



Partnership Agreement

Between

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

Kansas City Area Office and Wichita Area Office

AND

**Missouri On-Site Safety and
Health Consultation Program**

AND

**Kansas Department of
Labor-Division of Industrial
Safety and Health**

AND

**Sheet Metal and Air Conditioning
Contractors' National Association of Kansas
City Chapter (SMACNA-KC)**

AND

**Sheet Metal Air, Rail & Transportation, (SMART)
Local Union No. 2.**

I. IDENTIFICATION OF PARTNERS

Sheet Metal and Air Conditioning Contractors' National Association-Kansas City Chapter (SMACNA-KC), Sheet Metal Air, Rail, & Transportation (SMART) Local Union No. 2, and the Kansas City and Wichita Area Offices of the Occupational Safety and Health Administration (OSHA), Missouri On-Site Safety and Health Consultation Program, and Kansas Department of Labor-Division of Industrial Safety and Health recognize the importance of providing a safe and healthy work environment for employees engaged in the construction and fabrication industry.

This OSHA Strategic Partnership (OSP or Partnership) Agreement with SMACNA-KC and its members in Missouri and Kansas will facilitate the goals of OSHA to reduce occupational-related fatalities and serious injuries and illness at construction and fabrication job sites.

The SMACNA-KC Chapter was founded in 1930 to address issues of member firms that affect the industry locally, nationally, and internationally. It serves members' needs to improve their competitive advantage and business environment through SMACNA-KC construction and fabrication standards, industry education, labor relations, industry marketing, business studies, and safety training. SMACNA-KC has more than 1200 active union and non-union workers employed by 38-member companies in Missouri and Kansas. Fourteen member companies are going to participate in the OSP. (See Appendix A) Participation in the Partnership is strictly voluntary and is available to any member of the SMACNA-KC who meets the qualification requirements specified in this OSP Agreement. The Kansas City Area Office is the lead OSHA office during the existence of this OSP.

The SMACNA-KC Partnership continues efforts initiated during the Sheet Metal and Air Conditioning Contractors' National Association- Kansas City Chapter and SMART Local No. 2 alliance to continue work on making positive changes to the "safety culture" of this sector of the sheet metal industry.

A. Primary Partners:

- Sheet Metal and Air Conditioning Contractors' National Association-Kansas City Chapter (SMACNA-KC)
- OSHA Kansas City Area Office
- OSHA Wichita Area Office
- Missouri On-Site Safety and Health Consultation Program
- Kansas Department of Labor-Division of Industrial Safety and Health

B. Pledging their support for the Partnership:

- Sheet Metal Air, Rail & Transportation (SMART), Local Union No. 2.

II. PURPOSE/SCOPE

The goal of this OSP is to improve safety and health conditions for employees of companies belonging to the Sheet Metal and Air Conditioning Contractors' National Associations-Kansas City Chapter (SMACNA-KC). To accomplish this goal, a cooperative partnership has been established between the SMACNA-KC, labor, and government that will encourage SMACNA-KC members and their employees, in both construction and general industry, to improve their safety and health performance. The Partnership will ensure participants in the OSP meet the program qualification, then monitor and assist them in their efforts. Members who demonstrate exemplary safety and health

performance will be recognized as “the best of the best” in worker safety in western Missouri and Kansas. The Partnership is to be conducted within the jurisdictional area of the Kansas City and Wichita OSHA Area Offices.

III. GOALS/STRATEGIES AND PERFORMANCE MEASURES

The overall goal of the Partnership is to create a cooperative working relationship that focuses on preventing work-related fatalities, eliminating serious workplace hazards, and establishing a foundation for the development and improvement of effective safety and health programs for participating employers. Specific responsibilities for contractor compliance and involvement in the Partnership for compliance, site audits, Partnership improvements, review of Partnership modifications, and goals are delineated in this section of the document.

