

Survey of Participants in OSHRC Settlement Program

This is a voluntary survey of participants regarding their experiences with the United States Occupational Safety and Health Review Commission (OSHRC) Settlement program. This survey is being conducted by Indiana University on behalf of OSHRC.

The survey is designed to take as little of your time as possible. We estimate that it should take about 30 minutes. However, if you prefer you can add your own comments at the end of the questionnaire. Skip any questions you do not feel comfortable answering. Your responses will be kept strictly confidential.

Please complete the survey in the next week. Once you have finished, place the completed questionnaire in the enclosed postage-paid return envelope and mail it to us. If you have any questions, please contact Deanna Malatesta, Indiana University Purdue University-Indianapolis, School of Public and Environmental Affairs, at telephone (317) 274-0876 or by email at dmalates@iupui.edu. Thank you for your participation in this very important study.

1. Which of the following best describes your role in your recent Settlement Part case?

- Representative of Employer (Non-Attorney)
- Representative of Employer (Attorney)
- Solicitor for Department of Labor
- Authorized Employee Representative (Union)
- Attorney for Authorized Employee Representative
- Other: _____

2. What OSHRC programs have you participated in? (Check all that apply.)

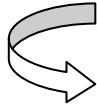
- Simplified Proceedings (formerly called EZ Trial)
If so, how many times? one time 2-5 times more than 5 times
- Conventional Case settled through Mandatory Settlement Part
If so, how many times? one time 2-5 times more than 5 times
- Conventional Case(s) resolved with Hearing
If so, how many times? one time 2-5 times more than 5 times

3. Please describe your most recent case at Settlement Part. (Check all that apply.)

- Disagreement that OSHA violation(s) actually occurred
- Dispute about the fine amount(s)
- Dispute about the abatement period
- Dispute about OSHA's characterization of the violations as willful, repeat, or serious
- Other: _____

4. Did you have a settlement conference on your recent case where you appeared in person before a settlement judge?

- no yes



4 (a). If yes, how many times did you meet in person with the settlement judge?

- only 1 2-5 more than 5

5. About how many times did you communicate with the settlement judge during the settlement process?

- only 1 2-5 more than 5

6. At what point was your case resolved? (If you had more than one case over the past year, please focus on your most recent case.)

- Prior to a settlement conference
 After the conclusion of the settlement conference but before a trial was scheduled
 After the conclusion of the settlement conference, after a trial was scheduled but before the start of a trial
 During the course of a trial on the merits
 After a trial on the merits



6 (a). If your case was settled without a trial on the merits do you think the case would have required more or less time if it went to a trial on the merits before a trial judge without first passing through the settlement process? Please explain.

7. In your opinion, is the time at which any in-person settlement conference occurs within the life of the case:

- too early
 a little early
 just right
 a little late
 too late
 not applicable to my experience

8. In your opinion, does information exchange **in advance of** any in-person settlement conference begin:

- too early
- a little early
- just right
- a little late
- too late
- not applicable to my experience

9. In your opinion, does information exchange (discovery) **during the** in-person settlement conference begin:

- too early
- a little early
- just right
- a little late
- too late
- not applicable to my experience

The following questions focus on your satisfaction with various aspects of OSHRC's Settlement Program. If you have had more than one previous case before OSHRC, please focus on your most recent case in your responses.

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
10. How satisfied were you with the level of control you had over the process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. How satisfied were you with the process overall ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please indicate your level of satisfaction with the following:

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
12. How satisfied were you with the level of respect with which you were treated during the Settlement Part processes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. How satisfied were you with fairness of Settlement Part outcomes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. How satisfied were you with the overall outcome of the case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
15. How satisfied were you with the length of time it took to resolve the case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				↓	↓
				<p>If you were dissatisfied with how long it took to resolve, what factors in your opinion contributed to any delays?</p>	
				<p>[Place comments anywhere in this box]</p>	

Do you agree or disagree with the following statements:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
16. OSHRC's rules of procedure are easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. I think the scheduling of conferences, motions, and other matters was prompt.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. The judge should have discretion to suspend discovery during the settlement process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. The amount of information exchanged in the case was appropriate given the facts/ nature of the case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. I was able to participate in the process fully as needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. This case would probably not have settled without the help of the judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. I think the case would have required more time if a trial on the merits was held.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. I would have preferred a trial over a mandatory settlement conference.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY. USE THE SPACE BELOW TO SHARE ANY ADDITIONAL COMMENTS. PLEASE PLACE THE COMPLETED QUESTIONNAIRE IN THE ENCLOSED POSTAGE-PAID RETURN ENVELOPE AND MAIL IT TO US.