



TRANSMITTAL

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

Number: 197 Date: January 12, 1995 FCCM Notice/CH 2, 3, 4, 6

1. **SUBJECT:** Compliance Officer Signature Authority

2. **PURPOSE:** To authorize Compliance officers (COs) to sign certain compliance review and complaint investigation correspondence

3. **BACKGROUND:** Currently, OFCCP management signs all compliance review and complaint investigation correspondence. Among the recommendations of OFCCP's Reinvention Task Force was that the CO conducting the review or investigation be delegated signature authority for such correspondence, except that which makes initial agency contact with the contractor or makes a formal agency determination. This directive implements that recommendation.

4. **SIGNATURE AUTHORITY:**
 - A. Signature authority is delegated to COs for all District Office compliance review or complaint investigation correspondence except for (i) initial letters (e.g., Scheduling Letters); (ii) correspondence that makes an official agency determination (e.g., Notice of Violation; Manual Chapter 8 enforcement letter); and (iii) correspondence associated with Manual Chapter 5 corporate management reviews. This includes CO signature authority for:
 - o The following documents referenced in the Manual:
 - "Standard Inquiry Letter" (Figure 2-3)
 - "Onsite Review Letter" (Section 2S01(b))
 - "Sample Linkage Letter" (Figure 3-4)
 - "Letter to EEOC and Other Agencies" (Figure 4-1)
 - "Letter to Physician" (Figure 6-14)
 - "Confirmation of Onsite Investigation" (Figure 6-15)

- o Although not specifically referenced in the Manual, COs will sign any follow-up correspondence during the review or investigation - e.g., requests for additional information, confirmation of appointments or conversations.
 - B. Correspondence signed by COs will remain subject to review, at management discretion, before being sent to the contractor.
5. **INSTRUCTIONS:** Make the following "pen and ink" changes in your Manual and, at the bottom right of each affected page, write in "Revised" followed by the date of this directive:
- A. Change the signature line on Manual Figure 2-3, 3-4, 4-1, 6-14 and 6-15 to "Compliance Officer." Also make the following additional changes:
 - Figure 6-14. In the last paragraph, change "(EOS)" to "me."
 - Figure 6-15. In the first paragraph, revise the first sentence to begin "This letter confirms my telephone call of (date) with (name of contractor representative) scheduling . . . ," and, in the second sentence, change "Mr./Ms. (EOS name)" to "I." In paragraph 3, change "(EOS name)" to "me."
 - B. In Manual Chapter 2, page 2-66, in the first sentence of Section 2S01(b), change "AOD/FOD" to "Compliance Officer (CO), and change "EOS" to CO."
 - C. To permit, if desired, printing these pages these pages with the above revisions, we simultaneously are transmitting them in WordPerfect via E-Mail to all Regional and District Directors.
6. **OBSOLETE DATA:** Pages 2-66, 2-71, 3-65, 4-30, 6-32 and 6-33 as issued in the May 1993 reprint of the FCCM.

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

7. **DISTRIBUTION:** A, B, C

(Signed) Shirley Wilcher
SHIRLEY J. WILCHER
Deputy Assistant Secretary for
Federal Contract Compliance

January 12, 1995
DATE

Attachment

- (b) Mailing: The letter confirming the onsite, signed by the Compliance Officer (CO) should be mailed to the contractor (by certified mail, return receipt requested) sufficiently in advance of the onsite date to ensure that the letter arrives at least 3 days before the CO. In addition, should the contractor encounter unanticipated problems in obtaining the items requested, there should be sufficient lead time to allow for the substitution of alternate materials, where possible and appropriate.

Figure 2-3: STANDARD INQUIRY LETTER FOR REQUESTING COMPLAINT
DATA FROM EEOC AND STATE AND LOCAL FEPS

Dear:

A compliance review of the following Federal contractor has been scheduled:

The review will audit this contractor's compliance with Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans Readjustment Assistance Act of 1974 (38 U.S.C. 4212), and implementing regulations. The Order and Acts prohibit employment discrimination and require affirmative action to ensure equal employment opportunity without regard to race, color, religion, national origin, sex, disability or status as a special disabled or Vietnam era veteran.

Please forward any information you have concerning complaints filed against this contractor and/or any other information you may have concerning its EEO posture which you believe we should consider during the course of the review.

Since this review will begin in approximately 30 days, and we will submit our final report within 60 days thereafter, a prompt response to this inquiry will be appreciated.

Sincerely,

Compliance Officer

Revised

Figure 3-4: SAMPLE LINKAGE LETTER

(Name of CEO)
(Title of CEO)
(Company Name)
(Street Address)
(City, State, Zip Code)

Dear (Mr. or Ms. _____):

As has been discussed with you....

or

During a recent compliance review,

we recommended and (name and location of the establishment reviewed) has agreed to use your services to secure applicants to meet their affirmative action goals (or "needs" for 503/4212). The specific job titles and applicants needed are listed below:

<u>Job Title</u>	<u>Projected Number of Vacancies</u>
Clerk typing	7
Laborers	3

Although the company is particularly interested in (describe) candidates, all qualified applicants will be considered.

We request that you contact (name) at (phone number) to discuss filling their employment needs.

Sincerely,

(Compliance Officer)

cc: OFCCP Regional Linkage Coordinator Contractor

Figure 4-1: LETTER TO EEOC AND OTHER AGENCIES

Name of Agency Office
Street Address
Post Office Box Number, if Applicable
City, State, Zip Code

Dear (Representative of Agency):

A compliance review of (Name and Address of Construction Firm)
has been scheduled.

Please forward any information you have concerning complaints
filed against this contractor and/or other information about its
Equal Employment Opportunity posture in the community which you
believe should be considered during the course of the review.

A prompt response would be appreciated.

Sincerely,

Compliance Officer

Revised

Figure 6-14:

LETTER TO PHYSICIAN

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: (name of complainant)

Dear Dr. (name of physician):

Pursuant to our telephone conversation, I am confirming the appointment of (name of complainant) on (date) at (time).

The purpose of the examination is to determine whether (name of complainant) is cap-able of performing the job of (title of job).

The attachment to this letter lists the physical and mental requirements of the job and a general description of the work environment. We are particularly interested in your opinion whether (name of complainant) is presently able to perform the job, given his/her present condition. Also, if there is a risk of injury to him/her, how severe is the potential injury, what is the likelihood that it will occur, and when will it arise.

(Name of complainant) has informed us that he/she has a history of _____/disability of _____.

Please submit to this Office a report of your findings and a bill for your services. If you are called upon to give testimony regarding your findings, you will be compensated for any additional time required by your participation.

Should you have any questions, you may contact me at (telephone #). |

Sincerely,

Compliance Officer |

Attachment, as stated

cc: Complainant

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[Name of Contractor]
[Title of]
[Street Address]
[City, State, and Zip Code]

Re: Complaint of (complainant's name) (CAS #)

Dear (name of contractor):

This letter confirms my telephone call of (date) with (name of contractor representative) scheduling the investigation of the above complaint filed under (Executive Order 11246, as amended) (Section 503 of the Rehabilitation Act of 1973, as amended) (the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212), to begin (date) at (time). In the telephone call, I requested that certain records and individuals be available during the visit. These are listed on the attachment to this letter.

During the investigation, I will inspect the Employment Eligibility Verification (Form I-9) as required by the Immigration Reform and Control Act of 1986.

Should you have any questions, you may contact me at (telephone #). |

Sincerely,

Compliance Officer |

Attachment, as stated

cc: Complainant

Revised