



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

Kansas City Area Office

AND

J.E. Dunn Construction Company

AND

Global Earthworks & Underground, LLC.

Project Shalerock

Partnership Agreement

I. Identification of Partners

A. The partners in this Agreement will include the following:

1. The Kansas City Area Office of the Occupational Safety and Health Administration, OSHA
2. J.E. Dunn Construction Company (J.E. Dunn)
3. Global Earthworks & Underground, LLC (Global)
4. Project Subcontractors: J.E. Dunn and Global have formed a joint venture to work on this project. All subcontractors that work on Project Shaleroch will be considered partners for purposes of this Agreement. All future contracts with subcontractors will incorporate this OSHA partnership into their respective written agreements. J.E. Dunn and Global, a joint venture, will incorporate this OSHA partnership into each of its previously executed written agreements with subcontractors, including through amendment or change order if necessary. This will include a provision acknowledging the subcontractor's obligations under this Agreement.

B. Supporting Groups:

1. It is the understanding of the partners that Mid-America Carpenters Regional Council, and any other trades/ unions involved in the project, will support the partnership described in this Agreement.

II. Purpose/Scope

- A. Project Shaleroch is a confidential data center located at Parvin and Arlington Road in Kansas City, Missouri. It is a multi-building campus that will utilize approximately 500 craft workers at the peak phase of construction for each building. Sitework began in November of 2023, and while the completion dates of each phase are to be determined, this campus will likely reach seven years or more of construction. This is one of the first major data center developments in the Kansas City jurisdiction.
- B. OSHA, J.E. Dunn, Global, and project subcontractors recognize the importance of providing a safe and healthy worksite. The objective of this Agreement is to furnish and maintain a safe and healthful work environment for all employees involved in Project Shaleroch. With the implementation of this OSHA strategic partnership, J.E. Dunn, Global, and project subcontractors aim to reduce the number of worker illnesses, injuries, and fatalities by specifically focusing on reducing or eliminating employee exposure to fall, struck-by, caught-in/between, and electrical hazards.
- C. This Agreement is consistent with OSHA's efforts to develop a contractor/government partnership approach to safety and health management. Also, this Agreement encourages more participation in the early identification, evaluation, and control of safety hazards in the construction industry.

III. Goals, Strategies, and Performance Measures:

- A. OSHA has identified the four most frequent causes of fatalities in construction. These are falls, struck-by equipment/machinery, caught in/caught between equipment or materials, and electrocutions. The overall goal of this Agreement is to minimize mishaps, injuries, and illnesses and prevent fatalities during the construction of Project Shaleroch by improving safety and health programs through the direction of leadership and the accountability of all partners in this Agreement.

Goals	Strategies	Performance Measures
<p>Minimize accidents, injuries, and illnesses on the project: zero fatalities; project injury/illness data below the current Bureau of Labor Statistics (BLS) National Average for NAICS 23 (all of construction).</p> <p>Reduce the total number of injuries and illness cases by 10 percent, when compared to the BLS National Average rate for NAICS 23.</p>	<p>Implementation of a comprehensive safety and health management system focused on proactive risk prevention, employee involvement, hazard recognition, and training. In implementing this system, partners will:</p> <ol style="list-style-type: none"> 1. Review the OSHA 300 data of all project contractors and subcontractors to determine injury and illness trends and implement effective corrective action(s). 2. Calculate each project contractor and subcontractor's Total Case Incident Rate (TCIR), Days Away, Restricted, or Transferred (DART) rates, and Days Away from Work (DAFW) rates. 3. Compare this TCIR, DART, and DAFW data with the baseline rates and most current BLS data. Partners will meet quarterly to review injury and illness statistics and to provide technical guidance on safety and health as needed. 	<p>The partnership will compare site TCIR, DART, and DAFW rates to the baseline, and most current published BLS data, for NAICS 23. The comparison will occur annually.</p> <p>Note: The 2022 BLS published TCIR, DART, and DAFW rates for NAICS 23 are 2.4, 1.5 and 1.0, respectively, and will be utilized as the baseline for the partnership.</p>
<p>Identify and abate hazards in a timely manner.</p>	<ol style="list-style-type: none"> 1. Perform initial task hazard analyses and update these analyses as project advances. 2. Conduct Jobsite Analyses as needed. 3. Encourage workers to report any unsafe conditions as soon as possible to management or workers representatives. 	<p>Track the total number of hazards identified and the abatements/corrective actions.</p> <p>Track workers that are actively identifying hazards in the workplace.</p> <p>Track the number of jobsites tasks, hazards analyses, and the number of employees involve in the analyses.</p> <p>.</p>

