

VOSH PROGRAM DIRECTIVE: 09-065

ISSUED: April 30, 2020

SUBJECT Virginia BUILT Policies and Procedures Manual

Purpose This Directive establishes policies and procedures for implementation of the strategic partnership pilot program between the VOSH Program and the Associated Builders and Contractors Virginia Chapter (ABC-VA)

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application, and is not being enforced as having the force of law.

Certification This Program Directive is considered to meet the definition of “guidance document” contained in a §2.2-4101 of the Code of Virginia: “any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations, excluding agency minutes or documents that pertain only to the internal management of agencies.”.

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.B of the Code of Virginia, this Program Directive has been or will be subject to a 30-day public comment period, to include public comment through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to its effective date.

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.C of the Code of Virginia, if a written comment is received during a public comment period asserting that the guidance document is contrary to state law or regulation, or that the document should not be exempted from the provisions of this chapter, the effective date of the guidance document by the agency shall be delayed for an additional 30-day period.

Scope This Directive applies VOSH-wide.

Reference VOSH Directive 13-065, Virginia BUILT - Building Safety and Health Excellence in Construction Through Mentorship and Training, (April 30, 2020)

<u>Cancellation</u>	Not Applicable
<u>Effective Date</u>	April 30, 2020
<u>Expiration Date</u>	Not Applicable.
<u>Action</u>	Directors and Managers shall ensure that policies and procedures established in this Directive are uniformly enforced and field personnel understand and comply with the requirements included in this Directive.

C. Ray Davenport

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Commissioner

Distribution:	Commissioner of Labor and Industry Assistant Commissioner VOSH Directors and Managers VOSH Legal Support & OIS Staffs	Director of Cooperative Programs VOSH Compliance & Cooperative Programs Staffs OSHA Region III & OSHA Norfolk Area Offices VOSH
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When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms, if and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
OSHA	VOSH
Federal Agency	State Agency
Agency	Department
Regional Administrator	Assistant Commissioner
Area Director	Regional Director VOSH Program Director
Regional Solicitor	Attorney General or VOSH Division of Legal Support (DLS)
Office of Statistics	VOSH Office of Research and Analysis
29 CFR	VOSH Standard
Compliance Safety and Health Officer (CSHO)	CSHO

Virginia BUILT

Building Safety and Health Excellence in Construction Through Mentorship and Training

Policy and Procedures Manual

April 30, 2020



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Chapter 1 Introduction

I. Purpose:

This directive provides a policy and procedure framework for administering Virginia BUILT - Building Safety and Health Excellence in Construction Through Mentorship and Training.

II. Scope:

This directive applies to all VOSH personnel.

III. Cancellations:

None.

IV. Definitions:

ABC-VA:

Associated Builders and Contractors Virginia Chapter.

45-Day Item:

Compliance-related issues that must be corrected within a maximum of 45 days, with effective protection provided to employees in the interim.

Annual SHMS Self-Assessment:

A Participant's yearly review and self-assessment to gauge the effectiveness of all required BUILT elements and any other elements of the Participant's safety and health management system. (See Virginia BUILT SHMS Self-Assessment tool).

Annual Report:

A document written by a Participant and submitted to the Virginia BUILT Coordinator by February 15th each year, and consisting of the following information:

- Updated names and addresses;
- The site's and Key Subcontractors' injury and illness case numbers and rates, average annual employment, and hours worked for the previous calendar year;
- A copy of the most recent Self-Assessment of the site's safety and health management system;
- Descriptions of significant changes or events, progress made on the previous year's recommendations, and
- Any success stories.

Accepted Application:

An application that has been reviewed by the ABC-VA and the Virginia BUILT Coordinator and found to be complete. Also referred to as a completed application.

Backup Team Leader:

A member of an on-site evaluation team who provides assistance to the team leader and can assume his/her duties when necessary.

Competent person:

A person who, through training and experience, must be able to recognize hazards and has the authority to take prompt corrective action.

Compliance Officer:

A State compliance safety or health officer (CSHO).

Construction Schedule:

A programmed construction inspection selected from a list of sites provided by the University of Tennessee. The Construction Schedule does not include VOSH Local and National Inspection Programs (e.g., trenching, fall protections, scaffolds, etc.).

Contract Employees:

Workers who are employed by a company that provides services under contract to the BUILT Applicant or Participant, usually at the BUILT Applicant's or Participant's worksite.

Days:

Unless otherwise specified in this document, when a number of days is referenced to complete a task (e.g., 45 days), calendar days shall be used to count the due date.

Days Away, Restricted, and/or Transfer Case Incidence Rate (DART rate): The rate of all injuries and illnesses resulting in days away from work, restricted work activity, and/or job transfer. This rate is calculated for a worksite for a specified period of time (usually 1 to 3 years).

Designated Safety Representative (DSR):

An employee of an applicant that is responsible for safety and health management within the organization. If designated by a Tier One, Tier Two, or Tier Three applicant, the DSR must also meet Mentor requirements as defined in this document (Also see VOSH Directive 13-065).

Hazard recognition:

Identification of hazards in the workplace that, if unabated, could potentially cause bodily harm.

Incident:

An undesirable event that results from a failure to meet acceptable standards and causes harm to people, property, or processes (e.g., in-patient hospitalization, amputation, loss of an eye).

Injury/Illness Rates:

Numerical rates that represent recordable injuries and illnesses for a BUILT Participant.

Key Subcontractor:

A participant's subcontractor identified by ABC-VA and VOSH based on the following criteria:

- Risk (the perceived risk level associated with the construction work activities/hazards scheduled to occur at the worksite – e.g., steel erection, roofing/siding, masonry work, scaffolding, fall protection hazards, electrical hazards)
- Duration (30% to 70% scheduled completion)
- Size (number of employees).

Major worksite:

A construction site that is eligible for consideration for either the required VOSH Consultation on-site surveys required for Tier One, Tier Two, and Tier Three applications; or the required ABC-VA and VOSH onsite review for Tier Two applications. Major worksite eligibility will be determined by the ABC-VA and VOSH based on the following criteria:

- Risk (the perceived risk level associated with the construction work activities/hazards scheduled to occur at the worksite – e.g., steel erection, roofing/siding, masonry work, scaffolding, fall protection hazards, electrical hazards)
- Duration (30% to 70% scheduled completion)
- Value (total project value or the percent of gross revenue that the total project value represents to the applicant).

Mentor:

A Qualified Mentor shall be employed full time by a Tier One, Tier Two, or Tier Three contractor participant. The Mentor shall have five (5) years of safety and health construction experience with safety and health comprising a minimum of 50% of their responsibilities. Mentors must submit evidence of qualifications in one of these three categories and be approved by the VBCEC:

- A Bachelors or greater degree in an Occupational Health and Safety related field;
- A current professional safety certification from a nationally recognized and accredited organization; or
- A combination of construction safety and health training and professional experience.

Near-hit incident:

Hazard in the workplace that could potentially cause bodily harm where there is employee exposure (top rail of guardrail system is missing and employees are working in the area).

On-site Assistance Visit:

A visit to an Applicant or Participant by the ABC-VA, VBC, Virginia BUILT Coordinator, Voluntary Compliance Consultant (for small employers with less than 250 employees), or other non-enforcement personnel to offer assistance to the site including help with their application, conduct a records review, and/or make general observations about the site's safety and health management system.

On-site Review:

A jobsite review to assess whether the employer's safety and health management system meets the requirements for the tier of achievement the applicant is seeking. A team of ABC-VA and VOSH representatives conducts a walkthrough/assessment of a project that will include an observation

of how the employer responds to abating identified hazards, written programs, training records, and all other items related to the applicable achievement tier.

On-site Review Report:

A document written by the VOSH and ABC-VA on-site evaluation team following an on-site review visit. This document contains the team's assessment of a site's safety and health management system and the team's recommendation regarding approval of the Applicant or re-approval of the Participant in Virginia BUILT.

On-site Review Team:

An interdisciplinary group of VOSH and ABC-VA professionals and private industry volunteers who conduct on-site evaluations. The team normally consists of a team leader, a backup team leader, safety and health specialists, and other specialists as appropriate.

Private Industry Volunteer (PIV):

A private industry volunteer from a VPP or Virginia BUILT Participant, knowledgeable in safety and health management system assessment, formally trained in the policies and procedures of Virginia BUILT, and determined by VOSH to be qualified to perform as a team member on a Virginia BUILT on-site evaluation.

Program Achievement Tiers of Participation:

Mentorship Tier: The introductory tier of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to improve their safety and health management systems, with the goal of becoming a Tier One participant. Mentorship Tier participants are actively working on developing and implementing an effective safety and health management system that meets current VOSH regulatory requirements.

Tier One: The introductory tier of recognition in the partnership. Tier One participants have developed and implemented an effective safety and health management system that meets current VOSH regulatory requirements.

Tier Two: The intermediate tier of recognition in the partnership for those employers that demonstrate outstanding safety and health performance and are actively working with the VBC to continuously improve, with the goal of becoming a Tier Three participant. Tier Two participants have built an established safety and health management system that exceeds current VOSH regulatory requirements.

Tier Three: The highest achievement tier in the Virginia BUILT program for participants having an exceptional safety and health management system that serves as a model for other construction employers. Tier Three participants pass on their hard-earned knowledge, experience, and training in construction safety and health management systems by actively mentoring other contractors and subcontractors who want to develop and achieve world class safety and health protections for their employees.

Recommendations:

Suggested improvements noted by the on-site evaluation team that are not requirements for Virginia BUILT participation but that would enhance the effectiveness of the Participant's safety and health management system. Compliance with VOSH standards is a requirement, not a recommendation.

Safety and Health Management System:

For the purposes of Virginia BUILT, a method of preventing worker fatalities, injuries, and illnesses through the ongoing planning, implementation, integration, and control of four interdependent elements:

- Management Leadership and Employee Involvement;
- Worksite Analysis;
- Hazard Prevention and Control; and
- Safety and Health Training.

Small Business:

A company having no more than 250 employees at any one facility and no more than 500 employees nationwide.

STEP - Safety Training Evaluation Process:

Founded in 1989 as a safety benchmarking and improvement tool, STEP has evolved into a world-class safety management system that dramatically improves safety performance among participants regardless of company size or type of work. Participating ABC member firms measure their safety processes and policies on 24 key components through a detailed questionnaire with the goal of implementing or enhancing safety programs that reduce jobsite incidents.

Team Leader:

The VOSH staff person who coordinates the VOSH on-site evaluation team and ensures that all evaluation activities are performed.

Temporary Employees:

Employees hired on a non-permanent basis by the Applicant/Participant.

Termination:

Formal removal of a Virginia BUILT Participant from the program.

Total Case Incidence Rate:

A number that represents the total recordable injuries and illnesses per 100 full-time employees calculated for a worksite for a specified period of time (usually 1 to 3 years).

Uncontrolled Hazard:

A hazard found during an on-site review of a Tier Three Participant worksite and brought to the attention of the company for corrective action.

Unprogrammed inspection:

An inspection performed in response to a report of imminent danger, fatality, in-patient hospitalization, amputation, loss of an eye, referral, or employee complaint.

VBC:

ABC-VA's Virginia BUILT Council. The VBC will be comprised of all Tier One, Tier Two, and Tier Three participants. Participation is mandatory, and all qualified participants must be willing to act as mentors.

VBCEC:

The VBC Executive Committee will consist of up to 8 Tier Two or Tier Three participants whose main responsibility is to manage the partnership, in addition to reviewing and validate all applicants for Tier One, Tier Two, or Tier Three participation. Each member will serve a three-year term.

Virginia BUILT Celebration:

An event coordinated by the approved Participant where a representative from VOSH recognizes the Participant's achievement, and presents the Virginia BUILT certificate and Participant flag.

Virginia BUILT Coordinator:

The VOSH staff person directly responsible for the day-to-day operations of Virginia BUILT. This position is supervised by the VOSH VPP Manager.

Voluntary Protection Program Participants' Association (VPPPA):

A nonprofit 501(c) (3) organization whose members are involved in the VPP. The mission of the VPPPA is to promote safety, health, and environmental excellence through cooperative efforts among employees, management, and government.

VOSH Cooperative Programs Director

The VOSH Director responsible for coordinating and managing Virginia BUILT.

VPP Regional Coordinator:

The VOSH staff person assigned to handle VPP and Virginia BUILT assignments in one of four VOSH regions.

Withdrawal:

Decision by the Applicant or Participant to discontinue pursuing or participating in Virginia BUILT.

Worksite:

For Virginia BUILT purposes, a worksite is a location where work is carried out by employees of a Participant or Applicant.

V. Background:

The Virginia BUILT program is a strategic partnership of the VOSH Program and the ABC-VA. It was established as a result of a series of meetings starting in 2017, where the ABC-VA and the VOSH Program met to discuss a partnership that would recognize the importance of providing a safe and healthful work environment in the construction industry. To advance this mutual goal, the parties agreed to pursue a cooperative relationship that encourages select construction participants to mentor other contractors to develop exceptional safety and health management systems and recognize that achievement through the Virginia BUILT program.

An essential component of Virginia BUILT is the incorporation of the ABC STEP program (Safety Training Evaluation Process) as the gateway to participation in Virginia BUILT. Founded in 1989 as a safety benchmarking and improvement tool, STEP has evolved into a world-class safety management system that dramatically improves safety performance among participants regardless of company size or type of work. Participating ABC member firms measure their safety processes and policies on 24 key components resulting in recognition through progressive levels of achievement (Bronze, Silver, Gold, Platinum, and Diamond).

VI. Virginia BUILT Principles:

The following principles are embodied in the Virginia BUILT Program:

A. Voluntarism:

Participation in Virginia BUILT is strictly voluntary. The Applicant who wishes to participate freely submits information to ABC-VA and VOSH on its safety and health management system and opens itself to partnership review.

B. Cooperation:

VOSH has long recognized that a balanced, multifaceted approach is the best way to accomplish the goals of the OSH Act. Virginia BUILT's emphasis on trust and cooperation between VOSH, the ABC-VA, the employer, employees, and employees' representatives is complementary to the agency's enforcement activity, but does not take its place.

Virginia BUILT staff, ABC-VA, and participating employers work together to resolve any safety and health problems that may arise. This partnership enables the Agency to remove participating Tier Three sites from programmed inspection lists, allowing VOSH to focus its inspection resources on establishments in greater need of agency oversight and intervention. However, VOSH continues to investigate valid employee safety and health complaints, fatalities, in-patient hospitalizations, amputations, loss of an eye, and other significant events at Virginia BUILT Participant sites.

C. A Systems Approach:

Compliance with the OSH Act and all applicable VOSH requirements is only the starting point for a Virginia BUILT site. Participants develop and implement systems to effectively identify, evaluate, prevent, and control occupational hazards so that injuries and illnesses to employees are prevented. Virginia BUILT Tier Three sites, in particular, are often on the leading edge of hazard prevention methods and technology. As a result, Virginia BUILT Participant's worksites serve as models of safety and health excellence, and demonstrate the benefits of a systems approach to worker protection.

D. Model Worksites for Safety and Health:

The ABC-VA and VOSH select Virginia BUILT Participants based on their written safety and health management system, the effective implementation of this system over time, and their performance in meeting BUILT requirements. Not all construction employers are appropriate candidates for Virginia BUILT.

At qualifying Participants, all personnel are involved in the effort to maintain rigorous and detailed attention to safety and health. Virginia BUILT Participants mentor other Applicants/Participants interested in improving safety and health, participate in safety and health outreach and training initiatives, and provide VOSH with input on proposed policies and standards. They also share best practices and promote excellence in safety and health in their industries and communities.

E. Continuous Improvement:

Virginia BUILT Participants must demonstrate continuous improvement in the operation and impact of their safety and health management systems. Annual self-assessments help Participant's measure success, identify areas needing improvement, and determine needed changes. VOSH and ABC-VA staff monitor, review, and verify improvement through annual self-assessments, assistance visits, and on-site evaluation reviews of Tier Three Applicants/Participants.

F. Employee and Employer Rights:

Participation in Virginia BUILT does not diminish employee and employer rights and responsibilities under VOSH laws, regulations and standards.

VII. Categories of Participation:

A. The Elements:

To qualify for Virginia BUILT, a Participant must operate a comprehensive safety and health management system that includes four essential elements and their sub-elements. These elements can reduce the incidence and severity of illnesses and injuries, when integrated into a Participant's daily operations:

1. Management leadership and employee involvement

2. Worksite analysis
3. Hazard prevention and control
4. Safety and health training

B. Mentorship Tier:

The Mentorship Tier is the introductory level of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to improve their safety and health management systems, with the goal of becoming a Tier One participant. Mentorship Tier participants are actively working on developing and implementing an effective safety and health management system that meets current VOSH regulatory requirements.

ABC-VA will administer the initial application process, review the required program documents, and approve or assist each Mentorship Tier applicant access resources that will raise their safety and health performance. VOSH will serve in an advisory capacity on initial Mentorship Tier applications.

C. Tier One Participants:

Tier One – Assess, Learn, and Develop

Tier One introduces Participants to the basic Virginia BUILT elements that are necessary to launch the development and implementation of an effective safety and health management system. The activities normally are related to:

- Assessing performance of existing safety and health programs and policies,
- Providing training to management and employees on effective SHMS programs and activities, and
- Developing strategies, programs, policies, and expected outcomes to accomplishing Tier One.

Tier One Participants will:

1. Receive a recognition letter from the ABC-VA and the Virginia BUILT Coordinator.
2. Receive priority access to VOSH Consultative Services and ABC-VA safety performance enhancement assets.
3. In the event of a VOSH inspection, will not receive citations for other than serious violations provided the hazards are abated during the inspection. If the other than serious violation is not abated during the inspection, the participant will be cited but not receive a penalty, provided the hazard is abated during VOSH's prescribed abatement period.
4. In the event of a VOSH inspection, will be eligible for the minimum good faith penalty reductions (currently 15 percent) available under the existing VOSH penalty assessment policy.
5. Participate in the ABC-VA Safety Committee and the VBC.
6. Be recognized on the DOLI website page as a Tier One Virginia BUILT participant.

D. Tier Two Participants:

Tier Two – Implement, Track, and Control

This is the level in Virginia BUILT in which the basic actions and outcomes of Tier One have been completed and the Participant's worksites are beginning to implement more thorough safety and health management system processes. The activities are generally related to the following:

- Continuing to enhance and develop the Participant's safety and health management system,
- Fully implementing and adjusting the Participant's safety and health management system as needed, and
- Beginning to incorporate policies for Key Subcontractor/special trade contractor safety and health program requirements.

Tier Two Participant's will:

1. Receive a certificate of recognition from the Commissioner.
2. Receive priority access to VOSH Consultative Services and Virginia ABC safety performance enhancement assets.
3. In the event of a VOSH inspection, will not receive citations for other than serious violations provided the hazards are abated during the inspection. If the other than serious violation is not abated during the inspection, the participant will be cited but not receive a penalty, provided the hazard is abated during VOSH's prescribed abatement period.
4. In the event of a VOSH inspection, will be eligible for the maximum good faith penalty reductions (currently 25 percent) available under the existing VOSH penalty assessment policy.
5. Participate in the ABC-VA Safety Committee and the VBC.
6. Be recognized on the DOLI website page as a Tier Two Virginia BUILT participant.

