



TRANSMITTAL

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Federal Contract
Compliance Programs

Number: 179 Date: February 4, 1993 FCCM Notice/CH 4

1. **SUBJECT:** Standard Case File Format for Construction Compliance Reviews

2. **PURPOSE:** To add to Manual Chapter 4 an Appendix 4C providing a standard case file format for construction reviews

3. **APPLICABILITY:** This format applies to both non-enforcement and enforcement cases. Enforcement cases, however, will additionally include the Transmittal Memorandum described in Manual Appendix 8A (and a copy of at least one contract establishing coverage during the time period at issue.

4. **EFFECTIVE DATE:** This format will be used for construction reviews initiated (i.e., Scheduling Letter sent) on or after the date of this Notice.

Do not rearrange files initiated before the date of this Notice. However, note that this format calls for a "Historical File" (#6) in which past closure documents are retained indefinitely. Therefore, as construction compliance review files initiated before the date of this Notice are retired, a "Historical File" will be created for each containing a copy of (a) the closure letter and, as applicable, (b) the CA or LOC, and (c) the "Summary of Progress Reports" submitted under the CA or LOC.

5. **FILING INSTRUCTIONS:** Remove page iii/iv from the Table of Contents of Manual Chapter 4 and substitute the attached version of that page. Note the page iii is unchanged.

File the attached Appendix 4C at the end of Manual Chapter 4, immediately before the Index.

6. **DISTRIBUTION:** A, B, C
7. **OBSOLETE DATA:** The de facto 17 tab enforcement case file format as originally described in 1979 Manual Chapter 8 at 8-170.5.

Page iv of Manual Chapter 4, as revised 2/12/92
(Transmittal #166).

This forwarding Notice expires upon implementation
and may be discarded or retained for reference at
your option.

(Signed) Leonard Biermann

LEONARD J. BIERMANN
Acting Director

February 4, 1993

DATE

4U Use of Letter of Commitment (LOC).....28
4U00 Types of Violations Resolved.....28
4U01 Substantial Compliance.....28
4U02 Non-compliance with Requirements
under Section 503 and 38 U.S.C. 2012.....29
4V Review Completion Letter.....29
4W Referral for Enforcement.....29

Comment: At this point a link or reference is needed to advise the reader that 2012 has been changed to 4212.

FIGURES

Figure 4-1: Letter to EEOC and Other Agencies.....30
Figure 4-2: Letter of Review Completion Format,
No Deficiencies Found (Construction).....31
Figure 4-3: Monthly Employment Utilization Report, CC-257.....32

APPENDICES

Appendix 4A - Standard Compliance Review Report (CC-40)
Appendix 4B - Hometown Plan/Heavy Highway Plan Procedures
(Reserved)
Appendix 4C - Case File Format for Construction
Compliance Reviews

INDEX

Revised February 4, 1993

CASE FILE FORMAT
FOR
CONSTRUCTION COMPLIANCE REVIEWS

A case file format consisting of the following files will be used for all construction reviews:

- | <u>FILE #</u> | |
|---------------|---|
| 1 | CONSTRUCTION STANDARD COMPLIANCE REVIEW REPORT (SCRR) AND DATA PERTAINING TO CONSTRUCTION SCRR FINDINGS |
| 2 | CASE CHRONOLOGY, CORRESPONDENCE AND MEETING NOTES |
| 3 | COLLECTIVE BARGAINING, OTHER AGREEMENTS AND MISCELLANEOUS |
| 4 | SOL OPINIONS, JRC MEMORANDA AND POST-SCRR UPDATE |
| 5 | PROGRESS REPORTS AND QUALITY AUDIT |
| 6 | HISTORICAL REVIEW RESULTS |
| 7 | MONTHLY EMPLOYMENT UTILIZATION REPORTS (CC-257s) AND PRECONSTRUCTION CONFERENCE MATERIAL |

Comment: Perhaps a link should be inserted here, to the 12-8-95 Federal Register notice that CC-257s are no longer automatically required of all construction contractors?

GENERAL INSTRUCTIONS

Each file will contain the material indicated below. Where the material in a file is voluminous, appropriately labeled (e.g., file 1A, 1B, etc.) additional files may be used. As a general rule, whenever there are ten (10) or more separate documents in a file, an index should be prepared and placed in front of that file.

