



In the Matter Of:

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

CASE NO. 95-OFC-17

DATE: May 30, 1996

PLAINTIFF,

v.

JACOR, INCORPORATED,

DEFENDANT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER

Jacor moved for a stay of a proposed compliance review by OFCCP of Jacor's Rhode Island affirmative action records on May 21, 1996, and for dismissal of this case. Jacor claims the Secretary's Interim Order of April 15, 1996 requires the proposed compliance review to be completed within 90 days of the January 19, 1996 Interim Order because the April 15 Order stated that "[t]he time periods in the [January 19] Interim Order continue to apply." The January 19 order required OFCCP to report to the Secretary on Jacor's compliance with Executive Order No. 11,246 within 90 days of the date of that order.

Jacor's motions are DENIED. The time periods in the January 19 Order of necessity run from the date of the April 15 Order because all proceedings were stayed pending resolution of Jacor's motion for clarification of the January 19 Order. In addition, the time periods in the January 19 Order were directory, not mandatory.

SO ORDERED.

KARL J. SANDSTROM
Presiding Member

JOYCE D. MILLER
Alternate Member

^{1/} On April 17, 1996 a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and these regulations to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996) (copy attached). The Board has reviewed the interim decision issued by the Secretary and the entire record in this case in rendering this order.