



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.

INTEGRA HEALTH MANAGEMENT, INC.,

Respondent.

OSHRC Docket No. 13-1124

BRIEFING NOTICE AND INVITATION TO FILE *AMICI CURIAE* BRIEFS

The Commission requests that the parties and interested *amici* brief the issues raised in the petition for discretionary review.

The parties and *amici* should also address the following questions:

Does the general duty clause apply to the condition as alleged by the Secretary—the workplace violence hazard of “[Respondent’s employees] being physically assaulted by [Respondent’s clients (known as ‘members’)]” alleged to have “a history of violent behavior”?

If so, did the Secretary establish that Respondent or its industry recognized the hazard and that a feasible and effective means of abatement existed to materially reduce the hazard?

In addition, the parties may address the effect, if any, of OSHA’s Guidance for Preventing Workplace Violence for Healthcare and Social Service Workers.

The parties are advised that when the merits or characterization of an item are before the Commission for review, the appropriateness of the penalty is also subject to review. Accordingly, the parties may address the amount of the penalty if they so choose. All briefs are to be filed in accordance with Commission Rule 93.¹ The first brief is to be filed within 40 days of this notice. A party who does not intend to file a brief must notify the Commission in writing setting forth the reason therefor within the applicable time for filing briefs, and shall serve a copy

¹ The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority, other than statutes, case law, law journal articles, and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.

on all other parties. The time for filing briefs (or similar notices of intent) of opposing parties shall commence on the date of service.

Any *amicus curiae* shall file its brief within the time allowed the party whose position the *amicus* will support. No reply brief of an *amicus curiae* will be received.

BY DIRECTION OF THE COMMISSION

Dated: September 18, 2015

/s/

John X. Cervený
Executive Secretary