

DEPARTMENT OF LABOR**Office of Workers' Compensation Programs****Expectations for Representatives Appearing Before the Office of Workers' Compensation Programs**

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Notice of expectations of conduct.

SUMMARY: The Office of Workers' Compensation Programs (OWCP) is adopting a set of expectations regarding the conduct of representatives who interact with OWCP staff. The intent is to respond to inappropriate behavior on the part of a small percentage of representatives who participate in the benefit programs administered by OWCP.

DATES: The set of expectations was signed October 6, 2022.

FOR FURTHER INFORMATION CONTACT: Nancy Griswold, Deputy Director, OWCP at Griswold.Nancy@dol.gov; (202) 604-5776.

SUPPLEMENTARY INFORMATION: The Office of Workers' Compensation Programs (OWCP) administers benefit programs for workers covered by the Black Lung Benefits Act, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, and the Energy Employees Occupational Illness Compensation Program Act. Public servants who process benefits claims within each of these programs are required to interact with the public on a daily basis. While the vast majority of individuals who interact with Federal workers during the processing of claims do so in an appropriate manner, there have been recurring instances of improper and abusive conduct directed at OWCP's employees by a small minority of individuals representing parties/claimants. Because such inappropriate conduct can interfere with claims processing and impair the decision-making process, OWCP has adopted a set of expectations for the behavior of individuals who interact with its employees. Moreover, OWCP has a responsibility to prohibit discrimination against or harassment of any OWCP employee because of race, color, sex (including sexual harassment and pregnancy, and related conditions), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or in retaliation for engaging in protected Equal Employment Opportunity (EEO) activity (collectively, protected characteristics). OWCP is issuing these

expectations both in response to instances of improper and abusive conduct but also to generally clarify and ensure a common understanding of how party/claimant representatives should conduct themselves in dealings with OWCP. In doing so, OWCP seeks to maintain an environment of civility that will facilitate the claims process and improve the working environment for its employees.

OWCP adopts this set of expectations under Secretary's Order 10-2009, 74 FR 58834.

Expectations for Representatives Appearing Before the Office of Workers' Compensation Programs

(a) *Purpose and scope.* OWCP strives to treat all claimants, parties and their representatives with courtesy and respect, and prohibit discrimination and/or harassment against their employees based on protected characteristics. We expect that claimants, parties and their representatives will extend that same courtesy and respect to OWCP employees.

In light of this expectation, all attorneys and other persons acting on behalf of a party/claimant should both provide competent assistance to the party/claimant and recognize OWCP's authority to lawfully administer the process. In particular, we expect all representatives to adhere to the following guidelines.

(b) *Expectations of Affirmative Conduct.* OWCP expects that a representative will:

- (1) Be truthful in their dealings with claimants, other parties, and with OWCP and its programs.
- (2) Act with reasonable promptness to assist the party/claimant with obtaining the information or evidence that must be submitted under OWCP's regulations and forwarding the information or evidence to OWCP for consideration as soon as practicable.
- (3) Assist the party/claimant in complying, as soon as practicable, with OWCP's requests for information or evidence at any stage of the administrative decision-making process in their claim.
- (4) Aid in the efficient, fair, and orderly conduct of the administrative decision-making process by:
 - (i) Providing competent representation. Competent representation requires the knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.
 - (ii) Acting with reasonable diligence and promptness in representing a party/claimant. This includes providing

prompt and responsive answers to OWCP's requests for information concerning a claim.

(iii) Communicating promptly with the party/claimant, including reasonably informing them of all matters concerning the representation, consulting with them on an ongoing basis while representing them, and responding to their reasonable requests for information.

(5) For business conducted with OWCP electronically, conducting such business at the times and in the manner prescribed by OWCP.

(6) Ensuring that all of the representative's employees, assistants, partners, contractors, and any other person assisting the representative on claims for which the representative has been appointed, are aware that they are expected to comply with these guidelines.

(c) *Unacceptable Conduct.* Engaging in disrespectful and obstructive behavior does not benefit parties/claimants and interferes with proper administration of the claims process. We therefore expect that a representative will not:

- (1) Undertake representation in any matter when they are legally barred from doing so.
- (2) Communicate with OWCP or other parties or representatives in a threatening or disrespectful manner. OWCP may restrict the communication methods of a representative who does not meet this expectation.
- (3) In any manner or by any means, threaten, coerce, intimidate, deceive or knowingly mislead a party/claimant or prospective party/claimant regarding the availability of benefits or other rights under the relevant Act.
- (4) Willfully misleading the party/claimant or prospective party/claimant about the representative's services and qualifications.
- (5) Knowingly make or present false or misleading oral or written statements, evidence, assertions, or representations about a material fact or law.
- (6) Through their own actions or omissions, unreasonably delay or cause to be delayed the processing of a claim.
- (7) Divulge the party/claimant's confidential information outside of the claims adjudication process without their consent.
- (8) Attempt to influence, directly or indirectly, the outcome of a decision, determination or other administrative action by:

(i) Threatening harm (either physical or otherwise) to a presiding official, OWCP employee, or other person who is or may reasonably be expected to be

involved in the administrative decision-making process; or

(ii) Offering anything of value to a presiding official, OWCP employee, or other person who is or may reasonably be expected to be involved in the administrative decision-making process.

