

United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

v.

ABC COMPANY,

Respondent,

XYZ INTERNATIONAL UNION and ITS

LOCAL UNION 123,

Authorized Employee Representative.

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).¹

Citation No.	Item No.	Resolution: Settled / Withdrawn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1	2(b)	withdrawn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

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>).

CERTIFICATION OF SERVICE

The parties certify that the executed settlement agreement was served on the authorized employee representative of the affected employees² in a manner prescribed in Commission Rule 7(c) on the following date: June 10, 2019. Commission Rules 7(f); 100(b)(1)(ii); 100(c).

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.³ 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In the following chart, the parties certify the status of any citations, notifications, notices, or petitions, withdrawn in the settlement agreement, and certify whether the withdrawal was with

² If *all* affected employees are not represented by an authorized employee representative, an additional certification of posting shall be included in the Joint Notification of Full Settlement. Commission Rules 7(g); 100(b)(1)(ii); 100(c). The settlement agreement shall remain posted for fourteen (14) days.

The parties certify that the settlement agreement was posted at a location prescribed by Commission Rule 7(g) on the following date: _____.

³ Affected employees or their representatives, who have elected party status, shall be afforded an adequate opportunity to provide input on all matters pertaining to the settlement before the agreement is finalized. The method and degree of affected employee input received during the settlement process is the responsibility of the Secretary. The Commission or Judge have discretion to entertain claims that affected employees did not have an opportunity to provide input in the settlement process before the settlement agreement was finalized. *Boise Cascade Corp.*, 14 BNA OSHC 1993, 1994-97 (No. 89-3087, 1991) (consolidated); OSHRC Rules of Procedure, 84 Fed. Reg. at 14557.

The Secretary and the Employer must consider any input during settlement negotiations on any matter affecting settlement that is provided by affected employees or authorized employee representatives who have elected party status. Nevertheless, the Secretary and the Employer have the legal authority to settle a matter on terms that are not consistent with that input. After the Secretary and the Employer have agreed to the terms of a settlement, affected employees and authorized employee representatives, regardless of party status in the case, have legal standing to challenge only the reasonableness of the time period for abatement stated in the settlement agreement. *Id.*; *Gen. Elec., Co.*, 14 BNA OSHC 1763, 1766 (No. 88-2265, 1990).

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 – Citation 1, Item 2(b)	With prejudice
Notice of Contest	With prejudice

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 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 Solicitor of Labor	
Name Regional Solicitor	
Name Associate Regional Solicitor	

<p><u>/s/</u></p> <p>Name Senior Trial Attorney (Trial Attorney) Attorney for Complainant U.S. Department of Labor Office of the Solicitor Street Address City, State, Zip Code Phone Number Email Address</p>	<p><u>/s/</u></p> <p>Name [Title] Attorney for Respondent [Title] Representative for Respondent [Title – Self Represented] ABC Company, President, General Manager, Safety Director, etc. Firm / ABC Company Street Address City, State, Zip Code Phone Number Email Address</p>
<p><u>/s/</u></p> <p>Name [Title] Attorney for Authorized Employee Representative [Title] Authorized Employee Representative / Safety Director / Local President / Business Agent, etc. Authorized Employee Representative [Union] Name Street Address City, State, Zip Code Phone Number Email Address</p>	

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