



VADOC Challenge:

A Strategic Partnership Program of the
Virginia Department of Corrections (VADOC)
and the Virginia Occupational Safety and Health (VOSH) Program
of the Virginia Department of Labor and Industry (DOLI)

I. **BACKGROUND, PURPOSE and SCOPE**

a. Background:

The VADOC Challenge program is a strategic partnership of the VOSH Program and the Virginia Department of Corrections. It was established as a result of a series of meetings starting in 2013, where the VADOC and the VOSH Program met to discuss a partnership that would mutually recognize the importance of providing a safe and healthful work environment in the corrections industry. The parties agreed to pursue a cooperative relationship that encourages VADOC sites, operations and sites (hereinafter “sites”) to develop exceptional safety and health management systems and recognize that achievement through the VADOC Challenge program.

b. Purpose:

To improve best practices, compliance efforts and injury and illness prevention in Virginia through recognizing the outstanding efforts of exemplary VADOC worksites. The program will work with VADOC sites that have demonstrated continual improvement in the area of occupational safety and health and who are willing to share resources, best practices and advise other state and federal correctional facilities and local government detention facilities at large in developing and implementing successful safety and health management systems.

c. Scope:

The VADOC Challenge program applies specifically to VADOC facilities and does not apply to administrative offices.

II. EXPECTATIONS AND GOALS

a. Expectations:

- i. This strategic partnership has been developed jointly with input from both parties tailored to the unique characteristics of the corrections industry. VADOC facilities, operations, sites, and employees are encouraged to endorse and participate in VADOC Challenge.
- ii. Implementation of this program is expected to result in decreased serious injuries, illnesses and fatalities for participating sites; and the improvement of existing safety and health management systems throughout the Commonwealth of Virginia.
- iii. VADOC Challenge provides for incentives to VADOC sites that voluntarily participate in the program and demonstrate their achievement of effective and successful safety and health management systems.
- iv. This program will not in any way affect the employer's or the employees' ability to exercise their rights under VOSH laws, standards and regulations, or the Occupational Safety and Health Act of 1970 (OSH Act). The number of sites that may be approved as participants will depend on the availability of VADOC and VOSH resources.

b. Goals:

- i. To reduce by three (3) percent annually the loss incidence rate¹ of participant sites, with a focus on eliminating injuries, illnesses and fatalities resulting from those hazards that are the most serious for VADOC employees.
- ii. To increase the number of VADOC sites that implement effective safety and health management systems and provide proactive safety and health training for management, supervisors and employees.
- iii. To recognize those VADOC sites where managers and employees work together to develop safety and health management systems that meet and exceed basic compliance with all applicable VOSH laws, standards and regulations; and result in immediate and long-term prevention of job-related injuries and illnesses.
- iv. To promote open lines of communication between VOSH and the VADOC in pursuit of improving safety and health protections for Virginia's corrections employees:
 1. To increase the overall safety and health awareness of all contractors and employees on the participant's work sites.
 2. To reduce the number of safety and health hazards on the participant's work sites.

¹ The loss incidence rate represents the number of workers' compensation claims that incur costs (medical or indemnity) per 100 filled full-time positions. This rate is calculated using data from the Commonwealth's third party administrator for workers' compensation and the Department's Budget Unit.

3. To establish a list of “leading indicators” that can be monitored and evaluated in order to achieve items 1-2 above.
4. To create ways to share expertise and other resources among participating sites and the corrections industry as a whole (e.g., attend the Virginia Annual Safety and Health Conference, make presentations to outside organizations, including in Virginia local government settings (e.g. local government jails) and corrections agencies in other states and the federal government, etc.
5. To recognize best practices that exceed VOSH/OSHA laws, standards and regulations at covered work sites.

III. STRUCTURE, ROLES AND RESPONSIBILITIES

a. Guidance Documents:

The VADOC Challenge Program and this Strategic Partnership Agreement will be administered in accordance with the laws, regulations, policies and procedures applicable to DOLI and the following VOSH Directives:

- i. VOSH Directive 13-070, VOSH - VADOC Challenge: A Strategic Partnership Program of the Virginia Occupational Safety and Health Program and the Virginia Department of Corrections (VADOC Challenge)
- ii. VOSH Directive 09-070, VADOC Challenge Policies and Procedures Manual

VADOC Challenge participants remain subject to VOSH inspections, such as complaint/referral investigations, incident investigations, local emphasis program inspections, etc., in accordance with the procedures in the VOSH Field Operations Manual and the criteria in the above VADOC Challenge directives.

b. Structure:

The VADOC Challenge program will be implemented in three stages:

Stage One - The site has developed and implemented an effective safety and health management system that meets current VOSH regulatory requirements.

Stage Two - The site has an established safety and health management system that exceeds current VOSH regulatory requirements.

Stage Three - The site has an exceptional safety and health management system that serves as a model for other correctional facilities, operations and sites in the Commonwealth and the nation.

c. Roles and Responsibilities:

- i. VADOC will administer the initial application process, review the required program documents and approve or reject each Stage One application. VOSH will serve in an advisory capacity on initial Stage One applications.

