



**PARTNERING AGREEMENT BETWEEN UNITED
STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) BOISE AREA
OFFICE
AND
ENGINEERED STRUCTURES, INCORPORATED (ESI CONSTRUCTION)**

I. IDENTIFICATION OF PARTNERS

The Boise Area Office of the Occupational Safety and Health Administration (OSHA) and Engineered Structures, Inc. (ESI/ESI Construction) recognize the importance of providing a safe and healthful work environment for workers engaged in the construction industry. This OSHA Strategic Partnership Agreement (hereafter referred to as “OSP” or “the partnership”) will facilitate the goals of OSHA to reduce occupational related fatalities and serious injuries within the construction industry.

The groups listed below have developed this partnership agreement jointly with a common objective to provide a safe and healthful environment for all ESI employees and trade partners. It is the intent of this agreement to focus their combined expertise and knowledge to promote safety and encourage all persons to participate in the partnership.

- U.S. Department of Labor/Occupational Safety and Health Administration – Boise Area Office
- Engineered Structures, Inc.

II. PURPOSE/SCOPE

The purpose of this partnership is to provide a safe and healthful work environment for workers involved in the construction industry. ESI is committed to preventing injuries, serious accidents, and fatalities at all ESI Construction projects, through training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

ESI’s Corporate Address: 3330 East Louise Drive, Suite 300, Meridian, Idaho 83642

Duration: This agreement is scheduled to begin May 9th 2024, and end May 9th, 2027 (3 year term).

Scope: Approximately 850 to 1000 workers are projected to be employed by ESI in 2024. This agreement will include all ESI workers employed and working in the state of Idaho.

III. GOALS/STRATEGIES/MEASURES

In general, ESI’s desired goals, results, and outcomes are produced by use of processes and compliance to achieve a culture that promotes safety and health at home and at work. Recognized construction related measured statistics (recordable incident rate, EMR, etc.) for ESI rank below/better than construction industry standards. ESI believes that our people, given training and appropriate tools and expectations, will, and have the ability to, champion safety in all the work performed. This is our best strategy to ensure the safety and health of our teams.

The overall goal of the OSP is to support ESI’s desired outcomes of OSHA compliance and create a working relationship with OSHA that focuses on preventing work-related fatalities, reducing serious workplace injuries, controlling identified hazards, and establishing a

foundation for the continued development of an effective safety and health program. The specific details on the goals, strategies, and measurements to be established for ESI Construction and OSHA are delineated in the table below.

GOALS	STRATEGIES	MEASURES
<ul style="list-style-type: none"> Maintain an injury and illness rate that is below the 2022 BLS Average of 1.7 for the TRC in 23622. Maintain Days Away from Work, Restricted or Transfer (DART) rate of below the 2022 BLS Average for 23622 DART of 0.9. Review trade partners injury and illness data as required by ESI operating procedures. 	<ul style="list-style-type: none"> Establish proactive measures for the common hazards found at construction sites. Implement comprehensive site-specific safety plans that include establishing a positive safety culture. Provide comprehensive New Hire Safety Orientation and specific safety trainings for specific scopes of work prior to workers deployment to a project. Site-Specific Safety Orientation for all workers prior to allowing them to work on any project will be completed. Provide all necessary engineering controls, administrative controls and personal protective equipment for all ESI employees. Implement site-wide project hazard and risk analysis to assure all anticipated hazards that can be eliminated or controlled via engineering are addressed, create administrative controls & procedures to cover those hazards that cannot be controlled or eliminated via engineering, and complete a personal protective equipment assessment. Establish site specific safety expectations with roles and responsibilities. 	<ul style="list-style-type: none"> ESI will submit to OSHA the following injury and illness data on an annual basis, Recordable Incident Rate, DART and Lost Time Case Rate. ESI will also collect and examine trade partners injury and illness information as required by ESI operating procedures. OSHA 300 logs will be used to track the number of work-related injuries and illnesses. DART Rates for previous years will be used for comparison purposes. Track participation in all trainings. Provide OSHA with annual training reports for OSHA and non-OSHA safety training activities. Job Hazard Analysis (JHA) for all scopes of work performed by ESI and additional pre-task planning to address daily and environmental hazards in order to eliminate or control hazards and reduce risk. Collect, review and support use of site-specific safety plans from trade partners. Include roles and responsibilities in ESI site specific safety plans.