E. Tier Three Participants:

Tier Three – Reassess, Monitor, and Improve

This is the Virginia BUILT level in which the Participant's safety and health management system has been fully implemented at its worksites and the Participant is continuing to assess its effectiveness and improving its performance where necessary. The activities are generally related to the following:

- Monitoring the Participant's safety and health management system,
 - Refining and enhancing the Participant's safety and health management system, and
 - Reassessing and continuously improving the Participant's safety and health management system.

Tier Three Participant's will:

1. Receive a Governor's Proclamation and Flag raising ceremony.
2. Receive priority access to VOSH Consultative Services and Virginia ABC Safety performance enhancement assets.
3. General contractor participants receive an exemption from Construction Schedule inspections for all company sites in Virginia. Subcontractor participants will be excluded from the opening conference involving all other non-participant contractors, and are exempt from inspection for those sites where the General Contractor is not a Tier Three participant. Other inspections, such as complaint/referral investigations, incident investigations, local emphasis program inspections, etc., will still be conducted in accordance with the procedures in the VOSH Field Operations Manual (FOM).
4. In the event of a VOSH Unprogrammed inspection, will not receive citations for other than serious violations, provided the hazards are abated during the inspection. If the other than serious violation is not abated during the inspection, the participant will be cited but not receive a penalty provided the hazard is abated during the VOSH's prescribed abatement period.
5. In the event of a VOSH inspection, be eligible for the maximum good faith penalty reductions (currently 25 percent) available under the existing VOSH penalty assessment policy.
6. Participate in the ABC-VA Safety Committee and the VBC.
7. Be recognized on the DOLI website page as a Tier Three Virginia BUILT participant.

Chapter 2 Responsibilities

I. Introduction:

This chapter describes VOSH's responsibilities for managing the Virginia BUILT Program. The number of employers who may be approved as participants will depend on the availability of ABC-VA and VOSH resources.

II. The Commissioner:

The Commissioner of Labor and Industry ("Commissioner") is responsible for all decisions relating to approval of new Participants and termination of participation.

III. VOSH Cooperative Programs Director:

A. The VOSH Cooperative Programs Director ("Director") is responsible for:

1. Policies and Procedures:

The Director develops, interprets, and revises, as needed, policies and procedures for the administration and management of the Virginia BUILT Program, including the Virginia BUILT Policies and Procedures Manual.

2. Review of Applications and On-site Evaluation Reports:

The Director:

- a. Reviews Tier Two applications and documentation and provides recommendations to the Assistant Commissioner and Commissioner
- b. Reviews Tier Three applications and documentation, including on-site evaluation reports and re-certifications to ensure that evidence that the Virginia BUILT requirements are met is clearly documented.
- c. Reviews annual eligibility status of Participants with the VPP Manager and Virginia BUILT Coordinator. If concerns are raised, briefs the Assistant Commissioner and Commissioner and takes appropriate action to assure corrective actions are taken. Where necessary, the procedures on Participant suspension, withdrawal, and termination discussed below will be considered to address unresolved issues.
- d. Prepares appropriate documentation for the Assistant Commissioner and Commissioner's review, decision, and signature.
- e. Notifies the Virginia BUILT Coordinator of the Commissioner's final decision on Tier Two applications and Tier Three applications and re-certifications.
- f. Forwards, through the BUILT Coordinator, copies of the following documents to the Participant (depending on the level of participation), appropriate labor unions, Regional Directors, and VOSH Directors:

- (1) Commissioner's approval or congratulatory letter
- (2) The on-site evaluation report for newly approved Participants
- (3) Commissioner's Certificate of Recognition
- (4) Notification letters to members of the Virginia General Assembly and Congressional Delegation

IV. Virginia BUILT Coordinator:

A. VPP Manager:

The VPP Manager is responsible for the oversight of the management of Virginia BUILT. The Virginia BUILT Coordinator is responsible for the day-to-day operations of Virginia BUILT. The Virginia BUILT Coordinator position is supervised by the VPP Manager.

B. The Virginia BUILT Coordinator is responsible for:

1. Maintenance of Records and Data:

The Virginia BUILT Coordinator maintains a file on all approved Participants that includes (depending on the level of participation):

- a. The application and SHMS Self-Assessment Form.
- b. Annual Reports.
- c. The Director's memorandum to the Assistant Commissioner requesting approval of an evaluation report.
- d. Annual Evaluation reports.
- e. The Commissioner's letter to the Participant (which includes notification of a copy sent to any and all collective bargaining agents).
- f. Congressional and General Assembly letters.
- g. Any formal correspondence to and from the Department of Labor and Industry, the Virginia BUILT Participant, or the public.
- h. A comprehensive database of Virginia BUILT Participants' information including, but not limited to: name, location, contact person, telephone number, approval date, BUILT Tier and status, TCIR and DART rate, union information if applicable, and number of employees.

2. Application Processing:

Review and process applications to Virginia BUILT in accordance with Chapter 4. In addition:

- a. Provide application information and assistance to interested employers, employee groups, and other parties such as trade associations, state and local governments.
- b. Obtain and review the Applicant's VOSH inspection history to determine its eligibility for participation in Virginia BUILT.

3. On-site Evaluations:

- a. Ensure on-site consultation surveys and on-site evaluation are conducted in accordance with the requirements for the participating level, but no later than within 6 months of accepting an application.
- b. Schedule on-site evaluations, taking into consideration due dates, deadlines, priorities, and coordination with company officials.
- c. When appropriate for the participating Tier (Tier 3), inform the Regional Safety and Health Directors so that the Participant's sites can be removed from the programmed inspection list. Such removal may occur no more than 75 days prior to the on-site evaluation.
- d. Ensure that an on-site evaluation report is drafted on-site.

4. Approval:

- a. Serve in advisory capacity to the ABC-VA on Tier One applications.
- b. Review Tier Two applications and all appropriate documentation and provide recommendations to the VPP Manager and Director.
- c. Ensure completion of on-site evaluation reports for Tier Three Applicants/Participants.
- d. Identify and track 45-day items and assure correction.
- e. Forward the Tier Three on-site evaluation report to the VPP Manager and Director with recommendation.
- f. Inform Applicants of the Commissioner's decision regarding approval for Tier Two and Tier Three participation.
- g. Inform the Regional Safety and Health Directors of the Tier Three Participant's approval.

5. Annual Report Submissions from Virginia BUILT Participants:

- a. Ensure that each Virginia BUILT Participant's annual report and self-assessment is received by February 15th of each year.
- b. As a courtesy, notify the Participant in writing that the annual report and self-assessment submission has been received.
- c. On a case-by-case basis, additional time not to exceed 45 days, may be negotiated by the Virginia BUILT Coordinator and a company's Virginia BUILT representatives. If, after 45 days, the annual submission has not been received, the Participant may be asked to withdraw from the program.
- d. Review the annual submissions and note any areas of concern. Provide advice and assistance to the ABC-VA on their reviews of Tier One Participants. Provide recommendations on annual eligibility status for each Tier Two and Tier Three Participant to the ABC-VA, the VPP Manager, and the Director.
- e. Request an explanation from the Participant if a substantial increase (or decrease) in rates or some problem with the program evaluation is noted.

- f. If an unresolved serious problem is evident, make arrangements with the ABC-VA and Participant for an on-site assistance visit.

6. Re-certification (Tier Three):

- a. Track current Virginia BUILT Participants and ensure that on-site re-certification evaluations are scheduled and conducted in accordance with policy.
- b. Obtain the VPP Manager's approval for any requests to extend the period between on-site evaluations.
- c. Any approved extensions of time between on-site evaluations must be documented.

7. Withdrawal or Termination:

Upon receiving a withdrawal letter from a Participant or upon termination of a Participant, the Virginia BUILT Coordinator will:

- a. Close the Participant's file, including the application, on-site evaluation reports, approval letters, and annual reports.
- b. Notify the Regional Safety and Health Directors of the withdrawal or termination so that the Participant may be returned to the programmed inspection list, if applicable, at the time of the next inspection cycle.
- c. Notify the Director and Commissioner in writing of any withdrawals or terminations and the reason(s) for withdrawal.

8. Special Circumstances:

- a. Discuss any change in ownership, organization, and union representation (if applicable) with the Participant's representative, and schedule an on-site visit if needed to evaluate the change's impact.
- b. Forward to the VPP Manager any resultant updates to the Participant's information.
- c. Coordinate and review any formal or non-formal complaints, referrals, fatalities, incidents, and resultant inspection reports or letters.

9. Ongoing Assistance:

The Virginia BUILT Coordinator will be available to assist Participants, as needed, e.g., when changes occur that may affect continued participation.

V. VOSH Regional Safety and Health Directors:

In addition to being knowledgeable about the Virginia BUILT Program and its Participants, the Regional Safety and Health Directors will:

- A.** Ensure that programmed inspections of Tier Three Applicants are deferred for no more than 75 days prior to their scheduled on-site evaluation.

- B.** Remove approved Tier Three Participants from any programmed inspection lists for the duration of participation.
- C.** Return Tier Three Participants that have withdrawn or been terminated to the programmed inspection list, if applicable, at the time of the next inspection cycle.
- D.** Use routine procedures for conducting complaint, referral, fatality, in-patient hospitalization, amputation, and loss of an eye inspections and investigations at Virginia BUILT Participant worksites.
- E.** Notify the Virginia BUILT Coordinator when a complaint (including an informal complaint responded to by letter) is received for a Virginia BUILT Participant and of the subsequent disposition of the complaint.
- F.** Immediately notify the Virginia BUILT Coordinator of any fatalities or other incidents requiring enforcement that occur at a Virginia BUILT worksite.
- G.** Send the Virginia BUILT Coordinator a copy of any report resulting from an enforcement case.

Chapter 3 Requirements for Virginia BUILT

I. Introduction

This chapter delineates requirements for Tiers One, Two, and Three of the Virginia BUILT Program

II. The Virginia BUILT Program:

- A. The Virginia BUILT Program recognizes the very best construction employers that are in compliance with VOSH standards and that operate outstanding safety and health management systems for worker protection.

B. Levels of Achievement and Participation:

Mentorship Tier: Is the introductory level of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to develop and implement an effective safety and health management system that meets current VOSH regulatory requirements.

ABC-VA will administer the initial application process, review the required program documents, and approve or reject each Mentorship Tier application. VOSH will serve in an advisory capacity on initial Mentorship Tier applications.

Tier One: The basic achievement level in the Virginia BUILT program for Participants that have developed and implemented an effective safety and health management system that meets current VOSH regulatory requirements.

Tier Two: The intermediate achievement level in the Virginia BUILT program for Participants that have established a safety and health management system that exceeds current VOSH regulatory requirements.

Tier Three: The highest achievement level in the Virginia BUILT program for Participants that have established an exceptional safety and health management system that serves as a model for other construction employers.

C. Term of Participation:

There is no limit to the term of participation in Virginia BUILT as long as a Participant continues to meet all Virginia BUILT requirements appropriate to its level of participation and maintains Virginia BUILT quality. Annual reports must be reviewed every March/April by ABC-VA and VOSH to assure that the Participant remains eligible to remain in the program.

The number of employers who may be approved as participants will depend on the availability of ABC-VA and VOSH resources.

D. Injury and Illness History Requirements:

1. Injury and illness history of the Participant is evaluated using a 3-year total case incident rate (TCIR) and a 3-year day away, restricted, and/or transfer case incident rate (DART rate). The 3-year TCIR and DART rates must be compared to the published Bureau of Labor Statistics (BLS) national average for the five- or six-digit North American Industrial Classification System (NAICS) code for the industry in which the Applicant or Participant is classified.
2. The BLS publishes NAICS industry averages 2 years after data is collected. (For example, in calendar year 2015, calendar year 2013 national averages will be available and used for comparison).
3. Both the 3-year TCIR and the 3-year DART rate must be below one of the three most recently published BLS national averages for the specific NAICS code.
4. Some smaller worksites may be eligible to use the alternate rate calculation.

E. Comprehensive Safety and Health Management System Requirements:

The following safety and health management system elements and sub-elements must be implemented according to appropriate Tier One, Two, or Three application requirements. (Reference: Tier One, Two, and Three Requirements documents specify system elements and sub-elements that apply to each level of participation).

For small companies, at the discretion of the on-site team, some of the requirements may be implemented and documented less formally.

1. **Management Leadership:**

a. **Management Commitment:**

Management demonstrates its commitment by:

- (1) Establishing, documenting, and communicating to employees and contractors clear goals that are attainable and measurable, objectives that are relevant to workplace hazards and trends of injury and illness, and policies and procedures that indicate how to accomplish the objectives and meet the goals.
- (2) Signing a statement of commitment to safety and health.
- (3) Meeting and maintaining Virginia BUILT requirements.
- (4) Maintaining a written safety and health management system that documents the elements and sub-elements, procedures for implementing the elements, and other safety and health programs including those required by VOSH standards.

- (5) Identifying persons whose responsibilities for safety and health includes carrying out safety and health goals and objectives, and clearly defining and communicating their responsibilities in their written job descriptions.
- (6) Assigning adequate authority to those persons who are responsible for safety and health so they are able to carry out their responsibilities.
- (7) Providing and directing adequate resources (including time, funding, training, personnel, etc.) to those responsible for safety and health so they are able to carry out their responsibilities.
- (8) Holding those assigned responsibility for safety and health accountable for meeting their responsibilities through a documented performance standards and appraisal system.
- (9) Planning for typical as well as unusual/emergency safety and health expenditures in the budget, including funding for prompt correction of uncontrolled hazards.
- (10) Integrating safety and health into other aspects of planning, such as planning for new equipment, processes, buildings, etc. Establishing lines of communication with employees and allowing for reasonable employee access to top management at its worksites.
- (11) Setting an example by following the rules, wearing any required personal protective equipment, reporting hazards, reporting injuries and illnesses, and basically doing anything that they expect employees to do. Ensuring that all workers, including contract workers, are provided equal high-quality safety and health protection.
- (12) Conducting an annual self-assessment of the safety and health management system in order to:
 - a) Maintain knowledge of the hazards at worksites,
 - b) Maintain knowledge of the effectiveness of system elements,
 - c) Ensure completion of the previous year's recommendations, and
 - d) Modify goals, policies, and procedures.

b. Employee Involvement:

- (1) Employees must be involved in the safety and health management system in at least three meaningful, constructive ways in addition to their right to report a hazard.
- (2) Avenues for employees to have input into safety and health decisions include participation in audits, incident investigations, self-inspections, suggestion programs, planning, training, job hazard analyses, and appropriate safety and health committees and teams. Employees do not meet this requirement by

participating in incentive programs or simply working in a safe manner.

- (3) Employees must be trained for the task(s) they will perform. For example, they must be trained in hazard recognition to participate in self-inspections.
- (4) Employees must receive feedback on any suggestions, ideas, reports of hazards, etc. that they bring to management's attention. A Participant must provide documented evidence that employees' suggestions were followed up and implemented when appropriate and feasible.
- (5) All employees, including new hires, must be notified and trained on the company's participation in Virginia BUILT and employees' rights (such as the right to file a complaint) under VOSH statutes and regulations.
- (6) All employees will be retrained on an annual basis on Virginia BUILT principles and employee rights under VOSH statutes and regulations.
- (7) Orientation training curriculum must include this information. Employees and Key Contractors must demonstrate an understanding of and be able to describe the fundamental principles of Virginia BUILT.

c. Contract Worker Coverage:

- (1) Key Subcontractor workers must be provided with safety and health protection equal in quality to that provided to Participant employees.
- (2) All other subcontractor workers must be provided with safety and health protections that meet minimum VOSH requirements.
- (3) All subcontractors, whether regularly involved in routine site operations or engaged in temporary projects such as construction or repair, must follow the safety and health rules of the Participant.
- (4) Virginia BUILT Participants must have in place a documented oversight and management system covering all subcontractors. Such a system must:
 - (a) Ensure that safety and health considerations are addressed during the process of selecting contractors and when contractors are on-site.
 - (b) Encourage contractors to develop and operate effective safety and health management systems.
 - (c) Include provisions for timely identification, correction, and tracking of uncontrolled hazards in contractor work areas.
 - (d) Include a provision for removing a contractor or contractor's employees from the site for safety or health violations.

Note: A Participant may have been operating effectively for one year without actually invoking this provision if just cause to remove a contractor or contractor's employee did not occur.

- (e) The hazards they may encounter while on the site.
 - How to recognize hazardous conditions and the signs and symptoms of workplace-related illnesses and injuries.
 - The implemented hazard controls, including safe work procedures.
 - Emergency procedures.

d. Safety and Health Management System Annual Self-Assessment:

There must be a system and written procedures in place to annually evaluate the safety and health management system. An annual self-assessment that is merely a workplace inspection with a brief report pointing out hazards or a general statement of the sufficiency of the system is inadequate for purposes of Virginia BUILT qualification.

The annual assessment must be a critical review and assessment of the effectiveness of all elements and sub-elements of a comprehensive safety and health management system:

- (1) The written annual self-assessment must identify the strengths and weaknesses of the safety and health management system and must contain specific recommendations, time lines, and assignment of responsibility for making improvements. It must also document actions taken to satisfy the recommendations.
- (2) The annual self-assessment may be conducted by Participant employees, managers, qualified corporate staff, or outside sources that are trained in conducting such assessments.
- (3) The annual self-assessment must be included with the Participant's annual report submission to VOSH.

