

United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

SECRETARY OF LABOR,

Complainant,

v.

**ABC COMPANY,**

Respondent.

OSHRC DOCKET NO. **19-9999**

**JOINT NOTIFICATION OF FULL SETTLEMENT**

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

*CERTIFICATION OF CITATION ITEMS FULLY SETTLED*

The parties certify that all citation items in this case have been fully settled. All settled citation items are set forth, on a separate row, in the following chart. Commission Rule 100(b)(1)(i).<sup>1</sup>

| Citation No. | Item No.    | Resolution: Settled / Withdrawn |
|--------------|-------------|---------------------------------|
| <b>1</b>     | <b>1</b>    | <b>settled</b>                  |
| <b>1</b>     | <b>2(a)</b> | <b>settled</b>                  |
| <b>1</b>     | <b>2(b)</b> | <b>withdrawn</b>                |
| <b>2</b>     | <b>1</b>    | <b>settled</b>                  |

<sup>1</sup> 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>).

*CERTIFICATION OF POSTING*

The parties certify that the executed settlement agreement was posted to provide notice to the affected employees.<sup>2</sup> Commission Rules 7(g); 100(b)(1)(ii); 100(c). The parties certify that the settlement agreement was posted at a location prescribed by Commission Rule 7(g) on the following date: June 10, 2019.

The 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 settlement before the settlement agreement was finalized. Commission Rule 100(b)(1)(iii).

*CERTIFICATION WHETHER 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In the following chart, the parties certify the status of any citations, notifications, notices, or petitions, withdrawn in the settlement agreement, and certify whether the withdrawal was with or without prejudice. Each citation item and notification of proposed penalty withdrawn is included, on a separate row, in the chart.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).

| Pleading  | Withdrawal - With or Without Prejudice |
|---|--|
| Citation 1, Item 2(b)                                       | With prejudice                         |
| Notification of Proposed Penalty<br>– Citation 1, Item 2(b) | With prejudice                         |
| Notice of Contest   | With prejudice                         |

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<sup>2</sup> In cases where *all* affected employees are represented by an authorized employee representative an alternative certification shall be included in the Joint Notification of Full Settlement, rather than the posting certification stated above. The alternative certification shall comply with Commission Rules 7(f); 100(b)(1)(ii); 100(c) and shall include the date of service.

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

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

*DRAFT ORDER TERMINATING PROCEEDING.*

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

Date: June 11, 2019

|   |  |
|---|--|
| Name<br>Solicitor of Labor<br><br>Name<br>Regional Solicitor<br><br>Name<br>Associate Regional Solicitor<br><br>/s/ _____<br>Name<br>Senior Trial Attorney (Trial Attorney)<br>Attorney for Complainant<br>U.S. Department of Labor<br>Office of the Solicitor<br>Street Address<br>City, State, Zip Code<br>Phone Number | /s/ _____<br>Name<br>[Title] Attorney for Respondent<br>[Title] Representative for Respondent<br>[Title – Self Represented] ABC Company,<br>President, General Manager, Safety Director,<br>etc.<br>Firm / ABC Company<br>Street Address |
|---|--|

|               |  |
|---------------|--|
| Email Address | City, State, Zip Code<br>Phone Number<br>Email Address |
|---------------|--|

**CERTIFICATE OF SERVICE**

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

This is to certify that service of the Joint Notification of 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 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