

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 15 February 2017

**Case Numbers: 2017-OFC-00009
2017-OFC-00010**

In the Matter of:

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

Plaintiff

v.

ABM PARKING SERVICES, INC.

and

ABM JANITORIAL SERVICES, INC.

Defendants.

ORDER OF DISMISSAL

This case arises under Executive Order 11246, 30 Fed. Reg. 12319, as amended, and regulations pursuant to 41 C.F.R. Chapter 60. Jurisdiction over this action exists under Sections 208 and 209 of Executive Order 11246, and 41 C.F.R. Part 60-30. These matters were docketed in the Office of Administrative Law Judges (“Office”) on January 18, 2017, when the Regional Solicitor, Chicago office, U.S. Department of Labor, on behalf of the Office of Federal Contract Compliance Programs, (“Plaintiff”) filed two Complaints.¹

On February 2, 2017, I issued a *Notice of Docketing, Order of Consolidation, and Order Granting an Extension* (“Notice”). The Notice consolidated the above-captioned matters and granted a request by Plaintiff for a 30-day stay of the proceedings to allow the parties to focus on resolving the issues without a formal hearing. On February 8, 2017, in each of the above matters, Plaintiff filed an *Unopposed Motion for Voluntary Dismissal* (“Motions”).

¹ Plaintiff filed a Complaint against each of the above-named Defendants for not provide Affirmative Action Programs (“AAPs”) that included all employees, including bargaining unit employees. Plaintiff sought to have Defendants (i) enjoined from refusing to comply with the above Executive Order; (ii) required to provide AAPs that include all employees; and (iii) if Defendants fail “to provide relief as ordered,” an order debarring Defendants and canceling their Government contracts. .

In its Motions, Plaintiff explains that “the parties have reached an informal resolution.” Plaintiff further explains that Defendants have each provided Plaintiff with a complete Executive Order AAP and that, upon review, Plaintiff has concluded that “both union and non-union employees were included and addressed in one Executive Order AAP.” Plaintiff states that it is satisfied that the Defendants have “corrected the alleged violation and there is no need for further litigation in this matter.” Plaintiff requests that the matter be dismissed with prejudice.

Based on the above, Plaintiff’s Motions are hereby GRANTED.² The above-captioned matters are hereby DISMISSED with prejudice.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

² I construe Plaintiff’s Motions to be requests to withdraw the Complaints.