2. Worksite Analysis:

- a. A hazard identification and analysis system must be implemented to systematically identify basic and unforeseen safety and health hazards, evaluate their risks, and prioritize and recommend methods to eliminate or control hazards to an acceptable level of risk. Through this system, management must gain a thorough knowledge of the safety and health hazards and employee risks. The required methods of hazard identification and analysis are described below.

b. Baseline Safety and Industrial Hygiene Hazard Analysis:

A baseline survey and analysis is a first attempt at understanding the hazards at a worksite. It establishes initial levels of exposure (baselines) for comparison to future levels so that changes can be recognized. Systems for identifying safety and industrial hygiene hazards, while often integrated, may be evaluated separately. Baseline surveys:

- (1) Identify and document common safety hazards associated with the site (such as those found in VOSH or building standards, for which existing controls are well known) and how they are controlled.
- (2) Identify and document common health hazards (usually by initial screening using direct-reading instruments) and determine if further sampling (such as full-shift dosimetry) is needed.
- (3) Identify and document safety and health hazards that need further study.
- (4) Cover the entire work site, indicate who conducted the survey, and when it was completed.
- (5) The original baseline hazard analysis need not be repeated subsequently unless warranted by changes in processes, equipment, hazard controls, etc.

c. Hazard Analysis of Routine Jobs, Tasks, and Processes:

Task-based or system/process hazard analyses must be performed to identify hazards of routine jobs, tasks, and processes in order to recommend adequate hazard controls. Acceptable techniques include, but are not limited to, Job Hazard Analysis (JHA), and Process Hazard Analysis (PHA). Hazard analyses should be conducted on routine jobs, tasks and processes that:

- (1) Have written procedures.
- (2) Have had injuries/illnesses associated with them or have experienced significant injury or near-hit incidents.
- (3) Are perceived as high-hazard tasks, (i.e., they could result in a serious fall, structural collapse, catastrophic explosion, electrocution, or chemical over-exposure).
- (4) Have been recommended by other studies and analyses for more in-depth analysis.
- (5) Are required by a regulation or standard.
- (6) Any other instance when the Virginia BUILT Applicant or Participant determines that hazard analysis is warranted.

d. Hazard Analysis of Significant Changes:

- (1) Hazard analysis of significant changes, including but not limited to, non-routine tasks (such as those performed less than once a year), new processes, materials, equipment, and facilities must be conducted to identify uncontrolled hazards prior to the activity or use, and must lead to hazard elimination or control.
- (2) If a non-routine or new task is eventually to be done on a routine basis, then a hazard analysis of this routine task should subsequently be developed.

e. Pre-use Analysis:

- (1) When a Participant is considering new equipment, chemicals, facilities, or significantly different operations or procedures, the safety and health impact to the employees must be reviewed.
- (2) The level of detail of the analysis should be commensurate with the perceived risk and number of employees affected. This practice should be integrated in the procurement/design phase to maximize the opportunity for proactive hazard controls.

f. Documentation and Use of Hazard Analyses:

Hazard analyses performed to meet the requirements of c. or d. above must be documented and must:

- (1) Consider both health and safety hazards.
- (2) Identify the steps of the task or procedure being analyzed, hazard controls currently in place, recommendations for needed additional or more effective hazard controls, dates conducted, and responsible parties.
- (3) Be used in training in safe job procedures, in modifying workstations, equipment or materials, and in future planning efforts.
- (4) Be easily understood.
- (5) Be updated as the environment, procedures, or equipment change, or errors are found that invalidate the most recent hazard analyses.

g. Routine Self-Inspections:

A system is required to ensure routinely scheduled self-inspections of the workplace. It includes:

- (1) Written procedures that determine the frequency of inspection and areas covered, those responsible for conducting the inspections, recording of findings, responsibility for abatement, and tracking of identified hazards for timely correction.
- (2) Findings and corrections must be documented.
- (3) Inspections must be made at frequent and regular intervals, preferably daily, with the actual inspection schedule being determined by the types and severity of hazards.
- (4) The entire worksite must be covered at least once each week.
- (5) Top management and others, including employees who have knowledge of the written procedures and hazard recognition, should participate in the inspection process.
- (6) Personnel qualified to recognize workplace hazards, particularly hazards peculiar to their industry, must conduct inspections.
- (7) Documentation of inspections must evidence thoroughness beyond the perfunctory use of checklists.

h. Hazard Reporting System for Employees:

- 1) The Participant must operate a reliable system that enables employees to notify appropriate management personnel in writing, without fear of reprisal, about conditions that appear hazardous, and to receive timely and appropriate responses.
- 2) The system can be anonymous and must include timely responses to employees and tracking of hazard elimination or control to completion.

i. Industrial Hygiene (IH) Program:

A written IH program is required. The program must establish procedures and methods for identification, analysis, and control of health hazards for prevention of occupational disease.

j. IH Surveys:

Additional expertise, time, technical equipment, and analysis beyond the baseline survey may be required to determine which environmental contaminants (whether physical, biological, or chemical) are present in the workplace, and to quantify exposure so that proper controls can be implemented.

k. Sampling Strategy:

The written program must address sampling protocols and methods implemented to accurately assess employees' exposure to health hazards. Sampling should be conducted when:

- (1) Performing baseline hazard analysis, such as initial screening and grab sampling.
- (2) Baseline hazard analysis suggests that more in-depth exposure analysis, such as full-shift sampling, is needed.
- (3) Particularly hazardous substances (as indicated by a VOSH standard, chemical inventory, material safety data sheet, etc.) are being used or could be generated by the work process.
- (4) Employees have complained of signs of illness.
- (5) Exposure or near-hit incidents have occurred.
- (6) It is required by a standard or other legal requirement.
- (7) Changes have occurred in such things as the processes, equipment, or chemicals used.
- (8) Controls have been implemented and their effectiveness needs to be determined.
- (9) Any other instance when the Virginia BUILT Applicant or Participant determines that sampling is warranted.

I. Sampling Results:

Sampling results must be analyzed and compared to at least the VOSH/OSHA permissible exposure limits (PELs) to determine employees' exposure and possible overexposure. Comparison to more restrictive levels, such as action levels or American Conference of Government Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs), is highly encouraged to reduce exposures to the lowest possible level.

- (1) **Documentation:**
The results of sampling must be documented and must include a description of the work process, controls in place, sampling time, exposure calculations, duration, route, frequency of exposure, and number of exposed employees.
- (2) **Communication:**
Sampling results must be communicated to employees and management.
- (3) **Use of Results:**
Sampling results must be used to identify areas for additional, more in-depth study, to select hazard controls, and to determine if existing controls are adequate.

m. IH Expertise:

IH sampling should be performed by an industrial hygienist, but initial sampling, full-shift sampling, or both may be performed by safety staff members with special training in the specific procedures for the suspected or identified health hazards in the workplace.

- (1) **Procedures:**
Standard, nationally recognized procedures must be used for surveying and sampling as well as for testing and analysis.
- (2) **Use of Contractors:**
If an outside contractor conducts industrial hygiene surveys, the contractor's report must include all sampling information listed above and must be effectively communicated to management. Any recommendations contained in the report should be considered and implemented where appropriate. Use of contractors does not remove responsibility for the IH program, including identification and control of health hazards, from the Virginia BUILT Applicant or Participant.

n. Analysis Injury, Illness, and Near-Hit Incidents:

The Participant must investigate all incidents involving injuries, illnesses, or near-incidents and must maintain written reports of the analysis. Incident analyses must:

- (1) Be conducted by personnel trained in incident investigation techniques.
- (2) Personnel who were not involved in the incident or who do not supervise the injured employee(s) should conduct the investigation to minimize potential conflicts of interest.
- (3) Document the entire sequence of relevant events.
- (4) Identify all contributing factors, emphasizing failure or lack of hazard controls.
- (5) Determine whether the safety and health management system was ineffective and provide recommendations to prevent recurrence. Do not place undue blame or reprisal on employees, but instead try to assess what aspects of the worksite culture or management system implementation led the employee to believe that engaging in unsafe behaviors was acceptable.
- (6) Assign priorities, time frames, and responsibilities for implementing recommended controls.
- (7) The results of the analysis must be made available to employees on request, although the actual investigation records need not be provided.

o. Trend Analysis:

- (1) The process must include analysis of information, such as injury/illness history, hazards identified during inspections, employee reports of hazards, and findings from incident analyses for the purpose of detecting trends.

- (2) The results of trend analysis must be shared with employees and management and utilized to direct resources; prioritize hazard controls; and determine or modify goals, objectives, and training to address the trends.

3. **Hazard Prevention and Control:**

Management must ensure the effective implementation of systems for hazard prevention and control and ensure that necessary resources are available, including the following:

a. **Certified Professional Resources:**

Access to certified safety and health professionals and other licensed health care professionals is required. They may be provided by offsite sources such as corporate headquarters, insurance companies, or private contractors. VOSH will accept certification from any recognized accrediting organization.

b. **Hazard Elimination and Control Methods:**

The types of hazards to which employees are exposed, the severity of the hazards, and the risk the hazards pose to employees should all be considered when determining methods of hazard prevention, elimination, and control.

When engineering controls have been studied, investigated, and implemented, yet still do not bring employees' exposure levels to below VOSH/OSHA permissible exposure limits, or when engineering controls are determined to be infeasible, then a combination of controls may be used.

Whichever controls a Participant chooses to employ, the controls must be understood and followed by all affected parties; appropriate to the site's hazards; equitably enforced through the disciplinary system; written, implemented, and updated by management as needed; used by employees; and incorporated in training, positive reinforcement, and correction programs. In general, the following hierarchy should be followed in determining hazard elimination and control methods:

(1) **Engineering:**

Engineering controls directly eliminate a hazard by such means as substituting a less hazardous substance, by isolating the hazard, or by ventilating the workspace. These are the most reliable and effective controls.

- (2) **Protective Safety Devices:**
Although not as reliable as true engineering controls, such methods include interlocks, redundancy, failsafe design, system protection, fire suppression, and proximity warning or caution devices.
- (3) **Administrative:**
Administrative controls significantly limit daily exposure to hazards by control or manipulation of the work schedule or work habits. Job rotation is a type of administrative control.
- (4) **Work Practices:**
These controls include workplace rules, safe and healthful work practices, personal hygiene, housekeeping, maintenance, and procedures for specific operations.
- (5) **Personal Protective Equipment (PPE):**
PPE to be used are determined by hazards identified in hazard analysis. PPE should only be used when all other hazard controls have been exhausted or more significant hazard controls are not feasible.

c. Hazard Control Programs:

- (1) Applicants and Participants must be in compliance with any hazard control program required by a VOSH standard, such as PPE, Respiratory Protection, Lockout/Tagout, Confined Space Entry, Process Safety Management, or Bloodborne Pathogens (although the VOSH Bloodborne Pathogens Standard does not apply to the construction industry, a Participant should consider setting a Bloodborne Pathogens program as an aspirational goal).
- (2) Applicants and Participants must periodically review these programs (most VOSH standards require an annual review) to ensure they are up to date.
- (3) Applicants and Participants must assure compliance with VOSH unique regulations (Reverse Signal Operation, Overhead High Voltage Line Safety Act, etc.)

d. Occupational Health Care Program:

- (1) Licensed health care professionals must be available to assess employee health status for prevention, early recognition, and treatment of illness and injury.
- (2) Arrangements for needed health services such as pre-placement physicals, audiograms, and lung function tests must be included.
- (3) The Participant supplies first aid and CPR or an equally effective alternative in accordance with VOSH regulations. Multiple employees and supervisors trained in first aid and CPR available for all shifts within a reasonable time and distance should be considered for an aspirational goal.

- (4) The Applicant or Participant may consider, based on site conditions, providing Automated External Defibrillators (AEDs) and training in their use.
- (5) Emergency procedures and services including provisions for ambulances, emergency medical technicians, emergency clinics, or hospital emergency rooms should be available and explained to employees on all shifts.
- (6) Also see paragraph h., below.

e. Preventive Maintenance of Equipment:

- (1) A written preventive and predictive maintenance system must be in place for monitoring and maintaining workplace equipment.
- (2) Equipment must be replaced or repaired on a schedule following manufacturers' recommendations to prevent it from failing and creating a hazard.
- (3) Documented records of maintenance and repairs must be kept.
- (4) The system must include maintenance of hazard controls such as machine guards, exhaust ventilation, mufflers, etc.

f. Tracking of Hazard Correction:

A documented system must be in place to ensure that hazards identified by any means (self-inspections, incident investigations, employee hazard reports, preventive maintenance, injury/illness trends, etc.) are assigned to a responsible party and corrected in a timely fashion. This system must include methods for:

- (1) Recording and prioritizing hazards, and
- (2) Assignment of responsibility, time-frames for correction, interim protection, and correction follow-up.

g. Disciplinary System:

A documented disciplinary system must be in place:

- (1) The system must include enforcement of appropriate action for violations of the safety and health policies, procedures, and rules.
- (2) The disciplinary policy must be clearly communicated and equitably enforced to employees and management.
- (3) The disciplinary system for safety and health can be a sub-part of an all-encompassing disciplinary system.

h. Emergency Preparedness and Response:

Written procedures for response to all types of emergencies (fire, chemical spill, incident, terrorist threat, natural disaster, etc.) on all shifts must be established. They must comply with VOSH standards, must be communicated to all employees, and must be practiced at least annually. These procedures must list requirements or provisions for:

- (1) Assessment of the emergency
- (2) Assignment of responsibilities
- (3) First aid
- (4) Medical care
- (5) Routine and emergency exits
- (6) Emergency telephone numbers
- (7) Emergency meeting places
- (8) Training drills
- (9) Documentation and critique of evacuation drills
- (10) Personal protective equipment where needed

4. **Safety and Health Training:**

- a. Training must be provided so that managers, supervisors, non-supervisory employees, and contractors are knowledgeable of the hazards in the workplace, how to recognize hazardous conditions, signs and symptoms of workplace-related illnesses, and safe work procedures.
- b. Training required by VOSH standards must be provided in accordance with the particular standard.
- c. Managers and supervisors must understand their safety and health responsibilities and how to carry them out effectively.
- d. New employee orientation/training must include, at a minimum, discussion of hazards at the site, protective measures, emergency evacuation, employee rights under VOSH laws, standards and regulations, and Virginia BUILT.
- e. Training should be provided for all employees regarding their responsibilities for each type of emergency. Managers, supervisors, non-supervisory employees, contractors, and visitors must understand what to do in emergency situations.
- f. Persons responsible for conducting hazard analysis, including self-inspections, incident investigations, job hazard analysis, etc., must receive training to carry out these responsibilities, e.g., hazard recognition training, incident investigation techniques, etc.

- g.** Training attendance must be documented. Training frequency must meet VOSH standard requirements. Non-VOSH required training must be provided at adequate intervals. Additional training must be provided when changes in work processes, new equipment, new procedures, etc. occur.
- h.** Training curricula must be up-to-date, specific to worksite operations, and modified when needed to reflect changes and/or new workplace procedures, trends, hazards, and controls identified by hazard analysis. Training curricula must be understandable for all employees.
- i.** Persons who have specific knowledge or expertise in the subject area must conduct training.
- j.** Where personal protective equipment (PPE) is required, employees must understand that it is required, why it is required, its limitations, how to use it, and maintenance.

Chapter 4 The Application Process

I. **Eligibility and Program Requirements:**

A. **Eligibility:**

All Applicants for Tier One, Tier Two, and Tier Three must meet the following minimum requirements:

1. For the purpose of evaluating the implementation of safety and health management systems, the Participant must allow the ABC-VA and VOSH designated representative(s) access to project sites throughout Virginia, when requested. Coordination for visits will be made initially with the contractor's Participant contact and, thereafter, with the project superintendent and/or foreman.
2. Applicant must have a designated safety representative with responsibility for employee safety to administer the applied safety and health program.
3. Provide for direct employee involvement in the safety and health management system. Acceptable activities include a safety committee comprised of company employees and management, employee participation in self-inspections, site inspections, job hazard analysis, safety and health program reviews, incident investigations; and employees leading safety and health training sessions or the safety and health portions of new hire orientation.
4. Maintain a total case injury/illness incidence rate (three-year average) that is below the most current Bureau of Labor Statistics rate for the applicant's North American Industrial Classification System (NAICS) code for the STEP Level of the Applicant/Participant (See Table One in VOSH Directive 13-065).
5. Develop, implement, and maintain a prohibited substance policy and testing program that complies with applicable laws and regulations.

B. **Applications for participation are subject to the following conditions:**

1. **Employees' Support of Participation:**

Employees must support the company's participation in Virginia BUILT. Requirements vary according to whether the Participant has a recognized employee representative.

2. **VOSH Inspection History:**

- a. If VOSH has inspected an Applicant site in the three years preceding the application, the inspection, abatement, and any other history of interaction with VOSH must indicate good faith attempts by the employer to improve safety and health at the site.
- b. The applicant must not have been issued final VOSH citations related to a fatality in the preceding three-year period prior to application submission. In the event that the employer elects to contest a citation related to a VOSH fatality, the employer may not submit a VPP application until such time as all fatality-related citations have become a final order of the Commissioner.¹
- c. The Applicant must have no willful, repeat, or failure to abate violations that became a final order of the Commissioner within the three years prior to application.
- d. The existence of any of the following precludes the company's filing of an application with Virginia BUILT:
 - Open enforcement investigations,
 - Pending or open contested citations or notices under appeal at the time of application,
 - Affirmed willful or antidiscrimination whistleblower violations under § 40.1-51.2:1 of the Code of Virginia during the 36 months prior to application,
 - Documented instances of misclassification of employees during the 36 months prior to application, or
 - Unresolved, outstanding enforcement actions such as long term abatement agreements or contests.

C. **Program Requirements:**

Applicants must understand and agree through written assurances to fulfill program requirements for participation in Virginia BUILT. Applicants must assure that:

1. The Applicant will comply with VOSH laws and regulations and will correct in a timely manner all hazards discovered through self-inspections, employee notification, incident investigations, a VOSH/ ABC-VA on-site review, process hazard reviews, annual self-assessments, or any other means. The Applicant will provide effective interim protection as necessary.

¹ This provision does not apply to the Mentorship Tier which is administered by the ABC-VA.

2. Deficiencies related to compliance with VOSH requirements and identified during the VOSH on-site review for a Tier Three Applicant/Participant will be corrected within 45 days, with interim protection provided to employees.
3. Employees support the Virginia BUILT application.
4. Virginia BUILT elements are in place for the Tier applied for, and the requirements of the elements will be met and maintained.
5. Employees, including newly hired employees and subcontractor employees when they reach the site, will have Virginia BUILT explained to them, including employee rights under the program and under VOSH laws and regulations.
6. Employees performing safety and health duties as part of the Applicant's safety and health management system will be protected from discriminatory actions resulting from their carrying out such duties, just as Va. Code §40.1-51.2:1 protects employees who exercise their rights.
7. Employees will have access to the results of self-inspections, incident investigations, and other safety and health management system data upon request. At union sites, this requirement may be met through the employee representative's access to these results.
8. The information listed below will be maintained and available for VOSH review to determine initial and continued approval to Virginia BUILT:
 - a. Written safety and health management system
 - b. Any agreements between management and the collective bargaining agent(s) concerning safety and health
9. Each year by February 15, each Participant must send its annual report and self-assessment submission to the Virginia BUILT Coordinator.
10. Whenever significant organizational, ownership, union, or operational changes occur, such as but not limited to a change in management, takeover, or merger, the Participant will provide VOSH within 60 days a new statement of commitment signed by both management and any authorized collective bargaining agents, as appropriate.
11. The Applicant must demonstrate a willingness to follow through on all assurances.

12. Employees must be aware of the recourse available to them if management fails to fulfill any of these assurances. This may include rescinding their support of Virginia BUILT participation or exercising the right to file a VOSH complaint.

D. Preparing the Application

1. The Virginia BUILT Coordinator may visit with a prospective Applicant to offer assistance in the application process or before scheduling the on-site evaluation to obtain additional information or clarification of information provided in the application.
2. Pre-application assistance may also include referrals to the Virginia BUILT Mentoring Program, to Virginia BUILT/VPP conferences, and to Virginia BUILT application workshops.

E. Confidentiality:

1. During the application process, prior to program approval, the application and all related information are confidential and therefore must be used solely for Virginia BUILT related activities.
2. If an Applicant withdraws, the original application and related documents must be returned.
3. Once an application has been accepted, the contents are subject to the requirements and protections of the Virginia Freedom of Information Act and Title 40.1 of the Code of Virginia.

II. Procedures for Receipt and Review of Applications:

- A.** The VBC will process Tier One applications as received. The Virginia BUILT Coordinator must process Tier Two and Tier Three applications as received.

B. Acknowledgment and Record of Receipt:

As appropriate, the VBC or the Virginia BUILT Coordinator must notify the Applicant by letter or e-mail of receipt of the application within 15 working days. The acknowledgment must also include the name and telephone number of the Virginia BUILT Coordinator.

