SURVEY OF EXECUTIVE ORDERS APPLYING TO FEDERAL CONTRACTORS

SCOTT W. KEZMAN

757-624-3008

SWKEZMAN@KAUFCAN.COM

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Name:	Date Issued:	Applies To:	Requirement:
EO 13706: Establishing Paid Sick Leave for Federal	September 7, 2015	Contracts entered into after January 1, 2017 for procurement of services or construction; contracts	Requires contractors to provide paid sick leave to employees. Paid sick leave must accrue at 1 hour for every 30 hours worked.
Contractors		covered by the SCA; concession contracts; or contracts in connection with federal property or lands and related to offering services for federal employees, their dependents or the general	Total accrual per year cannot be less than 56 hours. Employees must be allowed to carry paid sick leave forward. Employees rehired within 12 months after separation are entitled to reinstatement of their previously accrued sick leave.
		public.	Contractors are not required to pay accrued by unused sick leave at termination.
EO 13672: Amendment to EO 11246 Equal Employment Opportunity	July 21, 2014	All federal contractors and subcontractors.	Prohibits discrimination of employees and applicants on the basis of sexual orientation and gender identity.
EO 13665: Non-Retaliation for Disclosure of Compensation Information	April 8, 2014	All federal contractors and subcontractors.	Prohibits contractors and subcontractors from discharging, or otherwise discriminating against, employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants. Excludes employees or applicants who make the disclosure based on information obtained when performing essential job functions.

Name:	Date Issued:	Applies To:	Requirement:
EO 13658: Establishing a Minimum Wage for Contractors	February 20, 2014	Contracts for the procurement of services or construction; contracts covered by the SCA; concession contracts; or contracts in connection with federal property or lands and related to offering services for federal employees, their dependents or the general public.	Requires a minimum wage. Beginning January 1, 2016, that wage is \$10.15.
EO 13627: Strengthening Protections Against Trafficking in Persons in Federal Contracts	September 25, 2012	All federal contractors and subcontractors.	Requires contractors to take certain actions and implement policies designed to thwart human trafficking; contracts with large projects outside of the United States are subject to much more stringent requirements.
EO 13496: Notification of Employee Rights under Federal Labor Laws	January 30, 2009	All federal contracts subject to the National Labor Relations Act with a prime contract above the simplified acquisition threshold (currently, \$150,000).	Requires contractors to post notices about the employees' federal labor rights including their rights under the NLRA to form, join and assist a union and to bargain collectively with their employer.
EO 13494: Economy in Government Contracting	January 30, 2009	All federal contracts and subcontracts.	Prohibits contractors from seeking reimbursement for expenses incurred to influence employees regarding their decisions to form unions or engage in collective bargaining.

DETAILED OVERVIEW OF EXECUTIVE ORDERS

Executive Order 13706 "Establishing Paid Sick Leave for Federal Contractors"

Applies to

Contracts entered into after January 1, 2017 that are

- Procurement contracts for services or construction
- Contracts for services covered by the Service Contract Act
- ၀၂၈ 4.133(b); and, Contracts for concessions, including any concessions contracts excluded by Department of Labor regulations at 29 CFR
- 9 or the general public. Contracts in connection with federal property or lands and related to offering services for federal employees, their dependents

AND workers must be covered by the FLSA, SCA or DBA

Accrual of Sick Leave:

after job separation, the employee's prior paid sick leave bank must be reinstated accrual of paid sick leave to less than 56 hours per year. Although any unused but accrued paid sick leave does not need to be paid upon termination, contractors must permit employees to carry forward paid sick leave from year to year. If an employer is rehired within 12 months Contractors must permit employees to earn at least 1 hour of paid sick leave for every 30 hours worked. In addition, contractors cannot limit

Use of Paid Sick Leave:

An employee may use paid sick leave for

- Physical or mental illness, injury, or medical condition;
- Obtaining diagnosis, care, or preventive care from a health care provider;
- ω Ν preventive care described above; with the employee is the equivalent of a family relationship, who has any of the conditions, or needs for diagnosis, care, or Caring for a child, parent, spouse, domestic partner, or any other individual related by blood or affinity whose close association

4 or to assist any individual in paragraph 3 with the activities described in this paragraph. services organization, take legal action (including preparation for or participation in any related civil or criminal legal proceeding) Domestic violence, sexual assault, or stalking if the time is to obtain counseling, seek relocation, seek assistance from a victim

notice "as is practicable." If an employee is absent on paid sick leave for three or more consecutive workdays and the absence is not due to oral or written request when taking paid sick leave at least 7 calendar days in advance if the need is foreseeable, and in all other cases, give domestic violence, sexual assault or stalking, the contractor may request certification from a health care provider with the minimum necessary Contractors may not require employees to find a replacement to cover their work before taking paid sick leave. Employees should give an information establishing a need for the employee to be absent from work for that length of time.

Executive Order 13672 "Amendment to EO 11246 Equal Employment Opportunity"

Contractors should amend their Equal Employment Opportunity clause accordingly. This Executive Order specifically prohibits discrimination of employees and applicants on the basis of sexual orientation and gender identity.

