

## **Supplemental Application Instructions for the VPP Mobile Workforce Demonstration for Construction**

Instructions below serve as a compendium to the present VPP Application Instructions package. The purpose is help tailor an application package that accurately reflects the information required from each Mobile Workforce applicant.

Please note that wherever there are references to your “facility” you should think in terms of the company/division/or business unit in the Designated Geographic Area (DGA) covered under the application.

### **Section A – General Information**

#### **A.1 Applicant**

Please skip this section

#### **A.2 Company/Corporate Name**

In addition, please provide your company’s desired DGA (e.g. the Chicago metropolitan area; or Louisiana and Eastern Texas)

#### **A.3 Collective Bargaining Agent(s)**

Provide Union information for each Union in accordance with established guidelines found in Appendix A

#### **A.4 Number of Employees and Contractor Employees**

Provide an estimated number of employees and contractor employees at time of application within the proposed DGA.

#### **A.7 Recordable Nonfatal Injury and Illness Case Incidence Rates**

Complete and submit the tables at the end of this supplemental document (Appendix B). Please provide 3-year TCIR and DART rates as requested.

### **Section B – Management Leadership and Employee Involvement**

#### **B.8 Three Ways**

When describing three meaningful ways for employees to be involved in the safety and health process, please include subcontractor involvement as well.

#### **B.10 Contractor Workers’ Safety**

Include subcontractors in your response.

#### **B.11 Site Map**

Please skip this section

After question 11, please add a sub-section called “Prescreening Process.”

#### **B.12 Prescreening Process**

Please describe the process used at the corporate level to ensure and verify that worksites are effectively implementing your corporate safety and health management policies and procedures.

### **Section C – Worksite Analysis**

#### **C.4 Self inspection:**

Describe safety and health inspection procedures by indicating who performs inspections, how often, competency levels (training), tracking and correction of hazards. Where appropriate, summarize health inspections such as testing, analysis procedures and qualifications of personnel who conduct the test.

#### **C.5 Employee Reports of Hazards**

Include subcontractors in your response. For applicants that do not always serve as the controlling employer, please describe how you handle hazards affecting your employees/subcontractors created by a controlling employer or other subcontractor on site.

#### **C.6 Accident and Incident Investigations**

Please include your involvement in subcontractor accident investigations.

## **Section D – Hazard Prevention and Control**

### **D.5 Safety and Health Rules**

Include subcontractors in your response.

### **D.8 Emergency Preparedness**

Please account for the mobile nature of your workforce as well as subcontractor emergency preparedness, where applicable.

## **Section E – Safety and Health Training**

Please be sure to include subcontractors in your response, where applicable.

## **Section F – Assurances**

### **F.2 Correction of Deficiencies**

Hazards must be corrected within the timeframe set forth by the onsite team leader, not to exceed 30 days.

### **F.3 Employee Support**

Employee support must meet the criteria as set forth in Appendix A of this document.

### **F.4 VPP Elements**

In the alternative, employers may use other effective methods for achieving safety and health excellence that could be substituted for current VPP requirements provided protections are equal to those found in the standard elements. These alternative elements should be included in the Applicant Participation Plan.

### **F.9 Annual Submission**

TCIR and DART rate information must be submitted in accordance with Appendix B.

## Appendix A

### UNION SUPPORT FOR PARTICIPATION

OSHA expects each applicant to determine whether the requirement for union support applies. Calculate the percentage of your employees (including temporary employees) and subcontractor employees who are represented by unions at the time of your application. Then use the chart below.

<b>IF</b>	<b>THEN</b>
Majority of employees are represented by unions	Signed statement(s) required. Must be obtained from enough unions to represent a majority of employees.
Some employees but less than a majority are represented by unions	No statement of union support required.
No employees are represented by unions	Requirement not applicable.

When, at the time of application, a majority of an applicant's employees and subcontractor employees are represented by unions, the applicant must provide to OSHA written documentation of either union support for participation in the Demonstration or union non-opposition.

Unions retain the right to withdraw support at any time. In such event, OSHA will reevaluate the participant's continuing qualification.

The percentage of employees represented by unions can change. Therefore, an approved participant must report to OSHA, as part of its annual evaluation, any change in this percentage that would have the effect of changing the participant's union support requirement.

## Appendix B

### INJURY AND ILLNESS RATE REQUIREMENTS

#### Total Case Incidence Rates (TCIR) and Days Away, Restricted, or Transfer (DART) Rates

- In general, applicants must provide TCIR and DART rates that reflect the nonfatal injury and illness experience of the company's workforce within the DGA for the three most recent calendar years.
- General contractors or specialty trade contractors who employ temporary employees and/or subcontractors and have responsibility and authority for assuring safe and healthful working conditions for these workers must provide TCIR and DART rates that reflect the experience of all employees over whom they have responsibility and authority. We refer to this data, which combines an applicant's regular workforce (which includes temporary employees) and its subcontractor employees, as combined rates.
- Using data from the 3 most recent calendar years, the applicant must calculate a 3-year TCIR and a 3-year DART rate. OSHA will recalculate these rates to ensure accuracy. (Instructions on calculating 3-year rates is found on the OSHA Form 300.)

