

Remedy: Kimmins accomplished the following:

a. On October 22, 1991, Kimmins established and shall maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when it or its unions have employment opportunities available, and maintain a record of the organizations' responses, as required by 41 CFR 60-4.3(a) 7b.

b. On October 22, 1991, Kimmins developed and shall continuously maintain, a current file of names, addresses, and telephone numbers of each minority and female off-the-street applicant, and minority or female referral from a union, recruitment source or community organization, and what action taken with respect to each individual. If such individual was sent to a union hiring hall for referral and was not referred back to the Contractor, by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken, as required by 41 CFR 60-4.3(a) 7c.

c. On October 22, 1991, Kimmins agreed to direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving Kimmins recruitment area and employment needs, as required by 41 CFR 60-4.3(a) 7i.

2. **Violation:** Kimmins failed to maintain and submit the Minority Employment Utilization Reports (CC-257) to OFCCP and to record its employment utilization completely, accurately, and in a timely manner, as required by 41 CFR 60-1.4(b)5.

Remedy: On October 22, 1991, Kimmins began and will continue to maintain and submit Monthly Employment Utilization Reports (C-257) to OFCCP by the 5th of each month for the preceding month, and record its employment utilization completely, accurately, and in a timely manner, as required by 41 CFR 60-1.4(b)5.

Kimmins agrees to ensure that violations 1 and 2 listed above will not recur.

Part III: Reporting

Kimmins agrees to furnish ODCCP, U.S. Department of Labor, 220 Delaware Avenue, 609 Jackson Building, Buffalo, New York 14202 with the following reports:

1. Copies of letters sent to minority and female recruitment sources when it

or its unions have opportunities available and copies of the organizations responses.

2. A copy of their applicant log for minorities and females.

3. Copies of letters sent to minority/female recruitment sources and community organizations providing notice of apprentice and training program opportunities.

4. Any other relevant documentation the contractor has to substantiate that each enumerated item in this agreement is being, and continues to be fulfilled.

The documentation will be submitted annually as follows:

Covered period	Report due date
Oct. 1, 1991-Sep. 30, 1992.	Nov. 1, 1992.
Oct. 1, 1992-Sep. 30, 1993.	Nov. 1, 1993.

All support documentation and records pertinent to the violations resolved by the Conciliation Agreement and submitted to OFCCP shall be retained until the expiration of the Conciliation Agreement or consistent with regulatory requirements (41 CFR 60-3.15) whichever is later.

This Conciliation Agreement shall remain in full force and effect until such time as Kimmins is notified by OFCCP that it has met all of the terms of this Agreement or for two (2) years following its execution by the District Director, whichever comes first.

Part IV: Signatures

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and Kimmins Abatement Co.

Dated: November 19, 1991.

Michael O'Brien,

Regional Manager, Kimmins Abatement Co., 256 3rd Street, Niagara Falls, NY 14303.

Dated: November 20, 1991.

Mary Ellen Bentivogli,

Asst. District Director, Buffalo District Office.

Dated: November 20, 1991.

Allan Cecchini,

Compliance Officer, Buffalo District Office.

Dated: November 20, 1991.

Garland Sweeney,

District Director, Buffalo District Office.

Service Sheet

Case Name: Kimmins Abatement Corporation and Kimmins Environmental Services Corp.

Case Number: 94-OFC-20.

Title of Document: Consent Decree.

I hereby certify that on December 21, 1994, a copy of the above-entitled

document was mailed to the following parties:

Laura Ann Brown,

Legal Technician.

Certified Mail

Director, Office of Administrative Appeals, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210

Robert Reich, Secretary of Labor, U.S. Department of Labor, Room S-2018 200 Constitution Avenue, NW, Washington, DC 20210

Gretchen M. Luken, Esq., U.S.

Department of Labor, Office of the Solicitor, 200 Constitution Ave., NW, Room N-2464, Washington, DC 20210

Robert A. Doren, Esq., Flaherty Cohen Grande Randazzo Doren P.C., Suite 210, Firstmark Building, 135 Delaware Avenue, Buffalo, NY 14202

Josephine A. Greco, Esq., Offermann, Cassano, Pigott & Greco, 1776 Statler Towers, Buffalo, NY 14202-3090

Regular Mail

Office of Federal Contract Compliance Programs, U.S. Department of Labor, Room C-3325, FPB, 200 Constitution Avenue, NW, Washington, DC 20210

Associate Solicitor, Civil Rights Division, U.S. Department of Labor, Room N-2464, FPB, 200 Constitution Avenue, NW, Washington, DC 20210

Patricia M. Rodenhausen, Esq., Regional Solicitor, Office of the Solicitor, U.S. Department of Labor, 201 Varick Street, Room 707, New York, NY 10014-4811

Solicitor of Labor, Office of the Solicitor, U.S. Department of Labor, Room S-2002, FPB, 200 Constitution Avenue, NW, Washington, DC 20210

Special Counsel to the Assistant Secretary of Labor, U.S. Department of Labor, Employment & Training Admin., Room N-4671, 200 Constitution Avenue, NW, Washington, DC 20210

President, Kimmins Abatement Corporation, 256 Third Street, Niagara Falls, NY 14303

Garland Sweeney, District Director, U.S. Department of Labor, Employment Standards Admin., Office of Federal Contract Compliance Programs, 6 Fountain Plaza, Suite 300, Buffalo, NY 14202

Francis Williams, Chief Executive Officer, Kimmins Environmental Services Corporation, 1501 Second Avenue, Tampa, FL 33605

Harry Anbarlian, Acting Regional Director, U.S. Department of Labor, Employment Standards Admin., Office of Federal Contract Compliance