



VIA UPS NEXT-DAY DELIVERY

January 11, 2013

Stephen L. Purcell
Chief Administrative Law Judge
Office of Administrative Law Judges
United States Department of Labor
Suite 400 North
800 K Street, NW
Washington, DC 20001-8002

Re: OFCCP v. U.S. Security Associates, Inc. (Portage, Indiana)
Case No. 2013-OFC-_____

Dear Judge Purcell:

Enclosed please find for filing the original and two (2) copies of the Complaint in the above-captioned matter. Please retain the original and return two file-stamped copies in the enclosed self-addressed, stamped envelope. Thank you for your attention to this matter.

Please have your office contact the undersigned at (312) 353-4454 if you have any questions or concerns.

Sincerely,

JANET M. GRANEY
Acting Regional Solicitor

By: _____

DAVID J. TANURY
Attorney

Enclosure

s.a.f.e.

cc: John C. Fox, Esq.
Karen Tyner, Esq.
Debra J. Givens
U.S. Security Associates, Inc.

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

**OFFICE OF FEDERAL CONTRACT COMPLIANCE)
PROGRAMS, UNITED STATES DEPARTMENT)
OF LABOR,)**

Plaintiff,)

v.)

U.S. SECURITY ASSOCIATES, INC.)

Defendant.)

Case No. _____

ADMINISTRATIVE COMPLAINT

Subject to Expedited Hearing Procedures, 41 C.F.R. 60-30.31 et. seq.

Plaintiff, Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), by its attorneys, alleges:

1. This action is brought by OFCCP to enforce the contractual obligations imposed by Executive Order 11246, as amended by Executive Orders 11375, 12086 and 13279 ("Executive Order 11246" or the "Executive Order"), section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 793 ("Rehabilitation Act"), section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act, 38 U.S.C. § 4212 ("VEVRAA"), and the rules and regulations issued pursuant thereto at 41 C.F.R. Chapter 60.
2. This Court has jurisdiction of this action under Sections 208 and 209 of Executive Order 11246, 41 C.F.R. §§ 60-1.26, 60-250.65 and 60-741.65, and 41 C.F.R. Part 60-30.
3. Defendant U.S. Security Associates, Inc., is a corporation with an principal office at 200 Mansell Court, Suite 500, Roswell, GA 30076. Defendant provides security guard services. Defendant supplies uniformed and trained guards and other emergency responders for its clients.

4. At all times relevant hereto, defendant has had 50 or more employees and held at least one contract with the federal government of \$50,000 or more. By way of example, on or about July 15, 2009, defendant was awarded Contract No. GST0408DB0152 by the General Services Administration in the amount of \$1,227,197.50.

5. As such, at all times relevant hereto, defendant has been a Government contractor within the meaning of the Executive Order, the Rehabilitation Act and the VEVRAA, and has been subject to the contractual obligations imposed on Government contractors by the Executive Order, the Rehabilitation Act, the VEVRAA, and the regulations issued pursuant thereto.

6. At all times pertinent hereto, defendant has been required to comply with the affirmative action program requirements set forth in 41 C.F.R. 60-1.40, 41 C.F.R. Part 60-2, 41 C.F.R. Part 250, Subpart C, and 41 C.F.R. Part 740, Subpart C. Those regulations require, *inter alia*, that within 120 days of entering into a Government contract, every Government contractor holding a contract or subcontract of \$50,000 or more and having 50 or more employees develop, maintain and implement a written affirmative action program in each of its establishments.

7. The regulations implementing the Executive Order, the Rehabilitation Act and/or the VEVRAA require that, upon request, contractors submit to OFCCP documents they are required under the regulations to retain, 41 C.F.R. § 60-1.12(c)(2), and specifically must submit their AAPs within 30 days of a request from OFCCP. 41 C.F.R. §§ 60-1.20(e), 60-250.40(d), 60-741.40(d)

8. On or about December 13, 2011, OFCCP sent a scheduling letter to defendant stating that OFCCP had selected defendant's establishment at 6035 Robbins Road, Portage, Indiana 46368 for a compliance review under Executive Order 11246, the Rehabilitation Act, the VEVRAA and their implementing regulations ("Scheduling Letter"). The Scheduling Letter was approved by the Office of Management and Budget and bore OMB No. 1250-0003.

9. In the Scheduling Letter, OFCCP requested that, within 30 days from the date of its receipt of the letter, defendant submit copies of an Executive Order Affirmative Action Program ("AAP"), a Rehabilitation Act/VEVRAA AAP, and supporting data itemized in an

attachment to the Scheduling Letter. OFCCP stated in the attachment to the Scheduling Letter that both the AAPs and supporting data were needed to conduct the desk audit phase of its compliance review.