If the file is being submitted for enforcement, it must be prefaced by the Transmittal Memorandum discussed in Manual Appendix 8A, and by a copy of at least one contract or sub-contract establishing coverage during the time period at issue. Note that in an enforcement case, it is particularly important that all documents obtained or generated as a result of the review are in the case file (do not, however, include drafts of OFCCP memoranda that have a later final version). Remember also to keep a complete copy of all files submitted for enforcement in the appropriate OFCCP office.

FILE 1 - CONSTRUCTION SCRR AND DATA PERTAINING
TO CONSTRUCTION SCRR FINDINGS

This file will contain the Construction SCRR and data pertaining to Construction SCRR findings. Such data include CO notes, work sheets, interviews, contractor records, etc., pertinent to issues investigated. Include all relevant material, bearing either for or against the conclusion reached.

IMPORTANT: These materials will be organized according to the Construction SCRR issue to which they pertain, and will be so tabbed and/or labeled.

Cross-reference other files, as applicable -- e.g., if a SCRR issue discussed here involves a union contract matter, refer to the contract copy in File 3.

Attached to the left side of this file will be, on top, CRIS Form CC-100a, and underneath it:

- (a) other CRIS forms associated with the review;
- (b) any extension requests and responses prepared under a regional or local case management system or pursuant to a consent decree;
- (c) ESA Form 91 recording the results of the I-9 inspection;
- (d) documentation of why the contractor's construction workforce in the geographic area was selected for review, and material relating to verification of coverage, such as a Dodge report, coverage forms used locally, etc.

FILE 2 - CASE CHRONOLOGY, CORRESPONDENCE AND MEETING NOTES

This file will contain all correspondence and meeting notes associated with the review in chronological order. This includes any such material resulting from contacts with third parties -- e.g., other government agencies, local interest groups. For ease of reference, the closure document (CA, LOC or, if no violation, the NFC) will be tabbed. Note that a copy of this closure document will be placed in File 6 below.

Attached to the left side of this file will be the Case Chronology Log (CC-53).

FILE 3 - COLLECTIVE BARGAINING, OTHER AGREEMENTS
AND
MISCELLANEOUS

This file will contain a copy of any collective bargaining agreements, fringe benefit/leave policy booklets, employee handbooks, apprenticeship or training agreements, and any other similar contractor documents.

Any documents that do not fit the description of materials to be included in any other file should be placed here.

FILE 4 - SOL OPINIONS, JRC MEMORANDA AND POST-SCRR UPDATE

This file will contain any Solicitor's (SOL) Opinions and Joint Review Committee (JRC) memoranda associated with this review.

Also include in this file any material -- other than progress reports, which go in File 5 below -- generated after the CO submits the review report (in a non-enforcement case, the SCRR; in an enforcement case, the SCRR and Transmittal Memorandum). This will include, for example, a record of any later conciliation efforts by the DO, RO and/or NO along with their results.

FILE 5 - PROGRESS REPORTS AND QUALITY AUDIT

This file will contain any progress reports submitted under a CA, LOC, consent decree or other court order, along with OFCCP's evaluation of those reports. The results of those evaluations are entered on the "Summary of Progress Reports" form (Attachment 2 to Order No. ADM 89-4/Other, formerly FCCM 89-1/CH 8). Note that when the last report has been entered, a copy of the referenced summary is placed in the Historical file below.

Attached to the left side of this file will be the Quality Audit form (CC-74) and, underneath it, any associated management case review comments.

FILE 6 - HISTORICAL REVIEW RESULTS

This file will contain a copy of any available closure letters and documents (CA or LOC, as applicable) generated by reviews of this contractor's construction workforce in the geographic area, including a copy of the closure letter/document for the current review. If reports are required under the CA/LOC, when the last report is evaluated, a copy of the "Summary of Progress Reports" (see File 5 above) will be added in front of the CA/LOC copy.

IMPORTANT: This Historical file will be retained in the DO/AO indefinitely. If another review of the contractor's construction workforce in the geographic area is scheduled before this case file is retired, the Historical file will be pulled from the old case file and moved to the new one. If another review has not been scheduled by the time this case file should be retired, the Historical file will be pulled and retained in the DO/AO when the rest of the case file is retired.

PRECONSTRUCTION CONFERENCE MATERIAL

Also include in this file any material, obtained as a result of OFCCP participation in a Preconstruction Conference, that is pertinent to this contractor's construction workforce in the geographic area and time period reviewed.