

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH
BYLAWS AND OPERATING PROCEDURES

ARTICLE I - NAME

The name of the organization will be the Federal Advisory Council on Occupational Safety and Health (FACOSH or Council).

ARTICLE II - AUTHORITY

FACOSH is authorized by 5 U.S.C. 7902; Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 668); Executive Order (EO) 11612, as amended, and continued or reestablished by EOs 11807, 11948, 12110, 12196, 12258, 12399, 12534, 12610, 12692, 12774, 12869, 12974, 13062, 13138, 13225, 13316, 13385, 13466, 13511, 13708, 14048, and 14109; and 29 CFR Part 1960 - *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*.

ARTICLE III - PURPOSE

FACOSH is established to advise the Secretary of Labor (the Secretary) on matters relating to the occupational safety and health (OSH) of federal employees. These matters include the development, implementation, and maintenance of effective OSH programs in each federal agency for all of its employees. FACOSH also acts as a clearinghouse for information related to the occupational safety and health of all federal employees.

ARTICLE IV - OBJECTIVES

The objectives of FACOSH include the development of strategies and recommendations for Secretarial consideration in:

- (1) Preventing and reducing the number and severity of occupational injuries and illnesses within the Federal Government; and
- (2) Encouraging the development, implementation, and maintenance of effective and comprehensive OSH programs in each federal agency.

ARTICLE V – MEMBERSHIP

SECTION 1 – Composition. FACOSH will consist of sixteen representative members appointed by the Secretary. Eight members will represent federal agency management, and eight members will be from labor organizations that represent federal employees.

SECTION 2 – Management Members. Management members should be the Designated Agency Safety and Health Official (DASHO) for their agencies, or have sufficient authority and

responsibility to act on behalf of their agencies regarding OSH matters.

SECTION 3 – Labor Members. Labor members should have responsibility for federal employee OSH-related matters in their organization.

SECTION 4 – Terms.

- (1) Members will be appointed to serve a term not to exceed three years.
- (2) Member terms will begin on the date of appointment and end on December 31 of the year in which the term ends.
- (3) To provide continuity in FACOSH membership, members' terms will be staggered so that the terms of five or six of the members will expire each year.
- (4) The Secretary may reappoint members to successive terms.
- (5) Appointment of a member to FACOSH for a fixed time period does not affect the authority of the Secretary to remove a member at any time.
- (6) If a member becomes unable to serve, resigns, or is removed before the member's term expires, the Secretary may appoint a new member who represents the same interest (management or labor) to serve the remainder of the unexpired term.

SECTION 5 – Participation. By accepting membership, FACOSH members will commit to fully participate in the activities of the Council. Members are expected to attend all FACOSH meetings, and actively participate in Council initiatives. Members who are absent from three consecutive meetings will have their membership evaluated to determine their continued interest in serving on the Council. This evaluation may result in removal of the member.

SECTION 6 – Nominations.

- (1) OSHA will publish a request for member nominations in the *Federal Register* giving interested individuals at least 30 days to submit nominations.
- (2) Nominations must include the following information:
 - (i) The nominee's name, occupation, and contact information;
 - (ii) The category (either management or labor) that the nominee is qualified to represent;
 - (iii) A résumé or curriculum vitae of the nominee's background, experience, and qualifications; and
 - (iv) A statement that the individual is aware of the nomination, is willing to

serve on FACOSH and attend meetings for the length of the appointed term, and does not have any conflicts of interest that would preclude membership on FACOSH.

- (3) Only qualified nominees will be forwarded to the Secretary for consideration.
- (4) In selecting FACOSH members, the Secretary will consider individuals nominated in response to the *Federal Register* notice. In addition, the Secretary also may consider other qualified individuals.

SECTION 7 – Compensation. Members will not receive compensation for serving on FACOSH, but are allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703.

ARTICLE VI - ORGANIZATION

SECTION 1 – Chair. As the Secretary’s designee, the Assistant Secretary of Labor for Occupational Safety and Health will serve as FACOSH Chair.

SECTION 2 – Subcommittees.

- (1) FACOSH may establish subcommittees as necessary and the FACOSH Chair will appoint subcommittee co-chairs, representing management and labor, from the membership. Subcommittee chairs and representation on subcommittees will be balanced and proportionate to that of FACOSH itself.
- (2) Subcommittees may collect information from technical experts, consultants, and Special Agency Liaisons (See ARTICLE VII, Section 4) who are not FACOSH members.
- (3) FACOSH subcommittees will not work independently of the Council and must report their recommendations and advice to FACOSH for full discussion and deliberation. Subcommittees will not have authority to make decisions on behalf of FACOSH, or to report directly to the Secretary.

SECTION 3 – Operational Procedures. FACOSH will operate in accordance with procedures set forth in these Bylaws and Operating Procedures, the Federal Advisory Committee Act (FACA) (5 U.S.C. 10), and regulations implementing FACA (41 CFR Part 102-3).

ARTICLE VII - DUTIES AND RESPONSIBILITIES

SECTION 1 – Chair. The Chair will preside at all FACOSH meetings, facilitate member discussion, and oversee FACOSH votes. The Chair may designate a representative to preside over a meeting the Chair is unavailable to attend.

SECTION 2 – Members. Members are expected to attend all meetings and actively participate in deliberations on topics identified by or presented to FACOSH for review and consideration.