Goals	Strategies	Performance Measure
<p>Provide for general safety and health training and job task specific hazard training that emphasizes employee involvement and management commitment.</p>	<ol style="list-style-type: none"> 1. Provide all employees site specific safety orientation prior to starting work on site. 2. All employees must have at minimum 10-hour OSHA Construction training course. 3. Develop and deliver OSHA Focus Four awareness training program for all employees when is needed. 	<p>Document the number of employees trained, including the training hours.</p> <p>Document the number of supervisors/foremen trained, including the training hours.</p> <p>Document the number of employees with the 10-hour OSHA Construction training course.</p> <p>Document the number of foremen/supervisors with 30-hour OSHA Construction training courses.</p>
<p>Provide for Diversity, Equity, and Accessibility in the workplace.</p>	<ol style="list-style-type: none"> 1. Provide safety and health information and training in the language that employees can understand. 2. Conduct daily safety stand up meetings. 3. Encourage minority representation for the labor force at this project. 4. Encourage mentoring of minorities and women subcontractors on safety and health management systems in the workplace. 	<p>Document and track employee recognition hazards in the workplace.</p> <p>Document all ombuds safety committee meetings.</p> <p>Provide to employees and project leaders specific feedback survey results to identify areas for improvement.</p>

IV. Program Implementation and Strategies:

A. A Site Specific Environmental, Health and Safety Plan has been developed by J.E. Dunn and Global to establish the required programs for the prevention of injury and job-related illness to personnel who will perform activities within the specified scope of this project. The plan will be included in the front-end bid documents for review by subcontractors prior to bidding work on the project. Once work has been awarded, all subcontractors will be required to comply with all Federal, State, and Local Codes and regulations, including, but not limited to, the Site Specific Environmental, Health and Safety Plan. Weekly jobsite safety audits/inspections by J.E. Dunn and Global leadership as well as subcontractors will be performed and documented.

B. J.E. Dunn and Global will implement safety requirements specified within the Site Specific Environmental, Health and Safety Plan which exceed each of the joint venture partner's corporate and OSHA 29 CFR 1926 safety standards. These requirements include but are not limited to:

1. Helmets: All employees are required to wear a safety helmet fitted with a 4-point chin strap and an impact liner that is either a Type I helmet tested to the EN12492 standard or a Type II helmet.
2. Evaluation of personal protective equipment: All personal protective equipment must be evaluated, be provided to workers, and properly fit.
3. Fall Protection: 100% tie off is required in all aerial lifts (i.e., articulating platforms, scissor lifts, etc.). Self-retracting lifelines and / or fall restraint systems shall only be used.
4. Ladders: Ladders should be considered as a secondary piece of equipment versus a primary means if / when elevated work is necessary. A ladder permit must be completed and approved by a safety employee of J.E. Dunn and Global if using a ladder above 6 feet working height.
5. Stop The Drop: A dropped tool protection program must be implemented, to include barricading the work area below, limiting tools and materials to the essentials, and tethering tools.
6. Barricades: Barricading shall consist of either red or yellow rope or chain and can be used for a short-term identification of restricted areas. Barricaded areas must be easily identifiable and have proper signage posted.
7. Lockout/Tagout: An extensive LOTO program detailing specific procedures, training, identification of personnel, and documentation has been developed and is outlined in the Site Specific EHS Plan. The intent of the program is to establish the minimum policy requirements for the control of energy sources when installing, adjusting, commissioning, and servicing machinery, equipment or services.
8. Health Hazards: A comprehensive monitoring program will be implemented to access occupational exposures to health hazards in the workplace including noise, silica, and any other air contaminants. Control measures will be implemented when exposures meet the level of the OSHA's permissible exposure levels.
9. Plans: Require that trench plans, fall protection plans, emergency response plans, lift plans, and daily job hazard analysis be developed, reviewed, and documented prior to starting work as it relates to the contractor's scope of work.
10. Require any contractor using tower or mobile cranes to demonstrate proper working conditions through inspections conducted by qualified crane inspectors prior to use. Documentation of inspections will be maintained at the project site.
11. Require that all crane operators are certified and trained to operate the specific crane in use. Documentation to demonstrate competency will be provided and maintained at the project site.

