

**U.S. Department of Labor**

Office of Administrative Law Judges  
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Newport News, VA 23606

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**Issue Date: 18 August 2020**

Case No.: 2019-OFC-00002

In the Matter of:

OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, U.S.  
DEPARTMENT OF LABOR,  
Plaintiff,

v.

TEACHERS INSURANCE & ANNUITY ASSOCIATION (TIAA),  
Defendant.

**DECISION AND ORDER**  
**APPROVING CONSENT FINDINGS**

This matter arises under Executive Order 11246 (30 Fed. Reg. 12319), as amended, and the regulations pursuant to 41 C.F.R. Chapter 60. The court has jurisdiction in this matter under Sections 208 and 209 of the Executive Order and 41 C.F.R. § 60-1.26 and 41 C.F.R. Part 60-30. Per 41 C.F.R. §§ 60-1.26 and 60-30.1, the proceedings will be held in a manner consistent with the procedural rules set forth in federal regulations at 41 C.F.R. Part 60-30, the Federal Rules of Civil Procedure, and 29 C.F.R. Part 18, Subpart A (29 C.F.R. §18.10 to §18.95).

On August 14, 2020, the Parties filed Consent Findings and requested that the court issue an Order approving the full and final resolution of this action raised by the OFCCP in a Notice of Violation issued September 26, 2016 and the subsequent Administrative Complaint filed on August 30, 2019. The Consent Findings were signed by both Parties.

The Parties agreed that the Consent Order constitutes full and final settlement and resolution of all issues and claims. The Parties agreed that the Consent Order shall constitute the final administrative order in this case and shall have the same force and effect as an order made after a full hearing and final review by the court. The Parties agreed to waive all further procedural steps between themselves before the Office of Administrative Law Judges. The Parties agreed to waive any right to contest the validity of the findings or any Ordered entered.

The terms of the settlement agreed to by the Parties, and set forth in the Consent Decree, are approved. The Parties' submission is deemed to be a settlement with Consent Findings pursuant to 29 CFR 18.71.

Upon review of the record, the Consent Findings are approved. The agreement constitutes full and final resolution of this matter.

**ORDER**

IT IS ORDERED that:

1. The Consent Findings are approved;
2. The Consent Decree entered into by the Parties constitutes a complete and final settlement of OFCCP's Administrative Complaint filed August 30, 2019;
3. This Order shall have the same force and effect as an Order made after a full hearing;
4. Any further procedural steps before this Office are hereby waived;
5. All rights to challenge or contest the validity of this Order are hereby waived;
6. Each party shall bear its own fees, costs, and expenses incurred in connection with the instant proceeding;
7. The Office of Administrative Law Judges shall retain jurisdiction of this case for a period of until 30 days after TIAA satisfies its obligations described in the Consent Decree, whichever is later. At that time, this enforcement action shall be dismissed with prejudice.

The court requests that this Order be served on the following parties by email: (1) Charna Hollingsworth-Malone, Esq., counsel for the Plaintiff OFCCP, (2) Gary R. Siniscalco, Esq. and Christopher B. Wilkinson, Esq., counsels for the Defendant TIAA, and (3) USDOL OFCCP, Washington, D.C.

**DO NOT E-MAIL OR RESPOND TO THE SENDER'S E-MAIL ADDRESS.**

**E-MAILS SENT TO THE NEWPORT NEWS OFFICE OF ADMINISTRATIVE LAW JUDGES' E-MAIL ADDRESS ([OALJ-NewportNews@DOL.GOV](mailto:OALJ-NewportNews@DOL.GOV)) WILL ONLY BE ACCEPTED DURING THE COVID-19 PANDEMIC.**

**SO ORDERED.**

Dana Rosen  
Administrative Law Judge

DR/mjw  
Newport News, Virginia