



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

Respondent.

OSHRC DOCKET NO.

**ORDER ACKNOWLEDGING PROPOSED
PARTIAL SETTLEMENT**

By written notice filed in the Commission's E-File System, counsel for the Complainant recently advised the Court that the parties have agreed to settlement terms to partially resolve this case.

In accord with the revised Commission Rules regarding settlements,¹ **within thirty (30) days** of this Order, using the Commission's E-Filing System, the parties shall file the executed **joint Notification of Partial Settlement**, pursuant to revised Commission Rule 100(b)(1).

The Notification of Partial Settlement shall:

- (i) List the contested items that have been settled and also list the contested items that remain to be decided;
- (ii) Certify that the parties' settlement agreement has been posted in the manner prescribed by revised Commission Rule 7(g), to provide notice of the settlement to

¹ 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>).

non-party affected employees. Certify the date the settlement agreement was posted;

- (iii) If party status has been elected under revised Commission Rule 20, certify that the party was afforded an opportunity to provide input on all matters pertaining to the settlement before the agreement was finalized;
- (iv) If the settlement agreement includes the partial withdrawal of a notice of contest, citation, notification of proposed penalty, or petition for modification of abatement period, state whether such partial withdrawal is with prejudice;
- (v) File a proof of service with the Notification of Settlement, showing service upon all parties and authorized employee representatives in the manner prescribed by revised Commission Rules 7(c) and (d); and posting of the notice to non-party affected employees in the manner prescribed by revised Commission Rule 7(g).

The parties shall not incorporate the settlement agreement in, or append it to, the joint Notification of Partial Settlement. The parties shall not substitute the settlement agreement for the required joint submission. *See* revised Commission Rule 100(b)(2).

An **Order of Severance** shall issue severing the settled citation items from this case pursuant to Commission Rule 10, 29 C.F.R. § 2200.10, 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 Order Terminating Proceeding shall acknowledge that the parties have resolved the settled citation items and agreed to terminate the proceeding before the Commission regarding those settled items, pursuant to revised Commission Rule 100(b)(3).

Joint Notification of Partial Settlement and Order Terminating Proceeding, sample documents, are available on the Commission's website homepage at OSHRC.gov, Sample Documents tab.

Commission policy favors settlement. Prompt receipt of the complete, executed, joint Notification of Partial Settlement must be received before the undersigned Judge may issue the Order of Severance and Order Terminating Proceeding regarding the settled citation items.

Accordingly, if the complete, executed, joint Notification of Partial Settlement is not filed in the Commission's E-File System **within thirty (30) days of this Order**, all citation items in this case will remain on the active hearing calendar.

SO ORDERED.

Judge, OSHRC

Dated:

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that a copy of the Order Acknowledging Proposed Partial Settlement was sent electronically to the parties listed below on _____

/s/ _____
_____, Legal Assistant

Post Office Address:

Judge _____