

HOMESAFE® COLORADO

**A partnership to improve worker
health and safety
in residential home construction**

between

**The Occupational Safety and Health Administration
Denver and Englewood Area Offices**

and

The Home Builders Association of Metro Denver



For a better quality of life.



PARTNERSHIP
An OSHA Cooperative Program



**HOME BUILDERS
ASSOCIATION**
— of —
METRO DENVER®

**August 6, 2019
Denver, Colorado**

**An Agreement Between
The Occupational Safety and Health Administration
Denver and Englewood Area Offices
And
The Home Builders Association of Metro Denver**

I. IDENTIFICATION OF PARTNERS

This strategic partnership will build on the cooperative relationship between:

1. The Denver and Englewood Area Offices of the Occupational Safety and Health Administration (OSHA); and,
2. The Home Builders Association of Metro Denver (HBA of Metro Denver)

II. PURPOSE/SCOPE

HBA of Metro Denver supports OSHA's efforts to reduce and/or eliminate hazards in construction. The parties recognize the value of exerting leadership by bringing their respective skills to bear in a cooperative, focused and voluntary effort to ensure a safe and healthful environment for all personnel at HomeSafe® Master Builder construction sites. Towards that end, the *HomeSafe® Colorado Ten-Point List: A Guide to Safe Work Practices* will be utilized by all HomeSafe® Colorado partners to identify and abate hazards when they are present, as well as prevent hazards by educating workers on proper safety procedures.

This Partnership expands OSHA's reach into the construction industry by mutual agreement with the HBA of Metro Denver to facilitate the goal of reducing occupational-related fatalities and serious injuries in the residential construction industry. The scope of this partnership is limited to HomeSafe® Master Builder projects in Colorado.

III. GOALS/STRATEGIES/PERFORMANCE MEASURES

The HomeSafe® Colorado Partnership is created to encourage employers in the residential homebuilding industry to strive for accident free jobsites through effective safety and health training, job site audits, and enforcement.

Program Goals:

The goals of the Partnership are the following:

1. To maintain Total Case Incident Rate (TCIR) and Days Away Restricted Duty and Transferred case rate (DART) rates for each Master Builder below the national average

for the builder's 5-digit North American Industry Classification System (NAICS) Code, and to maintain the combined weighted average rate for all Master Builders substantially (at least 10%) below the corresponding national average.

2. To document improvement in Partnership members' risk Assessment scores, both on an individual and a program-wide average basis.
3. To demonstrate an increase in the percentage of the Partnership members' supervisors and subcontractors who have received appropriate safety training.
4. Ensure employee involvement in the day-to-day implementation of worksite safety and health programs.
5. To promote expanded and consistent training opportunities for subcontractors working on Master Builders' job sites.
6. To increase the number of HBA members that qualify as a Master Builder.
7. Create a culture of enforcing a policy of non-discrimination against any employee who engages in safety and/or health activities, and encouraging employees to engage in those activities.
8. To promote compliance with the OSHA standard on Respirable Crystalline Silica.

Strategies:

These goals will be accomplished through the following strategies:

1. Improving and promoting worker safety and health at Partnership member projects through training, audits, and enforcement.
2. Cooperatively addressing issues of concern related to safety and health issues within the residential homebuilding industry.
3. Updating the HomeSafe® 10 point booklet as needed to address trends of occupational-related injuries.
4. Immediately correcting all hazards and unsafe acts or conditions when observed or become aware of such.
5. The Jobsite Safety New Employee Education Program will be tracked and measured under Section IV of the annual Partnership evaluation report.
 - Members must report attendance of each employee who watched the video. Numbers will be reported on the annual reporting schedule.

6. Training all supervisory personnel that employees may freely exercise their rights to raise safety and/or health concerns without fear of reprisal. This includes employees' rights to discuss their concerns with each other, with management, with OSHA and with other appropriate agencies. Informing all employees of these rights in employee handbooks, posters, safety meetings, etc.

