

## Regulations Implementing Executive Order 13496

On May 20, 2010, the Department of Labor's Office of Labor Management Standards ("OLMS") issued a final rule implementing Executive Order 13496. The new regulations take effect on June 21, 2010, and will require federal agencies to include contract language in agreements requiring their contractors and subcontractors to: (1) post a notice informing employees of their rights under the National Labor Relations Act; and (2) include similar requirements in their subcontracts. Employers who have contracts with the federal government or with another entity which has contracts with the federal government need to be on the lookout for such contractual language. (Some exceptions apply based on the monetary size of the federal contract or subcontract.) The language in an agreement a federal contractor or subcontractor is asked to sign may be as oblique as a reference to "29 CFR Part 471, Appendix A to Subpart A."

The new required notice informs employees of their rights to form, join, or assist a union, and to bargain collectively with respect to wages and other working conditions. This notice also lists examples of illegal employer and union activities that impede these rights, and provides contact information for the National Labor Relations Board. Beyond physical postings, federal contractors or subcontractors who electronically post employee notices on company intranet or internet sites also must post this new notice on such sites.

The Office of Federal Contract Compliance Programs ("OFCCP") and the OLMS will share enforcement responsibility for the new regulations. Penalties for violating the regulations include suspension or termination of existing contracts and ineligibility for future government contracts, although the regulations require conciliation efforts before such harsh enforcement actions can occur.

A copy of the required posting, the Executive Order, and the regulations may be found on the OLMS website, <http://www.dol.gov/olms/regs/compliance/EO13496.htm>. The OFCCP has also posted a PowerPoint presentation on the new regulations which may be found by [clicking here](#). Also, the OFCCP will conduct a free webinar on the new regulations, on June 3, 2010. Registration details may be found by [clicking here](#).

If you have any questions or concerns regarding this alert, please contact [Joseph McCoin](#), [Starlette Harris](#), or any other member of Miller & Martin's [Labor & Employment Practice Group](#).

*The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.*

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