



3. Defendant Rosemount Inc. is a corporation with an establishment at 8200 Market Boulevard, Chanhassen, Minnesota 55317. Defendant makes a range of sophisticated measurement and analytical technologies for use in automated manufacturing.

4. Defendant Rosemount Inc. is a wholly owned subsidiary of Emerson Electric Company (“Emerson”), a publicly traded corporation.

5. Defendant Rosemount Specialty Products, LLC, located at 5545 Nelpar Dr., East Wenatchee, Washington, 98802, is a subsidiary of Defendant Rosemount Inc.

6. Defendant Rosemount Specialty Products, LLC’s business includes the manufacturing of electronic products including measuring and controlling devices.

7. Defendant Rosemount Specialty Products, LLC, is also a subsidiary of Emerson.

8. At all times relevant hereto, Rosemount Inc. and Rosemount Specialty Products, LLC (hereinafter referred to collectively as “Defendants”) have been a party to United States government (“Government”) contracts or subcontracts within the meaning of the Executive Order, Rehabilitation Act, and VEVRAA, and the implementing regulations issued thereunder. Specifically, as stated below, Defendant Rosemount Inc. operates as a “single entity” with Defendant Rosemount Specialty Products, LLC, which is a party to at least two current Government contracts.

9. On or about June 7, 2018, Defendant Rosemount Specialty Products, LLC, was awarded Contract No. SPE4A618D6822 by the Defense Logistics Agency in the amount of \$3,293,178. The contract has an estimate completion date of December 31, 2022.

10. Defendant Rosemount Specialty Products, LLC, also holds Contract No. SPE4A622DC016 with the Defense Logistics Agency, valued at \$1,046,864, and effective from November 8, 2021, through November 17, 2023.

11. At all times pertinent hereto, Defendants Rosemount Inc. and Rosemount Specialty Products, LLC, have operated as a “single entity” for purposes of coverage under Executive Order 11246, the Rehabilitation Act, and VEVRAA.

12. At all times relevant hereto, Defendants Rosemount Inc. and Rosemount Specialty Products, LLC, collectively and separately, have had 50 or more employees.

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

14. At all times pertinent hereto, Defendants have been required to comply with the affirmative action program requirements set forth in 41 C.F.R. 60-1.40 and 41 C.F.R. Part 60-2 (the “Executive Order regulations”), 41 C.F.R. Part 60-300, Subpart C (the “VEVRAA regulations”), and 41 C.F.R. Part 60-741, Subpart C (the “Rehabilitation Act regulations”).

15. The Executive Order and Rehabilitation Act 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. 41 C.F.R. §§ 60-2.1 and 60-741.40. The VEVRAA regulations require, *inter alia*, that within 120 days of entering into a Government contract, every Government contractor holding a contract or subcontract of \$150,000 or more and having 50 or more employees develop, maintain and implement a written affirmative action program in each of its establishments. 41 C.F.R. § 60-300.40.

16. The regulations implementing the Executive Order, the Rehabilitation Act, and/or 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 Affirmative Action Programs (“AAPs”) within 30 days of a request from OFCCP. 41 C.F.R. §§ 60-1.20(e), 60-300.40(d), 60-741.40(d).

17. On or about July 2, 2021, OFCCP sent a scheduling letter to Rosemount Inc. stating that OFCCP had selected Rosemount Inc.’s establishment at 8200 Market Boulevard, Chanhassen, Minnesota (the “Establishment”), for a compliance review under Executive Order 11246, the Rehabilitation Act, VEVRAA, and their implementing regulations (“Scheduling Letter”).

18. The Scheduling Letter was approved by the Office of Management and Budget and bore OMB No. 1250-0003.

19. In the Scheduling Letter, OFCCP requested that, within 30 days from the date of its receipt of the letter, copies of the following information about the Establishment be submitted to OFCCP: AAPs as required by the Executive Order, the Rehabilitation Act, and VEVRAA, and the support data itemized in an attachment to the Scheduling Letter.

20. The Scheduling Letter stated that the AAPs and support data were needed to conduct the desk audit phase of OFCCP’s compliance review.

21. On or about August 8, 2021, Rosemount Inc. requested an additional 30 days to submit its materials.

22. On or about August 31, 2021, Defendants submitted the narrative portions of the AAPs. The narrative portions produced by Defendants contained policy and procedure statements about the Establishment’s EEO practices.

23. Defendants did not submit the support data requested in the Scheduling Letter and its Itemized Listing attachment (the “Missing Data”).

24. The Missing Data includes, among others, data relating to the Establishment’s employment activity, including applicants, hires, promotions, and terminations by job group or job title for the immediately preceding AAP year, identified by race/ethnicity and gender; employee level compensation data for all employees, identified by race/ethnicity and gender; as well as information on Rosemount Inc.’s affirmative action goals for the immediately preceding AAP year and, where applicable, progress on their goals for the current AAP year.

25. OFCCP made numerous status inquiries and follow-up requests for the Missing Data after it issued the Scheduling Letter. Plaintiff has attempted to secure voluntary compliance through means of conciliation and persuasion. Despite OFCCP’s efforts, Defendants have failed to provide the Missing Data.

26. In accordance with 41 C.F.R. §§ 60-1.28, 60-300.64 and 60-741.64, OFCCP issued a Show Cause Notice to Rosemount Inc. on or about November 18, 2021.

27. On November 19, 2021, Rosemount Inc. confirmed receipt of the Show Cause Notice. No other response was received.

28. The acts and practices described in paragraphs 20 through 24, above, violate the Executive Order, the Rehabilitation Act, and VEVRAA, and the regulations pursuant thereto, and violate Defendants’ contractual obligations to the federal Government.

29. 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 22, above.

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

**WHEREFORE**, Plaintiff OFCCP prays for a decision and order pursuant to 41 C.F.R. §§ 60-30.27 and 60-30.30:

(a) Permanently enjoining Defendants, their 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 VEVRAA, and the regulations issued pursuant thereto; and

(b) directing Defendants to provide to OFCCP all documents and information requested in the July 2, 2021, Scheduling Letter and attachment and otherwise to permit OFCCP to conduct and complete its compliance review.

In the event Defendants fail to provide relief as ordered, Defendants will be subject to the following: (1) An order canceling all of its Government contracts and subcontracts and those of their 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 Defendants and their 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 Defendants satisfy the Deputy Assistant Secretary for Federal Contract Compliance Programs that they have undertaken efforts to remedy their prior noncompliance and are currently in compliance with the provisions of the

Executive Order, the Rehabilitation Act, and VEVRAA, and the regulations issued pursuant thereto.

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

Respectfully submitted,

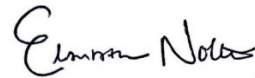
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