

ALASKA DEPARTMENT OF LABOR
DIVISION OF LABOR STANDARDS AND SAFETY

DOSH Progam Directive 86-5

March 20, 1986

To: All OSH Staff

Subject: Letters to the Employer Representative: Informal Conference Without
an Informal Settlement Agreement

1. Purpose. This DOSH PD publishes sample letters to be given to the employer representative when no Informal Settlement Agreement has been reached or when a copy of a proposed Informal Settlement Agreement is signed by the Chief but not by the employer representative and given to the employer representative to take for further consideration. (See Compliance Manual, Chapter V, H.2.á.)
2. Background. Currently, employers are being told verbally of the agency's requirements related to the employer's exercise of the right of contest, both at the time of the closing conference and the informal conference. Chiefs, however, have not had sample letters which they could use to inform employers of these requirements in writing.
 - a. The regulations 8 AAC 61.150(b) and the Compliance Manual (Chapter III, D.9.b.(4)(a)) require that any Notice of Intent to Contest be in writing before it becomes valid.
 - b. The Compliance Manual (Chapter V, H.2.) makes provisions for Chiefs to sign a proposed Informal Settlement Agreement and give it to the employer representative without his/her signature. This might be done:
 - (1) Because the employer requires additional time to consider the document, or
 - (2) Because the settlement agreement was arrived at by telephone and there is not sufficient time to send the unsigned proposed agreement to the employer and get it back before the expiration of the contest period, or
 - (3) For some other legitimate reason.
3. Procedures. The letters contained in Appendix A shall be given personally or sent by certified mail, return receipt requested, to all employers participating in an informal conference whenever:
 - a. The conference does not result in an Informal Settlement Agreement
or

- b. The Chief signs and delivers a copy of a proposed Informal Settlement Agreement to the employer or employer representative without having obtained the signature of the authorized employer representative.
- c. A copy of the letter and the return receipt shall be made a part of the case file.



Robert J. Bacolas, Director

Reviewed and Approved



Jim Robison, Commissioner