



**STRATEGIC PARTNERSHIP**

**Between**

**Power Construction Company, LLC**

**And**

**The Occupational Safety and Health Administration,**

**Billings Area Office**

**for the**

**The Flats - Multi Facility Residential Complex**

**Project, Bozeman, Montana**

## **I. IDENTIFICATION OF PARTNERS**

- a. U.S. Department of Labor Occupational Safety and Health Administration (OSHA), Billings Area Office (BAO) and the Montana Department of Labor and Industry (DLI).
- b. Power Construction Company LLC (PC)

## **II. PURPOSE AND SCOPE**

The Flats construction project in Bozeman, Montana, involves the construction of a residential development including a mix of townhomes, apartments, single family units and a clubhouse. The complex will consist of two 100-unit 4 story buildings called "The Flats" which will be built alongside 12 sets of three-story row homes and 3 single family homes. The community space will include a club house, pool, and gear garage. The project site will be approximately 300,000 square feet with over 30 mostly Montana based subcontractors performing the work. Multiple subcontractors will work at the site to complete multiple phases of site preparation, precast concrete, structural steel, HVAC, electrical and roof work through project completion. The project began in November 2023 and is expected to continue through the end of 2025.

OSHA and PC jointly developed this partnership agreement for The Flats project. The common objective and goal of the agreement is to provide a safe and healthful work environment for employees working at this site and to help prevent serious accidents and fatalities within the industry through increased training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

PC is a general contractor with geographic VPP status in Region V. As such, their understanding of comprehensive safety and health management systems ("SHMS") can be presented to local subcontractors throughout the state of Montana. Subcontractors working at the site will have the opportunity to see the quality that an effective SHMS programs brings to the workplace and to implement these methods throughout their company and future projects. The knowledge provided by PC in terms of safety and health can impact the workforce and stakeholders in Montana through daily observation and collaboration with a VPP company's methodical safety and health approach.

To address the increasing need for inclusive safety and health training for a diverse workforce, PC intends to support inclusive safety and health training for workers through the use of bilingual literature available through the HammerTech Safety Software which allows access to over 20 different languages for Safety Orientation and online Safety reporting.

## **III. SAFETY AND HEALTH MANAGEMENT SYSTEMS**

Employers participating in an OSHA Strategic Partnership (OSP) must have or agree to implement an effective site-based Safety and Health Management System (SHMS).

The goals of implementing a SHMS are preventing worker fatalities, injuries, and illnesses through the 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.

This partnering agreement provides a method to improve sub-contractors' safety and health performance. PC will evaluate subcontractor's written SHMS to ensure appropriateness for their scope of work. If a subcontractor's system does not provide equivalent protection to PC's system, PC will require subcontractors to follow the components of its SHMS.

#### **IV. WORKER INVOLVEMENT**

This partnering agreement recognizes that workers bring valuable skills and perspective to the successful implementation of any SHMS. Employees will be involved in the site SHMS by methods including safety meeting/committee participation, participation in the site audits, providing feedback and follow up on employee suggestions, and participating in the development of JHA's or JSA's.

Employees have the authority to stop work if they identify an unsafe condition without the fear of retaliation and to ask questions regarding training. PC will arrange for OSHA to conduct whistleblower training with their management team onsite. Employees are expected to participate in a job hazard analysis (JHA) for their respective jobs, and they can request any documentation covered under 29 CFR 1926 for authorized or affected employees.

#### **V. GOALS/STRATEGIES & PERFORMANCE MEASURES**

<b>Goals</b>	<b>Strategies</b>	<b>Measures</b>
<p>1. Provides a partnership that will encourage involvement of all subcontractors in the improvement of safety and health performance and incorporate a diverse background of groups to perform work at the site.</p>	<p>a. PC will evaluate subcontractor's written safety and health programs to ensure appropriateness for their scope of work. If a subcontractor's safety and health program does not provide equivalent protection, PC will work collaboratively with the subcontractor to improve any subcontractor's safety and health program to provide at least equivalent protection or better protection. PC will review contractor's written safety and health programs and recognize those companies with exemplary programs.</p> <p>b. PC will conduct audits on the job site to reinforce good behavior safety models.</p> <p>c. PC will conduct weekly audits of their sub-contractors to verify the Safety Health Management Systems (SHMS) is effective. If it is identified that the SHMS is not effective retraining with that subcontractor on the requirements of an effective SHMS program will be performed and an evaluation of the work process will be conducted to ensure that the subcontractor is meeting the exemplary qualifications expected of PC.</p> <p>d. Incorporate the ideal of DEIA through hiring, community outreach, education, and creating a culture of inclusion for people of all backgrounds.</p>	<p>a. PC will require 100% of subcontractors to have an effective written safety and health management system specific to their scope of work.</p> <p>b. PC will conduct weekly field audits at a minimum.</p> <p>c. PC will determine the % (or number) of employers recognized for exemplary programs.</p> <p>d. PC will set up a shared drive to allow OSHA the chance to review submitted employer and subcontractor safety and health programs and other documentation including, but not limited to, field audits and/or allow OSHA to evaluate the submitted programs onsite.</p> <p>e. Evaluate, record and supply to OSHA all Diversity, Equity, Inclusion, and Accessibility (DEIA) initiatives throughout the project that promote DEIA on the worksite.</p>