At construction worksites, the goal is to reduce the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on reducing injuries and fatalities resulting from:

1. Falls
2. Struck-By
3. Caught-In/Between
4. Electrocutions

In general industry (fabrication shops), the goal is to reduce the number of injuries, illnesses, and fatalities affecting participant employers, with an emphasis on injuries and fatalities resulting from:

1. Amputations
2. Cuts, Lacerations, or Punctures
3. Lockout/Tagout hazards
4. Lack of Adequate Machine Guarding

Goals	Strategies	Performance Measures
<p>Achieve a group aggregate rate of accidents, injuries, and illnesses below the most current year-published BLS National Average for NAICS 238 (Specialty Trade Contractors) and NAICS 332 (Fabricated Metal Product Manufacturing). Zero fatalities.</p>	<p>Implementation of a comprehensive safety and health management system for the participating establishments.</p>	<p>OSHA injury and illness data: (group aggregate and employer)</p> <ol style="list-style-type: none"> 1. Total Case Incidence Rate (TCIR) 2. Days Away, Restricted or Transferred (DART) Rate <p>An annual comparison of these rates with the most current BLS published data for NAICS 238 and 332 for each year. The 2022 BLS TCIR and DART rates for NAICS 238 (2.6 and 1.6) and NAICS 332 (3.7 and 2.0) are the baseline rates for the Partnership. Additionally, the project's injury and illness data are compared to this established baseline.</p>
<p>Developing an employer/government partnership that will encourage the involvement of the owner, construction/general industry managers, and subcontractors in the improvement of safety and health performance.</p>	<p>Require the employer/contractor and all subcontractors to develop and implement written safety and health management programs (including a fall protection plan).</p>	<p>SMACNA will be reviewing the number of employers/contractors/subcontractors that implemented and/or improved written safety and health programs annually.</p>
<p>Implementing strategies to eliminate serious accidents, including the four primary construction hazards (falls, struck-by, caught-in, and electrical), and the four general industry hazards such as amputations, cuts/lacerations/punctures, lockout/tagout, and machine guarding.</p>	<p>Conduct 30-hour and 10-hour OSHA training courses.</p> <p>Provide all employees with site-specific safety training/orientations.</p> <p>Implement and enforce an ongoing site safety audit program (to include weekly site inspections).</p> <p>Actively promote rapid abatement of observed hazards.</p>	<p>Document the number of managers and employees trained and the training hours received, including orientation and 10 & 30-hour Construction Training Courses.</p> <p>Document the number of hazards identified and abated during the safety audits by SMACNA.</p> <p>Track innovative strategies identified to identify and abate safety and health hazards.</p>
<p>Provide for workers' active involvement.</p>	<p>Provide worker involvement in weekly site safety meetings, site safety walkarounds, Job Hazard Analyses (JHAs).</p>	<p>Document the number of workers involved in weekly site safety meetings, site safety walkarounds, and JHAs from year to year.</p>

Goals	Strategies	Performance Measures
Provide for Diversity, Equity, and Accessibility in the workplace.	Provide safety and health information and training in the language that employees can understand. Conduct daily safety stand-up meetings. Encourage minority representation for the labor force in every jobsite. Encourage mentoring of minorities and women subcontractors on safety and health management systems in the workplace.	Document and track employee recognition hazards in the workplace. Document all safety and health training provided to minorities or women subcontractors. Document all mentoring activities to minorities and women subcontractors.

Additional anticipated outcomes include:

- A. Increase the number of employers who developed, implemented, and improved effective safety and health management systems, including training programs for management, supervisors, and employees, as referenced in Section VII (OSP Management/Operation and Implementation) and Section VIII (Safety and Health Management Systems (Program Criteria)).
- B. Develop criteria for a model employer safety and health program.
- C. Allow OSHA to focus resources on companies that require assistance from OSHA rather than companies that have demonstrated they have effective safety and health programs in place.
- D. Create a mentoring program for SMACNA-KC members by members who are actively involved with the Partnership Agreement.
- E. Make safety and health resources available to all members of SMACNA-KC. The overall success of the Partnership will be measured as follows:

The overall success of this program will be jointly evaluated by the Partnership Executive Safety Committee (as defined in Section VII.A), Kansas City Area Office, and Wichita Area Office, based on the following eight measures:

