



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
FULL 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 completely resolve this case. As a result of the reported settlement, any scheduled conference(s) with the Court and any scheduled hearing date(s) have been removed from the Court's active calendar.

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 fully, executed, **joint Notification of Settlement** pursuant to revised Commission Rule 100(b)(1), 29 C.F.R. § 2200.100(b)(1).

The Notification of Settlement shall:

- (i) List the contested items that have been settled;
- (ii) Certify that the parties' settlement agreement has been posted in the manner prescribed by revised Commission Rule 7(g); 29 C.F.R. §2200.7(g), to provide

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>).

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

- (iii) If party status has been elected under revised Commission Rule 20; 29 C.F.R. §2200.20, 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 withdrawal of a notice of contest, citation, notification of proposed penalty, or petition for modification of abatement period, state whether such 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); 29 C.F.R. 2200.7(c), (d), and posting of the notice to non-party affected employees in the manner prescribed by revised Commission Rule 7(g); 29 C.F.R. §2200.7(g).

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

Together with the Notification of Settlement the parties shall file, 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 revised Commission Rule 100(b)(3), (c); 29 C.F.R. § 100(b)(3), (c).

Joint Notification of Settlement and Order Terminating Proceeding, sample forms, are available on the Commission's website homepage at <https://www.oshrc.gov/sampleddocuments>.

Commission policy favors settlement. Prompt receipt of the complete, executed, joint Notification of Settlement must be received before the undersigned Judge may issue the Order Terminating Proceeding.

Accordingly, if the complete, executed, joint Notification of Settlement is not filed in the Commission's E-File System **within thirty (30) days of this Order**, this case will be placed on the active hearing calendar and a hearing will be scheduled.

SO ORDERED.

Judge, OSHRC

Dated:

Washington, D.C.

CERTIFICATE OF SERVICE

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

/s/ _____
_____, Legal Assistant

Post Office Address:

Judge _____