C. J.E. Dunn and Global will ensure that, upon arrival at the project site, all personnel attend the site-specific safety orientation prior to being allowed to perform work on site. The site orientation will consist of the following:

1. Explanation of the principles of an injury free workplace
2. Explanation of the general environmental, health and safety (EHS) requirements
3. Explanation of the project site specific requirements
4. Explanation of speak-up/listen-up (SULU)
5. Explanation of the scope, purpose, and expectations related to this agreement

D. J.E. Dunn and Global will vet each subcontractor through an established review process prior to subcontractors bidding work on site. In addition, each subcontractor must submit a site specific EHS plan which will be reviewed and approved by J.E. Dunn and Global prior to beginning work.

E. All subcontractor personnel engaged in construction activities must present the following at orientation before they are permitted to perform work onsite:

1. Documentation of completion of OSHA 10-hour training course in construction for all workers
2. Documentation of completion of OSHA 30-hour course in construction for all foreman level
3. Verification from One Source of passing the Level 2 + background check

F. J.E. Dunn and Global will ensure that any persons under their control or their respective subcontractors' control who are performing tasks that can impact the health, safety, or environment are competent based on appropriate education, training, or experience. This competency requirement will be applied throughout the project and at relevant levels of the partnership members. Safety and health training will be conducted in a language that the workers understand. Training may include but is not limited to:

1. Site Safety Orientation
2. 10-hour OSHA Construction
3. LOTO/Arc Flash Training (as applicable)
4. Competent Person(s) Training
5. Adult First Aid, CPR, AED
6. Heat Illness Prevention
7. Other hazard-specific training will be conducted on an as needed basis by the subcontractors on the specific hazards associated with their tasks. This training will be tracked and documented within the training log/roster required by the subcontractor.

- F. The Kansas City Area Office may be contacted for clarification, guidance, and outreach materials on any safety and health related issues.
- G. The other partnership members will create and continually develop an open working relationship.

V. Employee Involvement:

- A. CORE (Craft Ombuds Representing Employees) Safety Committee: J.E. Dunn and Global will ensure that ombuds are available to workers. An ombud is a field level employee designated by his/her peers to represent employees regarding concerns about safety and site conditions. They are safety ambassadors for the front-line work force. On this site, ombuds will be impartial representatives who are available for workers to address specific complaints about anything important to them.

Ombuds keep the complaints anonymous and report directly to project leadership.

The end goal is to separate the issue from the individual, so J.E. Dunn and Global can address any corrective actions without fear of discipline or retaliation.

Responsibilities of an ombud may include:

1. Setting and leading by a good example
2. Participating in or leading safety trainings
3. Being a mentor to new hires
4. Recognizing positive actions
5. Coaching on any unsafe behaviors and guiding fellow employees towards a more positive safety culture.
6. Protecting confidentiality of any craft information

- B. To gauge the effectiveness of this Agreement as well as the comprehensive safety and health management system, an Employee Perception Survey will periodically be distributed to all employees involved in the project. This survey is detailed in Section VI of this agreement.

VI. Documentation and Surveys:

- A. Records of training certifications/training rosters will be reviewed by J.E. Dunn and Global. J.E. Dunn and Global will also maintain records of site-specific training conducted for all on site employees. These may include, but are not limited to, site-specific safety orientation(s), LOTO/Arc flash training, and competent person(s) training. Employee attendance at site safety stand up meetings and toolbox talks will also be tracked and documented.
- B. Employee recognition occurrence data and metrics will be documented and tracked by J.E. Dunn and Global.
- C. Construction Employee Perception Surveys will be distributed on a quarterly basis to all employees involved in the project. The surveys will feature questions focused on employee support, mental health, management engagement, and overall perception of safety culture.

Data from these surveys will be documented and analyzed to identify leading indicators, opportunities for improvement, and what is going well on the project.