- ii. VADOC will conduct an initial review of Stage Two applications and may either reject or give conditional approval to the application. Rejected Stage Two applications may be considered for approval as a Stage One participant. Conditionally approved Stage Two applications will be forwarded to VOSH for review. VADOC and VOSH will jointly decide on final approval or rejection of the application.
- iii. VADOC will conduct an initial review of Stage Three applications and may either reject or give conditional approval to the application. Rejected Stage Three applications may be considered for approval as a Stage Two participant. Conditionally approved Stage Three applications will be forwarded to VOSH for review. VADOC and VOSH will jointly decide on final approval or rejection of the application. As part of the final approval process, Stage Three participants must successfully complete an onsite review by a team consisting of VADOC and VOSH personnel (Private Industry Volunteer personnel may also be used as part of the onsite review team).

IV. PARTICIPANT REQUIREMENTS

- a. All applicants must meet the following minimum requirements:
 - i. For the purpose of evaluating the implementation of safety and health management systems, the participant must be a VADOC correctional facility, operation or other site eligible for participation; and must allow the VADOC and VOSH designated representative(s) access to the site when requested, subject to the facility's security requirements. Coordination for visits will be made through the facility's safety specialist and is subject to the approval of the Warden or VADOC facility manager.
 - ii. Assign at least one trained employee with responsibility for employee safety and health to administer the participant's safety and health management system. A trained employee is one who has completed the 30 hour certification course for general industry, the Virginia Risk Control Institute's safety track, as well as the Special Government Employee (SGE) course within the previous 12 months before applying to join VADOC Challenge.
 - iii. Provide for direct employee involvement in safety and health management systems. A safety committee, comprised of employees and management, or participation of employees in self-inspections, site inspections, job hazard analysis, safety and health program reviews, safety training and incident investigations would be acceptable.
 - iv. 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.
 - v. Have no fatalities, catastrophes, amputations or loss of an eye that resulted in serious or willful citations related to the incident within the three years prior to application.
 - vi. Have no willful, repeat or failure to abate violations that became final within the three years prior to application.

- vii. Develop, implement and maintain a prohibited substance policy and testing program that complies with applicable laws and regulations.
- viii. The existence of any of the following precludes the company's filing of an application with VADOC Challenge:
 - 1. Open enforcement investigations,
 - 2. Pending or open contested citations or notices under appeal at the time of application,
 - 3. Whistleblower violations during the 12 months prior to application,
 - 4. Unresolved, outstanding enforcement actions, such as long term abatement agreements or contests.

V. BENEFITS FOR PARTICIPANTS

- a. A DOLI website page will be dedicated to this partnership with recognition for Stage Two and Stage Three participants.
- b. Acceptance in the program can be publicized by the participant to enhance its recognition.
- c. Participants will be recognized as industry leaders in corrections safety and health.
- d. Access to specific targeted training sessions conducted by VOSH Consultative Services.
- e. Priority access to VOSH Consultative Services for briefings on new standards, regulations and emphasis programs.
- f. Potentially reduced costs in insurance rates, lost time and less lost or damaged materials resulting in greater profit margin.
- g. Improved employee morale and productivity, and the ability to attract the best workers based on the participant's enhanced reputation in the industry.
- h. Use of official logo, icons, devices and/or official program flag, etc.
- i. Recognition and incentive provisions are outlined in VOSH Directive 13-050.

VI. OVERSIGHT AND REVIEW

- a. Oversight:
 - i. A committee consisting of VOSH personnel (2), VADOC personnel (2), authorized representatives of employees (2), and at least one representative from an independent third party such as ASSE, Virginia Occupational Health Nurses, National or Virginia Safety Council, etc., will be established to review the program and make recommendations to the Commissioner of DOLI and VADOC. The committee will meet at least annually. It is anticipated that program changes may be needed early in the process to ensure the success and effectiveness of the program. After being briefed by the Committee, the Commissioner of DOLI will decide if changes to the program are needed and act accordingly.
 - ii. VADOC and VOSH will review this partnership at least every third December (three years).
 - iii. Any party to the partnership may withdraw from VADOC Challenge at any time after submitting its' written notification of intent to the other party.

b. Review:

- i. An annual review and evaluation of the program, its policies and procedures, the overall effectiveness of the program and recommendations for improvement will be conducted by the Oversight Committee.
- ii. It is the responsibility of each VADOC designated representative to gather required participant data to evaluate the overall success of the program.
- iii. VADOC Challenge will be evaluated annually to determine whether the annual goal of a three (3) percent reduction in the loss incidence rate has been met. VADOC will be responsible for collating baseline and annual performance data upon which the program will be measured. This aggregated data will be reported to VOSH annually.
- iv. Participant aggregate injury/illness incidence rates (total case rates) and fatality rates will be compared with BLS published data to determine whether goals have been met at the facility and/or national level.
- v. VADOC and VOSH may revise criteria annually based on recommendations for continual improvement, including any "leading indicators" approved by the Oversight Committee.

VII. EMPLOYEE/EMPLOYER RIGHTS AND RESPONSIBILITIES

This partnership does not preclude employees and/or employers from exercising any right provided under VOSH laws, rules and regulations nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Title 40.1 of the Code of Virginia.

VIII. TERMINATION

Any party to the partnership may withdraw from VADOC Challenge at any time after submitting its' written notification of intent to the other party.

ENTERED INTO THIS 16TH DAY OF AUGUST, 2018, BY:



Commissioner

Virginia Department of Labor and Industry



Director

Virginia Department of Corrections

