

Federal Contractor “Blacklisting” Rules Repealed

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As we [previously covered](#), most of the Fair Pay and Safe Workplace Executive Orders and related regulations were halted by an injunction in a Texas federal court in October of last year. However, with President Trump’s recent signature on the joint resolution of disapproval passed by both the House and the Senate pursuant to the Congressional Review Act (CRA) as well as his execution of a new [executive order](#) revoking President Obama’s prior executive orders, all of the executive orders and related regulations (referred to as Blacklisting Rules) have been repealed. The Obama executive orders and regulations required federal contractors to report any “violation” of 14 separate federal labor and employment statutes, including non-final decisions or administrative determinations, which had not been preceded by a hearing or made subject to judicial review. Contractors objected to these rules based on the denial of due process rights and the infringement of First Amendment rights because it required them to publicly disclose violations that had not been fully adjudicated. Because the Blacklisting Rules were repealed by the CRA, the Executive Branch is now prohibited from re-issuing the same or similar regulations without Congressional approval.

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