GOALS	STRATEGIES	MEASURES
<ul style="list-style-type: none"> Promote a cooperative relationship between all ESI employees, OSHA and our trade partners to encourage worker participation in a safe and healthful workplace. 	<ul style="list-style-type: none"> Keep an open-door safety policy that encourages hazard and incident reporting. Conduct hazard analysis discussion during the Daily JHA/Pre-Task Planning. Maintain housekeeping on all projects. Promote Stretch and Flex to ensure all trade partners can share in the project safety culture and prepare their bodies for work. Promote a Level 4 Safety Culture, which is a maturity model on safety developed by authors Greg Anderson and Robert Lorber, where ultimate safe behaviors and safe actions are practiced at work and at home, and ultimately in everything a person does. Host annual Stand Down to prevent Falls in Construction which includes a training on Fall Prevention and Fall Protection. 	<ul style="list-style-type: none"> Weekly Toolbox talks and meetings will be used to track and document attendance, topic, and relevance. Recognition for safe acts or behaviors will be given. Track reported safety issues, provide stop work authority to all workers, and track corresponding tallies of stop works conducted by the safety department conducted. Promote incident reporting. Reward Good Catches and Near Hit reporting to ensure corrective actions are implemented and track corresponding tallies. Ensure competent persons on site identify hazards and appropriate controls for those hazards in the JHA/PTP process. Encourage housekeeping committees on projects and a Clean as You Go practice for all work. Gather for Stretch and Flex every day to discuss the Plan of the Day. Provide Lessons Learned on relevant safety related events or conditions to eliminate opportunity for reoccurrence. Invite OSHA representatives, BSU OSHA Consultation office and trade partners to annual Stand Down and provide training on Fall Prevention and Fall Protection.

GOALS	STRATEGIES	MEASURES
<ul style="list-style-type: none"> Identify and prevent the most common causes of workplace injuries and illnesses in the construction industry, included but not limited to: falls, electrical safety, struck-by, caught in/between, trenching/excavations, cranes, crystalline silica, carbon monoxide, heat stress and housekeeping. 	<ul style="list-style-type: none"> Review Fatal Four in every safety orientation. Provide weekly toolbox safety meetings that include discussion on most common hazards. Conduct daily observations and record both compliant and non-compliant observations. Work in concrete and other silica producing products will be done per Table 1 outlined in 1926.1153(c) (1). Participate in emphasis programs similar to Safety Week, Fall Protection Stand-down, Trench and Excavation Stand Down, Heat Illness Prevention Campaign, etc. to address the common causes of workplace injuries in Idaho. 	<ul style="list-style-type: none"> Site supervision will conduct daily, weekly and monthly observations to ensure that the most common hazards are addressed. ESI Safety personnel will complete safety audit reports to ensure hazardous activities have been identified and controlled with best safety management practices. When available and at OSHA's discretion, OSHA representatives will be present at ESI's annual Fall prevention Stand Down held in May. ESI may also request OSHA representatives attend safety trainings conducted by ESI. Incident Investigation and contributing Factors will be identified through After Action Reviews to create Lessons Learned in order to eliminate opportunity for re-occurrence.
<ul style="list-style-type: none"> Support OSHA's Fall Protection Initiative to further the industry's awareness of fall hazards in the workplace annually. 	<ul style="list-style-type: none"> Implement a six-foot fall protection practice on ESI projects. ESI and our trade partners will participate in OSHA's annual "National Safety Stand-Down to Prevent Falls in Construction" event at a designated ESI project. 	<ul style="list-style-type: none"> ESI will enforce 6 foot fall protection requirements on all ESI projects by requiring this standard in all ESI trade partner contractual agreements. ESI, will continue the tradition of partnership with OSHA, the BSU OSHA consultation program and our trade partners by shutting down one project in the Boise area to provide a fall prevention training demonstration.