SECTION 3 – Designated Federal Officer (DFO). The DFO will work closely with the FACOSH Chair to:

- (1) Call, approve agendas for, attend, and adjourn FACOSH meetings;
- (2) Ensure the efficient operation of FACOSH and its subcommittees;
- (3) Maintain and make available to the public required records, including FACOSH costs and membership;
- (4) Provide FACOSH reports to the Department of Labor’s Committee Management Officer (CMO);
- (5) Identify and propose to the Chair the need to create additional subcommittees, or dissolve the same;
- (7) Perform such functions with FACOSH as may be required by FACA; and
- (8) Designate an alternate DFO to attend meetings if the DFO is unable to attend.

SECTION 4 – Special Agency Liaisons (SALs). Due to the unique relationship existing between the mission of certain federal agencies and occupational safety and health in federal workplaces, the FACOSH Chair may appoint SALs from those agencies to provide advice and guidance to FACOSH. SALs may participate in FACOSH deliberations, but are not permitted to vote. Agencies with SALs are not precluded from also having management members on FACOSH.

SECTION 5 – Experts and Consultants. When the FACOSH Chair deems appropriate, experts or consultants may be made available to FACOSH. With the consent of FACOSH, any expert or consultant may participate in the deliberations of the Council, but they are not permitted to vote.

SECTION 6 – Agency Staff. The Office of Federal Agency Programs, Occupational Safety and Health Administration, U.S. Department of Labor, will provide administrative services to support FACOSH.

SECTION 7 – Counsel. The Office of the Solicitor will provide legal assistance necessary and appropriate for FACOSH to carry out its functions in accordance with the OSH Act, FACA and implementing regulations, EO 12196 and related continuation EOs, and other applicable laws and regulations.

ARTICLE VIII - MEETINGS

SECTION 1 – Call of Meetings. FACOSH meetings will be held only at the call of the DFO.

SECTION 2 – Agenda. Each FACOSH meeting will be conducted in accordance with an agenda approved by the DFO. Members may propose items for the agenda. At least one week before a scheduled meeting, the DFO will furnish members with the meeting agenda.

SECTION 3 – Notice of Meetings. OSHA will provide public notice of any FACOSH meeting in the *Federal Register* at least 15 calendar days in advance of the meeting. In exceptional circumstances, OSHA may give less than 15 days' notice, provided that the reasons for doing so are included in the FACOSH meeting notice published in the *Federal Register*. The meeting notice will:

- (1) Give the time, date and place of the meeting, and whom to contact to request special accommodations for the meeting;
- (2) Fully describe or adequately summarize the agenda for the FACOSH meeting;
- (3) Announce that the meeting is open to the public;
- (4) Indicate that interested persons will have an opportunity to submit written comments to FACOSH and the deadline for submitting comments; and
- (5) Specify whether interested persons may request to address FACOSH during the meeting and the deadline for submitting requests. Requests to address FACOSH may be granted as time permits and at the discretion of the FACOSH Chair.

SECTION 4 – Quorum. A quorum will consist of a majority of the current members of FACOSH, as long as there are present at least one management and one labor member. Members attending telephonically or electronically will be counted toward quorum; these members do not need to proxy their votes to another member of the same interest (management or labor). Proxy votes are not counted toward quorum.

SECTION 5 – Voting. Only FACOSH members will be permitted to vote during FACOSH meetings and FACOSH subcommittee meetings. If a member is unable to attend a meeting, the member will identify to the DFO another member, representing the same interest, who has accepted the absent member's proxy to vote in the absent member's place on the matters coming before the Council during that particular meeting.

SECTION 6 – Parliamentary Procedure. FACOSH meetings will follow the most recent edition of *Robert's Rules of Order*.

SECTION 7 – Number of Meetings. FACOSH will hold at least two meetings per calendar year.

SECTION 8 – Special Meetings. The DFO may call a special meeting of FACOSH upon the request of at least four members.

SECTION 9 – Meeting Records.

- (1) All FACOSH meetings will be transcribed and detailed minutes of each meeting kept.
- (2) Minutes of FACOSH meetings will include at least:
 - (i) A list of FACOSH members and agency employees attending the meeting;
 - (ii) Any recommendations FACOSH makes to the Secretary and reasons supporting the recommendations;
 - (iii) Any significant deliberations, votes, and conclusions that are not recommendations to the Secretary;
 - (iv) Any written information made available to FACOSH, including reports the Council has received or approved; and
 - (v) A list of interested persons who gave oral presentations to FACOSH, and a summary of their presentations.
- (3) Minutes of FACOSH meetings will be certified as accurate by the Chair no later than 90 days after the meeting, and provided to FACOSH members at least one week in advance of the next meeting.
- (4) FACOSH meeting transcripts, minutes, and other materials presented at FACOSH meetings will be in the public record of the meeting, which will be available at <http://www.regulations.gov>, the Federal eRulemaking Portal. These records also will be available for public inspection and copying at the OSHA Docket Office.

ARTICLE IX – RECORDS MANAGEMENT

FACOSH records will be handled in accordance with FACA and OSHA’s approved records disposition schedule.

ARTICLE X - AWARDS

FACOSH may serve as advisors in the establishment of a program for the honorary recognition of outstanding contributions to the advancement of occupational safety and health in the Federal Government.