10. Defendant failed to submit an AAP or supporting data in response to the Scheduling Letter.

11. OFCCP made numerous status inquiries and follow-up requests for defendant's AAP after it issued the Scheduling Letter. Plaintiff has attempted to secure voluntary compliance through means of conciliation and persuasion. In spite of these efforts, defendant failed to provide any of the documents or information requested in the Scheduling Letter.

12. In accordance with 41 C.F.R. §§ 60-1.28, 60-250.64 and 60-741.64, OFCCP issued a Show Cause Notice to defendant on or about May 3, 2012.

13. The acts and practices described in paragraphs 10 and 11, above, violate the Executive Order, the Rehabilitation Act and the VEVRAA, and the regulations pursuant thereto, and violate the defendant's contractual obligations to the federal Government.

14. All procedural requirements prior to the filing of this Complaint have been met. OFCCP attempted unsuccessfully to secure voluntary compliance through means of conciliation and persuasion, as set forth in paragraph 11, above.

15. Unless restrained by an administrative order, defendant will continue to violate the obligations imposed on it by the Executive Order, the Rehabilitation Act and the VEVRAA, and the regulations issued pursuant thereto.

16. This matter is subject to the expedited hearing procedures set forth at 41 C.F.R. §§ 60-30.31 through 60-30.37. OFCCP requests that the expedited hearing procedures be used in this case.

WHEREFORE, plaintiff OFCCP prays for a decision and order pursuant to 41 C.F.R. §§ 60-30.35 and 60-30.37:

(a) Permanently enjoining defendant U.S. Security Associates, Inc., its successors, officers, agents, servants, employees, divisions, subsidiaries and all persons in active

concert or participation with them from failing and refusing to comply with the requirements of the Executive Order, the Rehabilitation Act and the VEVRAA, and the regulations issued pursuant thereto; and

(b) directing defendant to provide to OFCCP all documents and information requested in the December 13, 2011 Scheduling Letter and otherwise to permit OFCCP to conduct and complete its compliance review.

In the event defendant fails to provide relief as ordered, defendant will be subject to the following: (1) An order canceling all of its Government contracts and subcontracts and those of its officers, agents, successors, divisions, subsidiaries and those persons in active concert or participation with them, declaring said persons and entities ineligible for the extension or modification of any such existing Government contract or subcontract; and (2) an order debarring defendant and its officers, agents, servants, successors, divisions and subsidiaries and those persons in active concert or participation with them from entering into future Government contracts and subcontracts until such time as defendant satisfies the Deputy Assistant Secretary for Federal Contract Compliance Programs that it has undertaken efforts to remedy its prior noncompliance and is currently in compliance with the provisions of the Executive Order, the Rehabilitation Act and the VEVRAA, and the regulations issued pursuant thereto.

Plaintiff further prays for such other relief as justice may require.

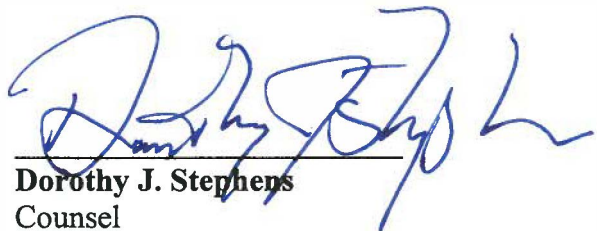
Post Office Address:

Office of the Solicitor
U. S. Department of Labor
230 South Dearborn St.
Room 844
Chicago, IL 60604

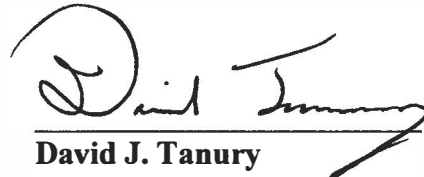
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David J. Tanury
Attorney

Date: January 11, 2012

U.S. DEPARTMENT OF LABOR
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

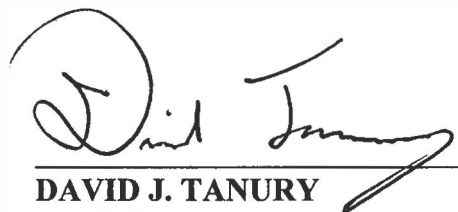
I certify that one copy of the foregoing **COMPLAINT** has been served on the below-named individuals this **11th** day of January, 2013, by sending said copy by First Class-Regular Mail to:

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