- A. Annual group aggregate TCIR and DART rates will be compared to the most currently published Bureau of Labor (BLS) National Average rates for NAICSs 238 and 332, with zero fatalities. The 2022 BLS TCIR and DART rates for NAICS 238 are 2.6, and 1.6, respectively. The 2022 BLS TCIR and DART rates for NAICS 332 are 3.7 and 2.0, respectively. These rates serve as the baseline for the Partnership.
- B. Each individual participating employer's annual TCIR and DART rates will be compared to the most currently published BLS National Average rates for their specific primary NAICS.
- C. Partnership participants will show a downward trend in injuries and a reduction of near misses, from year to year.

- D. Records of training certifications and training rosters will be maintained by SMACNA. The number of managers and employees trained, and hours of training provided, will be included in the annual evaluation. This may include, but is not limited to, OSHA 10 and 30-hour training courses as well as other hazard-specific training, provided by SMACNA and/or OSHA Kansas City Area Office or the Wichita Area Office personnel
- E. Evaluate the effectiveness of the 100% Fall Protection Plan through the number of plans implemented and/or improved as measured by injury/illness records, and a reduction in near misses.
- F. No fatalities were experienced by any participating member.
- G. Employers' safety and health programs and/or management systems, including changes, will be evaluated annually by the Partnership Executive Safety Committee, during initial application to the Partnership and upon renewal.
- H. Employers' safety and health programs and/or management systems will be evaluated annually by the Partnership Executive Safety Committee during initial application to the Partnership and upon renewal. Changes concerning the general effectiveness of the safety and health programs for participating employers' programs will be provided annually to the Compliance Assistance Specialists (CAS) for the OSHA Kansas City and Wichita Area Offices.

IV. ANNUAL EVALUATION

The Partnership will be evaluated annually utilizing Appendix C of the OSHA Strategic Partnership Program (OSPP) Directive CSP 03-02-003. The data used to conduct the annual evaluation will be collected on a calendar year basis and the annual evaluation will be sent to OSHA National Office the first week of March each year. The annual evaluation will be provided to the OSHA Area Offices and to the SMACNA's Safety Director, who will subsequently share the evaluation with the Partnership Executive Steering Committee. To evaluate the progress of the Partnership, the Partnership Executive Safety Committee shall review the annual evaluation, and if necessary, address opportunities for improvement.

In preparation for the annual evaluation, the CASs from OSHA's Kansas City and Wichita Area Offices will request the following information from the participating employers at the end of the calendar year:

- A. OSHA Forms 300 and 300A and hours worked for each employer's work sites (including construction sites, general industry sites, and corporate/home offices) operating in Missouri and Kansas, including the employer's primary NAICS.
 - B. Training activities, including number of employees and managers trained, hours of training provided, and training subjects/topics.
 - C. Number of self-inspections performed, including the number of hazards identified and abated/corrected.
- V. Other relevant safety and health activities, such as success stories, safety awards, and challenges and opportunities for improvement in their safety and health management systems.
OSP