GOALS	STRATEGIES	MEASURES
<ul style="list-style-type: none"> Participate in Idaho’s Trench and Excavation safety emphasis program annually. 	<ul style="list-style-type: none"> Pre-Install and Pre-planning Excavation Permit to be completed on all ESI projects as a Best Management Practice to establish safe work practices for all trenching activities. 	<ul style="list-style-type: none"> Continue participation in collaborative Trench and Excavation Stand Down with other local construction and excavation contractors and vendors. Provide to contractors the damage prevention permit process to avoid line strikes, and ensure trench and excavation activities are pre-planned, and safely executed.
<ul style="list-style-type: none"> ESI and our trade partners will provide Safety Data Sheets to support hazardous communication program implementation. 	<ul style="list-style-type: none"> Safety Data Sheets will be required by ESI for all scopes of work. Safety Data Sheets will be readily available for review and inclusion in pre-planning work. 	<ul style="list-style-type: none"> ESI will review and support use of trade partners SDS to pre-plan work. These items will be tracked on the trade partner compliance log to ensure compliance of hazard communication plans.
<ul style="list-style-type: none"> ESI will provide safety training to improve the knowledge, skills, and abilities of ESI employees and, when appropriate, our trade partners. 	<ul style="list-style-type: none"> ESI will provide multiple safety training opportunities including OSHA 10 and OSHA 30 to our employees and trade partners. ESI will coach trade partners on OSHA standards and site specific safety requirements to support compliance and understanding. 	<ul style="list-style-type: none"> ESI will verify training by monitoring work activities by observations and audits. Training records will be recorded. ESI will refer trade partners to the BSU Idaho OSHA Compliance Partnership program to support improved safety practices and processes from trade partners.

GOALS	STRATEGIES	MEASURES
<ul style="list-style-type: none"> • ESI’s multi-employer worksites consisting of ESI employees, trade partners and staffing agencies will ensure communication and coordination that supports safe work by all employers. 	<ul style="list-style-type: none"> • ESI will review planning and scheduling with all workers on site to support compliance and implementation to OSHA and ESI safety requirements. 	<ul style="list-style-type: none"> • All ESI Contractors on ESI projects will follow ESI’s site specific safety plans which outline roles and responsibilities for safe work. • ESI’s site supervision, supported by ESI management will support communication of the hazards at the work sites and the hazards of each employer to be shared by all employers.
<ul style="list-style-type: none"> • ESI will continuously evaluate our safety program for opportunities for improvement. 	<ul style="list-style-type: none"> • Executive management supports ESI’s commitment to eliminating hazards and continuously improving our program. Safety operational measures will be evaluated for effectiveness. Action will be taken to improve the program when needed and supported by all levels of management and those executing the work. 	<ul style="list-style-type: none"> • ESI’s Board of Directors will review ESI’s safety key performance indicators quarterly and support any improvements which are identified as needed to continuously improve ESI’s safety program.

IV. SAFETY AND HEALTH MANAGEMENT SYSTEMS

The Safety and Health Management System (SHMS) is a critical part of this partnership agreement in that it is an important aspect of collaboration between the project management team, construction management, supervisors, and the workers on site. This SHMS will include, but not be limited to, the following core elements:

Management Leadership Roles

ESI Construction will implement a SHMS patterned after OSHA’s “Recommended Practices for Safety and Health Programs in Construction” that will encourage partnering employers to commit a high level of worker involvement to assist in monitoring and identifying jobsite hazards on a continual basis to prevent injuries, and property damage. The SHMS will be implemented at the initiation of the partnership and continue through the duration of the partnership. Management at all levels make safety and health a core organizational value, have established safety and health goals and objectives, and provide resources to support the program.

Worker Participation

All workers will be encouraged to report jobsite hazards and bring all potential hazards to the attention of ESI Construction and/or supervisors for immediate response and correction. This will be encouraged in the following ways:

- ESI Construction will conduct New Hire Safety Orientations and Job Site Safety Orientations with each worker, including all trade partners and temporary staffing agency employees prior to work on site. Each employee who has attended orientation will acknowledge the training they have received in writing. This training establishes roles and responsibilities for safe work.
- ESI Construction will provide a system to allow workers to report potential jobsite hazards to ESI Construction and/or supervisors upon discovery. All workers on the jobsite have stop-work authority. ESI Construction will provide a means to report all incidents, near misses and good catches. Training, orientations, and communications are conveyed in both English and Spanish.
- ESI Construction will hold daily foremen's meetings to communicate and share safety-related information across different crews and trades. ESI will conduct weekly All Hands Safety Meetings to recognize safe behaviors, share Lessons Learned and discuss upcoming risk.
- ESI Construction Safety Managers will conduct frequent safety audits and provide all project teams on site and executive management with a copy of the safety audit reports for use in discussion on site and as a tool for safety communication upstream.
- ESI Construction has an established monthly reporting cadence with executive management to ensure resources and personnel are appropriately assigned to ensure safety and health programs can be maintained and strive for continuous improvement.
- ESI will provide safety recognition programs on individual projects and company-wide to encourage positive culture and safe behaviors by ESI employees and ESI trade partners. ESI will recognize one employee each year as Safety Champion of the Year.
- ESI will continue the Safety Advisory Council which is an employee safety committee to allow employees to inform, correct or enhance the ESI Safety Program and Best Management Practices.