C. Application Review:

1. As appropriate, the VBC or the Virginia BUILT Coordinator must review the application to determine if it includes all required information listed in the most recent Virginia BUILT application instructions to pinpoint any major deficiencies, and to notify the Applicant that the identified deficiencies must be rectified prior to application acceptance.
2. In general, application review should include an examination of the following:
 - a. **General Information:**

Ensure that the general information includes but is not limited to: the Applicant's name, address, key contact personnel and titles, corporate identification, collective bargaining agent contact information, number of employees and contractor employees, type of work performed, and products produced.
 - b. **Injury and Illness Rates:**

The rates supplied in the application must be examined as follows:

 - The reviewer of the application must calculate the last 3 complete calendar years' total case incidence rate (TCIR) for injuries and illnesses and similarly, the days away, restricted, and/or transfer (DART) rate for injuries and illnesses for the Participant's regular employees.
 - The reviewer must compare the 3-year Participant rates to one of the three most recent published BLS rates for the appropriate North American Industrial Classification System (NAICS) code for the site's regular employees as well as for all Key Subcontractors.
 - The reviewer must determine if the Applicant's injury and illness rates are low enough to warrant an on-site review.
 - c. **Safety and Health Elements:**

The reviewer must determine if the application describes how the Applicant is meeting the Virginia BUILT requirements for the applicable Tier, and addresses each of the elements and sub-elements of an effective safety and health management system listed in Chapter III and as outlined below.
 - d. **Management Leadership and Employee Involvement:**
 - The Applicant must describe top-level management leadership in the safety and health management system.
 - Note: Management must clearly describe its commitment to meeting and maintaining the requirements of Virginia BUILT.

- The Applicant must also describe how employees are involved in safety and health.

e. **Worksite Analysis:**

- The Applicant must describe methods used to recognize, identify, and analyze hazards.
- Effective worksite analysis provides the information managers and employees need for a thorough understanding of all hazardous situations to which they may be exposed.

f. **Hazard Prevention and Control:**

The Applicant must describe and give examples of how hazards are addressed, including preventative maintenance, occupational health care program, emergency preparedness, and hazard elimination employing the hierarchy of controls.

g. **Safety and Health Training:**

- The Applicant must describe its formal and informal safety and health training program for managers, supervisors, and employees.
- The information must include training protocols and schedules of training.

h. **Assurances:**

The reviewer must determine that the application contains a signed statement of assurances and that all of the required assurances have been included.

i. **Additional Attachments:**

The reviewer must determine if the application contains the required additional attachments, as follows:

- Copy of top-level safety and health policy.
- Organization chart.
- Most recent annual report and self-assessment.
- List of current job sites.
- Signed statement of union support if applicable.

D. Deficient Tier One, Tier Two, and Tier Three Applications:

1. ABC-VA will conduct an initial review of Tier One applications for consideration of approval. Deficient applications may be provided additional mentorship to meet

Tier requirements applied for or recommended for approval at a lower Tier if desired by the applicant and approved by ABC-VA.

2. If approval at a lower Tier is not appropriate and additional mentoring is unsuccessful in achieving an acceptable application, the application must be returned to the Applicant with a letter indicating the reasons the application was denied and forward a copy of the letter to the Director. The application can be resubmitted at a later time.

E. Voluntary Withdrawal of an Application:

1. An Applicant may withdraw the application by notifying the ABC-VA or Virginia BUILT Coordinator, as appropriate. The withdrawal is effective on the date the notification is received. Then, the ABC-VA or Virginia BUILT Coordinator, as appropriate, must:
 - a. If the application had not been initially accepted, return the original application to the Applicant within 10 working days.
 - b. If the application had already been accepted, the Virginia BUILT Coordinator must retain a working copy in accordance with agency document retention guidelines.
 - c. The ABC-VA or Virginia BUILT Coordinator, as appropriate, must acknowledge the withdrawal by letter, giving the official withdrawal date. The letter must include a statement that the ABC-VA and VOSH will entertain re-application if circumstances change. A copy of the letter must be sent to the Director.

F. Decision to Conduct the On-site Evaluation for Tier Three Applications:

NOTE: On-site evaluations by a joint VOSH and ABC-VA team are only conducted for Tier Three Applicants.

1. Once a Tier Three application is accepted, the Virginia BUILT Coordinator must:
 - a. Notify the Applicant by letter or e-mail in a timely manner that the required on-site evaluations will be conducted. However, no on-site evaluation may be conducted until all enforcement actions have been closed.
 - b. Notify the appropriate Regional Safety and Health Director(s) so that the Applicant can be removed from any programmed inspection lists, effective no more than 75 days prior to the scheduled on-site reviews.

Chapter 5

The On-site Evaluation

Tier Three on-site reviews consist of a thorough evaluation of a Virginia BUILT Applicant's or Participant's safety and health management system in order to recommend approval or re-approval. On-site evaluations are carried out by a team consisting of VOSH staff acting in a non-enforcement capacity, ABC-VA staff, qualified private industry volunteers, and other qualified team members.

I. Preparation for On-site Evaluations:

A. Scheduling On-site Evaluations:

1. On-site evaluations must be scheduled according to the priorities described in Chapter 4. Tier Three participants must successfully complete up to three separate on-site reviews at major construction sites by a team consisting of VBC members (or representatives designated by the VBC) and VOSH personnel (PIV personnel may also be used as part of the on-site review team).
2. For new ABC-VA Tier Three Applicants, an on-site evaluation must be conducted within six (6) months of the receipt of a completed application.
3. For Tier Three Participants, on-site re-evaluations must be conducted between 24 and 30 months following initial approval or subsequent re-approvals.

B. Scheduling Exceptions:

1. On-site evaluations must be conducted earlier than normal scheduling requirements when:
 - a. Significant changes have occurred in management, processes, or products that may require evaluation to ensure the Participant is maintaining a Virginia BUILT quality safety and health management system.
 - b. VOSH has learned of significant problems with the Participant, such as increasing injury and illness rates, serious deficiencies described in the Participant's annual self-assessment of its safety and health management system, or deficiencies discovered through VOSH enforcement activity resulting from an employee complaint, fatality, in-patient hospitalization, amputation, loss of an eye, or other event.
2. An on-site evaluation may be conducted earlier when requested by a Participant.

C. Arrangements with the Participant:

1. Arrangements for the on-site evaluation must be coordinated by the team leader who must contact the Applicant or Participant representative to:

- a. Set the date for the on-site evaluation and explain the on-site evaluation process.
 - b. Inform the representative of the documents that must be reviewed by the on-site evaluation team. OSHA 300 logs may be requested in advance of the on-site evaluation, if appropriate.
 - c. The Virginia BUILT Coordinator or team leader must inform the employer if private industry volunteers (PIVs) will be used as a member of the on-site evaluation team. The employer must agree with this arrangement.
2. Where union representatives are involved, the team leader must tell the Participant representative that such representatives must be included in the initial and closing conferences and allowed the opportunity to accompany the on-site evaluation team on the site walkthrough. Similar employee involvement must be encouraged at non-union sites.

D. The On-site Evaluation Team:

1. **Team Composition:**

Team composition is based on the size of the site and nature of the process, and must include at least (a) through (c) below.

- a. Team Leader
- b. Safety Engineer or Safety Specialist
- c. Industrial Hygienist
- d. Backup Team Leader
- e. Additional Safety or Health Specialists, including others with knowledge and skills appropriate to the specific site
- f. Private Industry Volunteers (PIVs) or other non-government specialists can comprise no more than 50% of the team.

2. **Selection of the Team:**

The Virginia BUILT Coordinator must formally request team members. This may be done by e-mailing the proposed on-site evaluation schedule to VOSH Regional Safety and Health Directors, Consultation Program Manager, or employers of other private industry volunteers.

a. **Basic Qualifications:**

All team members must have at least the following:

- (1) Thorough knowledge of Virginia BUILT policy
- (2) OSHA Course 245, the Special Government Employee (SGE) course (required of PIVs), or other formal classroom training in evaluating safety and health management systems
- (3) Working knowledge and understanding of safety and health management systems
- (4) At least one of the VOSH employees (not including PIVs) on the team must have safety and health expertise

b. **Team Leader:**

The team leader must meet the qualifications in a., above, plus have experience on three Virginia VPP on-site evaluations, including once as a team member, once as a backup team leader, and once as a team leader in training (with a qualified team leader as backup team leader).

c. **Compliance Officers (23g):**

VOSH personnel whose current duties include enforcement responsibilities in the region having jurisdiction over the Participant site selected for an on-site evaluation may be assigned to the team provided the Regional Safety or Health Director approves of their participation and that such personnel are not permitted to subsequently engage in enforcement activity at the worksite during the pendency of the construction project or until the company is no longer a Virginia BUILT participant, whichever comes first.

d. **Consultation Staff (21d):**

VOSH safety and health personnel in the Consultation Program may be assigned to an on-site evaluation team in a training capacity provided the Consultation Program Manager approves their participation. Consultation staff that are split-funded (21d and 23g) or 100% state funded may participate as team members, provided the necessary 23g or state funding is available.

3. **Preparing the On-site Evaluation Team:**

a. **In Advance:**

The team leader must supply the team with the following information in advance of arrival at the worksite to be evaluated.

- (1) **Virginia BUILT History:**

For new Applicants, team members must be given relevant sections of the application and the most recent self-assessment. For current Participants, team members must be given a copy of the company's last on-site evaluation report.

- (2) Inspection History:
Team members must be given the inspection history and a summary of past interactions between the Applicant and VOSH.
- (3) Any Documents Obtained with the Application:
If any records were submitted in advance of the on-site evaluation, these should be shared with team members.

b. **Preparation Required of On-site Evaluation Team Members:**

In advance of the on-site evaluation, team members must prepare in the following ways:

- (1) Review:
When feasible, team members must carefully review the application and any previous on-site evaluation reports.
- (2) On-site Evaluation Report Format:
Team members must familiarize themselves with the on-site evaluation report format to ensure they understand what information they will be responsible for obtaining during the on-site evaluation.
- (3) Interview Questions:
Team members must carefully review the interview questions in preparation for conducting on-site interviews.
- (4) Personal Protective Equipment (PPE)
Team members must equip themselves with any PPE, such as safety shoes and safety glasses, required for the on-site evaluation (unless they have been informed that PPE will be provided at the work site).

c. **On-site:**

Once the team has arrived at the location, the team leader should hold a short strategy meeting with the team to discuss team assignments to answer any questions that the team members may have.

II. **Conducting the On-site Evaluation:**

The three primary methods of evaluation are document review, walkthrough, and interviews. Additional activities that must occur are the opening conference, daily briefings, report preparation, and closing conference. The on-site evaluation team must evaluate each element

and sub-element of the safety and health management system and Virginia BUILT requirements as described in Chapter 3. At the conclusion of the on-site evaluation, the on-site evaluation team must recommend to the Virginia BUILT Coordinator, the VPP Manager, and Director whether the Participant is suitable for participation or continued participation in Virginia BUILT, and at what tier of participation.

A. Opening Conference:

The opening conference with the employer and employee representatives will set the stage for the on-site evaluation, letting everyone know what to expect and what assistance will be needed. During this session the on-site evaluation team should be able to get a sense of the extent of commitment that exists for the Participant and at the specific work site. The team leader must convey the following information:

1. **Balanced Approach:**

Describe VOSH's view of the Virginia BUILT Program and the importance of VOSH's balanced approach between cooperative programs and enforcement.

2. **Purpose:**

Clearly state the purpose of the on-site evaluation.

3. **Full Disclosure:**

Indicate that the on-site evaluation team expects the company will adhere to the signed full disclosure assurances submitted with the application.

4. **Schedule:**

Outline the schedule for the on-site evaluation.

5. **Interviews:**

State that arrangements must be made to conduct private interviews with supervisors, union representative(s), maintenance personnel, recordkeepers, occupational health staff, and randomly selected employees, including Key Subcontractor employees (if any).

6. **Responding to Hazards:**

Explain the differences between the walkthrough and an enforcement or consultation visit as well as the hazard correction requirements for the evaluation.

7. **Status:**

Explain how the on-site evaluation team will keep the Participant and work site representatives updated daily on the progress of the on-site evaluation. When the on-site evaluation is completed, the Virginia BUILT on-site evaluation team will discuss its findings with the work site representative so that the recommendations are clearly understood.

8. **Employee Rights:**

Outline the rights of employees under VOSH laws and regulations, and the OSH Act.

B. Document Review:

The Applicant's or Participant's written safety and health management system must describe how each of the requirements outlined in Chapter 3 are being met. The documents listed below are part of the written safety and health management system. The documentation of the system must be site specific, where appropriate. On a case-by-case basis for small businesses, some documentation need not be in writing provided all employees have the same clear understanding of the particular policy. This will be verified by the on-site evaluation team.

1. **Injury/Illness Data:**

The following documents must be reviewed to verify that the Participant is properly and accurately recording injuries and illnesses.

a. **Summary of Occupational Injuries and Illnesses:**

- Review data for the most recent complete 3-year period, current year-to-date for the company, and any Key Subcontractors.
- Recalculate the total case incidence rate (TCIR) and the days away, restricted, and/or transfer case incidence rate (DART rate) using the instructions found in Appendix A.

b. **Incentive Programs:**

- The review of incentive programs must focus on ensuring that any incentive programs in operation are not based solely on providing awards to employees for the reduction or absence of safety or health incidents. Instead, these programs should be innovative, positive, and promote safety awareness and worker participation in safety-related activities.
- The on-site evaluation will focus on the incentive program's potential impact on the accuracy of reporting injury and illnesses data.

c. **First Reports of Injury:**

Review First Reports of Injury to assess potential hazards and accurate reporting.

d. **Incident and Near-hit Incident Analysis:**

Verify that all injury and illness incidents, as well as near-hit incidents, are properly reported and investigated.

e. **First-Aid Reports:**

Verify that the first-aid incidents are properly categorized, and are not causing possible over-reporting.

f. **Medical Surveillance Reports:**

Review First Reports of Injury to assess potential hazards and accurate reporting.

g. **Recordkeeping:**

- Any cause for under- or over-reporting, such as lack of training in VOSH recordkeeping requirements, an incentive program, misdiagnosis of an injury or illness, etc., must be addressed.
- Discuss any discrepancies or omissions with the recordkeeper. Determine corrective actions and recalculate the 3-year TCIR and DART rate if necessary.

2. **Management Leadership:**

- a. Management's statement of commitment to safety and health.
- b. Written goals and objectives for safety and health.
- c. Annual safety and health report and self-assessment.
- d. Job descriptions.
- e. Performance standards and appraisals (These reviews must be performed in a manner that protects confidentiality and anonymity.)
- f. Resource documents including budget projections.

3. **Employee Involvement:**

- a. Safety and health committee minutes.

- b. Self-inspection forms and records, incident investigations, hazard analyses, and employee reports of hazards.
- c. Documents attesting to union support, when applicable.

4. **Worksite Analysis:**

- a. Baseline safety and industrial hygiene surveys.
- b. Self-inspection forms and records.
- c. Health hazard assessment and monitoring records (such as industrial hygiene surveys, sampling results, exposure calculations, and summary reports).
- d. Hazard analysis forms and reports.
- e. Incident investigations to verify that all causes of an incident are identified, undue blame or reprisal is not placed on employees, and recommendations for preventing a future occurrence are listed.
- f. Hazard reporting system for employees.
- g. Annual safety and health management system assessments, site audits, and when needed to demonstrate that Virginia BUILT criteria are being met, corporate audits that an Applicant voluntarily chooses to provide in support of its application.
- h. The system for managing contractor safety and health, and related documents.
- i. Trends analysis reports of injury/illness, incidents, employee hazard reports, etc.

5. **Hazard Prevention and Control:**

- a. Hazard control programs required by VOSH standards (such as Lockout/Tagout, Hazard Communication, Respiratory Protection, Process Safety Management, Confined Space Entry, Emergency Response, etc.). Although the VOSH Bloodborne Pathogens Standard does not apply to the construction industry, a Participant should consider setting a Bloodborne Pathogens program as an aspirational goal.
- b. Compliance with VOSH unique regulations (e.g., Reverse Signal Operation, Overhead High Voltage Line Safety Act, Fall Protection in Steel Erection, Construction Sanitation)

- c. Preventive maintenance program, maintenance schedule, and examples of work orders.
- d. Engineering studies to verify that any over-exposures to health hazards were adequately addressed and controlled following the hierarchy of controls.
- e. Hazard correction/work order and tracking reports.
- f. Safety rules and examples of safe work procedures and practices.
- g. Disciplinary system, including a review of the policy.

6. **Training:**

- a. New employee and contractor orientation curricula.
- b. Training curricula related to required VOSH standards.
- c. Additional safety and health training curricula to verify that personnel performing hazard analysis and incident investigation are trained to do so. Also to verify that information from hazard analysis, incident reports, etc., are incorporated into training.
- d. Training attendance records and tracking method.
- e. Any other related documents that support and verify that Virginia BUILT requirements are being met.

C. **Walkthrough:**

1. **Scope:**

The on-site evaluation team must walk through the site to understand the type of work performed, the construction trades involved, and to gain a sense of overall work conditions. An orientation tour is conducted with the entire on-site evaluation team on the first day of the on-site evaluation. The remainder of the on-site evaluation must include a walkthrough of the entire worksite, unless the size of the site or nature of the process does not allow for it, in which case a representative sampling of all major construction areas and supporting activities must be covered.

a. **Key Subcontractors:**

The on-site evaluation team must review areas where work is performed by Key Subcontractor workers to ensure that they are provided equally effective protection.

b. **Hazard Analysis:**

The safety and health specialists must examine the site in sufficient detail to understand the types of hazards that exist and to determine that such hazards are controlled systematically by the safety and health management system.

c. **Problem Areas:**

The on-site evaluation team must examine areas where site reports of the following indicate that uncontrolled hazards may be present:

- Baseline hazard analysis
- Trends in injuries or illnesses
- Employee complaints or concerns
- Recurring incidents
- Health hazard surveys
- Site self-inspections

d. **Informal Interviews**

During the walkthrough (and at other times, as appropriate) the on-site evaluation team must question randomly selected employees (including subcontractor employees) privately in their work area about prescribed work procedures, hazards to which they may be exposed, and their knowledge of how to protect themselves from hazards, including how to use and maintain their personal protective equipment. The team must keep track of the number of employees interviewed, but employee names and addresses must not be recorded.

2. **Construction Safety and Health Review:**

a. The safety specialist/engineer and industrial hygienist must:

- (1) Follow the construction work flow/process where possible. Focus on areas where document review and/or interviews indicate that uncontrolled safety and health hazards may be present.
- (2) Look for evidence that hazards are appropriately controlled following the hierarchy of controls.
- (3) Identify and note any uncontrolled hazards that must be corrected. Ensure that a responsible member of management takes notes and agrees on a reasonable time period for correction.

- (4) If uncontrolled hazards are present, determine the causative deficiencies in the safety and health management system.
- (5) Relate hazards seen in the work areas to safety and health management system improvements that would control the hazards and prevent recurrence.
- (6) Inform the team leader of findings at the end of each day.

D. Interviews:

1. **Formal Interviews:**

Private formal interviews are conducted in a private area away from the works area to ascertain the extent of safety and health involvement and program awareness of managers, supervisors, employees, and contractors.

2. **Informal Interviews:**

Informal interviews are conducted at employees' work area during the walkthrough and at other times, as appropriate.

3. **Persons to Be Interviewed:**

- Managers
- Supervisors
- Employees
- Occupational Health Care Professionals
- Maintenance Personnel
- Recordkeepers
- Key Subcontractor Employees
- Temporary Employees

Other Subcontractor Employees:

- a. Subcontractor employees who work under their own company's supervision must be interviewed to determine whether they are aware of all the hazards to which they are exposed and whether they are protected by a safety and health management system that meets VOSH regulatory requirements.
- b. Representatives from each craft should be interviewed, where possible.

4. **Selecting Persons to be Interviewed:**

- a. The selection of persons to be interviewed must be made by the on-site evaluation team, not by the employer.