VI. BENEFITS/INCENTIVES

- A. Partnering contractors will receive maximum reductions allowed by OSHA CPL 02-00-150, Field Operations Manual (FOM) dated April 22, 2011, for good faith, size, and history for penalties assessed for OSHA violations. Note: If the FOM is revised, the most current FOM will be utilized.
- B. Other-than-serious violations observed and immediately abated during an OSHA visit shall not be cited.
- C. Priority will be given to "phone and fax" safety and health complaints instead of on-site inspections.
- D. This Partnership requires frequent inspections of the worksite by SMACNA-KC, contractors, and subcontractors to identify and correct hazards. It serves as a model to contractors 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 knowledge gained from this Partnership will be applied to reduce injuries and illnesses at future work sites.
- E. Participating employers will receive special recognition from SMACNA-KC partners designating the employer as a participant in SMACNA's Partnership. The employer may receive incentives from owners and respective insurance companies/contractors/unions and recognition from affiliates of the Partnership Program, including the use of the Partnership logo and/or signage by OSHA guidance for the use of the OSHA Strategic Partnership Program Logo.
- F. OSHA will provide SMACNA-KC partners with the Local Emphasis Program (LEP)/National Emphasis Program (NEP) compliance assistance material for Partnership utilization.
- G. One of the core benefits of the Partnership Program will be to guide how to develop employers' safety and health programs that can serve as models for others to emulate. The program will include the development of criteria for a "model" company, and those companies that qualify will be asked to mentor smaller companies, or employers with less effective safety and health programs. SMACNA-KC can also provide such mentoring services. This mentoring may take several forms as follows:
 - 1. Structured programs created within the scope of ongoing contractor association/apprenticeship safety and health education.
 - 2. Programs developed for presentation at the SMACNA-KC meetings; and
 - 3. Instruction is offered in conjunction with apprentice/journeyman training programs, and other training programs.

VII. VERIFICATIONS

- A. OSHA will continue to investigate fatalities and catastrophes should they occur at the jobsite, as well as alleged "imminent" danger situations, per the FOM. Note: If the FOM is revised, the most current FOM will be utilized.
- B. OSHA will continue to investigate complaints and referrals received following OSHA

Instruction CPL 02-00-140, Complaint Policies and Procedures, and the FOM. Note: If the FOM is revised, the most current FOM will be utilized.

- C. An **on-site enforcement verification inspection** of the participating employers will be performed when a jobsite of the respective worksite receives an OSHA enforcement inspection for any reason, programmed or un-programmed. Note: OSHA will not implement any scheduling of a participating contractor partner for an on-site enforcement verification inspection over and above that which would be experienced by a non-partnership site. The scope of the on-site enforcement verification inspection will be following the FOM and the focused inspection policy. These inspections will use the "Focused Inspection" initiative policy (Memorandum from James W. Stanley, "Guidance to Compliance Officers for Focused Inspections in the Construction Industry", dated August 22, 1994 (Revision 2 issued September 20, 1995, and incorporated herein)), addressing hazards related to falls, struck-by, caught-in/between and electrical shock. Inspections conducted in response to complainants, Local and National Emphasis Programs (LEP/NEP), or referrals will qualify as the verification inspection if, in addition to addressing the complaint/LEP/NEP/ referral item(s), the compliance officer completes the focused inspection protocol for the worksite following OSHA Standards Interpretation and Compliance Letter, August 22, 1994, Guidance to Compliance Officers for Focused Inspections in the Construction Industry.
- D. **On-site non-enforcement verification visits**, performed by SMACNA- KC and the Partnership Executive Safety Committee, may be conducted as appropriate during initial application to the Partnership, during renewal applications, at the request of a participating employer, and anytime the Partnership Executive Safety Committee identifies a potential safety and health issue, to further assess participating contractors' implementation of the Partnership Agreement. These on-site visits should confirm that the partner's worksite is operating a safety and health management system that adequately ensures the protection of employees.
- E. SMACNA-KC and the Partnership Executive Steering Committee will perform **off-site verifications** during the application/renewal process and during the annual evaluation and review of participating employers' submitted injury/illness data and safety activities. Additional off-site verifications may also be performed by any or all of the following entities: SMACNA-KC, Partnership Executive Steering Committee, OSHA's Kansas City and Wichita Area Offices, to ensure participating employers are continuing to meet the requirements of the Partnership Agreement.

VIII. **OSP MANAGEMENT/ OPERATION AND IMPLEMENTATION**

C. **Program Implementation**

- A. SMACNA-KC, Kansas City Area Office, Wichita Area Office, and SMART Local Union No. 2 will form a Partnership Executive Safety Committee to monitor the implementation of this Agreement. The Committee will consist of a representative from each of the designated partners. SMACNA-KC will serve as the chairperson and as OSHA's primary contact. The Committee will review contractor compliance and involvement in the Partnership, and analyze job site audits, achievements, and successes.

