

Notice of Policy Statement and Language Access Plan

The Occupational Safety and Health Review Commission (Commission or Agency) is responsible for the adjudication of workplace safety and health disputes under the Occupational Safety and Health Act of 1970 (the Act). Executive Order 13166, 65 Fed. Reg. 50, 119 (Aug. 16, 2000), directs all Federal agencies to “examine the services it provides and develop and implement a system by which persons with limited English proficiency (LEP) can meaningfully access those services consistent with, and without unduly burdening the fundamental mission of the agency.” On February 17, 2011, the United States Attorney General issued a Memorandum For Heads of Federal Agencies, among others, subject: Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166 (AG Memo). The AG Memo requested each agency join the Department of Justice in recommitting to the implementation of Executive Order 13166 by: 1) establishing a Language Access Working Group to be responsible for implementing the executive order; 2) evaluating and/or updating its Language Access Plan; 3) establishing a schedule to periodically evaluate and update its LEP services, policies, plans and protocols; 4) ensuring agency staff can competently identify LEP contact situations and take the necessary steps to provide meaningful access; 5) notify the public of its LEP policies, plans, and procedures; 6) assess non-English language proficiency when considering hiring criteria; 7) collaborating with other agencies for written translations intended for mass distribution; and 8) including a statement that it does not provide federal financial assistance when transmitting its language access plan (together “Eight Steps”).

The Commission, which serves as an administrative court at the trial and appellate levels, acknowledges English proficiency is required for meaningful participation in Agency proceedings due to the use of legal terms, principles and procedures involved in adjudicating the rights and responsibilities of employers and the rights of employees under the Act. The Commission’s goal is to ameliorate LEP as a barrier to accessing its programs or activities; consequently, the Agency is committed to taking reasonable steps through which LEP persons can meaningfully access its services consistent with, and without unduly burdening, its fundamental mission and existing law. In accordance with Executive Order 13166 and the AG Memo, the Commission will satisfy the Eight Steps identified above by which LEP persons can meaningfully access its programs and activities to the extent that Agency resources are available and will permit, and without precluding a judge from exercising independent judgment in a pending proceeding as it relates to LEP matters in accordance with the Act, Administrative Procedure Act, Commission Rules of Procedure, Federal Rules of Civil Procedure, Federal Rules of Evidence, Executive Order 13166, and the AG Memo.

Responsibility for implementing and administering the Agency’s Policy Statement and Language Access Plan (PS/LAP) has been delegated to the Office of Chief Administrative Law Judge (OCALJ); specifically to the PS/LAP Administrator, since the largest number of interactions with LEP persons and the Commission occur in the context of a proceeding conducted by one of the Commission’s judges. A copy of the PS/LAP is to be posted in all Commission offices and made available to Agency personnel via the intranet and the general public via the internet.

Questions concerning language access for cases pending before a judge should be directed to Tia Dillard, OCALJ Language Access Coordinator (LAC), at (202) 606-5405, or via email at languageaccess@oshrc.gov. Questions concerning language access for other matters should be directed to Executive Director, Debra A. Hall, LAC for the Commission staff at (202) 606-5397, or via email at languageaccess@oshrc.gov.

PS/LAP Administrator: Judge Keith E. Bell
August 28, 2014