Performance Measures:

Partnership measures will include at a minimum:

1. Total Case Incident Rate (TCIR).
2. Days Away, Restricted and Transferred (DART) Rate.
3. Experience Modification Rates (EMR).
4. Partnership Member Risk Assessment Scores.
5. Number of English and Spanish speaking workers completing OSHA 10-hour training and any other Partnership sponsored safety training.
6. Increase in the number of Master Builders & Subcontractor Members.

Data will be collected from all participating Partnership Members annually. This information will be provided to OSHA for review and inclusion in the annual evaluation.

See Appendix A for further details on goals, strategies and performance measures.

IV. SAFETY AND HEALTH MANAGEMENT SYSTEMS

Effective Safety and Health Management Systems (SHMS) have proven to be a decisive factor in reducing the extent and severity of work-related injuries and illnesses. A SHMS is a method of preventing worker fatalities, injuries and illnesses through ongoing planning, implementation, integration and control of four interdependent elements: Management Leadership and Worker Involvement; Worksite Analysis; Hazard Prevention and Control; and Safety and Health Training.

Each participating HomeSafe® Colorado member will agree to develop and/or implement a safety and health management system as referenced in OSHA directive CSP 03-02-003 – OSHA Strategic Partnership Program for Worker Safety and Health.

V. WORKER INVOLVEMENT

Experience has shown that worker involvement is an essential component of any effective SHMS. This agreement will incorporate worker involvement through such activities as jobsite risk assessments, involvement in the Jobsite Safety Committee, safety and health training and New Employee Education sessions. Worker involvement will also be evaluated during verification audits. These activities are described in further detail in sections VIII and IX.

VI. ANNUAL EVALUATION

Jointly, the partners will perform an annual evaluation of Partnership activity and success in achieving the Partnership's goals. The annual evaluation will follow the format and requirements of the OSHA Directive- Strategic Partnership Program for Worker Safety and Health, CSP 03-02-003.

The HBA OF METRO DENVER will be responsible for gathering and providing the required data from the participating members to OSHA by **August 31st** of each year. The required data is based on calendar year. OSHA will have responsibility assembling the data in the format of Appendix C; OSHA Strategic Partnership Program for Worker Safety and Health, CSP 03-02-003. The evaluation is due on an annual basis, beginning one year after the Partnership signing.

VII. EMPLOYER INCENTIVES

OSHA will provide the following incentives to any **HomeSafe® Colorado Master Builder**:

1. As resources allow, OSHA personnel will assist with review, development, or improvement of safety and health management systems, provide guidance in conducting audits and evaluations, and offer technical assistance.
2. OSHA will use the inquiry* process (telephone, email or fax) to handle non-formal* complaints at Master Builder jobsites, except in those cases involving serious injuries, reports of imminent danger, or hazardous conditions covered by an emphasis program (for example, a report of a fall hazard). When an inspection of a non-formal complaint allegation is deemed necessary, a copy of the complaint will be provided to the Master Builder's Safety Director or other designated representative at the time of inspection.
3. During Programmed inspections*, Master Builders will qualify for a limited scope inspection focused on the four leading hazards causing injuries in the construction industry (fall, struck-by, caught-in, and electrical). For companies that qualify for a focused inspection, OSHA will not issue penalties for other-than-serious violations provided the violations are abated at the time of the inspection. However, any significant hazards observed in plain view during the inspection will be addressed. This does not include

other-than-serious violations that are found for lack of reporting hospitalizations, amputations or required electronic injury recordkeeping data.

*Non formal complaints: Any complaint alleging a safety or health violation(s) that does not meet all of the requirements of a formal complaint and does not come from one of the sources identified under the definition of Referral (i.e. compliance officer, employer, whistleblower investigator, government agency, media).

*Inquiry: A process conducted in response to a complaint or a referral that does not meet one of the identified inspection criteria as listed in Section C of OSHA’s Field Operations Manual. It does not involve an onsite inspection of the workplace, but rather the employer is notified of the alleged hazard(s) or violation(s) by telephone, fax, email, or by letter if necessary. The employer is then requested to provide a response, and OSHA will notify the complainant of that response via appropriate means. This could also include inquiries into injuries that have been reported by employers.