- B. All employers interested in participating in the program must submit a completed application form to the SMACNA-KC for review. SMACNA-KC will inform members and the respective CAS from OSHA's Kansas City and Wichita Area Offices of those who have completed the application process and are eligible for participation in the program. SMACNA-KC will provide a copy of the application and supporting documents received by the CASs from OSHA's Kansas City and Wichita Area Offices.
- C. Contractors who qualify and accept the established requirements of the OSP must reapply by February 1 of each year and shall provide all required documentation to SMACNA-KC verifying that they still meet current established guidelines. In addition, SMACNA-KC will provide a copy of the renewal application and supporting documents to the CASs from OSHA's Kansas City and Wichita Area Offices.
- D. The Missouri On-Site Safety and Health Consultation Program and the Kansas Department of Labor-Division of Industrial Safety and Health will provide consultation visits, health sampling, program review, training, implementation of safety and health management systems, and any other safety or health support as requested, in writing, by each employer. A consultation visit would be a review of hazards and hazard abatement on a given jobsite, at the invitation of the employer.

D. Qualification Criteria

A company seeking participation in the Partnership Program shall:

- A. Be engaged in the construction industry, fabricated metal product manufacturing, and be a member of SMACNA-KC.
- B. Agree to provide written safety and health programs, training records, and injury/illness records to the Partnership Executive Safety Committee.
- C. Have no fatalities or catastrophes that have resulted in accident-related serious citations that have become a Final Order of the Occupational Safety and Health Administration Review Commission within the last five years.
- D. Have no willful violations or repeat violations that have become a Final Order of the Occupational Safety and Health Administration Review Commission in the last five years.
- E. Have three-year TCIR and three-year DART rates below at least one of the three most recent years of specific industry national averages for nonfatal injuries and illnesses at the most precise level published by BLS. Note: In performing a rate comparison, both the DART and TCIR will be compared to the same year of BLS data.
- F. Construction participants shall have implemented a 100% fall protection program requiring and enforcing the use of conventional fall protection (i.e., personal fall arrest systems, safety net systems, or guardrail systems as defined within 29 CFR 1926.502) when their employees are performing work that is more than six feet above a lower level. General industry participants shall have implemented a fall protection program requiring and enforcing the use of conventional fall protection as defined in 29 CFR 1910.28 when their employees are performing work that is more than four feet above a lower level.

- G. Have read this Partnership Agreement in full and signify agreement to all of the requirements herein by signing a copy of the "SMACNA-KC Partnership Program Application Form.
- H. Participants will have the following:
 - 1. A written safety and health program.
 - 2. A designated competent person at all worksites.
 - 3. Weekly documented safety training at all worksites.
 - 4. Employers' submitted injury/illness data and safety activities.

IX. SAFETY AND HEALTH MANAGEMENT SYSTEMS (Program Criteria)

Safety and Health Programs are a critical part of this OSP, in that it is an important aspect of collaboration between the project management team, supervisors, and the workers on site. The safety and health programs will enhance the Partnership through collaboration of all parties on site, and increased communication among parties, to impact worker safety and health. Safety and Health Programs will include, but not be limited to, the following core elements: management leadership, worker participation, hazard identification and assessment, hazard prevention and control, education and training, program evaluation and improvement, and communication and coordination for employers on multiemployer worksites.

SMACNA-KC will share their members' recommended comprehensive safety and health program, which is based on OSHA's "Recommended Practices for Safety and Health Programs in Construction", dated October 2016. This may be found at: <https://www.osha.gov/shpguidelines/>.

A. Management Leadership

SMACNA-KC will be responsible for collecting employers' written safety and health programs and training records. Information gathered will be forwarded to the Partnership Executive Safety Committee for review and verification annually.

An employer seeking participation in the Partnership Program must have a safety and health program that meets the following criteria:

- 1. **Management Leadership:** Top management will be committed to establishing, maintaining, and continually improving their program. Also, managers will provide the necessary resources to ensure workplace safety and health.
- 2. **Worker Participation:** Employers actively involve workers in identifying solutions and addressing safety and health challenges. Workers' collective experiences and insights are valuable for maintaining a safe and healthful work environment.
- 3. **Systematic Hazard Identification & Assessment:** Develop a process for systematically identifying and controlling workplace hazards. This involves finding and fixing potential risks as soon as possible.
- 4. A comprehensive program review to evaluate their success in meeting the goals and objectives so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection.