- b. The team must be flexible in choosing the most reasonable method of selection given the characteristics of the site and any concerns expressed by the employer. Methods for selecting employees for interviews include:
 - (1) Identifying the most hazardous areas, selecting employees at random from those areas, and conducting informal interviews in these areas during the walkthrough
 - (2) For formal interviews, the team leader may select appropriate employees at random from an employee roster or using a random selection protocol.

5. **Scheduling Formal Interviews:**

- a. Formal interviews lasting at least 15 minutes must be conducted in a manner that minimizes disruption.
- b. The number of formal interviews is up to the team leader, based upon the size and nature of the site and whether a new Applicant or current Participant is being evaluated.

6. **Use of Interview Questions:**

- a. The reviewers must assure each interviewee that responses will be treated confidentially and that no single answer they give will influence the team's recommendation.
- b. Notes (without names or addresses) should be made of employees' responses to interview questions and other comments. These notes later will be used to support the team's recommendation and the Agency's decision.

III. **Discussion of Findings:**

A. **Daily Debriefings:**

- 1. At the end of each day, the on-site evaluation team must meet privately to discuss their findings.
- 2. The team leader is responsible for organizing the findings and conducting daily briefings with the site management and employees.

B. **Uncontrolled Hazards:**

1. **Informing Site Management:**

- a. As hazards are found and discussed during the walkthrough, the on-site evaluation team must add them to a written list of the uncontrolled hazards identified.
- b. This list will be used when the team briefs site management at the end of the day.

2. **Hazard Correction:**

- a. VOSH expects that every effort will be made by the site to correct identified hazards before the closing conference.
- b. If hazard correction cannot be accomplished before the conclusion of the on-site evaluation, the on-site evaluation team and site management must discuss and agree upon correction methods and time frames.
- c. The site may be given a maximum of 45 days to correct uncontrolled hazards as long as interim protection is provided. These “45-day Items” must be corrected before the final on-site evaluation report can be processed. Management must provide the team leader with a signed letter indicating how and when the correction will be made. The team leader may decide to return to the site to verify correction.
- d. If, after repeated attempts to reach agreement, site management refuses to correct a situation that endangers the safety and health of employees, that situation must be referred to the Director who may, at his or her discretion, refer the matter to the Assistant Commissioner for review and, if necessary, enforcement action.

C. Deficiencies in the Safety and Health Management System:

Where the team detects deficiencies in the safety and health management system, even when physical hazards are not present, the on-site evaluation team must document these deficiencies as goals for correction, recommendations for improvement, or both.

1. **Goals:**

If the system deficiency is a requirement for Virginia BUILT as a specific tier, it must become the subject of a goal. Implementation of goals is mandatory for Virginia BUILT participation. Time frames, interim protection, and methods of achieving goals must be discussed and agreed to with site management.

2. **Recommendations:**

If improvement of the system deficiency is not necessarily a requirement for Virginia BUILT, but will improve worker safety and health at the site, the improvement must be a recommendation. Implementation of recommendations is encouraged but is not mandatory for Virginia BUILT participation.

IV. Final Analysis of Findings:

A. When the documentation review, the walkthrough, and employee interviews have been completed, the on-site evaluation team must meet privately to review and summarize its findings. The team leader must facilitate the discussion and assist the team members in drawing conclusions about the quality of the safety and health management system based on their findings.

B. In analyzing their findings, the on-site evaluation team must consider the following:

1. Observations made in the work areas.
2. The nature of injuries or illnesses recorded on the Summary of Occupational Injuries and Illnesses and reflected in the First Report of Injury data.
3. The degree to which implementation of written programs has been verified.
4. Responses to formal and informal interviews.
 - a. The reviewer must look for an overall pattern in the perceptions of managers, supervisors, employees, and subcontractor employees regarding worksite conditions and the safety and health management system.
 - b. Employee responses that are supported by information obtained by document review, observation, or other employee interviews should carry the most weight.
5. When the Applicant or Participant is very small or in a low-hazard NAICS, some of the requirements for formality may be relaxed (for example, informal programs or scaled-down documentation), providing that a strong case can be made to support the effectiveness of the safety and health management system.

V. Recommendations for First-time Participation

In the final private meeting prior to the closing conference, the on-site evaluation team must reach consensus on their recommendation for program participation.

A. General Applicants:

The on-site evaluation team must decide among the following recommendations:

1. **Level of Participation Applied For:**

- a. When the on-site evaluation team finds that an Applicant's safety and health management system meets all requirements for Tier Three Participation, a recommendation for participation as a Virginia BUILT Participant must be made.
- b. When the team finds that an Applicant's safety and health management system does not meet all requirements for Tier Three Participation, they will make a determination as to whether the Applicant's system meets a lower level of participation and make a recommendation accordingly for participation in Virginia BUILT.

VI. **Recommendations for Participant Re-approvals:**

The on-site evaluation team must decide among the following recommendations:

A. **Tier Three Participants:**

1. **Recommendation for Virginia BUILT Re-approval at the Same Tier:**

When the on-site evaluation team has judged that the Participant's safety and health management system continues to meet all Virginia BUILT Tier Three requirements, the team must recommend re-approval upon satisfactory completion of any 45-day items.

2. **Recommendation for Virginia BUILT Re-approval at a Different Tier:**

When the on-site evaluation team has judged that the safety and health management system does not meet all Virginia BUILT Tier Three requirements, the team must recommend a lower tier of participation or withdrawal from the program.

VII. **Closing Conference**

A. The findings of the on-site evaluation team, including its recommendation to the Commissioner, must be presented to the Applicant/Participant management and appropriate employee representatives before the team leaves the site.

B. During the closing conference, the team leader must review:

1. **Findings:**

Review the team’s findings, addressing each of the major Virginia BUILT elements as outlined in Chapter 3. Also review the injury and illness rates and how they compare to the industry national average.

2. **The On-site Evaluation Team’s Recommendation to the Commissioner:**

Discuss and support the on-site evaluation team’s recommendation to the Commissioner so that the Applicant or Participant has a clear idea of how the site measures up to the requirements of Virginia BUILT.

3. **45-day Items:**

Review all uncorrected hazards, expected correction methods, and time frames.

4. **Recommendations:**

Review any recommendations made by the on-site evaluation team for improvement of the safety and health management system.

5. **Responsibilities:**

Remind the company of its requirements and responsibilities under Chapter 4, The Application Process, and Chapter 6, Participation Decisions and Management.

VIII. The On-site Evaluation Report:

A. Purpose of the Report:

The on-site evaluation team must write a report documenting the on-site evaluation to substantiate the team’s recommendation to the Commissioner for approval or re-approval of the Applicant/Participant in Virginia BUILT. If the Participant is approved or re-approved, the report and any worksheets along with the application will provide baseline data for future evaluation purposes. The report must include the following information:

1. Verification of the application information submitted by an Applicant/Participant.
2. Documentation of the qualifications of the Applicant for participation or the Participant for continuation in Virginia BUILT.

B. Writing the On-site Evaluation Report:

All attempts must be made to complete a draft report before leaving the site. The draft report must reflect the consensus of the on-site evaluation team. Each team member must complete the sections of the on-site evaluation report assigned by the team leader, following the format in Appendix E.

1. **Review of the Draft On-site Evaluation Report**

Once the draft is complete, the team must review it and make any needed changes.

2. **Presentation of the Draft On-site Evaluation Report:**

If the draft on-site evaluation report is completed on-site, the draft must be presented at the closing conference. If the draft report is not presented at the time of the closing conference, the team leader must advise the Applicant/Participant approximately when the draft report will be available for review.

3. **Applicant/Participant's Comments and Revised Draft Report:**

After the draft report is presented to the company, the team leader must allow the Applicant or Participant 30 days to review and comment on the draft report. A revised version of the on-site evaluation report must be prepared by the team leader following receipt of the Applicant/Participant's comments.

C. Completing the Final On-site Evaluation Report:

The Virginia BUILT Coordinator or team leader must compile the final report and submit it to the Director for review.

D. Deferral of Final On-site Evaluation Report:

The final report may be deferred from submission to the Commissioner if uncorrected hazards are still present at the site after the closing conference or after the team leaves the site.

The final report may be deferred for up to 45 days from the closing conference or until the Applicant/Participant has corrected all uncontrolled hazards identified by the on-site evaluation team, whichever occurs first.

IX. Correction of Remaining Hazards:

A. Hazard Correction Plan:

1. Within a week of the closing conference, the Applicant/Participant must document in a letter to the Virginia BUILT Coordinator or his/her designees any hazard correction plans (this can be the list of 45-day items) and dates agreed upon.
2. This letter will be kept on file until all corrections have been made.

B. Verification of Hazard Correction:

1. When the Applicant/Participant has corrected the hazards, it must send a signed letter to the Virginia BUILT Coordinator indicating how and when the corrections were made.
2. The team leader or Virginia BUILT Coordinator may decide to conduct a return visit to the site to verify the corrections. The findings of this visit must be written in a correction letter and kept on file. The correction letter may be made available to an on-site evaluation team at a later date.

C. Finalizing the On-site Evaluation Report:

When hazard correction has been verified, the team leader must remove any lists of uncorrected hazards from the final report before submitting the report to the Commissioner.

D. Failure to Correct Hazards by End of Deferral Period:

If the deferral period has expired, the Applicant/Participant has not corrected the hazards, and the Virginia BUILT Coordinator has made every attempt to resolve the problem in a manner consistent with the cooperative spirit of the program, then:

1. The Virginia BUILT Coordinator must inform the Applicant or Participant that the matter is being referred to the VPP Manager and the Director.
2. The VPP Manager and the Director must review the situation and make a decision regarding enforcement action. If the Director decides that all cooperative efforts have failed and that VOSH must ensure hazard correction, he/she must send a memorandum to the Assistant Commissioner recommending that the appropriate Regional Safety or Health Director take enforcement action.
3. For withdrawal, termination, and reapplication procedures, refer to Chapter 6.

Chapter 6

Participation Decisions and Management

I. Report Processing

After the required on-site evaluation(s) for Tier Three Applicants/Participants has been conducted and the on-site evaluation report has been completed, the Virginia BUILT Coordinator submits the report to the VPP Manager and Director for approval and forwarding to the Assistant Commissioner.

A. Final Decision Regarding Participation:

1. All decisions are based on the on-site evaluation(s), final evaluation report, and recommendations.
2. In each of the following cases, the Director must recommend an action to the Assistant Commissioner who, in turn, must make a recommendation to the Commissioner regarding:
 - a. Approval of new Participants
 - b. Withdrawal or termination of participation
 - c. Re-approval (or disapproval) of participation in Virginia BUILT
 - d. Approval of a Participants movement from one tier of participation to another
3. The VPP Manager is responsible for:
 - a. Acknowledging withdrawal of participation from Virginia BUILT

II. Final On-site Evaluation Report and Participation Date

When the final on-site evaluation report is sent to the Applicant/Participant with the Commissioner's letter announcing the participation decision, approval becomes final. For new approvals, approvals from one tier of participation to another, and re-approvals, the effective date is the date the Commissioner's approval letter is signed.

III. Notification:

- A.** When the Commissioner's approval or congratulatory letter is signed, the Director must:

1. Notify the Virginia BUILT Coordinator and the VPP Manager and mail the letter and the final copy of the report to the Participant representative(s). This mailing constitutes official notification that the Participant has been approved for participation in Virginia BUILT.
2. As appropriate according to the level of participation, inform the Participant of the following potential actions/awards:
 - a. Press Release
 - b. Certificate of Recognition
 - c. Governor's Proclamation
 - d. Virginia BUILT Flag
 - e. Virginia BUILT Celebration
3. For Tier Three Participants, inform the Participant that they may hold a ceremony and may request VOSH officials to make a formal presentation of the Virginia BUILT designation.

IV. Awards:

Newly approved Participants receive recognition in accordance with the level of participation.

A. Press Release:

A press release and DOLI website news item will be provided for all tiers of participation.

B. Letter of Recognition:

A letter of recognition will be provided for all tiers of participation.

C. Certificates:

The Virginia BUILT Coordinator must arrange for the printing of the award certificate(s) for initial approvals of Tier Two and Tier Three Participants.

D. Flags:

VOSH awards a flag to newly approved Tier Three Virginia BUILT Participants. The VPP Manager must maintain an inventory of flags.

E. Governor's Proclamations:

The Virginia BUILT Coordinator must arrange for Tier Three award proclamation(s) to be signed by the Governor and forwarded to the Commissioner for presentation.

V. Approval Ceremonies – Tier Three:

Upon notification of approval, the Tier Three Participant representative should contact the Virginia BUILT Coordinator to schedule the ceremony.

- A.** The Commissioner or the highest-level representative available shall make the presentation.
- B.** The Participant may send an invitation to the appropriate Regional Safety and Health Directors, any VOSH personnel who were responsible for recruiting the Participant for Virginia BUILT, as well as higher-level VOSH officials. The on-site team may also be included on the invitation list. In addition, the Virginia BUILT Coordinator should suggest other potential invitees such as local and state political officials or other area companies that might be potential Virginia BUILT candidates.
- C.** The Director will arrange for a press release.

VI. Withdrawal:

- A.** Participants may withdraw of their own accord or be asked by VOSH to withdraw from the program.
- B.** Any Participant may choose to withdraw voluntarily at any time.
- C.** VOSH must request that a Participant withdraw from Virginia BUILT if it is determined that the participant is no longer meeting the requirements for Virginia BUILT.

D. Withdrawal Process:

- 1. The Participant must write a letter addressed to the Commissioner stating that it is withdrawing from the program, with the reason(s) for withdrawal, effective on the date of the letter.
- 2. The Commissioner must send the Participant a letter acknowledging the withdrawal. The letter must also state:
 - a. As appropriate for the level of participation, the Virginia BUILT flag and certificate are invalid and must no longer be used.
 - b. That the company's application, on-site evaluation reports, approval letters, and annual reports and self-assessments will be retained in accordance with the Department's Document Retention Schedule.
 - c. That the establishment must be returned to the programmed inspection list, if applicable, at the time of the next inspection cycle.

- d. That VOSH will consider the Participant's reapplication to Virginia BUILT if and when eligibility requirements are met.

E. Notification of VOSH Regional Office:

The Virginia BUILT Coordinator must notify the appropriate Regional Safety and Health Directors that the withdrawn establishment is no longer participating in Virginia BUILT and must be returned to the programmed inspection list for the next inspection cycle.

VII. Suspension:

A Participant may be suspended from the program by the Commissioner during the investigation of a fatality or major incident at a covered worksite. A Participant will be automatically suspended from the program during the pendency of a termination process initiated by either the ABC-VA or VOSH under the procedures in Chapter 6, section VIII, below. The timing for reinstatement from the suspension will be at the sole discretion of the Commissioner. The Commissioner or ABC-VA may also move to terminate the Participant from the program as provided in Chapter 6, section VIII, below.

VIII. Termination:

A. A Participant will be terminated if one or more of the following occurs:

1. An inspection by ABC-VA or VOSH reveals a significant deviation from program criteria (e.g., a pattern of serious violations and/or unabated hazards is identified and verified).
2. The Participant has falsified information on the application or supporting records.
3. The Participant refuses to cooperate with on-site reviews or requests for prompt abatement of hazards.
4. The Participants' total case injury/illness incidence rate rises above set criteria (in certain cases, when agreed upon by both ABC-VA and VOSH, the Participant may be reclassified to a lower tier).
5. A willful violation or failure to abate violation is issued by VOSH.
6. The Participant engages in a pattern of participating in or allowing misclassification of employees.
7. The Participant takes other such actions that may be determined to be grounds for termination.

8. The Participant is no longer a member in good standing with ABC-VA .

B. Prior to final termination of a Participant's status, the following will occur:

1. The Participant and union representative(s) will be notified in writing of the intent to terminate.
 2. The notice will include an explanation of the reasons for termination.
 3. The Participant will have an opportunity to reply to the written notice within a period of 30 days and appeal the decision.
 4. The Participant will have the right to appeal before ABC-VA and the Commissioner. ABC-VA will conduct an initial review of the appeal and either reject or give conditional approval. For rejected appeals, the decision of the ABC-VA is final. Conditionally approved appeals will be forward to VOSH for review. The Commissioner's decision to approve or reject the appeal will be final.
 5. If the Commissioner decides to terminate, then the Director must send a memorandum explaining the reason(s) for termination of participation.
 6. The Virginia BUILT Coordinator must notify the appropriate Regional Safety and Health Directors that the former Participant must be returned to the programmed inspection list, if applicable, 30 days following the date of the termination letter.
- C.** Participants that experience a fatality, whether an employee or contract employee, may be immediately suspended from program participation until such time as a VOSH fatality investigation can be completed. In the event the investigation shows substantial deficiencies in the Participant's safety and health programs, such that during a normal certification review the types of deficiencies would have precluded the company from participation in Virginia BUILT, the Commissioner, at his discretion, may terminate the company's participation in the Virginia BUILT.
- D.** Under most other situations, termination should occur only when all efforts for assistance have been exhausted. An example is when VOSH has identified one or more serious problems and recommended technologically feasible solutions, but the Participant has refused to make necessary corrections.
- E.** Termination may also occur when evidence exists that the trust and cooperation among labor, management, and VOSH, upon which approval was based, no longer exist, or when VOSH requests a Participant to withdraw and it does not.

IX. Reinstatement

Reinstatement requires reapplication. See table below for time frames.

<i>If:</i>	<i>And:</i>	<i>Then:</i>
An Applicant withdraws its application or a Participant withdraws from the program of its own accord.	VOSH Inspection History conditions and Assurances are met [See Chapter 5].	The Applicant may reapply at any time.
An Applicant withdraws its application or a Participant withdraws from the program due to a VOSH enforcement inspection.		The Applicant can reapply when all enforcement activity is closed.
An Applicant withdraws its application or a Participant withdraws from the program voluntarily due to a fatality.		The Applicant may reapply immediately upon closure of VOSH activity provided the VOSH fatality investigation does not fault the employer.
An Applicant withdraws its application or a Participant withdraws from the program due to withdrawal of union support.		The Applicant may reapply when a new letter of union support is received by the Virginia BUILT Coordinator
VOSH terminates a Participant.	N/A	The Applicant must wait 1 year to reapply.

Chapter 7

Enforcement Activity at Virginia BUILT Participant Sites

I. Additional Virginia BUILT Reassessment

This chapter describes the procedures followed by VOSH in the event of enforcement activity at a Virginia BUILT Applicant's or Participant's site.

A. Two types of enforcement activity trigger additional Virginia BUILT reassessment:

1. Unprogrammed VOSH Inspections:

Unprogrammed inspections occur in response to referrals, formal complaints, fatalities, in-patient hospitalizations, amputation, and loss of an eye.

2. Other Incidents or Events:

a. Other incidents or events, whether or not injuries or illnesses have occurred and whether or not normal enforcement procedures apply to the situation, may trigger reassessment.

b. VOSH may reassess the company's safety and health management system if there is reason to believe that a serious deficiency exists that would have an impact on its continued qualification for Virginia BUILT.

II. VOSH Personnel:

A CSHO who was a Virginia BUILT on-site team member cannot conduct an enforcement inspection at a Virginia BUILT Participant during the pendency of the construction project or until the site is no longer a Virginia BUILT Participant, whichever occurs first.

III. Virginia BUILT Activity

A. If the event that triggers enforcement activity occurs during the time between application and on-site evaluation, the on-site evaluation must be postponed until the enforcement case is closed.