*Programmed inspections: Worksite safety and health inspections that have been scheduled based upon objective or neutral selection criteria are programmed inspections. The worksites are selected according to national scheduling plans or under local, regional, and national special emphasis programs.

VIII. PARTNERSHIP MANAGEMENT AND OPERATION

Participant Responsibilities

OSHA will:

1. Provide technical assistance, as resources allow, in reviewing Home Safe Colorado member’s site-specific safety and health management systems. The Englewood Area Office, Assistant Area Director (Chad Vivian) shall be the designated OSHA “Primary Contact” that advocates participation and continuous improvement and articulates and promotes the goals and actions set out in this agreement.
2. Help identify trends when reviewing the data that has been collected from the participating members, and provide technical assistance as resources and OSHA policy allow in hazard correction.
3. Provide information about training resources, including available OSHA Training Institute Courses and information on other available sources.
4. Participate in HBA training sessions and meetings as resources allow.
5. Provide, as resources allow, outreach information and assistance as needed.
6. Provide offsite technical assistance as resources allow.
7. Ensure that OSHA staff that conduct inspections of Partnership sites are familiar with the terms and scope of this Partnership.

HBA of Metro Denver will:

1. Provide OSHA with a forum in the monthly HBA Jobsite Safety meeting to announce and publicize agency information related to construction safety and health.
2. Ensure that each participating Partnership member has a person assigned to be the primary Partnership contact. This individual shall ensure that they are following the requirements of the Partnership agreement.
3. Develop a program to ensure that home building specific safety and health training and education will be provided to employees and new hires to include subcontractor's particular circumstances and situations. Appropriate training will also be provided to all supervisors on site to ensure proper implementation of the site's safety and health management system.
4. Ensure that each participating Partnership member will develop and/or implement a safety and health management system, following the OSHA Safety and Health Program Management Guidelines or ANSI/AIHA/ASSE Z10 - Occupational Health and Safety Management Systems. The OSHA Safety and Health Program Management Guidelines can be found at:

<https://www.osha.gov>

The HBA of Metro Denver and the Jobsite Safety Committee will perform a variety of activities to facilitate the success of the Partnership, including:

1. Determine Partnership protocol and procedures.
2. Hold Monthly Meetings.
3. Track, analyze, and provide information on Partnership activities and results.
4. Evaluate the effectiveness of the Partnership.
5. Ensure that issues and concerns, as well as best practices and successes, are appropriately communicated to participating members.

Partner Membership Levels and Level Maintenance Requirements:

There are three levels of participation for homebuilders and contractors:

Apprentice Member (level 1): In order to attain this level, companies must complete the following steps:

- Complete the HomeSafe® Colorado application packet (for initial application only);

- Have their employees attend the HomeSafe® Colorado Safety Orientation Training Program (initially and for new employees thereafter to maintain status);
- Participate in one jobsite risk assessment conducted by the HBA of Metro Denver's Jobsite Safety Committee (initially and annually thereafter to maintain status).

Note: There is no minimum requirement for scoring on the application packet or the audit form. The goal for these members is to improve their safety programs and eventually attain a higher membership status within the program.

Journeyman Member (level 2): In order to attain this level, companies must complete the following steps:

- Complete the HomeSafe® Colorado application packet (scoring a minimum of 2.0 out of 4.0) (for initial application only);
- Have their employees attend the HomeSafe® Colorado Safety Orientation Training Program HomeSafe® and Colorado Focus 4 Training Program (initially and for new employees thereafter to maintain status);
- Participate in and pass (scoring a minimum of 2.5 out of 3.0) one jobsite risk assessment conducted by the HBA of Metro Denver's Jobsite Safety Committee (initially and annually thereafter to maintain status).

Master Builder Member (level 3): In order to attain this level, companies must complete the following steps:

- Complete the application packet (scoring a minimum of 3.0 out of 4.0) (for initial application only);
- Have their employees attend the HomeSafe® Colorado Safety Orientation Training Program and HomeSafe® Colorado Focus 4 Training Program (initially and for new employees thereafter to maintain status);
- Host at least one HomeSafe® Colorado Focus 4 Training Program at one of their sites annually;
- Have employees complete a OSHA 10 Hour Construction Safety Course (Initially and for all new field employees thereafter to maintain status);
- Participate in and pass (scoring a minimum of 2.5 out of 3.0) one jobsite risk assessment conducted by the HBA of Metro Denver's Jobsite Safety Committee (initially and annually thereafter to maintain status);
- Pass one OSHA non-enforcement verification audit (initially and annually thereafter to maintain status).