B. Worker Participation

Workers will be highly encouraged to report jobsite hazards they observe and bring all potential hazards to the attention of their supervisor for immediate correction. Reported information will be used to improve workplace safety, and no worker will experience retaliation for bringing such information to management's attention. This will be encouraged in the following ways:

1. All contractors will hold a Job Site Safety Orientation with each worker before their work on-site.
2. All contractors will provide a system to allow workers to report potential job site hazards to SMACNA-KC, all other contractors, and/or supervisors upon discovery to stop work if necessary.
3. All contractors will require all workers to attend daily toolbox talks.
4. All contractors will participate in monthly safety audits and provide all subcontractors on-site with a copy of the safety audit reports for use in discussion with workers during toolbox talks.
5. All contractors will share the results of accident investigations, site safety walkthroughs, and exposure monitoring to help workers understand workplace hazards.
6. All workers on-site are obligated to utilize Stop-Work Authority if they observe any condition that could result in an incident.
7. SMACNA-KC and all other contractors involved will ensure workers and/or their representatives are involved with daily and monthly site inspections.
8. SMACNA-KC and all other contractors involved will ensure workers and/or their representatives participate in monthly safety meetings, as well as report any near misses or unsafe conditions.
9. SMACNA-KC, Sheet Metal Workers Local No. 2, and all other contractors involved will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards.
10. SMACNA-KC and all other contractors will ensure the development and implementation of a procedure for the safe reporting of all work-related injuries and illnesses and prohibit discrimination against an employee for reporting these events, as directed in 29 CFR 1904.35 and 1904.36.

C. Hazard Identification and Assessment

SMACNA-KC will identify and assess hazards, employers, and workers by:

1. Collecting and reviewing information about the hazards present or likely to be present at the job site by using JHAs and identifying hazard trends.
2. Conducting frequent and regular inspections of the job site to identify new or recurring hazards. Informal daily inspections, along with documented weekly walkthrough inspections, will help with identifying hazards.
3. Investigate all injuries, illnesses, incidents, and close calls/near misses to identify the underlying hazards, their causes, and safety and health program shortcomings. This will require an accident/incident investigation program along with a near-miss program.
Identifying trends for employee injuries, illnesses, and all hazards reported. Workers Compensation Loss Runs and OSHA 300 Logs will be utilized in this process.
4. Considering all hazards associated with emergency or non-routine situations. These hazards will be identified in JHAs and the Emergency

Action Plan.

For each hazard identified, participating companies will determine the severity and likelihood of incidents that could result and use this information to prioritize corrective actions. Some hazards, such as housekeeping and tripping hazards, can and should be fixed as they are found. Fixing a hazard on the spot emphasizes the importance of safety and health and takes advantage of safety leadership. Fixing other hazards identified using the processes described here will be addressed in the next section, “Hazard Prevention and Control.”

D. Hazard Prevention and Control

SMACNA-KC considers Hazard Prevention and Control to be a process requiring continual efforts to monitor and identify job site hazards and take corrective actions to always maintain a safe and healthy jobsite.

Participating companies will effectively control and prevent hazards; employers should:

1. Identify and evaluate options for controlling hazards, using a “hierarchy of controls,” prioritizing Engineering, Administrative, and Personal Protective Equipment, in that order.
2. SMACNA-KC and all other contractors involved will ensure that everyone knows how to use and maintain personal protective equipment.
3. Create and use a hazard control plan to guide the selection and implementation of controls. The highest priority for abatement will be given to severe hazards and those most likely to cause injury.
4. Develop plans with measures to protect workers during emergencies and non-routine activities. JHAs will be used to identify hazards associated with these types of activities.
5. Evaluate the effectiveness of existing controls to determine whether they continue to provide protection, or whether different controls may be more effective. Review new technologies for their potential to be more protective, more reliable, or less costly.