B. If there already is an open enforcement case at a site when the Regional Safety or Health Director is notified by the Virginia BUILT Coordinator of a pending on-site evaluation, the Regional Safety or Health Director must inform the Virginia BUILT Coordinator of the enforcement activity so the Virginia BUILT evaluation can be postponed.

C. If the event that triggers enforcement activity occurs during the time between the scheduling and the beginning of an on-site evaluation, the Virginia BUILT on-site visit must be postponed until the enforcement case is closed.

- D. If the event that triggers enforcement activity occurs during the Virginia BUILT on-site evaluation, the Virginia BUILT on-site must cease until the enforcement case is closed.

IV. Initiation of Enforcement Activity:

When a Regional or Field Office receives a complaint, a referral or is notified of a fatality, inpatient hospitalization, amputation, loss of an eye, or other event requiring enforcement occurring at a Virginia BUILT Participant site, the Regional Safety or Health Director will initiate an inspection following normal VOSH enforcement procedures.

- A. The Regional Office must immediately notify the Virginia BUILT Coordinator of any fatalities, or other incidents requiring enforcement that occurs at a Virginia BUILT worksite, as well as when a referral or complaint is received from a Virginia BUILT worksite, including informal complaints that receive responses by letter. The Virginia BUILT Coordinator will comply with VOSH procedures concerning avoidance of advanced notice of inspections (see Va. Code §40.1-51.3:1 and requirements in the VOSH Field Operations Manual (FOM)).
- B. If the Virginia BUILT Coordinator is the first person to be notified by the BUILT Participant of an event requiring enforcement, he/she must instruct the Participant to contact the appropriate Regional Office.
- C. When enforcement activity is complete:
 - 1. The Regional Office must send the Virginia BUILT Coordinator a copy of all reports resulting from enforcement activity.
 - 2. The Virginia BUILT Coordinator must review any reports of investigations triggered by referrals, formal or non-formal complaints, inquiry letters written by the Regional Office concerning conditions at the Participant's site, fatalities, and other incidents requiring enforcement or involving publicity.
 - 3. The Virginia BUILT Coordinator and the VPP Manager must assess whether deficiencies in the Participant's safety and health management system led to the event and, if so, must use their professional judgment and discretion to determine one of the following courses of action:
 - a. In cases where there are no obvious systemic errors in the Participant's safety and health management system, the Participant was cooperative with the investigation, VOSH issued no willful violations, all cited hazards were abated, and Virginia BUILT elements continue to be in place, a phone call with the Participant is sufficient to:
 - Obtain assurances that Participant management and unions (if applicable) remain committed to Virginia BUILT.

- Note any improvements in the Participant's systems, policies, procedures, and/or hazard controls.
 - Determine whether the company remains qualified for Virginia BUILT participation.
- b. In cases where there were minor systemic errors/failures in the Participant's safety and health management system or incorrect/inappropriate hazard control(s) selected, and where there may or may not have been fatalities, the Participant was cooperative with the investigation, VOSH issued no willful violations, and all cited hazards were abated, but where Virginia BUILT elements may not be in place, the Virginia BUILT Coordinator and ABC-VA must visit the site to:
- Review conditions pertaining to the event.
 - Obtain assurances that Participant's management and unions (if applicable) remain committed to Virginia BUILT.
 - Determine if the company remains qualified for Virginia BUILT participation.
- c. In cases where the enforcement inspection leads to concerns about major failures in the Participant's safety and health management system, or a fatality or multiple fatalities occurred indicating that Virginia BUILT elements are not in place, the Commissioner may, at his discretion and based on the findings of the fatality investigation, either terminate the employer's participation or request that an on-site evaluation be conducted to:
- Review all safety and health management system elements.
 - Obtain assurances that Participant management and unions (if applicable) remain committed to Virginia BUILT.
 - Determine if the Participant remains qualified for Virginia BUILT participation.
- d. In cases where a willful violation or failure to abate violation was issued, the employer's participation will be terminated; see the procedures for termination outlined in Chapter 6.

V. Decision for Continued Participation, Withdrawal or Termination:

- A.** In the case of IV.C.3.a or 3.b above, the Director may approve the Participant's continued participation. The Director must forward a memorandum to the Commissioner describing his/her decision. No further action is necessary. If the Director and/or the Commissioner decide that termination is required, the procedures in Chapter 6 must be followed.

- B.** In the case of IV.C.3(c) or 3(d) above, the Director must make a recommendation regarding the Participant's continued participation. The Director must forward a memorandum describing his/her recommendation to the Commissioner.
1. If the Commissioner decides that termination is required, the procedures in Chapter 6 must be followed.
 2. If the Commissioner decides that the employer may continue its participation, the Director will be notified and must:
 - a. Notify the Participant of the Commissioner's decision, and no further action is necessary, or
 - b. Re-approve the Participant according to procedures in Chapter 6, if the purpose of the on-site was also to determine re-approval.

VI. Confidentiality:

Information gathered during the Virginia BUILT assessment cannot be used by the Regional Office for any enforcement activity at the worksite unless the worksite has refused to correct hazards found by the Virginia BUILT team, the team has recommended enforcement action, and the Commissioner has initiated such action.

Appendix A

Instructions for Calculating Injury and Illness Rates

I. Definitions

- A.** Total Case Incidence Rate (TCIR). Total number of recordable injuries and illness cases per 100 full-time employees that a company has experienced in a given time frame.
- B.** Days Away, Restricted, and/or Transfer (DART) Case Incidence Rate. Number of recordable injuries and illness cases per 100 full-time employees resulting in days away from work, restricted work activity, and/or job transfer that a company has experienced in a given time frame.

II. Review of Rates

- A.** New Applicants and current Participants are required to calculate annual rates and 3-year rates for the last 3 complete calendar years. Information recorded in the OSHA 300 log will be used for the rate calculations.
- B.** Virginia BUILT on-site teams will calculate the company's rates for the previous 3 full calendar years and the year-to-date rate. The Virginia BUILT on-site teams also will review the rates of each Key Subcontractor.

III. Key Subcontractor Rates

- A.** Copies of each Key Subcontractor's hours worked and injury and illness data pertaining to the site must be maintained by Participant's management. (See glossary for definition of Key Subcontractor).
- B.** Injury and illness data for temporary employees who are regularly intermingled with the owner's employees and under direct supervision by company management must be included in the Participant's rates.

IV. Rate Calculations

Rates are calculated by the formula $(N/EH) \times 200,000$ where:

N = The sum of the number of recordable injuries and illnesses in the year

For the TCIR, use the total of items H, I and J from the OSHA 300A Summary. For the DART rate, use the total of items H and I from the OSHA 300 summary

EH = total number of hours worked by all employees in the year

200,000 = equivalent of 100 full-time workers working 40 hours per week, 50 weeks per year

Year-to Date	Hours	Total Cases (H, I and J from OSHA 300A)	Total Incident Rate (TIR)	Away, Restricted or Transferred Cases (H and I from the OSHA 300A)	Days Away, Restricted or Transferred Rate (DART)
2015	163780	3	3.7	1	1.2
BLS National Average			4.10		2.10

- A. The calculations for 3-Year TCIR and DART are done in the same way. First, total the number of items from H, I and J from the OSHA 300A Summary for the past three full years. Divide this sum by the total hours worked for all three years. Multiply the result by 200,000. Use the table below as an example.

Year	Hours	Total Cases (H, I and J from OSHA 300A)	Total Incident Rate (TIR)	Away, Restricted or Transferred Cases (H and I from the OSHA 300A)	Days Away, Restricted or Transferred Rate (DART)
2012	163739	0	0	0	0
2013	156504	4	5.1	0	0
2014	148419	2	2.7	1	1.35
Total	468662	6		1	
3 Year Average (2012 – 2014)			2.60		.45
BLS National Average			4.10		2.10
Year to Date*	86897	0	0	0	0

B. Rounding Instructions

You must round the rates to the nearest tenth following traditional mathematical rounding rules. For example, round 5.88 up to 5.9; round 5.82 down to 5.8; round 5.85 up to 5.9.

V. Comparison to National Averages

Compare the 3-year TCIR and DART rate to 1 of the 3 most recently published Bureau of Labor Statistics (BLS) national averages for the NAICS code for the industry in which the Applicant is classified.

- A. These national averages, currently broken down by NAICS code, are found in the Table of Incidence Rates of Non-fatal Occupational Injuries and Illnesses by Industry of the BLS Occupational Injuries and Illnesses Bulletin that BLS publishes each year.
- B. To calculate the percent above or below the national average use the following formula $((\text{Participant rate} - \text{BLS rate}) / \text{BLS rate}) \times 100$.

VI. Alternative Calculation for Small Worksites

- A. An alternative rate calculation is available to small companies where a single or relatively small number of incidents would cause the worksite's disqualification when using the normal 3-year rate calculation. If the following criteria are met, the TCIR and DART rate calculations can be based on the best 3 out of the most recent 4 complete calendar years' injury and illness incidence experience.
- B. Using the most recent calendar year's hours worked, calculate a hypothetical TCIR assuming the employer had two cases for the year. Compare the hypothetical rate to the most recently published BLS national average TCIR for the industry. If the hypothetical rate is equal to or higher than the BLS rate, the employer qualifies for the alternative rate calculation method.

Appendix B

Format for Annual Report and Self-Assessment

Virginia BUILT requires each Participant to annually evaluate the effectiveness of its safety and health management system. The Annual Report, which must be submitted to the Virginia BUILT Coordinator by February 15th of each year, must include assessments of the effectiveness of all elements and sub-elements of the Participant's safety and health management system as described in Chapter 3 of this manual.

VOSH also expects the annual report to include injury and illness data for all applicable Key Subcontractors, and success stories. VOSH uses the information to update records and statistics, to showcase successes related to implementation of the Virginia BUILT requirements, and to demonstrate that Participants are committed to continuously improving worker safety and health at their facilities.

The annual report should include a review of all safety and health programs, reports on regular inspections of the Participant's worksites, and interviews with employees.

During this process Participants should be answering the following questions relating to each element and sub-element of their safety and health management system:

1. Is it comprehensive?
2. Is it operating effectively and meeting established goals and objectives?
3. What improvements can be made to make it even more effective?
4. What goal modifications should be made for the upcoming year?

The annual report and self-assessment is not a compliance audit. It is a critical review of all of the elements of the safety and health management system, including a review of the Participants and Key Subcontractors' injury and illness data and trends.

The following is a suggested format.

**Annual Report Format for Virginia BUILT Worksites
For Calendar-Year ####**

Participation in the Virginia BUILT program requires that each Participant annually evaluate the effectiveness of its safety and health management system and submit a report to the Virginia BUILT Coordinator by February 15 of each year. The preferred method of submission is via E-mail to the Virginia BUILT Coordinator.

The assessment must evaluate the effectiveness of the Participant's safety and health plans with regard to each of the Virginia BUILT elements and sub-elements. The annual report and self-assessment should be comprehensive and include a review of all written safety and health programs, a review of regular worksite inspections, and interviews with employees.

The annual report should not be a compliance audit; rather it should be a critical review of all of the elements of the safety and health management system including a review of Participant and Key Subcontractor's injury/illness data and trends. The review should identify strengths and opportunities for improvement that will translate into goals for the coming year. It should also identify any particularly noteworthy achievements.

VOSH uses the information in the annual report and self-assessment to update records and statistics, to showcase successes related to implementation of the Virginia BUILT requirements, and to verify that Virginia BUILT Participants are committed to continuously improving worker safety and health at their facilities.



Annual Self-Evaluation

Report for Calendar Year:
Date Submitted: |

Department of Labor and Industry
Virginia BUILT Program
3013 Peters Creek Road NW
Roanoke, VA 24482

Report Instructions

Participation in the Safety and Health Excellence Through Mentorship and Training (BUILT) requires that each BUILT company annually evaluate the effectiveness of its safety and health management system. In addition, the company will **submit the annual report to the BUILT Coordinators Office by February 15 of each year. Submission is via e-mail as a WORD Document to the BUILT Coordinators, Nathaniel Griffin at Nathaniel.Griffin@doli.virginia.gov.**

Each year, participating companies are required to conduct an annual self-evaluation of the company safety and health programs. While this review is not intended to be a compliance evaluation, it should be a critical review of all of the elements of the safety and health management system including a review of applicable key sub-contractor's injury/illness data and trends (more than 1,000 hours in any quarter of each year). The self-evaluation should identify **strengths** and **successes** as well as opportunities for improvement that will translate into specific and measurable goals for the coming year. The report should give a **brief** summary of the **effectiveness** of your company's safety and health programs with regard to each of the BUILT elements and sub-elements. The report is not intended to be as comprehensive as the original application but just a summary of the significant events.

VOSH and the ABCVA uses the information in the self-evaluation to update records and statistics, to showcase successes related to implementation of the BUILT requirements, and to verify that BUILT participants are committed to continuously improving worker safety and health at their company.

Do not delete or change any headings, even if they do not apply to the company, unless you are asked to. Please refer to the [Appendix](#) at the end of the report for additional information to help you answer each section.

If you have any questions while you are filling out your report, please feel free to contact Milford Stern at (540) 562-3580 ext. 123 or Milford.Stern@doli.virginia.gov and/or Nathaniel Griffin at (540) 562-3580 ext. 118 or Nathaniel.Griffin@doli.virginia.gov.

Helpful Websites

BLS Industry and Illness Rates (See instructions)	https://www.bls.gov/iif/oshsum.htm
OSHA VPP Memo #5	https://www.osha.gov/dcsp/vpp/policy_memo5.html

Virginia BUILT	http://www.doli.virginia.gov/vosh_enforcement/BUILT_program.html
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Attachments

Instructions: List any attachments here. Please list each attachment and label the attachment per the numeric order listed below on the document. Add as many as needed. *Attachments must be limited to 2 pages.*

1		
2		

Company Logo and/or Picture	
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Company Information

Prepared By		Title	
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Corporate Information			
Name:			
Click here for help with FEIN and NAICS information			
NAICS Code:		FEIN:	
Virginia Contractor License Number:			
Mailing Address:			
Physical Address: (if different)			
Corporate BUILT Contact Name and Title:			
E-Mail:			
Phone:		Fax:	
		# of Employees Corporate Wide:	

Event or Program Change		Event or Program Impact		Positive or Negative
1				Choose an item.
2				Choose an item.
3				Choose an item.
4				Choose an item.
5				Choose an item.

Table 1 - Company Employee Data ([See instructions](#)) (Double click table to activate)

Year	Hours	Total Cases	Total Case Incident Rate (TCIR)	Days Away, Restricted, Transferred Cases	Days Away, Restricted or Transferred Rate (DART)
2017			#DIV/0!		#DIV/0!
2018			#DIV/0!		#DIV/0!
2019			#DIV/0!		#DIV/0!
TOTAL	0	0		0	
Three Year Average Rates			#DIV/0!		#DIV/0!
Most recently published **BLS rates					
Percent <i>above</i> / (<i>below</i>) BLS rate			#DIV/0!		#DIV/0!

**Special Requirements If:
TCIR or DART rate has increased since last year:**

Instructions: If the company's 1-year TCIR or DART rate has **increased** since last year then you must identify and describe the contributing factors and corrective actions you have taken. Include this information in the narrative evaluation of each related element and sub-element. Please use the table provided for each Contributing Factor and Corrective Action. If you need more than five lines, tab in the last box under Corrective Action. You will continue to number as needed. If the company's 3-year TCIR or DART rate **now exceeds** the highest rate of the last 3 years published by the BLS statistics for the company's NAICS code then you must submit a separate rate reduction plan based on your findings. Contact the Virginia BUILT Program Manager to discuss the terms of your company's rate reduction plan. Please submit and label any attachments under the attachment section on Page 2.

Contributing Factor		Corrective Action	
1			
2			

**TCIR or DART rate now exceeds the highest rate for the last 3 years:
You must submit a Rate Reduction Plan for this.**

Instructions: You must submit a Rate Reduction Plan for this. Please submit and label any attachments under the attachment section on Page 2.

Table 2 - Complete Table 2 for each applicable key sub-contractor for the company.
(See instructions) (Double click table to activate)

Contractor Name			NAICS Code for Contractor		
Total Hours Worked at Site for the Year					
Year	Hours	Total Cases	Total Case Incident Rate (TCIR)	Days Away, Restricted, Transferred Cases	Days Away, Restricted or Transferred Rate (DART)
2019			#DIV/0!		#DIV/0!
TOTAL	0	0		0	
Three Year Average Rates			#DIV/0!		#DIV/0!
Most recently published **BLS rates					
Percent <i>above</i> / (<i>below</i>) BLS rate			#DIV/0!		#DIV/0!

Incentive Programs	
OSHA VPP Memo #5	https://www.osha.gov/dcsp/vpp/policy_memo5.html
Instructions: Describe any incentive programs at the company that are directly affected by the company's safety and health management system. Examples include but not limited to near miss reporting, job observation, performance evaluations, bonus programs, and pay for performance. If you need more than two lines, tab in the last box, you will continue to number as needed.	
1	
2	

Pressure Vessels (if applicable)		
Pressure Vessel Link	https://www.doli.virginia.gov/boiler-safety/	
Instructions: You are listing the types of pressure vessels at your company. If you have pressure vessels, list whether they are Pneumatic, Hydraulic, or Reactor vessels. If you do not have pressure vessels at your company, please type N/A. If you use a company spreadsheet/file to track your vessels please copy that information to the end of the report.		
Type	Number	Location
1		
2		

<p>Narrative Evaluation of Safety and Health Management System (SHMS)</p>
--

Instructions

In assessing your system you must use the following format to address each of the sub-elements by providing a narrative summary description of the **2020 Activities** for each sub-element. Evaluate the **effectiveness** of each of the elements and sub-elements. Is the element or sub-element **Effective, Needs Improvement, or Not effective?**

It is not necessary to repeat the narrative evaluation that has already been described above. Include in each element/sub-element any recommendations for improvement that you plan to monitor during the coming year. For each recommendation for improvement, assign a person(s) to be responsible for completing each recommendation and meeting targeted dates.

Sub-elements in the current self-evaluation that are effective and do not have any recommendations for improvement also need to be assigned to a person(s) who will evaluate their effectiveness again before the next annual self-evaluation is due.

Do not use N/A, ongoing, or leave blank.

Assign target dates for completion of each recommendation. If a target date cannot be assigned due to ongoing activities, assign timeframes for updates (i.e., monthly, quarterly).

Do not use N/A, ongoing, or leave blank.

Next to each element is a “Click here for help” link that will take you to the corresponding section in the appendix that will provide information about what is required for that element.

