

NLRB Begins Collecting Employer Information To Fulfill Executive Order

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Co-authored by [Keith Brodie](#) and [Jackie Gessner](#). The [Fair Places and Safe Workplaces](#) Executive Order was issued by President Barack Obama on July 31, 2014. Like several other executive orders promulgated by the current administration, the order imposes additional labor-related obligations on federal contractors. Employers likely haven't heard much about this until now because federal agencies have been working to adopt regulations to implement the order. Final rules are on the horizon, but the NLRB has already begun collecting relevant data. Beginning July 1, 2016, the board is asking employers charged with labor law violations to complete a one-page form and identify whether they are a federal contractor, among other pieces of identifying information. In essence, the order requires prospective federal contractors to disclose labor law violations under 14 covered federal statutes, including those addressing wage and hour, safety and health, collective bargaining, family and medical leave, and civil rights protections. A prospective federal contractor will now have to represent, to the best of its knowledge and belief, whether there have been any administrative merits determinations, arbitral awards or decisions, or civil judgments, rendered against it within the preceding three-year period for violations of any federal labor law, including, **but not limited to**:

- Fair Labor Standards Act
- Occupational Safety and Health Act
- National Labor Relations Act
- Family & Medical Leave Act
- Title VII of the Civil Rights Act

The order applies to contracts worth at least \$500,000, and it contemplates that certain federal labor agencies (i.e. Department of Labor, Equal Employment Opportunity Commission, National Labor Relations Board (NLRB), etc.) will assist in collecting information about labor law violations. It remains to be seen how the order will be fully implemented, and some labor experts [anticipate a lawsuit](#) challenging the executive order will be filed pending adoption of the final rules. We will be monitoring the regulations – and any further action by the NLRB – to keep employers informed.

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