR and DART rates versus the ratio of man-hours worked and number of man-hours invested in training. The ratio from the first year of the program will be used as a baseline.
- F. Partnership Participants shall provide this information to AGC Chapter Safety Director no later than February 10<sup>th</sup> each year.
- G. AGC Chapter Safety Director shall forward the aggregate data to OSHA no later than February 28<sup>th</sup> each year.
- H. Partnership criteria may be revised annually based on recommendations for continuous improvement. These criteria may include company/site specific addenda to this agreement based on an individual contractor's requirement or an AGC/C or OSHA request.

## 10. Contractor Termination

- A. A contractor's participation will be terminated by the AGC and OSHA if one or more of the following occurs:
  - 1) An inspection by the AGC or OSHA reveals a significant deviation from program criteria.
  - 2) The contractor has falsified information on the application or supporting records (this includes the associated recordkeeping documents); or



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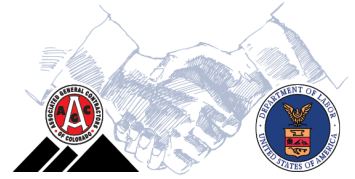
- 3) The contractor takes other such actions that may be determined to be grounds for termination by the AGC Safety Director.
- B. Prior to final termination of a contractor's status, the following will occur:
- 1) The contractor will be notified by the AGC Safety in writing of the intent to terminate;
  - 2) The notice will include an explanation of the reasons for termination;
  - 3) The contractor will have an opportunity to reply to the written notice within a period of thirty (30) days; and
  - 4) The contractor will have the right to appear before the AGC Safety Director and OSHA Area Director(s) or designee.
- C. The AGC Safety Director and OSHA Area Director(s) will have the authority to reinstate the contractor if it determines that the contractor's experience was unusual and not inconsistent with a sound safety and health program.
- D. Any contractor member may terminate their participation in the program at any time with written notification to the AGC Safety Director.

## 11. Partnership Term and Location

This agreement will terminate five years from the date of the signing. If any signatory of this agreement wishes to terminate their participation prior to the established termination date, written notice of the intent to withdraw must be provided to all signatories.

If OSHA chooses to withdraw its participation in the partnership, the entire agreement is terminated. Any signatory may also propose modification or amendment to the agreement.

# Construction Health And Safety Excellence (CHASE)



## 12. Signatures

*The following are signatories to this partnership agreement from the AGC Chapter leadership and the OSHA Area officials that were present and signed this agreement on July 29, 2021.*

Sherry Lindsey, President, AGC Board of Directors, AGC of Colorado Building Chapter

*Signature:* \_\_\_\_\_

Michael Gifford, President and CEO, AGC of Colorado Building Chapter

*Signature:* \_\_\_\_\_

Chad Vivian, Area Director Englewood Area Office, U.S. Department of Labor - OSHA

*Signature:* \_\_\_\_\_

Amanda Kupper, Area Director Denver Area Office, U.S. Department of Labor - OSHA

*Signature:* \_\_\_\_\_

Bradley J. Gassman, Safety & Environmental Director – AGC of Colorado Building Chapter

*Signature:* \_\_\_\_\_