1.	Management Leadership and Employee Involvement		
1.	Management Commitment and Leadership	(Click here for help)	
	Program Description (This can be copied from your application/last annual report)		
	2020 Activities / Changes / Updates		
	Evaluation of Sub-Element	Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
2.	Management Resources	(Click here for help)	
	Program Description (This can be copied from your application/last annual report)		

2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
3.	Visible Leadership		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
4.	Communications		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
5.	Targets and Objectives		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			

Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
6.	Accountability	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
7.	Discipline	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
8.	Annual Program Evaluations	(Click here for help on Program Evaluations) (Click here for help on Annual Self-Evaluation of the SHMS)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			

	Evaluation of Sub-Element	Not Effective	
	Recommendations for Improvement		
	Person Assigned		Target Date
2.	Employee Involvement		
1.	Safety & Health Perception Survey	(Click here for help)	
	Program Description (This can be copied from your application/last annual report)		
	2020 Activities / Changes / Updates		
	Evaluation of Sub-Element	Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
2.	Employee Knowledge & Notification	(Click here for help)	
	Program Description (This can be copied from your application/last annual report)		
	2020 Activities / Changes / Updates		
	Evaluation of Sub-Element	Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
3.	Rights and Responsibilities/ Notification		
	Program Description (This can be copied from your application/last annual report)		
	2020 Activities / Changes / Updates		

Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
4.	Employee Involvement		
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Not Effective	
Recommendations for Improvement			
Person Assigned			Target Date
3.	Contract Work Coverage		
1.	by Sub-Contractors (Include Key Sub-Contractor and Illness Data Verification, Contractor Training)	(Click here for help on Programs) (Click here for help on Injury & Illness Data) (Click here for help on Contractor Training)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
2.	Adherence to Rules		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			

	Evaluation of Sub-Element	Choose an item.		
	Recommendations for Improvement			
	Person Assigned		Target Date	
3.	Key Subcontractor Practices			
	Program Description (This can be copied from your application/last annual report)			
	2020 Activities / Changes / Updates			
	Evaluation of Sub-Element	Choose an item.		
	Recommendations for Improvement			
	Person Assigned		Target Date	
4.	Key Subcontractor Use			
	Program Description (This can be copied from your application/last annual report)			
	2020 Activities / Changes / Updates			
	Evaluation of Sub-Element	Choose an item.		
	Recommendations for Improvement			
	Person Assigned		Target Date	

4.	Worksite Analysis			
1.	Initial Analysis	(Click here for help on IH Survey) (Click here for help IH Program)		
	Program Description (This can be copied from your application/last annual report)			
	2020 Activities / Changes / Updates			

Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
2.	Hazard Analysis of <u>Routine</u> Jobs, Tasks, and Processes	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
3.	Hazard Analysis of Significant Changes, <u>New Processes</u> , and <u>Non-Routine</u> Tasks (Including Pre-Use Analysis and New Baselines)	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned			Target Date
4.	Pre-Use Analysis	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	

	Recommendations for Improvement		
	Person Assigned		Target Date
5.	Routine Inspections		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
6.	Hazard Reporting		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
7.	Investigation of Incidents		(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date

8.	Trend Analysis (Tier II and Tier III only)	(Click here for help)		
Program Description (This can be copied from your application/last annual report)				
2020 Activities / Changes / Updates				
Evaluation of Sub-Element		Choose an item.		
Recommendations for Improvement				
Person Assigned				Target Date

5.	Hazard Prevention and Control			
1.	Certified Professional Resources	(Click here for help)		
Program Description (This can be copied from your application/last annual report)				
2020 Activities / Changes / Updates				
Evaluation of Sub-Element		Choose an item.		
Recommendations for Improvement				
Person Assigned				Target Date
2.	Hazard Elimination		(Click here for help)	
i.	Engineering Controls		(Click here for help)	
Program Description (This can be copied from your application/last annual report)				
2020 Activities / Changes / Updates				
ii.	Administrative Controls		(Click here for help)	
Program Description (This can be copied from your application/last annual report)				

2020 Activities / Changes / Updates				
iii.	Work Practice Controls	(Click here for help)		
Program Description (This can be copied from your application/last annual report)				
2020 Activities / Changes / Updates				
iv.	Personal Protective Equipment (PPE)	(Click here for help)		
Program Description (This can be copied from your application/last annual report)				
2020 Activities / Changes / Updates				
3.	Hazard Control Programs	(Click here for help)		
Program Description (This can be copied from your application/last annual report)				
2020 Activities / Changes / Updates				
	Evaluation of Sub-Element	Choose an item.		
	Recommendations for Improvement			
	Person Assigned		Target Date	
4.	Hazard Reporting Tracking System	(Click here for help)		
Program Description (This can be copied from your application/last annual report)				

2020 Activities / Changes / Updates			
	Evaluation of Sub-Element	Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
5.	Preventive Maintenance of Equipment	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
	Evaluation of Sub-Element	Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
6.	Health Care	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
	Evaluation of Sub-Element	Choose an item.	
	Recommendations for Improvement		
	Person Assigned		Target Date
7.	Emergency Preparedness	(Click here for help)	
Program Description (This can be copied from your application/last annual report)			

2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned		Target Date	

6.	Safety and Health Training		
	1.	General Guidelines	(Click here for help)
	Program Description (This can be copied from your application/last annual report)		
	2020 Activities / Changes / Updates		
	Evaluation of Sub-Element		Choose an item.
	Recommendations for Improvement		
	Person Assigned		Target Date
	2.	Training for All & Specific Workers	(Click here for help)
Program Description (This can be copied from your application/last annual report)			
2020 Activities / Changes / Updates			
Evaluation of Sub-Element		Choose an item.	
Recommendations for Improvement			
Person Assigned		Target Date	

Commitment to BUILT	
Instructions: Describe how the company shows commitment to Virginia BUILT. List any attendance at Safety and Health conferences (State and National), VPP Best Practice Days, Benchmarking Visits, Mentoring, providing volunteers for evaluations, etc. that any employees have been involved in during the last year.	

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Success Stories

Instructions: Describe any success stories correlated to the implementation of BUILT requirements. If attaching any additional files, please complete the attachment section at the beginning of the report. One of the major goals of BUILT is to share the good things your company has done with others so that they can benefit from what your company has learned. Don't be shy about the company's achievements from last year. Include anecdotal as well as statistical evidence of improvements. If you need more than four lines, tab in the last box, you will continue to number as needed.

1					
2					
3					
4					

2020 Objectives and Goals Update

Instructions: Update the status on your 2020 Objectives and Goals. What was achieved, what had to be modified and why? If any were incomplete are they going to be carried over for next year?

1					
2					
3					
4					

2020 Projected Goals

Instructions: Describe the 2020 Projected Goals by using the below table. If you need more than four lines, tab in the last box, you will continue to number as needed. Utilize the SMART Goal format. [\(click here for help\)](#)

1					
2					
3					
4					

2020 Projected Objectives

Instructions: Describe the company's 2020 Projected Objectives by describing your Action, Responsibility, Target Completion Date, and Completion Date. If you have completed the objective, please list date completed. If not, please type N/A. If you need more than five lines, tab in the last box, you will continue to number as needed. [\(Click here for help\)](#)

	Action	Responsibility	Target Completion Date	Completion Date (If Completed)
1				
2				
3				
4				

Virginia Unique Standard

Instructions: The Safety and Health Codes Board has adopted occupational safety and health standards for enforcement by the Department of Labor and Industry. Virginia Code Section 40.1-1 provides that the Virginia Department of Labor and Industry be responsible for administering and enforcing occupational safety and health activities within the Commonwealth. Within the Department, regulation of Virginia occupational safety and health falls under the purview of the VOSH (Virginia Occupational Safety and Health) Program. Please list any standard(s) that may apply to your company. ([Click here for help](#))

1	
2	
3	
4	

Virginia BUILT Assurances

Company Name

Date

Agrees to comply with the following items as a Virginia BUILT Program participant:

1. Compliance

- a. The company will comply with the Occupational Safety and Health Act (OSH Act) and correct, in a timely manner, all hazards discovered through self-inspections, employee notifications, accident investigations, VOSH onsite reviews, process hazard reviews, annual evaluations, or any other means.

2. Correction of Deficiencies

- a. The company will correct safety and health deficiencies related to compliance with VOSH requirements.

3. Employee Support

- a. Our employees support the Virginia BUILT application. At sites with contractor employees organized into one or more collective bargaining units, the authorized representative for each collective bargaining unit must submit a signed statement indicating that the collective bargaining agent(s) support BUILT participation. VOSH must receive concurrence from all such authorized agents to accept the application. At non-union sites, the VOSH onsite review team will verify management's assurance of employee support during employee interviews.

4. BUILT Elements

- a. Virginia BUILT elements are in place, and management commits to establishing, meeting, and maintaining the requirements of the elements and the overall Virginia BUILT elements.

5. Orientation

- a. Employees, including newly hired employees and contract employees, will receive orientation on the BUILT, including employee rights under Virginia BUILT and under the OSH Act.

6. Non-Discrimination

- a. We will protect employees given safety and health duties as part of your safety and health program from discriminatory actions resulting from their carrying out such duties, just as Section 40.1-51.2:1 of the Code of Virginia and protect employees who exercise their rights.

7. Employee Access

- a. Employees will have access to the results of self-inspections, accident investigations, and other safety and health data upon request. At sites where they have union representation, this requirement may be met through employee representative access to these results.

8. Documentation

- a. We will maintain our safety and health program information and make it available for VOSH review to determine initial and continued approval to the Virginia BUILT. This information will include:
 - i. Any agreements between management and collective bargaining agent(s) concerning safety and health.

- ii. All documentation enumerated under Section III.J.4 of the July 24, 2000 Federal Register Notice.

9. Annual Submission

- a. Each year by February 15, you will submit the following information to the VBCEC - VBC Executive Committee and the Virginia BUILT Coordinator
 - i. For the previous calendar year, the TCIR for injuries plus illnesses, and the DART rates.
 - ii. The total number of cases for each of the above two rates.
 - iii. Hours worked and estimated average employment for the past full calendar year.

10. Key Subcontractor Rates

- a. You will submit data on each applicable key subcontractor. Applicable key subcontractors are those employers who have contracted with your company to perform certain jobs and whose employees worked a total of 1,000 or more hours in at least one calendar quarter at your company's worksites. The data will consist of:
 - i. The site's TCIR and DART rate for each applicable key subcontractor's employees.
 - ii. The total number of cases from which these two rates were derived.
 - iii. Hours worked and estimated average employment for the past full calendar year.
 - iv. The appropriate NAICS code for each applicable key subcontractor's work at the site.

11. Annual Self-Evaluation

- a. A copy of the most recent safety and health annual evaluation. Include a description of any success stories, such as reductions in workers' compensation rates, increased in employee involvement, and improvements in employee morale. Due by February 15 of each year to the Virginia VPP BUILT Coordinator.

12. Organizational Changes

- a. Whenever significant organizational or ownership changes occur, we will provide VOSH, within 60 days, a new Letter of Assurance signed by both management and any authorized collective bargaining agents.

13. Collective Bargaining Changes

- a. Whenever a change occurs in the authorized collective bargaining agent, you will provide VOSH, within 60 days, a new signed statement indicating that the new representative supports BUILT participation.

Signature of Company Official
(Owner, President, Site Manager, Etc.)

Date

Appendix Definitions

- **FEIN:** An Employer identification Number (EIN) is also known as a Federal tax identification Number, and is used to identify a business entity.²
- **NAICS Code:** The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.³

Instructions for locating and recording your NAICS Code and Employee Injuries and Key Sub-Contractor Injury and Illness Data

1. Look up the 2020 BLS data

- a. Click on the Blue Link (Most recently published **BLS Rates)
- b. A web site will open with a PDF or Excel document. Locate your NAICS Code (2nd column)

TABLE 1. Incidence rates¹ of nonfatal occupational injuries and illnesses by industry and case types, 2015 -- Continued

Industry ²	NAICS code ³	Total recordable cases	Cases with days away from work, job transfer, or restriction			Other recordable cases
			Total	Cases with days away from work ⁴	Cases with job transfer or restriction	
Asphalt paving, roofing, and saturated materials manufacturing	32412	2.3	1.6	0.6	1.0	0.7
Asphalt paving mixture and block manufacturing	324121	3.0	2.0	0.7	1.3	1.1
Asphalt shingle and coating materials manufacturing	324122	1.6	1.3	0.5	0.8	0.3

- c. Use the Total Recordable Cases (3rd column) and Total Column (4th column) to fill in the Orange Cells in the table
2. Double click on Table 1 – Injury and Illness Table for your Facility
 - a. Fill in the following columns: Hours, Total Cases, Days Away, Restricted, Transferred Cases for 2017, 2018 and 2020 years (**Yellow Cells**) with your facility information
 - b. Use the BLS data you located in step 1b. to fill in the **Orange Cells** in the table
 3. Move to Table 2 – Key Sub-Contractor Injury and Illness Chart and Double Click on Table to open
 - a. Fill in Company Name, NAICS Code, Total Hours Worked at company 2020 (**Yellow Cells**) for each key sub-contractor
 - b. Click on tabs at bottom (Labeled Contractor 1-6) and complete for each key sub-contractor

² <https://www.irs.gov/businesses/small-businesses-self-employed/employer-id-numbers-eins>

³ <http://www.census.gov/eos/www/naics/>

- c. Fill in the following columns: Hours, Total Cases, Days Away, Restricted, Transferred Cases for 2017, 2018 and 2020 years (**Yellow Cells**) for each key sub-contractor
 - d. Use the BLS data you located in step 1b. to fill in the **Orange Cells** in the table
- 4. Each key sub-contractor should have their own tab and chart completed**
 5. Double click outside the table to close the window (it will be saved when you save your report)
 6. Save the file
- [\(Click here to return\)](#)

Information for Conducting a Good Self Evaluation

7. Ask yourself for each Sub Element:
 - a. Is it comprehensive? – Is it operating effectively and meeting established goals and objectives?
 - b. Are there problems that require the development and implementation of solutions in order to achieve or maintain (depending on whether it is pre or post star recognition) world class performance and BUILT eligibility?
 - c. What improvements can be made to make it even more effective?
 - d. What goal/objective modifications should be made for the upcoming year?
8. Include interviews/discussions with employees and managers
9. Review written programs, policies, procedures
10. Include facility walkthroughs, informal discussions, observations
11. Should include independent non-S&H professionals who can ask critical questions without making assumptions
12. Provide opportunities for employee involvement
13. Be creative, try to keep S&HMS elements “evergreen”
14. Capitalize on BUILT practices from other BUILT companies
15. Use statistical analysis of your leading and trailing indicators

Elements

Management Commitment to BUILT Participation and Leadership

- Describe the company's statement of commitment to maintaining compliance with and continuously improving safety and health and meeting BUILT requirements? How is this communicated to all employees? Establishing, documenting, and communicating to employees and key sub-contractors clear goals that are attainable and measurable, objectives that are relevant to workplace hazards and trends of injury and illness, and policies and procedures that indicate how to accomplish the objectives and meet the goals. Ensuring that all workers (including contract workers) are provided equal, high-quality safety and health protection. ([Click here to return](#))

Management Resources

- [Describe how your company's management has committed resources to safety and health over the past year. Commitment can be displayed in many different and meaningful ways. Examples could be a budget line item for safety & health, allowing employees to meet during the workday for committee meetings, hiring safety professionals, supporting employees attending offsite training, etc. \(Click here to return\)](#)

Visible Leadership

- Describe the ways top management is visibly involved in the safety and health program such as wearing any required personal protective equipment, reporting hazards, reporting injuries and illnesses, following the same safety and health procedures expected for all employees at the workplace, and subjecting managers and employees to the same disciplinary system for infractions. ([Click here to return](#))

Communications

- Describe the methods used to communicate policies, goals, and objectives with all employees and how the company has created an environment that allows for reasonable employee access to the company's management and senior management. ([Click here to return](#))

Targets and Objectives

- Describe any health & safety targets your company may have developed and explain how you developed those. (hazard surveys, perception survey, trend analysis) ([Click here to return](#))

Accountability

- Explain how management has established accountability for health & safety. This could be attained by job descriptions, performance plans for managers, mid-level managers/supervisors and or designated safety & health staff). ([Click here to return](#))

Discipline

- Describe the company's documented disciplinary plan. Also include any "stand alone" type disciplinary plans for safety & health such as cardinal safety rules, safety work rules or other safety & health related discipline. ([Click here to return](#))

Program Evaluations

- Describe how the company's conducts an annual self-evaluation of the safety and health management system in order to maintain knowledge of the hazards to which employees are exposed, maintain knowledge of the effectiveness of system elements, ensure completion of the previous years' recommendations and modify goals, policies, and procedures. ([Click here to return](#))

Safety & Health Perception Survey

- Explain how your company responded to the responses given by employees during the perception survey. This may include changes in policies, procedures, forms, or addressing safety & health concerns ([Click here to return](#))

Employee Knowledge and Notification

- Are employees and new hires knowledgeable about BUILT and their OSHA rights and responsibilities? How has this been verified? ([Click here to return](#))

Key Sub-Contractor Programs

- Discuss how key sub-contractors are selected to perform work for the company? Explain the oversight and management system for key sub-contractors to ensure the key sub-contractor' employees are provided effective protection and follow the company's safety and health policy. Discuss the procedure used when a key sub-contractor is found in violation of a Safety and Health policy. ([Click here to return](#))

Key Sub-Contractor Injury and Illness Data

- How does the company verify the key sub-contractor injury and illness data and is it included in the company's report? What happens if the key sub-contractors TCIR or DART rate increases? ([Click here to return](#))

Key Sub-Contractor Training

- How are key sub-contractor employees trained on the hazards they may encounter while working for your company? Are they trained how to recognize hazardous conditions and the signs and symptoms of workplace-related illness and injuries? Does the training cover safe work procedures, emergency procedures and accident or incident reporting? ([Click here to return](#))

Annual Self-Evaluation of the SHMS

- The company must completed an annual self-evaluation (this report will comply) that included a written narrative with recommendations for timely improvements, assignment of responsibility for those improvements, and documentation of timely follow-up action or the reason no action was taken. Who conducts the evaluation and how were they trained to perform an evaluation? Are the results shared with employees and how? ([Click here to return](#))

Adherence to Rules

- What indicators does the company use to measure progress toward goals and objectives, effectiveness of hazard controls, and overall effectiveness of the safety and health management system? Explain the rationale behind the selection of indicator, the method, frequency, and responsibility for monitoring or measuring each indicator. The periodic review of the indicator suitability, methods used to keep records, the analysis, interpretation, and communication of results. ([Click here to return](#))

Comprehensive Safety and Industrial Hygiene Survey

- Has the company needed to complete or update the baseline hazard survey? If so, explain why? Has the baseline identified and documented common safety hazards at the company? Were any new hazards identified that needs further study? Has the entire work area been covered? Explain the sampling rationale and strategy followed. (Sampling rationale should be based on the IH sampling strategy and

objective data including reviews of any changes that have occurred. Review of safety data sheets, employee complaints, exposure incidents, medical records, and any other instance determines that sampling is warranted.) ([Click here to return](#))

Hazard Analysis of Routine Jobs, Tasks, and Processes

- Does hazard identification and analysis address both safety and health hazard? What hazard analysis techniques are employed for routine operations and activities? Are analyses conducted on routine jobs, tasks, processes that have had injuries/illnesses associated with them, experienced significant incidents, or near misses. Are results of the hazard analysis adequately documented, included in training, and the hazard control program updated? ([Click here to return](#))

Hazard Analysis of Significant Changes, New Processes, and Non-Routine Tasks (Including PreUse Analysis and New Baselines)

- When purchasing new materials, equipment, or implementing new process, what types of analyses are performed and are these adequate? Are tasks performed less than once a year included in the hazard analysis? Pre-Use Analysis: When considering new equipment, chemicals, facilities, or significantly different operations or procedures, is an analysis completed to address any concerns or hazards that might be created? Does the analysis address each step, hazard controls, dates conducted, recommendations for improvements, included in training and the hazard control program? ([Click here to return](#))

Routine Self-Inspections

- Does the company have a minimally effective system for performing safety and health inspections? How often are they conducted? Is the entire company covered at least quarterly? Does the company include hazards identified by baseline hazard analysis, accident investigations, and annual evaluations into inspections? Are employees conducting inspections adequately trained? Describe checklists that are being used. Are findings documented in written reports? Is there a system used to track all hazards until they are controlled or eliminated? ([Click here to return](#))