<b>Goals</b>	<b>Strategies</b>	<b>Measures</b>
<p>2. Implement innovative strategies to eliminate serious accidents caused by the four primary construction hazards (falls, struck by, caught in, and electrical)</p>	<ul style="list-style-type: none"> <li>a. PC implements a daily site safety audit by a competent person.</li> <li>b. PC implements a near miss reporting protocol for all sub-contractors and as part of the daily site surveys. The Power Construction Safety Committee is a voluntary group of subcontractor personnel (i.e. foreman, corporate safety rep, field superintendent, etc.) and Power Construction Project Team members (i.e. Site Safety Manager, Superintendent, Site Safety Coordinator, etc.). This committee meets on a predetermined frequency to cover site specific safety performance along with the upcoming schedule of high-risk activities (4-8 week look ahead).</li> <li>c. PC shares the near miss reports and identified trends with all sub-contractors in weekly safety meetings.</li> <li>d. PC ensures that all sub-contractors perform pre-job briefings and JHA's daily through company JHA tracking system.</li> <li>e. PC audits daily JHA's to ensure accurate hazard identification and adequate controls.</li> </ul>	<ul style="list-style-type: none"> <li>a. PC will track the number and type of training provided to sub-contractors and submit quarterly reports electronically to the BAO for review throughout the project.</li> <li>b. PC will track the number of near miss reports.</li> <li>c. PC will set up a shared drive to allow OSHA the chance to review submitted employer and subcontractor safety and health programs and other documentation including, but not limited to, field audits, JHAs, safety meetings and/or allow OSHA to evaluate the submitted programs onsite.</li> <li>d. Allow BAO personnel to take part in state of the art and innovative methods and trainings conducted by PC and subcontractors to gain knowledge in the evolution of different trades performed at the worksite.</li> </ul>

<b>Goals</b>	<b>Strategies</b>	<b>Measures</b>
<p>3. Maintain project-wide injury and illness rate, which is at least 25% below the 2022 BLS Total Recordable Case (TRC) rate for nonresidential construction of 1.7 and Days Away from Work, Restricted or Transfer (DART) rate of 0.9 for the nonresidential construction industry (NAICS 2362).</p>	<ul style="list-style-type: none"> <li>a. Through the process of evaluation PC will be able to identify sub-contractors who do not follow their culture of safety and ensure that only sub-contractors with the highest level of safety culture are receiving bids for the work project.</li> <li>b. PC will review identified trends and require sub-contractors' completion of training, implementation of work practices and engineering controls for hazards identified involving affected employees on their job site. An in-depth analysis of the project occurs and intertwines with Power's Subcontractor Focus Program, which consists of a monthly safety review between Power Construction Safety and Subcontractor Management. All documentation and meetings are conducted and stored through Power's Safety Software (HammerTech).</li> <li>c. PC will evaluate the trends and through utilizing their expertise in the industry, will work to ensure any safety and health trend is improved through elimination, engineering controls and work practice or administrative controls.</li> </ul>	<ul style="list-style-type: none"> <li>a. DART rates for all site employers will be compared to industry averages.</li> <li>b. PC will determine the number of trainings conducted in response to trend identifications.</li> <li>c. PC will also identify the site-specific engineering and work practice controls made in response to trend identifications throughout the course of the project and record this information for dissemination to BAO through a shared drive and/or onsite review of the documentation.</li> </ul>

