United States of America

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

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| --- | --- |
| SECRETARY OF LABOR, |  |
| Complainant, |  |
| v. | OSHRC DOCKET NO.  |
|  |   |
|  Respondent. |  |

**JOINT NOTIFICATION OF PARTIAL SETTLEMENT**

The parties respectfully notify the Court that the parties have partially settled the above captioned case and have executed a formal [an informal] settlement agreement.

*CERTIFICATION OF CONTESTED CITATION ITEMS FULLY SETTLED*

The parties certify that the following citation items in this case have been fully settled. All settled citation items are set forth, on a separate row, in the following chart.[[1]](#footnote-1) Commission Rule 100(b)(1)(i).[[2]](#footnote-2)

|  |  |  |
| --- | --- | --- |
| Citation No. | Item No. | Resolution: Settled / Withdrawn |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

*CERTIFICATION OF CONTESTED CITATION ITEMS THAT REMAIN TO BE DECIDED.*

The parties certify that the following citation items in this case have not settled and remain to be decided. All citation items that remain to be decided are set forth, on a separate row, in the following chart. Commission Rule 100(b)(1)(i).

|  |  |  |
| --- | --- | --- |
| Citation No. | Item No. | Not Settled |
|  |  |  |
|  |  |  |
|  |  |  |
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*CERTIFICATION OF POSTING*

The parties certify that the executed partial settlement agreement was posted to provide notice to the affected employees.[[3]](#footnote-3) Commission Rules 7(g); 100(b)(1)(ii); 100(c). The parties certify that the partial settlement agreement was posted at a location prescribed by Commission Rule 7(g) on the following date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The partial settlement agreement shall remain posted for fourteen (14) days.

*CERTIFICATION REGARDING PARTY WHO HAS ELECTED PARTY STATUS*

The parties certify that any party who has elected party status, under Commission Rule 20, has been afforded an opportunity to provide input on all matters pertaining to the partial settlement before the partial settlement agreement was finalized. Commission Rule 100(b)(1)(iii).

*CERTIFICATION WHETHER PARTIAL SETTLEMENT INCLUDES PLEADING WITHDRAWAL, AND WHETHER THE WITHDRAWAL IS WITH PREJUDICE*

In the following chart, the parties certify the status of any citations, notifications, notices, or petitions, withdrawn in the partial settlement agreement, and certify whether the withdrawal was with or without prejudice. Each citation item and notification of proposed penalty withdrawn is included, on a separate row, in the chart. Commission Rule 100(b)(1)(iv).

|  |  |
| --- | --- |
| List of Pleadings Withdrawn | Withdrawal – With or Without Prejudice |
| Citation, Item |  |
| Notification of Proposed Penalty |  |
| Notice of Contest |  |
| Petition for Modification of Abatement Period |  |
|  |  |

*ACKNOWLEDGEMENT THAT THE PARTIES HAVE NOT PROVIDED THE PARTIAL SETTLEMENT AGREEMENT WITH THIS JOINT NOTIFICATION.*

The parties confirm that they have not incorporated the partial settlement agreement in, or append it to, this joint Notification of Partial Settlement*.* *See* Commission Rule 100(b)(2).

*DRAFT ORDER TERMINATING PROCEEDING.*

An Order of Severance shall issue severing the settled citation items from this case pursuant to Commission Rule 10, which settled items shall be resolved independently in a newly assigned docket number. An Order Terminating Proceeding regarding the settled citation items shall issue in the case designated with the newly assigned docket number.

The parties confirm that they have filed, for execution by the Judge, a draft Order Terminating Proceeding, acknowledging that the parties have resolved the settled citation items identified above and agreed to terminate the proceeding before the Commission regarding those settled items, pursuant to Commission Rules 100(b)(3); 100(c).

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| NameSolicitor of LaborNameRegional SolicitorNameAssociate Regional Solicitor/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NameSenior Trial Attorney (Trial Attorney)Attorney for Complainant U.S. Department of LaborOffice of the SolicitorStreet AddressCity, State, Zip Code Phone NumberEmail Address | /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Name[Title] Attorney for Respondent[Title] Representative for Respondent[Title – Self Represented] ABC Company, President, General Manager, Safety Director, etc.Firm / ABC CompanyStreet AddressCity, State, Zip CodePhone NumberEmail Address |

**CERTIFICATE OF SERVICE**

 **[Represented parties – mandatory electronic filing].**

This is to certify that service of the Joint Notification of Partial Settlement filed in the Commission’s E-File System was also simultaneous served by email attachment to the parties listed below on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**[Self-Represented party – non-electronic filing].**

This is to certify that a copy of the Joint Notification of Partial Settlement was served by first class, postage prepaid, U.S. Mail to the parties listed below on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Name Title

Company / Firm Name / Office of the Solicitor

Street Address

City, State, Zip Code

Email Address

1. *See* Joint Notification of Partial Settlement Completed for guidance in completing this document, including the charts at OSHRC.gov, Sample Documents tab. [↑](#footnote-ref-1)
2. OSHRC’s new Rules of Procedure were effective June 10, 2019 and all references contained herein refer to these revised Rules. Rules of Procedure, 84 Fed. Reg. 14554 (April 10, 2019) (to be codified at 29 C.F.R. pt. 2200). (<https://www.federalregister.gov/documents/2019/04/10/2019-06581/rules-of-procedure>). [↑](#footnote-ref-2)
3. In cases where *all* affected employees are represented by an authorized employee representative an alternative certification shall be included in the Joint Notification of Partial Settlement, rather than the posting certification stated above. The alternative certification shall comply withCommission Rules 7(f); 100(b)(1)(ii); 100(c) and shall include the date of service. [↑](#footnote-ref-3)