OWCP will report any such threats or offers to appropriate authorities.

(9) Engage in actions or behavior that impede the fair and orderly conduct of administrative proceedings, including:

(i) Repeatedly being absent from, or persistently tardy at, scheduled proceedings without good cause;

(ii) Disrupting proceedings or obstructing the adjudicative process by:

(A) Directing threatening or intimidating language, gestures or actions at any person involved in the process.

(B) Providing misleading information or misrepresenting facts that affect how OWCP processes a claim, such as the place of residence or mailing address of a party/claimant.

(C) Communicating with OWCP staff or adjudicators outside the normal course of business or other prescribed procedures in an attempt to inappropriately influence the processing or outcome of a claim.

(10) Refusing to comply with any of our rules or regulations.

(11) Requesting or assisting another person to violate our rules or regulations.

(12) Advising any party/claimant or person not to comply with any of our rules or regulations.

(13) Engage in actions, behavior, or conduct that is discriminatory or harassing, and based on protected characteristics.

Signed at Washington, DC, on October 6, 2022.

Christopher J. Godfrey,

Director, Office of Workers' Compensation Programs.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22-089)]

Planetary Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration

(NASA) announces a meeting of the Planetary Science Advisory Committee. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Monday, December 5, 2022, 10:00 a.m. to 6:00 p.m., Eastern Time; and Tuesday, December 6, 2022, 10:00 a.m. to 6:00 p.m., Eastern Time.

ADDRESSES: Virtual meeting via telephone and WebEx.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355 or karshelia.kinard@nasa.gov.

SUPPLEMENTARY INFORMATION: As noted above, this meeting will be available telephonically and via WebEx.

For Monday, December 5, the WebEx information for attendance is: <https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=mebc5b9797e7620ff4bf243759dbc18c>. The Webinar number is 2760 894 5087 and the password is P@C-psd-1205 (71207731 from phones). To join by telephone call, use U.S. Toll +1-929-251-9612 (Access code: 276 089 45087).

For Tuesday, December 6, the WebEx information for attendees is: <https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m3fd0d89e8c8864d864ae6d339f2efadd>. The Webinar number is 2763 772 4826 and the password is P@C-psd-1206 (71207731 from phones). To join by telephone call, use U.S. Toll +1-929-251-9612 (Access code: 276 377 24826).

Accessibility: Captioning will be provided for this meeting. We are committed to providing equal access to this meeting for all participants. If you need alternative formats or other reasonable accommodations, please contact Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355 or karshelia.kinard@nasa.gov.

The agenda for the meeting includes the following topics:

—Planetary Science Division Update
—Planetary Science Division Research and Analysis Program Update

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Carol Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2023-006]

Freedom of Information Act (FOIA) Advisory Committee Meeting

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: We are announcing an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting in accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan.

DATES: The meeting will be on December 1, 2022, from 10 a.m. to 12:30 p.m. EST. You must register by 11:59 p.m. EST November 29, 2022, to attend.

ADDRESSES: This meeting will be held virtually. We will send access instructions for the meeting to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at foia-advisory-committee@nara.gov, or by telephone at 202.741.5770.

SUPPLEMENTARY INFORMATION:

Agendas and meeting materials: We will post all meeting materials, including the agenda, at <https://www.archives.gov/ogis/foia-advisory-committee/2022-2024-term>.

This meeting will be the third of the 2022-2024 committee term. The purpose of the meeting will be to hear from a panel discussing complex FOIA requests and litigation, and to hear reports from each of the three subcommittees.

Procedures: This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2). If you wish to offer oral public comments during the public comments periods of the meetings, you must register in advance through Eventbrite <https://foiaac-mtg-dec-1-2022.eventbrite.com>. You must provide an email address so that we can provide you with information to access the meeting online. Public comments will be limited to three minutes per individual. We will also live-stream the meeting on the National Archives YouTube channel, <https://www.youtube.com/user/usnationalarchives>, and include a captioning option. To request additional accommodations (e.g., a transcript),