- D. J.E. Dunn and Global will document and maintain jobsite safety audits and inspections.
- E. Safety and health programs will be maintained on file by J.E. Dunn and Global and each subcontractor. Each quarter, J.E. Dunn and Global will formally report their findings on the general effectiveness of the safety and health program and progress towards achieving the goals set forth in this Agreement to the Kansas City Area OSHA office for review.
- F. J.E. Dunn and Global are committed to fostering a safe work environment focused on diversity, equity, inclusion and accessibility. This will be achieved by making good faith efforts to meet or exceed the Port KC Community Impact Goals focused on providing equal opportunity to minority and women owned subcontractors and increasing representation of minorities and women in the site labor force.

VII. Evaluations:

- A. The partnership will be evaluated quarterly, and those evaluations will include review of the data used to monitor the success of the partnership efforts. On a quarterly basis, leadership of J.E. Dunn, leadership of Global and OSHA representative(s) shall meet and discuss the evaluation results, and make any modifications as required to continually improve the partnership. These quarterly meetings will serve as an on-site non-enforcement verification visit.
- B. Additionally, the partnership will be evaluated annually utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP. J.E. Dunn and Global are responsible for gathering the data to evaluate and track the overall results and success of the partnership under Appendix C of the OSPP.
- C. The OSHA Strategic Partnership (OSP) evaluation committee consists of J.E. Dunn, Global, and Area Director/Assistant of Area Director and the Compliance Assistance Specialist. J.E. Dunn and Global are responsible for gathering and submitting all the necessary information to comply with the annual evaluation report of this Agreement. The Compliance Assistance Specialist will evaluate and submit the OSP annual evaluation report to the Regional Office annually.

VIII. Benefits/Incentives:

- A. Citations issued to site contractors and subcontractors shall include maximum penalty reduction for good faith as prescribed by CPL 02-00-164, Field Operations Manual (FOM), dated April 14, 2020, or the most current revision.
- B. OSHA will give priority to “phone and fax” for safety and health complaints in lieu of onsite inspections. The scope of the phone and fax investigation process may not be expanded beyond what is allowed by reference in the Field Operations Manual (FOM).

- C. Other-than-serious violations observed and immediately abated during an OSHA visit shall not be cited.
- D. J.E. Dunn, Global, and subcontractors may contact the Kansas City Area OSHA Office for clarification of safety and health related issues.
- E. This partnership creates a working relationship between OSHA, J.E. Dunn, Global, and subcontractors that enhances employee safety and health specific to this project, and nationally, through education and the sharing of best work practices.
- F. This partnership requires inspections of the worksite by J.E. Dunn and Global and subcontractors to identify and correct hazards on a weekly basis. It serves as a model to subcontractors and others by demonstrating how to implement a strong safety and health program on a multi-employer jobsite. It also encourages a higher level of participation in the safety process by involving everyone on the jobsite. The partnership participants will endeavor to use the knowledge gained from this partnership and apply it to reduce injuries and illnesses at future work sites.
- G. OSHA will provide J.E. Dunn and Global information on Local Emphasis Program (LEP)/National Emphasis Program (NEP) compliance assistance materials for partnership utilization.

IX. OSHA Verification:

- A. OSHA, in addition to the initial site visit, will conduct non-enforcement verification visits. Non-enforcement verification visits will be conducted by enforcement personnel. OSHA will report the hazards identified and recommendations will be made to each exposing subcontractor and J.E. Dunn and Global. Abatement will be made by each exposing subcontractor and documentation thereof sent to J.E. Dunn, Global, and OSHA.
- B. Non-enforcement verification visits will be conducted quarterly. The non-enforcement verifications must be performed in accordance with the OSP Program Directive.
- C. J.E. Dunn and Global and their subcontractors will remain subject to OSHA inspections and investigations in accordance with agency policies. OSHA will continue to investigate fatalities and catastrophes that occur at the workplace as well as formal complaints and severe injury reports received. OSHA will also continue to conduct programmed inspections.
- D. J.E. Dunn and Global will permit OSHA immediate access for any inspection made pursuant Section IX paragraphs A and C and will not require an inspection warrant for any such inspection.

