


VIRGINIA DEPARTMENT OF TRANSPORTATION
CONSTRUCTION DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM (IIM)

GENERAL SUBJECT: CONSTRUCTION SAFETY	NUMBER: IIM-CD-2020.01.01
SPECIFIC SUBJECT: MEMORANDUM OF UNDERSTANDING: VIRGINIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS	DATE: January 30, 2020
	SUPERCEDES: IIM-CD-2013.17.01
APPROVED:  Kerry A. Bates, P.E. State Construction Engineer	

DIRECTED TO - DISTRICT ADMINISTRATORS

The safety of VDOT and Contractor personnel is a prime objective on all VDOT work.

VDOT and the Virginia Department of Labor and Industry (DOLI) executed a new Memorandum of Understanding (MOU) effective June 1, 2019, outlining how Virginia Occupational Safety and Health Standards will be administered on contract work performed by VDOT.

It is the responsibility of VDOT personnel to adhere to the provisions of the MOU. Any questions regarding the provisions of the MOU or its implementation should be directed to the Department's Safety Division.

A copy of the executed MOU is attached for reference.

Attachment: MOU pages 1-3

**MEMORANDUM OF UNDERSTANDING
BETWEEN
VIRGINIA DEPARTMENT OF TRANSPORTATION
AND
VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY**

Effective Date: June 1, 2019

This MEMORANDUM OF UNDERSTANDING (MOU) represents a cooperative understanding between the Virginia Department of Transportation (VDOT) and the Virginia Department of Labor and Industry (DOLI) for the purpose of outlining the procedures for enforcing Virginia's Occupational Safety and Health Standard on contract work performed for the Virginia Department of Transportation.

This MOU shall be effective upon signature of the authorizing parties and will remain in effect for five years from the date of signing and will be reviewed by both parties prior to renewal. This agreement may be revised or modified at any time with the concurrence of both signatories and may be cancelled for any reason with 30 day written notice from either signatory.

Both parties shall maintain all records pursuant to the agreement and to the extent required by law provide access to any interested party upon request. Records may include the MOU document; reports, studies or other documents prepared during the period of performance/implementation; or related financial records.

Liaisons for the MOU shall be the VDOT Director of the Office of Safety, Security & Emergency Management and the DOLI Compliance Safety and Compliance Health Directors. These persons shall meet at least annually to evaluate and monitor activities and discuss results in achieving the goals of the MOU.

VDOT includes and will continue to include in all of its contracts a requirement for the contractor to be in compliance with Federal and Virginia Occupational Safety and Health (VOSH) Standards, §40.1-51.1 of the Code of Virginia, and the VDOT Work Area Protection Manual.

VDOT personnel will administer the provisions of its contract(s) as outlined below:

Imminent Danger¹ or Immediately Dangerous To Life or Health²

In all cases, where there is a situation that is imminent danger or immediately dangerous to life or health (IDLH) to any person within the boundaries of VDOT contract work, VDOT will notify affected personnel of the hazard, and will use the provisions of the contract to have the hazard corrected immediately. If the Contractor fails to correct the problem or if the problem is repeated, VDOT will immediately contact and provide a referral to DOLI for an inspection and enforcement of the Occupational Safety and Health Standards, as applicable.

Violations of Standards Exposing VDOT Employees to a Safety or Health Hazard

Violations of VOSH Standards exposing VDOT employee(s) to a safety or health hazard(s) will be brought to the Contractor's attention and the provisions of the contract will be used to have the violation corrected. VDOT employees will not expose themselves to the hazard while there is a violation of the Standards.

The violation shall be referred to DOLI for an inspection and enforcement of VOSH Standards, as applicable, if the Contractor refuses to correct the violation or continues to violate the Standards.

Violations of Standards Not Exposing VDOT Employees to
a Safety or Health Hazard

OR

Not an Imminent Danger or Immediate Danger to Life and Health

Violations of Standards not exposing VDOT employees to a safety hazard shall be brought to the Contractor's attention. The Contractor will be given five (5) work days to correct the violation. If the Contractor does not believe his operations are in violation of the Standards or does not correct the violation, a referral will be made to DOLI for an inspection and enforcement of the Standards, as applicable.

REFERRAL

Referral to DOLI for apparent violations of Occupational Safety and Health Standards will be made by VDOT's Safety & Security Division.

DOLI will notify VDOT's Safety & Security Division of the disposition of each referral.

¹ "Imminent Danger" means any condition or practice in any place of employment such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through standard enforcement procedures provided by Title 40.1 of the Code of Virginia. 16VAC25-60-10.

² "IDLH or Immediately Dangerous to Life or Health" means an atmospheric concentration of any toxic, corrosive or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.


https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21788

VDOT and DOLI hereby enter into this MEMORANDUM OF UNDERSTANDING with the intent of improving employee safety and health on VDOT contract work.

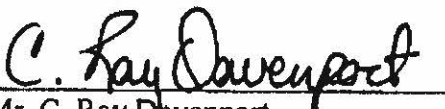
This MOU represents a non-financial understanding and is not a legal contract. It is entered into for the mutual benefit of both parties and does not create any third party rights or benefits. Neither entity shall assign or subcontract any work or services related to this understanding without the prior written consent of the other entity.

Statutory Requirements

Federal and Virginia Occupational Safety and Health Standards and Code of Virginia §40.1-51.1.


Mr. Stephen C. Brich, P.E.
Commissioner
Virginia Department of Transportation

5/8/2019
Date


Mr. C. Ray Davenport
Commissioner
Virginia Department of Labor and Industry

5/14/2019
Date