Hazard Identification and Assessment

ESI corporate and ESI projects will Relentlessly Pursue Safety at all times. ESI Construction will implement jobsite safety compliance to OSHA and ESI standards including, but not limited to following:

- ESI Construction will promote a detailed Job Hazard Analysis (JHA) and Pre-Task Plan process to identify and control hazards for daily work.
- ESI Construction will conduct daily safety inspections and formal monthly site observation reports to review all employees and all trade partners, safe practices and current site conditions.
- ESI Construction will provide tools and training to promote a high-performance safety culture by ensuring hazards are recognized and

controlled to ensure employees and trade partners can return home safely to their family each day.

- ESI will maintain a competent person for each scope of work who has been trained to identify hazards of the work to be performed.
- All workers including employees and trade partners have stop-work authority in order to correctly identify hazards and when necessary implement appropriate controls.

Hazard Identification and Control

ESI Construction considers Hazard Identification and Control a continuous process requiring efforts of all workers on site. Workers are encouraged and recognized for identifying jobsite hazards and taking corrective actions to maintain a safe and healthy jobsite throughout the day.

- ESI Construction will maintain the JHA and PTP process to identify and control hazards recognized by all workers.
- Identified competent persons are required to take necessary measures to abate any unsafe conditions or unsafe acts.
- ESI has established a risk control matrix to rank hazards so that the hazards can be prioritized for control measures.
- ESI has established a good, better, best strategy to align with the controls being selected and implemented according to the OSHA hierarchy that begins with engineering controls and ends with PPE.
- ESI Construction will investigate incidents to identify root cause and contributing factors to the hazard identification and control process. Lessons learned will be shared to prevent re-occurrence.

Education and Training

ESI Construction employees are trained to understand how the safety program works, their role and their responsibilities within the program. ESI has a dedicated training center to provide workers with an explanation of hazard recognition and control, while actively involving them in the safety process to support safe behaviors and culture which lead to safe work sites.

- ESI Construction provides a variety of training classes and opportunities to gain knowledge, skills and abilities to continuously support employee development and growth.
- ESI trains by use of adult learning methods such as group activities, role play and presentations to ensure training is comprehended.
- ESI utilizes hands on training devices such as fall protection equipment, tools, and PPE to provide interactive training with materials and products used in safe work.
- Evaluation of training is completed for both the instructor and the student to make improvements to content and presentation of materials.
- Clear deliverables and objectives are established for all training provided.

Program Evaluation and Improvement

ESI Construction understands that our safety and health program should be continually evaluated to verify that it is being implemented as intended. Quarterly, ESI's Board of Directors reviews the safety program, safety results and provides direction and feedback for changes and improvements and verifies projections to determine if the program is on track to achieve its established goals and outcomes.

- Processes are established to monitor program performance, verify program implementation, and identify program shortcomings and/or opportunities for improvement.
- Necessary actions are taken to improve the program and overall safety and health performance.
- ESI participates in peer group reviews to share Lessons Learned and Best Management practices. ~~with our peers.~~
- ESI has an established Safety Advisory Council that is comprised of ESI employee craft and supervisors to allow a platform for the field teams to provide avenues for improvement, opportunities for change management and to recognize their peers for safe work practices.

Communication and Coordination for Employers on Multi-employer Worksites

ESI Construction considers effective communication and coordination among all trade partners and staffing agencies critical to a safe workplace.

- ESI, our self-perform teams, trade partners, and staffing agencies commit to providing the same level of safety and health protection to all workers.
- ESI, our self-perform teams, trade partners, and staffing agencies communicate the hazards present at the worksite and the hazards that may be documented on JHAs.
- ESI, our self-perform teams, trade partners, and staffing agencies establish specifications and qualifications for trade partners and staffing agencies.
- Prior to beginning work, ESI, our self-perform teams, trade partners, and staffing agencies coordinate work by planning and scheduling in an effort to identify and resolve any conflicts that could impact safety or health.

V. WORKER INVOLVEMENT

- ESI Construction and our on-site supervision and self-perform teams will ensure site teams are involved with daily pre-task planning, morning foreman's meetings, and weekly coordination meetings to discuss the activities for the day/week, potential exposures, and the control measures designed to address project hazards.
- ESI Construction and our on-site supervision and self-perform teams will ensure workers participate in weekly All Hands safety toolbox talk meetings.
- ESI Construction and our on-site supervision and self-perform teams will

ensure reporting of any good catches, near hits, unsafe conditions, or incidents are immediately reported to site supervision and ESI EHS Managers.

