

-CITE-

3 USC Sec. 425

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-EXPCITE-

TITLE 3 - THE PRESIDENT

CHAPTER 5 - EXTENSION OF CERTAIN RIGHTS AND PROTECTIONS TO

PRESIDENTIAL OFFICES

SUBCHAPTER II - EXTENSION OF RIGHTS AND PROTECTIONS

Part C - Occupational Safety and Health Act of 1970

-HEAD-

Sec. 425. Rights and protections under the Occupational Safety and  
Health Act of 1970; procedures for remedy of violations

-STATUTE-

(a) Occupational Safety and Health Protections. -

(1) In general. - Each employing office and each covered  
employee shall comply with the provisions of section 5 of the  
Occupational Safety and Health Act of 1970.

(2) Definitions. - For purposes of the application under this  
section of the Occupational Safety and Health Act of 1970 -

(A) the term "employer" as used in such Act means an  
employing office; and

(B) the term "employee" as used in such Act means a covered  
employee.

(b) Remedy. - The remedy for a violation of subsection (a) shall  
be an order to correct the violation, including such order as would  
be appropriate if issued under section 13(a) of the Occupational

Safety and Health Act of 1970.

(c) Procedures. -

(1) Requests for inspections. - Upon written request of any employing office or covered employee, the Secretary of Labor shall have the authority to inspect and investigate places of employment under the jurisdiction of employing offices in accordance with subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970.

(2) Citations, notices, and notifications. - The Secretary of Labor shall have the authority, in accordance with sections 9 and 10 of the Occupational Safety and Health Act of 1970, to issue -

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a); or

(B) a notification to any employing office that the Secretary of Labor believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) Hearings and review. - If after issuing a citation or notification, the Secretary of Labor determines that a violation has not been corrected -

(A) the citation and notification shall be deemed a final order (within the meaning of section 10(b) of the Occupational Safety and Health Act of 1970) if the employer fails to notify the Secretary of Labor within 15 days (excluding Saturdays, Sundays, and Federal holidays) after receipt of the notice that

the employer intends to contest the citation or notification;

or

(B) opportunity for a hearing before the Occupational Safety and Health Review Commission shall be afforded in accordance with section 10(c) of the Occupational Safety and Health Act of 1970, if the employer gives timely notice to the Secretary that he intends to contest the citation or notification.

(4) Variance procedures. - An employing office may request from the Secretary of Labor an order granting a variance from a standard made applicable by this section, in accordance with sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970.

(5) Judicial review. - Any person or employing office aggrieved by a final decision of the Occupational Safety and Health Review Commission under paragraph (3) or the Secretary of Labor under paragraph (4) may file a petition for review with the United States Court of Appeals for the Federal Circuit under section 1296 of title 28.

(6) Compliance date. - If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further

review.

(d) Regulations To Implement Section. -

(1) In general. - The President, or the designee of the President, shall issue regulations to implement this section.

(2) Agency regulations. - The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) -

(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 19 of the Occupational Safety and Health Act of 1970 that applies to agencies or employees of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations -

(i) would be equally effective for the implementation of the rights and protections under this section; and

(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

(3) Employing office responsible for correction. - The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

(e) Effective Date. - Subsections (a) through (c) shall take effect on the earlier of -

(1) the effective date of regulations issued under subsection (d); or

(2) October 1, 1998.

-SOURCE-

(Added Pub. L. 104-331, Sec. 2(a), Oct. 26, 1996, 110 Stat. 4062.)

-REFTEXT-

#### REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsecs. (a) to (c)(4) and (d)(2)(B), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (Sec. 651 et seq.) of Title 29, Labor. Sections 5, 6, 8 to 10, 13, and 19 of the Act are classified to sections 654, 655, 657 to 659, 662, and 668, respectively, of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

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#### EFFECTIVE DATE

Subsec. (d) of this section effective Oct. 26, 1996, see section

471(b) of this title.