Once a membership level is achieved by a participating company, they will remain at that level for one year provided they meet all of the annual criteria in the program listed above; membership levels must be earned annually. However, companies can move up to a higher membership level during that time. Membership levels will expire unless the member meets the requirements. Members are encouraged to complete the requirements well in advance of their expiration date in order to maintain status.

The HomeSafe® Colorado application packet will only need to be redone if a participating company wants to move up to a higher membership level. New employees will receive orientation training on the HomeSafe® Program within the first quarter of employment. The jobsite audits by the HBA of Metro Denver's Jobsite Safety Committee must also be conducted annually for all members with the exception of Apprentice members who must only participate in one audit per year. Master Builder status must also pass one OSHA non-enforcement verification audit annually to maintain this status.

IX. VERIFICATION

Jobsite Safety Committee Risk Assessments (Audits):

The Jobsite Safety Committee is tasked with conducting jobsite risk assessments of companies wishing to attain a status level and also to maintain their status level once achieved on an annual basis. Companies must meet certain scores in these audits to pass as indicated throughout the agreement.

OSHA Non-Enforcement Verification Audits:

For New Master Builder Applicants:

Companies applying for Master Builder status must pass an OSHA non-enforcement verification audit before they can achieve that membership level. This is the final step in the company achieving Master Builder status. Once the company has met all of the other criteria, including achieving a standard score of 2.5 or better on their risk assessment, they will provide a list of three active job sites in the State of Colorado to the HBA OF METRO DENVER who will forward the list to OSHA. If activity varies from day-to-day, a two-week schedule will be provided. The appropriate OSHA office(s) will then conduct a non-enforcement verification audit. OSHA will notify the HBA OF METRO DENVER and the applicant of the results of the verification audit. If the applicant passes the OSHA verification audit and meets all other criteria in the program, they will achieve Master Builder status.

If the applicant fails the OSHA verification audit, and wishes to re-apply, the following steps must be taken:

- Notify the Jobsite Safety Committee of their intention to re-apply;

- The Jobsite Safety Committee will schedule and complete another risk assessment within 60 days of the failed OSHA verification audit;
- If the applicant passes this audit, the applicant will provide a list of three active job sites in the State of Colorado to the HBA OF METRO DENVER;
 - *If the applicant fails the audit (did not achieve a score of 2.5 or better), they must wait a year before re-applying.*
- The HBA OF METRO DENVER will forward this information to OSHA who will schedule and complete another verification audit.

If the applicant fails the second OSHA verification audit they must wait a year before re-applying for Master Builder.

For Current Master Builders:

To maintain the Master Builder status level, the company must pass one OSHA non-enforcement verification audit annually. The appropriate OSHA office(s) will conduct one yearly audit of each HBA Master Builder worksite in a non-enforcement capacity to assess the implementation of the Partnership Agreement. The interaction is intended to provide opportunities for a Master Builder to highlight Partnership efforts, discuss challenges and plans for improvements, and allow OSHA to review the partner's efforts. OSHA worksite observations should be sufficient to confirm the partner's worksite is operating a safety and health management system that adequately ensures the protection of employees. During such visits, if OSHA personnel identify serious hazards that site management refuses to correct, OSHA will make a referral for an enforcement inspection.

The Master Builder will provide a list of three active job sites in the State of Colorado to the HBA OF METRO DENVER who will then forward this list to OSHA. If activity varies from day-to-day, a two-week schedule will be provided. The appropriate OSHA office(s) will then conduct a non-enforcement verification audit. OSHA will notify the HBA OF METRO DENVER and the Master Builder of the results of the verification audit. If the Master Builder passes the OSHA verification audit and continues to meet all other criteria in the program, they will maintain their Master Builder status.

