



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: ADM 11-0.4

EFFECTIVE DATE: Jan. 31, 2002

SUBJECT: OSHA Executive Board

ABSTRACT

Purpose: To establish and implement the OSHA Executive Board

Scope: OSHA-wide

References: None

Cancellations: None

State Impact: See Paragraph III.

Action Offices: Office of the Assistant Secretary, Program Directors (Directors of National Office Directorates and Free Standing Offices), and Regional Administrators

Originating Office: Office of the Assistant Secretary

Contact: Office of Management Systems and Organization, DAP

By and Under the Authority of

John L. Henshaw
Assistant Secretary for Occupational Safety and Health

ABSTRACT-1

Executive Summary

OSHA effectively manages and communicates its policies, procedures and programs through publications in the Code of Federal Regulations (CFR), the Federal Register (FR) and its Directives System. Procedural guidance for the development, clearance and issuance of such statements has been provided.¹ This guidance emphasizes that the Agency values careful weighing of the policy nature and implications of all such statements and encourages a thorough intra-agency dialogue on each. It establishes the OSHA Executive Board as a forum and delineates processes to assure appropriate and timely pre-decisional executive consideration and advice to the Assistant Secretary on significant Agency matters of policy, operations, management, procedure, standards, legislation, and the like.

Significant Changes

The OSHA Executive Board is comprised of the senior leadership of OSHA. It is the Agency's executive forum for discussing considering, and providing pre-decisional advice to the Assistant Secretary on significant agency policy and procedural issues and topics and for coordinating policies and activities among the Agency's component organizations, including the States that operate OSHA-approved State Plans. It will usually meet on a fixed schedule, though special sessions may be convened by the Assistant Secretary, or his designee, as necessary.

¹ See OSHA Instructions ADM 8-0.2, ADM 8-0.3, ADM 8-0.4 and ADM 1-0.20

- I. Purpose. To establish and implement the OSHA Executive Board, the Agency's executive forum for discussing, considering, and providing pre-decisional advice to the Assistant Secretary on significant Agency matters of policy, operations, management, procedure, standards, legislation, and the like. Executive Board discussions will assure that the Assistant Secretary is well informed by the experience, understanding, and insights of the Agency's senior managers and subject-matter experts. It will provide a locus for coordinating policies and activities among the Agency's component organizations.

- I. Scope. Agency-wide.

- II. Action Offices.
 - A. National Office. The Assistant Secretary, the Deputy Assistant Secretaries, and the heads of National Office Directorates and free-standing Offices.

 - B. Field Offices. All Regional Administrators and the Director of the Office of Training and Education.

- III. State Plan Impact. The Chairperson of the Occupational Safety and Health State Plan Association (OSHSPA) will serve as a member of the OSHA Executive Board.

- IV. Background. OSHA effectively manages and communicates its policies, procedures and programs through publications in the Code of Federal Regulations (CFR), the Federal Register (FR) and its Directives System. Procedural guidance for the development, clearance and issuance of such statements was provided in December, 2001, through OSHA Instructions ADM 8-0.2, ADM 8-0.3. This guidance emphasizes that the Agency values careful weighing of the policy nature and implications of all such statements and encourages a thorough intra-agency dialogue on each. The OSHA Executive Board is established to assure appropriate and timely pre-decisional executive consideration and advice to the Assistant Secretary on significant matters of Agency policy, operations, management, procedure, standards, or legislation, not including matters of a detailed technical or scientific nature.

- V. Membership. The Executive Board is chaired by the Assistant Secretary of Labor for Occupational Safety and Health. Its members are the Deputy Assistant Secretaries; the heads of each OSHA Directorate; the Regional Administrators; the Directors of the Offices of Public Affairs, Reinvention, Equal Employment Opportunity, and Training and Education; and a representative of OSHSPA. A representative of the Office of the Solicitor shall serve as legal advisor to the Executive Board.

- VI. Staff Support. The Directorate of Administrative Programs will provide secretariat staff support to the Executive Board. Assigned staff will be responsible for scheduling meetings, ensuring that necessary materials are timely made available to the members for review, and for providing necessary follow-up support. Each member is responsible for cooperating with the secretariat staff to provide in a timely manner any materials they believe should be considered relative to any scheduled matter.

- VII. Operations of the Executive Board. The Executive Board will conduct business following the principles detailed below. Its effectiveness, however, requires that it balance the need for regularity of operations and scheduling with the need for flexibility sufficient to address urgent and newly emergent matters.
- A. Required Presence of the Chair. The Executive Board will meet only when the Chair is present or when the Chair has named in advance a chair *pro tem* for a particular session or issue. The Chair will also serve as a discussion leader for scheduled matters.
- B. Attendance. Regular attendance and full participation by Executive Board members and the representative of the SOL is expected. Deputies to Board members may attend when it is not possible for their principals to do so. A member of the OSHSPA Board may attend in the absence of the OSHSPA Chair. Two Regional Administrators will attend each meeting of the Executive Board in person, while the other Regional Administrators will participate remotely, through telephone or other technology. Requests made in advance of a scheduled session, for substitutions below the level of Deputies may be allowed by the Chair, on a case-by-case basis. Others will participate in meetings or discussions of agenda items, as may be appropriate.
- C. Scheduling Issues for Consideration. Any member of the Executive Board may recommend to the Board and/or the Chair policy issues that require consideration by the Executive Board. The Chair will set the Executive Board agenda and the schedule of issues to be considered. The Executive Board secretariat will circulate the agenda and schedule to the members.
- D. Development and Distribution of Pre-Discussion Materials. The secretariat staff will coordinate with appropriate Members and staff the preparation of information and materials necessary to assure meaningful review by the Executive Board. Such materials will generally provide appropriate information on background and current plans, and identify threshold questions and issues requiring consideration. The secretariat staff will distribute discussion materials to members at least five workdays in advance of the scheduled meeting, in both paper and electronic formats. Materials assembled in preparation for OEB discussions will generally be considered pr-decisional and deliberative and will be kept confidential.
- E. Executive Board Member Pre-meeting Input. Executive Board members are responsible to provide to the Chair and Secretariat staff at least one day in advance of the scheduled meeting any questions or concerns they believe need specifically to be addressed during the Executive Board's deliberations. Members are responsible for obtaining and sharing, as appropriate, such staff input as they believe necessary, prior to sessions.
- F. Confidentiality of Discussions. The Executive Board will operate with a degree of informality conducive to stating, discussing, and deliberating a range of ideas and viewpoints. Member expressions of viewpoints, concerns, advice, recommendations, or the like, are considered confidential, deliberative, pre-decisional advice to the Assistant Secretary, and must be held confidential. Members' and attendees' notes of Executive Board deliberations and outcomes are likewise confidential. Members are responsible for

providing feedback on non-confidential matters to their subordinate managers and staff (and State designees, in the case of OSHSPA).

- G. Limited Function. The Executive Board will not exercise a management or management oversight role; such functions will be carried out by the OSHA management structure.
- H. Meeting Schedule. Regularly scheduled meetings of the Board will be held on a monthly basis. Special sessions may be held at the direction of the Chair or his designee. The secretariat shall publish the schedule for each quarter two weeks before the beginning of the quarter.