Hazard Reporting System for Employees

- Describe the system employees use to report hazards. Does it include responding to employees in a timely and appropriate manner following reports of hazardous conditions? Can employees report hazards anonymously and without fear of reprisal? ([Click here to return](#))

Industrial Hygiene (IH) Program

- Describe the company's industrial hygiene exposure assessment strategy. What permissible exposure limits are used for comparison? Does the program include descriptions of work process, controls in place, sampling times, calculations, and number of exposed employees? How are results communicated to employees and management? Who performs sampling and are they qualified? ([Click here to return](#))

Investigation of Accidents and Near Misses

- Is there a reporting system for accidents and near-misses that include tracking? Are those conducting investigations trained in accident/incident investigation techniques? How were they trained? What techniques are used? Have any hazards

been discovered during investigations? If so, what were they and how were they addressed. Are the results made available to employees? ([Click here to return](#))

Trend Analysis

- What type of trending do you perform? What trends have you discovered and how have they been addressed? Is the company using injury/illness history, hazards identified during inspections, employee reports of hazards, accident and near-miss investigations, OSHA logs, inspection reports? How is this information shared with employees and management and used to prevent injuries? ([Click here to return](#))

Certified Professional Resources

- Does the company have access to certified safety and health professionals and other licensed health care professionals? These can be either company personnel or third party expertise (Example: IH, MD, CSP, etc.) What is their roll in your safety program? ([Click here to return](#))

Hazard Elimination and Control Methods

- Describe the different types of controls that are used at the facility. Have any follow-up studies been conducted based on incidents, inspections, or recommendations from employees?
- **Engineering Controls**
 - Engineering controls directly eliminate a hazard by such means as substituting a less hazardous substance, isolating the hazard; these are the most reliable and effective. What engineering controls have been implemented at the company?
- **Administrative Controls**
 - Administrative controls significantly limit daily exposure to hazards by control or manipulation of the work schedule or work habits. (Example: job rotation) What administrative controls have been implemented at the company?
- **Work Practice Controls**
 - These controls include workplace rules, safe and healthful work practices, personal hygiene, housekeeping and maintenance. What work practice controls have been implemented at the company?
- **Personal Protective Equipment**
 - PPE should only be used when all other hazard controls have been exhausted or more significant hazard controls are not feasible. What type of PPE is used and how was it determined? ([Click here to return](#))

Hazard Control Programs

- The hazard control programs a company uses must be understood by all employees, equally enforced, clearly communicated, written disciplinary system that includes procedures for disciplinary action or reorientation of managers, supervisors, and non-supervisory employees who break or disregard safety rules, safe work practices, proper materials handling or emergency procedures. Hazard control programs must be updated by management as needed, used by employees and incorporated in training. (Examples: PPE, LOTO, Confined Space Entry, etc.) What Hazard Control Programs does the company have in place and are they effective? ([Click here to return](#))

Occupational Health Care Program

- Describe the occupational health care program used at the company. Include availability of medical services, first aid, special program (audiograms, pre-placement physicals, or other medical tests used). Are employees trained in First Aid, CPR, is there an AED available at the company worksite? Do employees know where to go when they need medical attention? How are licensed occupational health professionals used in the company's hazard identification, and analysis, early recognition and treatment of illness and injury? Is the program appropriate? ([Click here to return](#))

Preventive Maintenance of Equipment

- Explain the preventive/predictive maintenance scheduled. Is it adequate? Is the schedule being followed? How are records kept? Who monitors the system? ([Click here to return](#))

Tracking of Hazard Correction

- How does the company track hazards until completion? Does the tracking system assign responsibility, time frames for corrections, interim protection, and provide feedback to employees that have reported the hazard? Does the system result in timely correction of hazards? ([Click here to return](#))

Disciplinary System

- How does the written disciplinary system address safety and health violations? Does it include procedures for disciplinary action or reorientation of managers, supervisors, and non-supervisory employees who violate health and safety policies rules, work practices, material handling, or emergency procedures? How has it been communicated to employees and management? Is it enforced equally? Does it discourage employees from reporting? ([Click here to return](#))

Emergency Preparedness

- Describe the company's emergency action plan. Does it assign responsibilities; address all types of emergencies (fire, chemical, spill, accident, active shooter, weather, etc.), specify exit routes (routine and emergency), have emergency numbers, and designated meeting places? How many drills were held and what was the outcome? Were outside emergency responders included? Are all employees covered in a drill? If not, how are they briefed on the drill? ([Click here to return](#))

Process Safety Management

- (If applicable, Please submit and label under the attachment section on Page 2.) ([Click here to return](#))

Knowledge of Hazards

- Describe the training that managers, supervisors, non-supervisory employees, and key sub-contractors receive on hazards they face in the workplace, how to recognize hazardous conditions, signs and symptoms of workplace – related illnesses and safe work procedures. Is the training addressing the needs of ALL EMPLOYEES? Do all employees understand the hazards to which they may be exposed and how to prevent harm to themselves and others? ([Click here to return](#))

Managers and Supervisors

- Do managers and supervisors understand their safety and health responsibilities and how to carry them out? What training do they receive that is specific to their position? ([Click here to return](#))

New Employees

- Does the new employee orientation/training include discussion of hazards, protective measures, emergency evacuation, employee rights under the OSH Act, and BEST? How long is the Safety portion of the orientation? Does the company utilize any type of mentoring or job shadow? ([Click here to return](#))

Emergency Training

- Is training provided for all employees regarding their responsibilities for each type of emergency? Do all employees, key sub-contractors, and visitors understand what to do in an emergency situation? ([Click here to return](#))

Safety and Health Responsibilities

- How does the company ensure that employees who have specific roles in the safety and health management system are competent to carry out their responsibilities? Are education, training and experience used? Is the competency requirement for each role incorporated into position descriptions and standard operating procedures? Has any additional training been received? ([Click here to return](#))

General Training Information

- How is the training attendance documented?
- Is training required by an OSHA standard conducted as required?
- Is training not specifically required by an OSHA standards provided at adequate intervals?
- Is additional training provided when changes occur in work processes, new equipment, new procedures or work phases change?
- Is the training up-to-date, specific to the worksite, modified when needed to address changes, trends, hazards, and understandable for all employees?
- Do the persons conducting the training have specific knowledge or expertise in the subject? ([Click here to return](#))

PPE Training

- Where personal protective equipment (PPE) is required (either by OSHA standard or decision of management), describe the training process for employees to understand why it is required, its limitations, how to use it, and how to maintain it? ([Click here to return](#))

Goal – The following information is from www.smart-goals-guide.com

- Goals are specific, primary, and important, large in scope.
- Measurable and achievable.
- Long term.
- Something that you are trying to do or achieve.
- ([Click here to return](#))

Objectives - The following information is from www.smart-goals-guide.com

- Sub-goals.
- Medium or small in size.

- Shorter term.
- The steps to reach your goal.
- [\(Click here to return\)](#)

Virginia Unique Standard

- Standard can be found at this link: [Virginia Unique Standard](#)
- Standards include: Tree trimming Operations, Reverse Signal Operation, Confined Space Standards, Telecommunications Industry, Overhead High Voltage Line Safety Act, Fall Protection for Subpart R – Steel Erection, Field Sanitation, Agriculture, Construction Industry Standard for Sanitation, Administrative Regulations Manual, Telecommunications, General Approach Distance, Reporting Fatalities, Hospitalizations, Amputations, and Losses of an Eye as a result of Work-Related incidents.
- [\(Click here to return\)](#)

FAQ

1) ***What is the Virginia BUILT Annual Self-Evaluation?***

The evaluation should evaluate the **company's** success in meeting Virginia BUILT goals and objectives. The evaluation must examine the effectiveness of all elements and sub-elements. The evaluation must provide for an annual written narrative report with recommendations for Timely improvements, assignment of responsibility for those improvements, and documentation of timely follow-up actions on the previous year's recommendations or the reason no action was taken. In addition to addressing the Virginia BUILT elements and sub-elements, the evaluation should also include Success Stories, Significant Events, and Description of any SHMS Incentive Programs (if applicable). All Virginia BUILT Applications must include in their attachment section their **company's** most recent self-evaluation (which is a Virginia BUILT requirement). This demonstrates to VOSH that the self-evaluation process is understood and in place. After approval into Virginia BUILT and for as long as the **company** remains in Virginia BUILT, VOSH requires the annual self-evaluation be sent in each year.

2) ***Who may conduct the evaluation for the report?***

The evaluation may be conducted by a competent **company**, corporate, or other persons who are trained and/or experienced in performing such evaluations.

3) ***What is a Safety and Health Program?***

A program that can operate with or without you. The focus is typically on compliance with a specific regulation. Programs can lack strong, if any, feedback or evaluation mechanisms, which limits their continuous improvement over time. An example of a safety and health program would be a lock-out/tag-out program aimed at complying with VOSH's lockout standard.

4) ***What is a Safety and Health Management System?***

A System approach, while not losing sight of program requirements, is broader in scope and addresses many other issues including quality of the safety and health performance, integration of safety with other business systems, and focuses on safety and health overall improvement. A key distinction of a System approach is that there are clear feedback and evaluation mechanisms so that the system responds to both internal and external events. Virginia BUILT is a systems approach and the annual self-evaluation is an example of this mechanism. A system's approach integrates all of the individual safety programs within the business operations, and is thus more dynamic and comprehensive than any single program. One of the advantages to a safety and health systems approach is the resolution of the common criticism that safety is rarely integrated into business systems but is a stand-alone static adjunct. Systems also allow for the alignment of safety and health objectives with the broader business objectives (such as marketing, sales, quality control, and productivity), thus minimizing potentially competing interests for priority and resources.

5) ***What is an annual self-evaluation of SHMS:***

A critical review and evaluation of the effectiveness of the Virginia BUILT elements of the **company's** safety and health management system. The self-evaluation must identify the strengths and weaknesses of the safety and health management system, it must contain specific recommendations for improvements, including time lines and assignment of responsibility for improvements, and it must also summarize actions taken to satisfy any and all previous year's recommendations. Remember, the evaluation is not an annual **company-wide** compliance evaluation.

6) ***How do I show case the progress of my Virginia BUILT company? The following should be addressed:***

What are the realistic strengths and weaknesses of the SHMS? It is to provide specific recommendations for improvements, assign responsibility for those improvements, document timely follow up of all actions or the reason no action was taken, ensure employee participation and input in the annual self-evaluation process, establish realistic goals and encourage goal reaching success, and the annual evaluation used for 'inputs' to the **company's** resource planning process.

7) ***What should the annual self-evaluation include?***

Written programs, walkthroughs of the workplace, interviewing employees, union officials and management (including senior management), and reviewing injury and occupational illness recordkeeping data. Make sure the rate calculations and NAICS code determination are correct - very important. Follow up on all of the **company's** previous year's evaluation recommendations. Either close them out with a summary of what was accomplished, or explain why they are still open or applicable, and how they have been modified for this year. Always include who or what committee has the lead responsibility for implementing the recommendation. Self-evaluations with no recommendations for improvement are basically not acceptable. The basic premise of Virginia BUILT is continual refinement and improvement of the **company's** safety and health programs and system. Please document this. If the **company** has had an onsite OSHA/VOSH Inspection or significant safety related event reported in the news, be sure to include this information in the evaluation.

Appendix C

On-site Evaluation Report Format

Virginia BUILT SITE REPORT
Recommending

TIER THREE APPROVAL

For

Company Name

City, State

May 1, 2020

Report Date

April 4, 2020

Evaluation Team

Name, Team Leader

Name, Backup Team Leader

Name, Safety Specialist

Name, Hygienist

Name, PIV

- I. Purpose and Scope of Review
 - A. Applicant/Participant name
 - B. Site location
 - C. Date of evaluation
 - D. Purpose of evaluation
 - E. Virginia BUILT Team Members
 - F. Virginia BUILT Volunteers
- II. Methods of Data Collection
- III. Employees at the Worksite
 - A. Number of employees
 - B. Subcontractor workers and/or temporary workers
 - C. Union representing the employees
 - D. Number of interviews conducted with different types of workers
- IV. The Worksite
 - A. NAICS Code
 - B. Applicant/Participant and Site description (type of construction activity, stage of construction acreage, time on site, primary structures, etc.)
 - C. Basic description of construction trades, phases of construction, subcontractors involved
 - D. Housekeeping
- V. Worksite Hazards
- VI. Injury and Illness Rates
 - A. Rates - TCIR, DART
 - B. Comparisons to BLS industry averages
- VII. VOSH Activity
 - A. Prior VOSH inspection activity
 - B. Relationship with VOSH
- VIII. Elements of the Virginia BUILT Review/Program Changes
 - A. Bulleted summary of Virginia BUILT Elements with a reminder that all aspects of the Safety and Health program meet the Virginia BUILT requirements as set forth in the VOSH Virginia BUILT Policy and Procedure Manual.
 - 1. Management, Leadership, and Employee Involvement
 - 2. Worksite Analysis

3. Hazard Prevention and Control
4. Safety & Health Training

- IX. Areas of Excellence: A bulleted list and description of best practices (e.g., fall protection, trenching safety, crane operations, electrical safety, ergonomics, lockout/tagout, employee involvement)
- X. Recommendation for Participation

Appendix D

Recommended Interview Questions

I. **Purpose.** Interviews are an important tool in assessing the effectiveness of an Applicant/Participant's safety and health program. These questions are intended to guide the VOSH reviewer during oral employee interviews. To begin, explain the purpose of the interview and the reason for VOSH's presence at the site. Make employees aware that interviews are kept confidential and that the employee's responses will not in themselves determine company approval or disapproval.

II. **General Employee Interview Questions**

- A. How long have you worked here?
- B. Tell me about your job. What do you do during a typical day?
- C. What are the safety and health hazards of your job?
- D. How do you protect yourself from those hazards?
- E. What kind of personal protective equipment do you wear? Were you provided training?
- F. What type of safety and health training have you received?
- G. What happens if management disobeys a company safety rule? If an employee disobeys?
- H. How do you respond in the event of a fire, hazardous waste spill, alarm, or medical emergency?
- I. What does Virginia BUILT mean to you?
- J. What is one method of reporting a safety or health concern? What was the last unsafe practice you reported and/or corrected?
- K. How do your supervisors demonstrate their involvement in safety and health?
- L. Have you ever seen anyone testing the air, noise levels, or conducting other surveys for possible health hazards? Do you know what the results were or what they meant?
- M. Have you or anyone you know ever been injured or experienced a job related illness? What is the procedure when someone is injured?
- N. How are you involved in the safety and health decision-making process?
- O. Is safety and health valued in your organization?
- P. What is one objective in your department's safety and health program?
- Q. How does management support your involvement in safety and health?
- R. What are your rights under VOSH?
- S. Is there anything else you think we should know about the safety and health program here?

II. Supervisors

- A. How long have you worked here? When did you become a supervisor?
- B. What do you see as your role in safety and health?
- C. To what kinds of hazards are you and/or your employees exposed?
- D. Has the company's upper management provided adequate resources for safety and health programming, such as funding, time, and technical support?
- E. What do you do when you discover a hazard in your area?
- F. What do you do when an employee reports a hazard in your area?
- G. Do you provide employee training in safety and health related topics? (If so, please describe.)
- H. Please give some examples where you had to use the disciplinary system for infractions of safety and health rules.
- I. When was the last emergency drill? What is your role in drills?
- J. How are you held accountable for ensuring safe and healthful working conditions in your area?
- K. Is maintenance satisfactory? Is there adequate supervision provided for work performed on all shifts?
- L. Do you have subcontractor employees working in your area? If so, how do you control and address safety or health hazards relating to or created by them?
- M. Are there routine or unannounced inspections? Who participates?

III. Administrators and Executives

- A. How long have you been with (company)?
- B. Describe the type of safety and health hazards at this site.
- C. How does management ensure that employee exposure to those hazards is eliminated or controlled?
- D. How do you demonstrate leadership in and commitment to safety and health?
- E. What benefits will a Virginia BUILT partnership provide for your company?
- F. What do you think are your facility's best safety and health practices?
- G. How do you address the competing pressures of construction schedules and safety?
- H. How do you hold your supervisors accountable for safety and health? Have you ever had to discipline a supervisor for not following the rules?
- I. How are you held accountable for your safety and health responsibilities?

IV. Recordkeepers

- A. Who is responsible for recordkeeping?
- B. Is your recordkeeping centralized? Is it computerized?
- C. Do you have a completed Summary of Occupational Injuries and Illnesses for the last 3 calendar years? Do you have the supplemental documentation for each case entered on the log?
- D. Which form do you use as the supplementary record: VOSH's First Report of Injury, a State workers' compensation form, an insurer's form, or other?
- E. What is the process by which injury and illness information gets to the recordkeeper? After an injury or illness occurs, how long does it take to enter it on the log?
- F. What type of reference material do you refer to for guidance on keeping illness and injury records?
- G. Who decides whether or not a case is recordable?
- H. How do you determine whether or not a case is work related?
- I. Do you record any cases on the VOSH forms that are not compensable under workers' compensation?
- J. How do you distinguish between an injury and an illness? Between medical treatment and first aid?
- K. When does a case involve lost workdays? What constitutes restricted work activity?
- L. What is your process for monitoring Key Subcontractor logs?
- M. How do you safeguard the confidentiality of medical records?
- N. How do you assure that any work restrictions are applied appropriately?
- O. How have you assured timely and clear communications with the health care professional?

V. Occupational Health Care Professionals

- A. What are your qualifications and licenses?
- B. What procedures are in place to ensure that health care services are delivered consistently and effectively?
- C. What type of audit procedures do you use to compare your process with acceptable standards of practice and VOSH requirements?
- D. Are employees provided timely access to services?
- E. How do you assure that work restrictions or work removal are followed?
- F. How are you made aware of the job hazards at this facility? Are you included in identification of workplace hazards, or development of restricted duty jobs, or other on-site issues?
- G. What kinds of health surveillance programs are in place?
- H. How do you communicate health surveillance data to employees and management to reduce future risk?
- I. Explain how you evaluate the effectiveness of your occupational health care program.

VI. Maintenance Personnel

- A. Is there a scheduled preventive maintenance program? How is it carried out?

- B. Do maintenance personnel participate in safety functions?
- C. Is there a priority system for safety/environmental related maintenance items? Is it being followed?
- D. Does the preventive maintenance program include on-site vehicles, detection/alarm equipment, fire protection and emergency equipment?
- E. Do you have input concerning safety and health and ease of maintenance for new equipment and machinery purchases?
- F. Do you have an inventory of spare parts critical to safety, health and environmental protection?
- G. Are you trained in the control of hazardous energy and the proper use of locks and tags?
- H. Is there a system in place to track requests for repairs?
- I. What methods are used to monitor the condition of critical equipment?
- J. What is the ratio of scheduled versus unscheduled maintenance work?
- K. What has the trend been like over the past few years?

VII. General Questions for On-site Evaluations to Determine Re-approval

- A. Describe any changes in your job or in the handling of safety issues since the last VOSH on-site evaluation.
- B. How familiar are you with Virginia BUILT? Has your awareness increased since the last visit?
- C. Do you have any increased knowledge of your rights under the program, including your right to receive upon request results of self-inspections or incident investigations?
- D. Do you feel that the Virginia BUILT partnership has had a positive impact on your job and your safety?