E. Education and Training

SMACNA-KC and all participating contractors will ensure employees receive the proper education and authorization before being permitted to perform any task.

1. SMACNA-KC and all participating contractors will not allow workers to be exposed to safety and/or health hazards created by themselves or others.
2. SMACNA-KC and all participating contractors will ensure that supervisors are trained to recognize both health and safety hazards associated with their scope of work and understand their responsibilities.

F. Program Evaluation and Improvement

SMACNA-KC will ensure that all contractors and subcontractors continually evaluate and improve their safety and health programs, including:

1. Control measures are periodically evaluated for effectiveness.
2. Processes are established to monitor program performance, certify

- program implementation, and identify program shortcomings and opportunities for improvement.
3. Necessary actions are taken to improve the program and overall safety and health performance.

G. Communication and Coordination for Employers on Multiemployer Worksites:

On multiemployer worksites, SMACNA-KC will ensure that all contractors and subcontractors communicate and coordinate with all employers on the worksite, including:

1. Procuring the commitment of all general contractors and staffing agencies to provide subcontractors the same level of safety and health protection as all employees.
2. Ensuring general contractors, contractors, subcontractors, and staffing agencies will communicate the hazards present at the worksite created by other trades.
3. Ensuring general contractors will establish specifications and qualifications for contractors and staffing agencies.
4. Before beginning work, ensure general contractors, contractors, union representatives, and staffing agencies coordinate work planning and scheduling to identify and resolve any conflicts that could impact safety and health.

Responsibilities of Participating Entities

A. The Partnership Executive Safety Committee (with SMACNA-KC as the Chair) will:

1. Mentor contractors and subcontractors who have not yet developed their own safety and health program and, if necessary, refer them to other entities for assistance.
2. Share the responsibility for overseeing site safety, serving as a point of contact, and overseeing the partnership goals.
3. Coordinate, conduct, and document a comprehensive site audit every month. If non-compliant activity or hazards are discovered, immediate correction is required. SMACNA-KC and all other contractors involved will document the corrective action taken and share this information during the quarterly OSP review meeting.
4. Audit the Partnership and make recommendations for improvement.
5. Ensure that contractors and subcontractors develop and implement a procedure for the reporting of all work-related injuries and illnesses, which prohibits discrimination against an employee from reporting these events, as directed in 29 CFR 1904.35 and 1904.36.

B. The Participants will:

1. Enforce 100% fall protection for all fall hazards over six (6) feet.
2. Act as the Project Site Safety Leadership Team and share the responsibility for overseeing site safety, serve as a point of contact and oversee the partnership goals.
3. Conduct and document daily safety audits.
4. Ensure that all subcontractors participate in job-site safety meetings/toolbox talks daily and document all attendance and topics.

5. Allow OSHA access to the site during inspection activities (programmed and un-programmed activities such as fatalities, referrals, and employee complaints).
6. Share and make available to all workers the results of job-site inspections, and investigations of near misses and incidents.
7. Require the use of appropriate personal protective equipment by everyone entering the work site. Appropriate personal protective equipment will include at a minimum and will be worn at all times on the worksite: leather work shoes/boots (dress shoes, tennis shoes, and any other types of shoes are not allowed on site), ANSI-approved safety-toe shoes when hazard analysis shows necessary, ANSI-approved hardhats, eye protection, and high-visibility reflective vests or clothing.

C. OSHA will:

1. Participate in the monthly Partnership Executive Safety Committee meetings. These meetings will meet the requirement for quarterly OSP meetings.
2. Designate a Kansas City Area Office and Wichita Area Office point of contact to be used as a resource for technical issues and assist with safety and health training/ toolbox meetings.
3. Review project records, including but not limited to injury/illness logs, safety, and health programs, and safety and health self-audits.