#### Combined Rate Phase-In Policy

OSHA expects to receive a three year combined rate from each applicant. However, if the applicant does not maintain rate information for their subcontractors they may still apply using the below phase-in policy:

- As part of the initial application, OSHA expects to receive
  - combined TCIR and DART rates for the most recent full calendar year, plus
  - company-only rates (that include temporary employees) for the two prior calendar years.These three years of rates should reflect an applicant's nonfatal injury and illness experience within the DGA only. (*See chart below*)
- At the end of the first year of participation, participants must provide to OSHA
  - combined TCIR and DART rates that reflect the experience of the company's regular workforce (including temporary employees) and specialty trade subcontractors for the two most recent full calendar years in the DGA, plus
  - a third year of data that reflects company-only experience (which includes temporary employees).
- At the end of the second year of participation, and for each subsequent year, participants must provide to OSHA combined TCIR and DART rates for the three most recent calendar years in the DGA. The data for each of these three calendar years must reflect the experience of the company's regular workforce (which includes temporary employees) combined with its specialty trade subcontractors.

**Example 1:** An applicant is a carpenter (specialty trade contractor) who, during the past year, worked in the capacity of subcontractor on 50 different projects within the DGA, and a total of 140 projects over the past three

years. For some of these jobs it used only employees paid directly by the company. At other jobs it used company employees and also contracted with other carpenter contractors (tiered subcontractors) who performed tasks directed by the applicant. For the 50 projects worked during the past year, the applicant must submit rates that combine the hours and recordable injuries and illnesses of regular employees plus subcontractors. For the 90 projects worked on during the two earlier years the applicant must only submit rates that reflect the experience of all regular employees, including temporary employees.

**Example 2:  
TCIR/DART Summary Data as it would appear within A  
Demonstration Application**

Year	Hours	Total # of Cases	TCIR	Number of Cases Involving Days Away from Work, Restricted Activity or Job Transfer	DART Rate
2002	114173	5	8.7	0	0
2003	115000	3	5.2	2	3.4
<b>2004</b>	<b>130238</b>	<b>5</b>	<b>7.7</b>	<b>4</b>	<b>6.1</b>
<b>Total</b>	359411	13		6	
<b>Three-Year Rate (2002-2004)</b>			7.2		3.3
<b>BLS National Average for 2003 (NAICS: 238110)</b>			7.3		3.9

*Years 2002 and 2003 depict company employee (including temporary employees) data and TCIR and DART rates.*

*For year 2004 (highlighted) the company has reported combined hours, cases, and TCIR and DART rates that reflect a combination of company employees (including temporary employees) plus subcontractor employees.*

**Rates Needed To Qualify for this VPP Demonstration**

- The applicant’s 3-year TCIR and 3-year DART rate must be below at least 1 of the 3 most recent years of specific industry national averages for nonfatal injuries and illnesses at the most precise level published by the U.S. Department of Labor’s Bureau of Labor Statistics (BLS). OSHA will compare all submitted rates against the most recent single year that would qualify the applicant out of the last 3 published years.

- For example, if OSHA compares an applicant's 3-year rates to the BLS rates for the years 2002, 2003, and 2004, and if the applicant's rates fall below the BLS rates for 2003 and 2004, then OSHA will use the BLS 2004 rate for purposes of program qualification and data collection and analysis.

### **Alternative Rate Calculation for Qualifying Small Employers.**

- Some applicants, usually small construction companies with limited numbers of employees (including temporary employees), subcontractor employees, and/or hours worked, may use an alternative method for calculating their 3-year incidence rates. The alternative method allows the employer to use the best 3 out of the most recent 4 years' injury and illness experience.
- To determine whether you qualify for the alternative calculation method, do the following:
  - Using your company's actual employment statistics, determine hours worked during the most recent calendar year by your regular employees (including temporary workers) plus other controlled employees, for example, subcontractors.
  - Then calculate a hypothetical TCIR assuming two recordable cases during the year.
  - Compare this hypothetical rate to the 3 most recently published years of BLS combined injury/illness total recordable case incidence rates for your industry.
- If the hypothetical rate (based on two cases) is equal to or higher than the national average for your industry in at least 1 of the 3 years, you qualify for the alternative calculation method. You may use the best 3 of the last 4 calendar years of employee injury/illness experience when calculating both the 3-year TCIR and the 3-year DART rate.
- If you qualify for the alternative rate calculation, you still must submit at least one year of combined rates. At least one of the best 3 years that you submit must include both regular employees (including temporary workers) plus any subcontractor employees.