



August 27, 2004

Hazel M. Bell
U.S. Department of Labor
200 Constitution Ave., NW.
Room S-3201
Washington, DC 20210

**RE: Office of Federal Contract Compliance Programs Complaint Form CC-4
(OMB Number 1215-0131)**

Ms. Bell:

This letter responds to the invitation for written comments on the request for a three year extension to the approval of the Office of Federal Contract Compliance Programs' (OFCCP) Complaint Form (CC-4).

Background - Maly Consulting LLC

Maly Consulting (originally founded as Maly & Associates in 1986) is a management consulting firm located in San Rafael, California. We specialize in the analysis and reporting of human resource data, affirmative action compliance, and OFCCP audits. The majority of our clients are federal government contractors and range in scope from large, multi-national corporations to smaller organizations of 100+ employees nationwide. We assist clients in understanding and complying with the federal regulations for affirmative action, including Executive Order 11246, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and Section 503 of the Rehabilitation Act of 1973. Our firm has analyzed data for and developed thousands of Affirmative Action Programs (AAPs) over the 18 years that we have been in business. We have assisted many clients with compiling their data for OFCCP audits, EEO-1 reports, VETS-100 reports, and EO Surveys.

Focus of Our Comments

The Employment Standards Administration's (ESA) July 14, 2004 Federal Register notice identified four specific areas in which it is interested in receiving comments. In general, we find that the CC-4 form is necessary for agency performance and that the burden on filers has been considerably reduced by the current form. However, we have a few recommended changes to the form that will help avoid confusion and reduce the potential burden caused by this confusion. In summary, the veterans definitions in the form should match the current statutory definitions and filers should not be requested to authorize the release of medical records in order to complete the form.

Outdated Definitions of Covered Veterans

The bases for veteran coverage in Step 2, page 1, of form CC-4, do not coincide with current statutory (38 U.S.C. 4212) or regulatory (41 CFR 60-250.2 and 60-250.61(b)(iii)) definitions of covered veterans. The Jobs for Veterans' Act (PL 107-288) amended 38 U.S.C. 4212 and, effective December 1, 2003, changed the bases for veteran coverage. Although the Secretary of Labor has yet to prescribe regulations incorporating these changes, the form should be updated to reflect current statutory definitions. Additionally, based on these current statutory definitions, the descriptions on the top of page 2 of form CC-4 should also be changed.

Unnecessary Medical Information Release Request

In its current format, the filers signature in the Signature and Verification section of form CC-4 authorizes the release of any medical information needed for an investigation. Our view is that this release should be removed from the form. First, complainants who file based solely on Executive Order 11246 or under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, other than for disabled veterans, may have no reason to release medical records. Second, the granting of complete access to medical records, even for those filing based on a complaint concerning a disability, should only be required after an assessment of the complaint and based on a discussion of what information is necessary for an investigation.

Summary and Conclusion

We appreciate the opportunity to comment on the Complaint Form renewal and commend the OFCCP on the improvements it has made in utilizing information technology. However, without making the changes recommended in this letter, the form will be inaccurate and overly intrusive. These flaws will add unnecessarily to the burden on filers, the OFCCP, and federal contractors.

Sincerely,



Edward Corrao
Consultant

ETC/AMM/SA/GS