D. The Missouri On-Site Safety and Health Consultation Program and the Kansas Department of Labor-Division of Industrial Safety and Health will:

1. Offer jobsite visits every quarter, to the extent they are requested by the employer.
2. Provide/Assist in training as resources permit.

E. Trade Unions will:

1. Represent all Unions affiliated with the work trade scopes of this project.
2. Assist in trade jurisdiction and work requirements and offer additional OSHA-certified safety training to their respective union members.
3. Assist in the planning and implementation of an effective safety and health management system in the workplace.
4. Be part of the Executive Steering Committee.

X. WORKER AND EMPLOYER RIGHTS

This Partnership does not preclude employees and/or employers from exercising any rights provided under the OSHA Act, nor does it abrogate any responsibility to comply with rules and regulations adopted under the Act. All contractors onsite will remain subject to OSHA inspections and investigations following agency procedures.

XI. EVALUATION

Every quarter, the Partnership Executive Safety Committee, comprised of representatives from SMACNA-KC, SMART Local No. 2, and a representative(s) from OSHA, shall meet to discuss the program, share project data, discuss best practices and challenges, and make any modifications as required to continually improve the Partnership. Quarterly meetings will serve as an on-site, non-

enforcement verification visit. Other Site Contractors performing work will be invited to attend to offer further feedback.

The program will be evaluated on an annual basis using the Strategic Partnership Annual Evaluation Format measurement system, as specified in Appendix C of OSHA Directive CSP 03-02-003 and the metrics outlined in Section III above.

It will be the responsibility of SMACNA-KC to collect the required data to evaluate and track the overall results and successes of the Partnership Program. This data will be shared with OSHA Kansas City and Wichita Area Offices and other partners as necessary. The OSHA-Kansas City and Wichita Area Offices, and SMACNA-KC will jointly conduct, write, and submit the annual evaluation with input received from the partners.

XII. OSP TERMS

- A. This Agreement will remain in effect for five years. If any signatory of this Agreement wishes to terminate its participation before the established termination date, written notice of the intent to terminate must be provided to all other signatories.
- B. If OSHA chooses to terminate its participation in the Partnership, the entire Agreement is terminated.
- C. Changes to the OSP may be implemented in writing if all parties agree that it is in the true best interest of all members involved.
- D. Should either of the principal participants (OSHA or SMACNA-KC) elect to withdraw from participation in the Partnership prior notification in writing of the intent to terminate shall be given to the other participants. A thirty (30) day written notice is required before termination, during which the participants have an opportunity to resolve any issues to avoid termination. OSHA and SMACNA-KC are the only entities that can terminate this Partnership.

E. Appendix A- List of the SMACNA-KC partners

Company Name	NAICS Code	General Industry or Construction
1. A. Zahner Company	238220	General Industry
2. Alexander Mechanical Contractors, LLC	238220	General Industry
3. AT Industrial Sheet Metal, Inc	238220	Construction
4. Barnes & Dodge Inc.	238220	Construction
5. B Wise, LLC	238220	Construction
6. Edwards McDowell, Inc.	238220	Construction
7. EMCOR Services	238220	Construction
8. Flynn Midwest	238160	Construction
9. Metal One	332322	General Industry
10. PM Contracting	238220	Construction
11. Pro Metals, LLC.	238220	Construction
12. Russco Custom Fabrication, Inc.	332322	General Industry
13. Standard Sheet Metals	332322	General Industry
14. Wil-Clair Steel Metal	238170	Construction

OSHA Strategic Partnership Agreement

Signature Page

This OSHA Strategic Partnership (OSP) Agreement has been revised and entered into this _____ day of _____ 2024, by SMACNA-KC Chapter, the Kansas City and Wichita Area OSHA Offices, Missouri On-Site Safety and Health Consultation Program, the Kansas Department of Labor Division of Industrial Safety and Health, and SMART Local Union No.2, it will be for in effect for five years. OSHA and SMACNA-KC are the only parties that can cancel this Agreement by written notice under Section XI of this program.

Approved by:

Karena Lorek
Area Director
Kansas City Area Office

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SMACNA-KC Chapter, Executive Director

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Area Director
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