

**RULES
OF
THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**CHAPTER 1030-7
MISCELLANEOUS PROVISIONS**

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1030-7-1 SETTLEMENT.

- (1) Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.
- (2) Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.
- (3) Where parties to settlement agree upon a proposal, it shall be served upon represented and unrepresented affected employees in the manner set forth in Rule 1030-1-7 hereof. Proof of such service shall accompany the proposed settlement when submitted to the Commission or the Administrative Judge.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978.

1030-7-2 EXPEDITED PROCEEDING.

- (1) Upon application of any party or intervenor, or upon his own motion, any member of the Commission or the Hearing Examiner may order an expedited proceeding.
- (2) The Commissioner or Administrative Judge in an expedited proceeding shall make necessary rulings with respect to time for filing of pleadings and with respect to all other matters, without reference to times set forth in these Rules (Chapter 1030-1 through Chapter 1030-7), and shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978.

1030-7-3 STANDARDS OF CONDUCT. All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the state courts.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974.

1030-7-4 EX PARTE COMMUNICATION.

- (1) There shall be no ex parte communication, with respect to the merits of any case not concluded, between the Commission, including any member, officer, employee, or agent of the Commission who is employed in the decisional process, and any of the parties or intervenors.

(Rule 1030-7-4, continued)

- (2) In the event such ex parte communication occurs, the Commission or the Administrative Judge may make such orders or take such action as fairness requires. Upon notice and hearing, the Commission may take such disciplinary action as is appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978.

1030-7-5 RESTRICTIONS AS TO PARTICIPATION BY INVESTIGATIVE OR PROSECUTING OFFICERS. In any proceeding noticed pursuant to these Rules (Chapter 1030-1 through Chapter 1030-7), the Commissioner shall not participate or advise with respect to the Commission decision.

Authority: T.C.A. §50 -554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974.

1030-7-6 INSPECTION AND REPRODUCTION OF DOCUMENTS.

- (1) Subject to provisions of law restricting public disclosures of information, any person may, at the offices of the Commission, inspect and copy any document filed in any proceeding.
- (2) Costs shall be borne by such person.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974.

1030-7-7 RESERVED.

1030-7-8 SPECIAL CIRCUMSTANCES; WAIVER OF RULES. In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the Commission or the Administrative Judge may, upon application by any party or intervenor, or on its own motion, after due notice to all parties and intervenors, waive any rule or make such orders as justice or administration of the Act requires, when such waiver is not precluded by law.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978.

1030-7-9 PENALTIES.

- (1) All penalties assessed by the Commission are Civil.
- (2) The Commission has no jurisdiction under Section 12 of the Act and will conduct no proceedings thereunder.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974.