



## **POLICY FLASH 2010-65**

**DATE:** July 7, 2010

**TO:** Procurement Directors

**FROM:** Office of Procurement and Assistance Policy, MA-61  
Office of Procurement and Assistance Management

**SUBJECT:** Notification of Employee Rights under the National Labor Relations Act

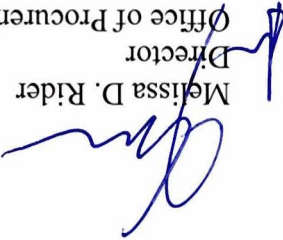
**SUMMARY:** This Flash forwards a draft Federal Acquisition Regulation (FAR) clause, 52.222-40, Notification of Employee Rights under the National Labor Relations Act. Executive Order (EO) 13496, Notification of Employee Rights under Federal Labor Laws, dated January 30, 2009, requires contractors and subcontractors to post a notice that informs employees of their rights under Federal labor laws, including the National Labor Relations Act. This Act encourages collective bargaining and protects the exercise by workers of their freedom to associate, to self organize and to designate representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment.

The Department of Labor's (DoL) final rule implementing EO 13496, at 29 CFR Part 471, was published on May 20, 2010, with an effective date of June 21, 2010. A related FAR case has been completed and is awaiting approval and publication. The FAR rule will implement the requirements of the DoL final rule, and will require contracting officers to insert a contract clause in covered solicitations issued on or after the effective date of its publication. The FAR rule is not expected to be published until late July 2010. However, the EO requires inclusion of the clause in contracts resulting from solicitations issued after the DoL final rule (June 21, 2010). The draft FAR coverage and contract clause are attached for immediate use by contracting officers until such time as the FAR rule is finalized.

This Flash and its attachment will be available online at the following website:

[http://management.energy.gov/policy\\_guidance/policy\\_flashses.htm](http://management.energy.gov/policy_guidance/policy_flashses.htm).

Questions concerning this policy flash should be directed to Kevin Smith at (202) 287-1614 or [Kevin.M.Smith@hq.doe.gov](mailto:Kevin.M.Smith@hq.doe.gov).

  
Melissa D. Rider  
Director  
Office of Procurement and  
Assistance Policy

Attachment