



TRANSMITTAL

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Federal Contract Compliance Programs
Washington, D.C. 20210

Number: 256 Date: June 4, 2002 FCCM Notice/CH 6

1. **SUBJECT:** Standard Case File Format for Complaint Investigations

2. **PURPOSE:** To add to Manual Chapter 6 an Appendix 6F providing a standard case file format for complaint investigations

3. **BACKGROUND:** Currently OFCCP has case file formats for supply and service compliance evaluations and for construction compliance evaluations. However, there is no established case file format for complaint investigations. For the sake of consistency in its operations, and to avoid unnecessary expenditure of time and other resources in locating copies of documentation from completed complaint investigations, such a format will prove useful. Therefore, we are now transmitting such a format by way of this Notice amending Chapter 6 of the Federal Contract Compliance Manual. This will be particularly important when such materials have been requested under the Freedom of Information Act.

4. **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).

5. **EFFECTIVE DATE:** This format will be used for complaint investigations initiated (i.e., notification letter sent to contractor concerning complaint) 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" (See Item #7 on the following page of this directive) in which past closure documents are retained indefinitely. Therefore, as complaint investigation files initiated before the date of this Notice are retired, a "Historical File" will be created for each. These files will contain a copy of any available closure letters and documents (conciliation agreement, consent decree, as applicable) generated by complaint investigations of this establishment, including a copy of the closure letter/document for the current investigation.

6. **FILING INSTRUCTIONS:** File the attached Appendix 6F at the end of Manual Chapter 6 immediately following Appendix 6E.
7. **OBSOLETE DATA:** None
8. **DISTRIBUTION:** A, B (both hard copy and electronically);
C (hard copy only)
9. **EXPIRATION DATE:** This Notice expires when implemented and may be discarded or retained for reference, at your option.

Signed

June 4, 2002

CHARLES E. JAMES, SR.
Deputy Assistant Secretary for
Federal Contract Compliance

DATE

CASE FILE FORMAT FOR
COMPLAINT INVESTIGATIONS

A case file format consisting of the following files will be used for all complaint investigations:

FILE #

- | | |
|---|---|
| 1 | COMPLAINT AND DATA SUBMITTED BY COMPLAINANT |
| 2 | CASE CHRONOLOGY, CORRESPONDENCE AND MEETING NOTES |
| 3 | INVESTIGATIVE MANUAL |
| 4 | MEDICAL/VETERANS DOCUMENTATION |
| 5 | LEGAL |
| 6 | COLLECTIVE BARGAINING AND MISCELLANEOUS |
| 7 | HISTORICAL REVIEW RESULTS |

GENERAL INSTRUCTIONS

Each file will contain the material indicated herein. 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 subcontract 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 complaint investigation 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 - COMPLAINT AND DATA SUBMITTED BY COMPLAINANT

This file will contain any information submitted by the complainant including the envelope. This includes material such as:

- Letter of allegation
- Complainant's witness list
- Documents in support of the allegation(s)
- CC-4
- Refinement interview of complainant - Revised CC-4

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

- (a) other CRIS/CAS forms associated with the investigation;
- (b) any extension requests and responses prepared under a regional or local case management system or pursuant to a consent decree; and
- (c) ESA Form 91 recording the results of the I-9 inspection.

FILE 2 - CASE CHRONOLOGY, CORRESPONDENCE AND MEETING NOTES

This file will contain all correspondence including attachments submitted. This includes any such material resulting from contacts with the contractor, union, other potential victims, attorneys, consultants, Congressperson, and memos to file (not investigative notes).

All correspondence should be attached in chronological order. The last correspondence should be on top.

Cross-reference other files, as applicable - e.g., correspondence involving interview statement is to be included in File 3. Correspondence involving medical information is to be included in File 4. Correspondence including attachments that are evidence are to be included in File 2.

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

FILE 3 - INVESTIGATIVE MATERIAL

This file will contain all investigative material pertaining to complaint findings. Such data include:

- The investigative plan (on top);
- The investigative report (on top when completed);
- Interview statements (Witness statements);
- Investigative notes, CO notes, working papers;
- Statistical evidence;
- Comparative evidence; and
- Other anecdotal evidence.

Note: **These materials will have an index and be tabbed.**

FILE 4 - MEDICAL/VETERANS DOCUMENTATION

This file will contain any medical/veterans documentation. Such data include:

- Medical Release;
- Medical and Veterans Status;
- Medical coverage information;
- Diagnosis, prognosis, and treatment information;
- Restrictions;
- Vietnam Era coverage information; and
- Disabled Veterans coverage information

NOTE: **These materials will an index and be tabbed.**

All diagnosis, prognosis and treatment information submitted must be separated identifying whether from the complainant and/or the contractor.

FILE 5 - LEGAL

This file will contain any documents related to legal activity including:

- Solicitor's opinion;
- JRC report;
- NORI (on top);
- Conciliation agreements (on top when completed);
- FOIA and Privacy Act determinations;
- Enforcement recommendations;
- Subpoenas; and
- Jurisdiction/contract information (on the bottom).

FILE 6 - COLLECTIVE BARGAINING AND MISCELLANEOUS

This file will contain a copy of any collective bargaining agreements, employee handbooks, fringe benefits/leave policy booklets, 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.

For example:

- Quality Assurance Complaint Investigation Form CC-75

FILE 7 - HISTORICAL REVIEW RESULTS

This file will contain a copy of any available closure letters and documents (CA, Consent Decree, as applicable) generated by complaint investigations of this establishment, including a copy of the closure letter/document for the current investigation.

IMPORTANT: This historical file will be retained in the DO/AO indefinitely. If another complaint investigation of this establishment is scheduled before case file is retired, the historical file will be removed from the old case file and placed in the new one. If another complaint investigation has not been scheduled by the time this case is to be retired, the historical file will be pulled and retained in the DO/AO when the rest of the case file is retired.