



DIRECTIVE (DIR) 2017-01

A Directive (DIR) is intended to provide guidance to OFCCP staff or federal contractors on enforcement and compliance policy or procedures. A DIR does not change the laws and regulations governing OFCCP's programs and does not establish any legally enforceable rights or obligations.

Effective Date: October 20, 2016

1. **SUBJECT:** Notice of Rescission
2. **PURPOSE:** To rescind DIR 1990-01, "Establishing Jurisdiction Over an Employer Against Whom a Complaint is Filed," issued May 18, 1990, which established practices and procedures for determining jurisdiction over a contractor against whom a complaint is filed.
3. **REFERENCES:** Establishing Jurisdiction Over an Employer Against Whom a Complaint is Filed, DIR 1990-01 (May 18, 1990).
4. **AFFECTED POLICY:** This Directive rescinds DIR 1990-01.
5. **BACKGROUND:** OFCCP Regional Offices (RO) are responsible for establishing jurisdiction over an employer against whom a complaint has been filed as part of the pre-investigative process. In DIR. 1990-01, ROs were directed that in order to retain a complaint the contractor it is filed against must hold a contract(s) in excess of \$10,000 for complaints filed under Executive Order 11246, as amended (EO 11246); a contract in excess of \$2,500 for complaints filed under Section 503 of the Rehabilitation Act of 1973, as amended (Section 503); and a contract of \$10,000 or more for complaints filed under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA).

Since the issuance of DIR 1990-01, federal statutes¹ and revisions to the Federal Acquisition Regulation (FAR)² have rendered the directive obsolete. The coverage

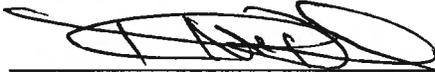
¹ The changes in jurisdiction thresholds under Section 503 and VEVRAA have occurred gradually from 1992 to 2015. The Rehabilitation Act Amendments of 1992 amended Section 503, in part, to change the coverage threshold from a contract in excess of \$2,500 to a contract in excess of \$10,000. *See*, Pub. L. 102-569, 106 Stat. 4344 (Oct. 29, 1992), which amended 29 U.S.C. 793. *See also*, "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities," 61 Fed. Reg. 19336 (May 1, 1996), implementing the statutory changes of 1992. The Jobs for Veterans Act amended VEVRAA in 2002, raising the coverage threshold from a contract of \$10,000 or more to a contract of \$100,000 or more. *See*, Pub. L. 107-288, 116 Stat. 2033 (Nov. 7, 2002), amending 38 U.S.C. 4212. *See also*, the final rule implementing the changes, "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, and Armed Forces Service Medal Veterans," 72 Fed. Reg. 44393 (Aug. 8, 2007).

² In 2004, Congress enacted revisions to federal acquisition procedures, to review acquisition-related dollar thresholds for inflation every five years, and adjust the thresholds if necessary relative to inflation measured by the Consumer Price Index. 41 U.S.C. 1908. In 2010, the contract coverage threshold under Section 503 increased from \$10,000 to \$15,000, 75 Fed. Reg. 53134 (Aug. 30, 2010). In 2015, the coverage under VEVRAA increased from \$100,000 to \$150,000, 80 Fed. Reg. 38293 (July 2, 2015).

threshold for EO 11246 continues to be \$10,000. However, the coverage threshold amount for Section 503 is now \$15,000. For VEVRAA, the coverage threshold amount is currently \$150,000. Due to the dynamic nature of these thresholds, OFCCP will provide notice of future adjustments through its Web site and other publicly available outreach materials, rather than by issuance of directives.

This Notice of Rescission will expire automatically 90 days after issuance.

6. **ROLES AND RESPONSIBILITIES:** The Division of Policy and Program Development (DPPD) is responsible for communicating current jurisdictional thresholds to contractors, workers, and OFCCP staff through the agency Web site and other publicly available outreach materials. Regional and district offices are also responsible for providing technical assistance consistent with the changes communicated by DPPD.
7. **POLICY:** The information contained in DIR 1990-01 is obsolete and therefore rescinded. OFCCP staff must refer to the Federal Contract Compliance Manual for guidance on establishing jurisdiction over complaints and review the agency Web site to determine current jurisdictional thresholds for the laws OFCCP enforces.
8. **ATTACHMENTS:** None.



for
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