



**STRATEGIC PARTNERSHIP**

**Between**

**Swank Enterprises Inc**

**And**

**The Occupational Safety and Health Administration,**

**Billings Area Office**

**for the**

**University of Montana  
New Dining Facility Construction Project**

**Missoula, Montana**

## **I. PARTNERS**

- a. U.S. Department of Labor Occupational Safety and Health Administration (OSHA), Billings Area Office (BAO).
- b. Swank Enterprises General Inc (SEI)

## **II. PURPOSE AND SCOPE**

OSHA and SEI jointly developed this partnership agreement. The common objective and goal of the agreement is to provide a safe and healthful work environment for employees involved in the construction industry 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.

SEI is a general contractor in the commercial building industry founded in 1960 in Valier, Montana. SEI is family-owned and operated and employs over 170 employees in four offices. The Montana based company has their main office in Kalispell and offices in Valier, Missoula, and Billings, Montana. SEI is one of the largest employers of construction personnel operating in the State of Montana.

The University of Montana New Dining Facility Construction Project is located in Missoula, Montana, and involves constructing the primary dining facility on a campus that hosts a population of approximately 9,808 students and 1,770 employees. The project site will include a 43,000 square foot primary, stand-alone building. 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 start date for the approximate \$39,000,000 project is anticipated to be in August of 2022, and the projected completion date is scheduled for the end of 2024.

## **III. ROLES AND RESPONSIBILITIES**

Employees are responsible for following company safe work practices. They have the authority to stop work if they identify an unsafe condition without the fear of retaliation and to ask questions regarding training. Employees are expected to participate in a job hazard analysis (JHA) for their respective jobs, and they have the ability to request any documentation covered under 29 CFR 1926 for authorized or affected employees.

SEI 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 short comings; 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 SEI; conduct spot inspections to monitor compliance; and assist in specific training areas as agreed to by all parties.

#### **IV. 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. SEI will evaluate subcontractor's written safety and health management systems with their current Subcontractor Safety Questionnaire to ensure appropriateness for their scope of work. If a subcontractor's system does not provide equivalent protection to SEI's system, SEI will require subcontractors to follow the components of its safety and health management system.

#### **V. WORKER INVOLVEMENT**

- SEI and non-signatory contractors will ensure workers, and/or their representatives participate in monthly safety meetings as well as report any near miss or unsafe conditions to their employer.
- SEI and non-signatory contractors will ensure workers and/or their representatives are involved with the site safety committee, site inspections and weekly toolbox talks.
- SEI will hold a Job Site Safety Orientation with each worker prior to starting work on site.
- SEI will provide a system to allow workers to report potential jobsite hazards to SEI and/or supervisors upon discovery and stop work if necessary.
- The Safety Committee will consist of at least 3 labor-level employees from trades currently working on the site.

**VI. GOALS/STRATEGIES & PERFORMANCE MEASURES**

<b>Goals</b>	<b>Strategies</b>	<b>Measures</b>
<p>1. Provides a partnership that will encourage involvement of all sub-contractors in the improvement of safety and health performance</p>	<p>a. SEI 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, SEI will require subcontractors to follow the components of their safety and health program.</p> <p>b. SEI will conduct weekly field audits of the sub-contractors to verify the SHMS is effective.</p> <p>c. SEI will recognize contractors with exemplary safety and health programs.</p>	<p>a. SEI will require 100% of sub-contractors to have an effective written safety and health management system specific to their scope of work.</p> <p>b. SEI will determine the number of field audits conducted.</p> <p>c. SEI will determine the % (or number) of employers recognized for exemplary programs.</p>

<p>2. Reduce employee exposure to and 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. SEI implements a daily site safety audit by a competent person.</li> <li>b. SEI implements a near miss reporting protocol for all sub-contractors and as part of the daily site surveys.</li> <li>c. SEI shares the near miss reports and identified trends with all sub-contractors in weekly safety meetings.</li> <li>d. SEI ensures that all sub-contractors perform pre-job briefings and/or JHA's when work changes or as needed.</li> </ul>	<ul style="list-style-type: none"> <li>a. Track the number of Focus 4 hazards identified during site safety audits</li> <li>b. SEI will track the number and type of training provided to sub-contractors as it applies to identified Focus 4 hazards. SEI will submit these trainings in quarterly reports to BAO.</li> <li>c. SEI will track the number of near miss reports</li> </ul>
<p>3. Proactively work to reduce the TCIR and DART rate to 20% below the current national average for applicable North American Industry Classification System (NAICS) Codes The 2020 BLS Total Recordable Case (TRC) rate of 2.5 and Days Away from Work, Restricted or Transfer (DART) rate of 1.6 for the construction industry (NAICS 2362).</p>	<ul style="list-style-type: none"> <li>a. SEI will collect sub-contractor OSHA 300 log data for one calendar year for OSHA to review to identify trends.</li> <li>b. SEI will review trends identified on site, by OSHA, or by industry. Require sub-contractors' completion of training for those affected employees on their job site.</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. SEI will determine the number of trainings conducted in response to trend identifications.</li> </ul>

<p>4. Eliminate or reduce exposure to health hazards through appropriate controls, safe processes/procedures, and/or personal protective equipment (PPE). The number of exposure assessments conducted will exceed those required by OSHA standards and will aid in providing a future exposure database.</p>	<p>a. SEI will conduct sampling when necessary for noise, silica, heat, and other health hazards. SEI will use the hierarchy of controls to mitigate identified, hazards.</p> <p>b. SEI will review and provide revisions of sub-contractor's programs, PPE, and training when health hazards are identified from auditing activities.</p>	<p>a. SEI will determine the number of health samples taken during the duration of the project.</p> <p>b. SEI 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>
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## VII. FINAL EVALUATION

The partners will prepare a joint project evaluation of the partnership on an annual basis and upon completion of the project. 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.

SEI 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.
3. Number of and results of safety/health audits and inspections, which may include 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.).

## **VIII. OSPP INCENTIVES**

The following are benefits for SEI and its subcontractors when and only when they are working at the Project:

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 SEI as a participant in the OSHA Strategic Partnership Program.

## **IX. VERIFICATION PROCEDURES**

The BAO will conduct three enforcement verification inspections for this partnership. The first inspection will occur within 90 days of the signing of the agreement. The second inspection will occur within 1 year of signing the agreement and a final inspection will occur within 14 days of project completion. Citations and penalties may be issued, when appropriate, following these inspections. SEI and their subcontractors are encouraged to participate in these inspections as a means and method of learning how BAO conducts and evaluates construction workplaces.

## **X. OSPP MANAGEMENT AND OPERATION**

An implementation team will be comprised of SEI's Project Manager, Safety Director, Project Superintendent, and the Area Director from the Billings Area Office.

## **XI. 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.

## **XII. OPS TERM**

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

1. Termination if BAO or SEI 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.

**SIGNATURES**

Signed this 11th day of October 2022

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Travis Lake,  
Project Manager  
Swank Enterprises Inc

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Art Hazen  
Area Director  
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