<b>Goals</b>	<b>Strategies</b>	<b>Measures</b>
<p>4. Ensure that all serious health hazards are eliminated or reduced through appropriate controls, safe processes/procedures, and/or personal protective equipment (PPE). Exposure assessments will be conducted for common health hazards like noise and silica, when potential exposures are present.</p>	<p>a. Potential health hazards will be identified and documented by PC for each phase of the project. PC will work with subcontractors to develop a screening/monitoring plan to assess exposure to noise and air contaminants.</p> <p>b. PC will review and provide revisions of sub-contractor's programs, PPE, and training when health hazards are identified from auditing activities.</p> <p>c. PC will mentor their suppliers and installers of the enhanced hazards of manufactured cut stone.</p>	<p>a. PC will determine the number of health samples for applicable work areas required during the duration of the project.</p> <p>b. PC will determine the number of exposures found above an OSHA PEL and the number (or %) of those hazards that were mitigated. (This should be 100%)</p> <p>d. PC will set up a shared drive to allow OSHA the chance to review submitted employer and subcontractor sampling results.</p>
<p>5. 100% Participation in Safety Stand-Downs and similar events.</p>	<p>a. OSHA and PC will provide site contractors with information about upcoming stand-down campaigns.</p> <p>b. These will include, but not limited to: Fall Prevention, Trench Safety, Safe+Sound, Suicide Prevention, and Heat Illness.</p> <p>c. PC will encourage subcontractors to participate. Events will be conducted in English and Spanish when possible.</p> <p>d. OSHA BAO and Montana Department of Labor and Industry will support site campaign events as resources allow.</p>	<p>a. Track the number and % of site participants in each campaign event and provide data to partners.</p>

## VI. EVALUATION

The partners will prepare a joint project evaluation of the partnership at least annually and once the project is completed. The evaluation will review the success of the partnership, lessons learned, and changes made to meet the goals. This report will be prepared using Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP-03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health Directive.

PC will provide to OSHA the following information during the on-site enforcement verification visit, if requested for review or collection by OSHA:

1. OSHA 300/300A and 301 Logs of Injuries and Illnesses.
2. Number of employee training sessions held, number of employees and supervisors/managers trained, and topics covered.
3. Number of and results of safety/health audits and inspections, including hazards identified and corrected.
4. Any documentation relating to employee involvement or participation, in the OSP and Safety and Health Management System including minutes of safety meeting.
5. Any documentation of communication between management and employees (may include computer memos, feedback on each suggestion, or other appropriate documentation).
6. Any documentation relating to any partners participation in health or safety seminars (i.e. 10 and 30-Hour Construction Safety and Health Courses, Safety and Health Fair, Trade Shows, etc.).

## **VII. INCENTIVES**

1. Outreach, information, training, and technical assistance by Billings Area Office OSHA.
2. Special recognition, which may include but is not limited to, press releases issued by OSHA and recognition on OSHA's web page designating PC as a participant in the OSHA Strategic Partnership Program.
3. Public recognition of best practices and special achievements resulting from the partnership agreement.

## **VIII. VERIFICATION PROCEDURES**

This partnership will utilize both off-site verification methods as well as on-site non-enforcement verification procedures. The BAO CAS will conduct a minimum of one non-enforcement verification visit per quarter throughout this partnership as resources permit. If possible, efforts will be made to align the visit with a site safety and health committee meetings to allow for participation.

PC will ensure that the BAO CAS is provided with quarterly summaries of all data specified throughout this agreement to review at least two weeks prior to the scheduled on-site visit.

## **IX. OSP MANAGEMENT AND OPERATION**

An implementation team will be comprised of PC's Project Superintendent, Safety Manager, Senior Project Manager, Safety Director, and the Compliance Assistance Specialist (CAS) and or the Area Director from the Billings Area Office, based upon the availability of resources.



PC serves as the onsite general contractor. It has the authority to correct or require the correction of hazards to which employees of sub-contractors may be exposed, assist sub-contractors in their safety program development when they identify shortcomings, request technical assistance from BAO regarding interpretation of standards and training, and ensure that sub-contractors effectively evaluate job hazards by phase, day, and job as needed.

OSHA will provide technical assistance as requested by PC, conduct non-enforcement verifications to monitor compliance, and assist in specific training areas as agreed to by all parties. This training will include, but is not limited to, whistleblower protection training for managers and employees.

Montana Department of Labor and Industry Consultation will share information about their services with site contractors. PC will encourage qualified subcontractors on the project to request consultation services to assist in improving their individual SHMS programs and to conduct targeted training and education visits.

## **X. WORKER RIGHTS**

This partnership does not preclude workers and/or employers from exercising any right provided under the OSH Act (or, for federal workers, 29 CFR 1960), nor does it abrogate any responsibility to comply with the Act.

## **XI. OSP TERM**

This partnership will expire at the completion of this project unless one of the following conditions are met:

1. Termination if BAO or PC unilaterally withdraws.
2. Closure when the goals of the OSP have been met.
3. Termination when the OSP is failing to meet requirements -- for example, failing to provide required annual evaluation data.

## **XII. SIGNATURES**

Signed on this day 5<sup>th</sup> of April 2024

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