- ESI Construction and our on-site supervision and self-perform teams will provide support and coaching to all workers and their teams by providing feedback on identified risks by assisting them in identifying appropriate controls and eliminating risk.

VI. PERFORMANCE MEASURES

Performance measures as outlined in Section III will be used to assess the effectiveness of the partnership. ESI Construction will gather and track data for the performance measures and share the information with OSHA, as specified in Appendix B of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

VII. ANNUAL EVALUATION

The program will be evaluated on an annual basis by using the OSHA Strategic Partnership Program Annual Partnership Activities Report and Evaluation format, as specified in Appendix C of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003. It will be the responsibility of ESI Construction to collect the required data to evaluate and track the overall results and successes of the partnership.

OSHA will conduct, write, and submit the annual evaluation report with input received from partners.

VIII. OSHA VERIFICATION PROCEDURES

OSHA will verify that OSP participants are upholding their responsibilities under the OSP agreement through 3 verification procedures.

- Off-site verification: OSHA reviews the OSP data and reports without actually entering the partners worksite(s). Examples of this review are the Annual Partnership Evaluation Report, OSHA Form 300 Data and any quarterly progress reports.
- On-site non-enforcement verification: Non-enforcement verification will be tailored specifically to meet the needs of this OSP and will include a presentation by ESI on OSP initiatives and a worksite review by OSHA. The number of on-site non-enforcement verifications will be determined by OSHA and communicated to ESI in advance of the on-site verification.
- On-site enforcement verification: These inspections include potential for issuing citations and assessing penalties for violations. These may be combined with programmed and unprogrammed inspections for example, an SST or complaint inspection.

IX. INCENTIVES

OSHA's Field Operations Manual details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These

opportunities are also available for partnering companies participating in the Partnership. OSHA will also offer, as sources permit, the following incentives: Being available for offsite activities such as participating in audits and evaluations, workshops, speaking events, and providing informational materials.

X. PARTNERSHIP MANAGEMENT AND OPERATION

ESI Construction and the U.S. Department of Labor/Occupational Safety and Health Administration – Boise Area Office, will form a partnership committee to monitor the implementation of this agreement. It will consist of a representative from each of the designated partners. ESI Construction will serve as the implementation team and as OSHA’s primary contact. The committee will review contractor compliance and involvement in the partnership; analyze jobsite audits; initiate improvements; and evaluate modifications, achievements, and success of the partnership.

ESI Construction will:

- Complete and provide the OSHA Strategic Partnership Program Annual Partnership Activities Report and Evaluation.
- Share the partnership agreement with ESI’s Safety Advisory Council, Training Manager, and all Construction Managers.
- Agree to allow OSHA representatives site access during inspection activities (monitoring and un-programmed activities such as fatalities and employee complaints).
- Audit the Partnership and make recommendations for improvement.
- Recommend the BSU Idaho Occupational Safety and Health Consultation Program to Trade partners to support their participation in a partnership agreement.

OSHA will:

- Participate in the partnership meetings and site reviews, as resources allow.
- Designate a Boise Area Office contact to be used as a resource for technical issues, and who will be available to assist with safety and health training/toolbox meetings.
- Participate in ESI’s annual Stand Down to Prevent Falls in Construction.
- Review the annual evaluation data for partnership continuous improvement.

XI. WORKER AND EMPLOYER RIGHTS

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

XII. PARTNERSHIP TERM

This agreement will terminate on (DATE / 3 years from implementation). If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to terminate must be provided to all other signatories.

If OSHA or ESI chooses to terminate its participation in the partnership, the entire agreement is terminated. Any participant to this OSPP may withdraw from the agreement at any time after submitting written notification of intent providing a thirty-day written notice.



Changes to the partnership agreement may be implemented in writing if all parties are in agreement that it is in the best interest of all members involved.

XIII. SIGNATORIES

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

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms of Engineered Structures, Inc. and OSHA Partnering Agreement for the year of 2024 in Idaho.

Signed this 9th day of May, 2024

	OSHA, Boise Area Office Signature: _____ Printed Name: David G. Kearns, Area Director
	Engineered Structures, Inc. (ESI Construction/ESI) Printed Name: Marianne Nelson, Director of Environmental Health and Safety