



TRANSMITTAL

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

Number: 28

Date: January 13, 1983

OFCCP Order No. ADM 83-1/FOIA

1. **SUBJECT:** OFCCP Policy Regarding Release of Program Performance Data to the Public

2. **PURPOSE:** The purpose of this Order is to set forth policies concerning the release of program performance data and to identify data that may and may not be released to the public in response to requests for information under the Freedom of Information Act.

3. **ORIGINATOR:** Division of Program Analysis, Branch of Special Analyses

4. **BACKGROUND:** This Directive identifies the program performance data which may and may not be released to the public pursuant to the Freedom of Information Act and a Court Order in the matter of Women Employed v. The U.S. Department of Labor (Civil Action 82 831).

5. **POLICY:**
 - a. The following categories of information may be provided on a regional and/or national basis:
 - i. Number of compliance reviews (evaluations), complaint investigations, and compliance support activities performed.
 - ii. Amount of back pay awards and other financial settlements.

- iii. Number of persons benefiting from financial settlements.
 - iv. Name, date, and type of Administrative Complaints issued.
 - v. Complaint receipts, dispositions, and inventories.
 - vi. Number of contractors not in compliance. (For total compliance reviews [evaluations] and total complaints only). (Determination of not in compliance to be made by the same criteria utilized in the QR&A reports.
- b. The following categories of information may be provided only on a national basis. No regional breakdown of these data will be made public.
- i. Number of Compliance Reviews (Evaluations) completed and indicating breakdown by Non-Construction and Construction.
 - ii. Number of Hometown Plan Audits completed.
 - iii. Number of Complaint Investigations completed indicating breakdown between the three OFCCP Programs and also the breakdown of those conducted separately and those resolved during the course of the compliance review (evaluation).
 - iv. Number of Compliance Review (Evaluation) Support activities indicating breakdown by type of activity.

- v. Number of employees in facilities reviewed. (Quarterly and year to date).
- vi. Number of linkages accomplished and number of beneficiaries.
- vii. Number of completed Affected Class cases.
- viii. Number of full-time permanent OFCCP staff.
- ix. Number of training courses offered.
- x. Number of carryovers, new starts, and completed actions for all compliance activities.
- xi. Number of contractors not in compliance indicating breakdown by program under which complaints were filed. (Determination of not in compliance to be made by the same criteria utilized in the QR&A reports.
- xii. Number of show cause notices issued indicating breakdown between supply and service contractors and construction contractors.

6. **DISTRIBUTION:** R, S, X

7. **INSTRUCTIONS:**

The above data may be released as indicated on any documents or reports regularly maintained by OFCCP. If included with information that may not be released, the prohibited data must be deleted from the form. In denying any requests for prohibited data, exemption (b)(7)(A), which permits withholding from disclosure any records which would interfere with enforcement proceedings should be cited. With respect to any of these records which relate solely to internal planning, exemption (b)(2) should also be cited.

If specific requests under the Freedom of Information Act are received for QR&A reports or for the QR&A feedback report, such requests should be referred to the National Office for response.

(signed) John C. Fox for Ellen Shong
Ellen M. Shong, Director

January 13, 1983
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