X. OSP Management and Operation

A. Participating Contractors:

1. Participants in this Agreement will receive a briefing by J.E. Dunn and Global that

will enable them to understand the tenets of the Agreement. Participants should understand the principles and guidelines of this Agreement and realize the purpose is to enhance their awareness of safety and health and improve their safety and health program(s). To ensure successful management and operation of this OSP, all participating contractors will be responsible for the following:

- a) Submission of their written safety and health program and site-specific plan to J.E. Dunn and Global for approval.
- b) As specified in the project Site Specific EHS Plan, subcontractors with 30 or more craft workers on the project site at any time (including the craft workers of any of its subcontractors of any tier) must have a full-time safety manager provided by the subcontractor. When the workforce is below 30 craft workers, then the subcontractor is required to provide a safety manager who spends a minimum of 2 days per week on the project and attends the weekly safety manager's meeting. When subcontractors exceed 60 employees, they must add a second full-time safety professional known as a Safety and Health Supervisor (SHS) and maintain a 60 to 1 ratio thereafter of safety professionals.
- c) Ensure that their employees comply with their company's safety program and all Federal, State, and Local Codes and Regulations, including the Site Specific EHS Plan, and this Agreement.
- d) Ensure compliance with the site-specific Safety and Health Orientation process for all personnel assigned to the Project.
- e) Attend a safety kick off meeting.
- f) Conduct and participate in safety related training applicable/required for the work being performed by company supervisors, employees, subcontractor personnel, and visitors.
- g) Maintain complete records of all associated safety training given to all project personnel and submit training matrix to J.E. Dunn and Global.
- h) Train employees (including subcontractors) to perform work in a safe manner and to recognize, correct potential, actual hazards, and unsafe acts. When a worker lacks proficiency in the subject matter, retraining will be done promptly.
- i) Attend Safety Leadership Team meetings and participate in field audits.
- j) Coordinate, document, and chair weekly job site safety toolbox and training.

B. Employees and Contractors are committed to the following:

1. Contractors must ensure that their workers are working in a manner which prevents

incidents and accidents to themselves, fellow workers, the public, and property.

2. Contractors should ensure that their employees:
 - a) Notify supervisors of dangerous or potentially dangerous conditions, including unsafe tools and equipment.
 - b) Actively participate in Job Safety Analysis and all Safety Prevention activities.
 - c) Never walk past or leave an unsafe condition. Take prompt actions to make the condition or area safe and inform a supervisor to have it corrected and properly communicated.
 - d) Are respectful of co-workers, management, and all personnel on site.
 - e) Never use a tool or piece of equipment that they have not been trained to use.
 - f) Plan and prepare themselves for the work environment.

C. OSHA Commitment

1. OSHA will participate in J.E. Dunn and Global safety and health annual conferences, and attend their national stand downs such as falls, heat illness prevention, trenching and excavations, suicide prevention, when possible.
2. OSHA will furnish technical advice, publications, and training material to employers upon request. Such a request, by itself, will not trigger an OSHA inspection.
3. Informal complaints (unsigned): OSHA will allow participants an opportunity to resolve such complaints; however, if corrections are inadequate as determined by OSHA, an inspection may be made to ensure compliance.
4. OSHA will participate in the quarterly partnership committee meetings discussed in Section VII.

XI. Workers and Employee Rights

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

XII. OSP Term:

This Agreement shall be in effect until major construction activity on the project is completed. Should OSHA, J.E. Dunn, or Global elect to withdraw from participation in the partnership, prior notification in writing of the intent to terminate shall be provided to the other participants. A thirty (30) day written notice is required prior to termination, during which the parties have an opportunity to resolve any issues to avoid termination. Termination by any party shall constitute a cancellation of the

partnership. OSHA, J.E. Dunn, and Global are the only entities that can terminate this partnership.

XIII. Signatures:

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the OSHA, J.E. Dunn Construction Company, and Global Earthworks & Underground, LLC. Partnership Agreement for Project Shaleroock in Kansas City, Missouri.

The date of this partnership agreement is March 20, 2024.

Principal Participants:

Karena Lorek
Area Director, Kansas City Area Office
Occupational Safety
and Health Administration

Kevin Sears, Vice President
J.E. Dunn Construction Company

Joe Rodriguez, President
Global Earthworks & Underground, LLC

Supporting Group:

Alberto Jotautas, Safety Director
Mid-America Carpenters Regional Council