Executive Order 13665 "Non-retaliation for Disclosure of Compensation Information"

employees or applicants through their essential job functions and make the disclosure to an individual who would not otherwise have access proceeding, hearing, or action, including an investigation conducted by the employer, or consistent with a legal duty to furnish information. to the information. This rule does <u>not</u> apply to disclosure in response to a formal complaint or charge, in furtherance of an investigation compensation of other employees or applicants. This rule excludes employees who have access to the compensation information of Contractors are prohibited from discharging or discriminating against employees who inquire about, discuss or disclose their compensation or

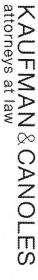
employees and applicants. provision to employees and job applicants via an electronic notice or by posting a copy of the provision in a conspicuous place available to Contractors must incorporate this nondiscrimination provision into existing handbooks, and contractors must disseminate the nondiscrimination

Executive Order 13658 "Establishing a Minimum Wage for Federal Contractors"

This Executive Order applies to workers whose wages are covered by the FLSA, SCA or DBA, and the contracts:

- Are for the procurement of services or construction:
- Are covered by the SCA;
- Are concession contracts; or
- £ 9 10 dependents or the general public Are contracts in connection with federal property or lands and related to offering services for federal employees, their

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for contracts covered by the FLSA, the contract must meet the micro-purchase threshold (currently \$3,000). For contracts covered by the SCA or DBA, the contract must meet the minimum threshold amount then specified in the particular statute, and

extended (unless extended pursuant to a term as of December 31, 2014 providing for short-term limited extension), or the contract is amended on or after January 1, 2015. A contract is considered "new" even if it was entered into before January 1, 2015, if the contract is renewed, pursuant to a modification that is outside the scope of the contract. This Executive Order applies to "new contracts" issued on or after January 1, 2015, or a contract awarded outside of the solicitation process

Any worker covered by the FLSA, SCA or DBA is entitled to the minimum wage pursuant to this Executive Order. The only exclusion is that any FLSA-covered worker performing "ancillary" work in connection with a covered contract for less than 20 percent of his or her hours in actually spent performing the work. specifically called for by the contract), the employee is entitled to the minimum wage for all his hours worked no matter how little time he given workweek will not be entitled to minimum wage. However, if the employee performs any work directly related to the contract (i.e.,

amounting to at least the difference between the cash wage paid and the minimum wage. This Executive Order also covers tipped employees who must be paid a cash wage of at least \$4.90 per hour, and they must receive tips

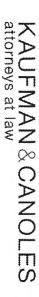
minimum wage is to take effect. The Secretary of Labor establishes the minimum wage annually effective January 1, and it will be published at least 90 days before the new

Executive Order 13627 "Strengthening Protections Against Trafficking in Persons in Federal Contracts'

by law, including procuring commercial sex acts or using forced labor. Contractors must notify their contracting officer of any information they Contractors must establish policies and procedures to ensure that their employees do not engage in or support trafficking activities prohibited receive that employee conduct has violated trafficking laws and any action they take against such employees

Contractors are prohibited from:

- Destroying, concealing, confiscating, or otherwise denying an employee access to his or her identity documents
- Using misleading or fraudulent recruitment practices;
- Charging recruitment fees to employees;
- Providing or arranging housing that fails to meet the host country and safety standards:
- Failing to provide a written employment contract, recruitment agreement, etc. in the employee's native language; and



purpose of working on a federal contract or subcontract Failing to pay return transportation costs upon the end of employment for employees who were brought into a country for the

prohibited from preventing or hindering the cooperation of these employees with government authorities Contractors must protect and interview all employees suspected of being victims of or witnesses to prohibited activities. Also, contractors are

and debarment actions, and law enforcement, if applicable If contractors become aware of violations, they must self-report to the agency inspector general, agency official responsible for suspension

Executive Order 13496 "Notification of Employee Rights Under Federal Labor Laws"

This Executive Order requires contractors to give notice to their employees of their rights under the National Labor Relations Act.

The contractor must

- Post the required employee notice so that it is prominent and readily seen by employees
- electronically; and Post the required notice electronically where they customarily place other electronic notices if they communicate with employees
- Insert provisions in their subcontracts requiring subcontractors to comply with the above posting requirements as well

The size, form and content of the notice are prescribed by the Secretary of Labor and cannot be altered by contractors or subcontractors

Executive Order 13494 "Economy in Government Contracting"

exercise or not to exercise the right to organize and bargain collectively. Examples include: preparing and distributing materials; hiring or or union representatives during work hours, if these activities relate to influencing employees on their collective bargaining rights consulting legal counsel or consultants on these matters; holding meetings; and, planning or documenting activities by managers, supervisors This Executive Order prohibits contractors from seeking reimbursement for expenses incurred while attempting to influence employees to

of labor-management committees, employee publications, and other related activities However, contractors may still use federal funds to "maintain satisfactory relations between the contractor and its employees," including costs

Executive Order 13495 "Nondisplacement of Qualified Workers Under Service Contracts"

contract a "right of first refusal" for continued employment with the successor contractor. The right of first refusal must be held open for at least ten days. This Executive Order requires contractors to give workers who would otherwise lose their jobs as a result of completion or expiration of a

The right of first refusal excludes employees:

- Who are exempt from SCA-coverage because they operate in a bona fide executive, administrative or professional capacity;
- Who remain employed by the predecessor contractor;
- Failed to perform suitably on the job; or,
- Were hired by the predecessor contractor to work on federal and nonfederal service contracts as part of a single job

for more than 3 months with the contractor and they would otherwise face layoff or discharge In addition, successor contractors may retrain their own employees in lieu of predecessor employees if the successor employees have worked

economically and efficiently. Order if he finds that its application would not serve the purposes of the Order or would impair the ability of the government to procure services The head of the contracting department or agency may exempt a particular contract, subcontract or class of contracts from this Executive

subcontract as is necessary to enforce these requirements A contractor must include provisions in subcontracts restating this requirement, and the contractor must take such action against the