If the Master Builder fails the OSHA verification audit, and wishes to re-apply, the following steps must be taken:

- Notify the Jobsite Safety Committee of their intention to re-apply;
- The Jobsite Safety Committee will schedule and complete another risk assessment within 60 days of the failed OSHA verification audit;
- If the applicant passes this risk assessment, the applicant will provide a list of three active job sites in the State of Colorado to the HBA OF METRO DENVER;

- *If the applicant fails the risk assessment (did not achieve a score of 2.5 or better), they will revert back to the Journeyman level and must adhere to the requirements set forth for Journeyman status stated in the Home Safe® Colorado partnership. That builder may reapply for Master Builder status one year from last failed inspection.*
- The HBA OF METRO DENVER will forward this information to OSHA who will schedule and complete another verification audit.

If a Master Builder is unsuccessful in the second OSHA verification audit, that builder will revert back to Journeyman status and adhere to the requirements set forth for Journeyman status stated in the Partnership agreement. That builder may reapply for Master Builder status one year from last failed audit.

Master Builders are encouraged to start the renewal process well in advance of the expiration date of their status level (1 year after they attained it) to ensure that their membership level will not automatically expire if they cannot meet the timelines above.

X. EMPLOYEE AND EMPLOYER RIGHTS

This Partnership does not preclude employees and/or employers from exercising any right provided under the OSHA Act, nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

XI. TERMINATION

This Partnership will terminate on August 1, 2024. If either OSHA or HBA of Metro Denver wishes to withdraw their participation prior to the established termination date, a written notice of the intent to withdraw from either signatory will terminate this agreement 30 days after receiving such notice.

Master Builders and/or OSHA may terminate the Master Builders involvement at any time with written notice describing the reason for termination. Additionally, any Master Builder may withdraw its participation from the Partnership at any time with a written notice of the intent to withdraw to the HBA of Metro Denver and OSHA.

XII. SIGNATURES

The Strategic Partnership established to nurture a cooperative relationship between Home Builders Association of Metro Denver and the Occupational Safety and Health Administration is confirmed.

Signed: **August 6, 2019**

Signatory

David Nelson
Area Director, Englewood Area Office,
OSHA

Herb Gibson
Area Director, Denver Area Office,
OSHA

Chuck Roberts
Home Builders Association 2019 Jobsite
Safety Committee/HomeSafe® Colorado
Chairman



Signatory

Heidi Majerik
2019 President, Home Builders
Association of Metro Denver

Chérie Talbert
Home Builders Association

For a better quality of life.



HOME BUILDERS
ASSOCIATION
of
METRO DENVER®

Appendix A

Goal	Strategy	Measure/Product
1) Maintain the TCIR and DART rates of each Master Builder below the national average for the builder's 3-digit SIC, and to maintain the weighted average for all Master Builders substantially (at least 10%) below the corresponding national average.	a) Collect Master Builder TCIR and DART rates b) Collect Master Builder Experience Modification Rates (EMR) c) Collect Master Builders Loss Ratios, Note: TCIR, DART, EMR, and Loss Ratio's will have identifying data removed	i. Use of 2013 data already collected as baseline for TCIR and DART rates ii. Comparison of baseline rates to annual rates iii. Evaluate baseline EMR iv. Comparison of baseline EMR to annual EMR v. Comparison of baseline Loss Ratio's to annual Loss Ratio's
2) Improve the Master Builder audit scores both on an individual and a program-wide average basis.	a) HBA conducts third party audits and score audits	i. Use 2012 audit scores as baseline for audit scores ii. Comparison of baseline audit scores to that of new Master Builders
3) Increase the percentage of Master Builders' supervisors and subcontractors who have received appropriate safety training for both English and Spanish speaking workers.	a) Schedule quarterly training opportunities in English and Spanish b) Hands-on Focus Four training c) Survey employees on training needs/improvement d) Safety orientation training	i. Use 2013 data already collected as Baseline of those completing OSHA 10-hour training ii. Comparison of baseline training to annual training iii. Number of workers trained in English and Spanish iv. Number of workers receiving orientation training