



Common Labor & Employment Mistakes In Government Contracting

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Nichole Atallah counsels clients on a broad range of employment matters, including compliance with Title VII, ADA, ADEA, FLSA/wage and hour, FMLA, wrongful termination, and reduction in force. She advises clients in general business matters, including interpreting and drafting employee compensation and benefit arrangements, confidentiality, non-compete and non-solicitation agreements, as well as separation agreements.

Nichole has substantial experience assisting government contractors with FAR Part 22 compliance, including the Davis Bacon Act, the Service Contract Act, and Equal Employment Opportunity requirements specific to government contractors. Additionally, she has advised tribally-owned entities on unique labor and employment issues, including Native American preferences, sovereign immunity questions, and Title VII jurisdiction.

About PilieroMazza

PilieroMazza—a business law firm—serves as a strategic partner to government contractors and commercial businesses from across the United States in numerous industries.

We deliver results for our clients by implementing legal and business solutions that take the client's best interests into consideration. Moreover, PilieroMazza's efficient operational structure and lean approach to staffing matters translate into competitive pricing for our clients, while providing the highest standard of client service and legal acumen.

PilieroMazza is privileged to represent clients in the following areas:

- Audits & Investigations
- Bid Protests
- Business & Transactions
- Business Succession Planning
- Corporate and Organizational Governance
- Cybersecurity & Data Privacy
- Debt Financing
- Employee Incentive and Bonus Plans
- False Claims Act
- Fund Formation & Structuring
- Government Contracts
- Government Contract Claims & Appeals
- Intellectual Property & Technology Rights
- Labor & Employment
- Labor & Employment for Government Contractors
- Litigation & Dispute Resolution
- Mergers & Acquisitions
- Native American Law & Tribal Advocacy
- Nonprofits
- Private Equity & Venture Capital

Overview

- Discuss the various federal labor laws & how these obligations apply to government contractors
- Learn how to avoid the most frequent and costly mistakes contractors make in HR

Getting Involved At The Outset

- Pricing requires understanding labor costs
- Read the solicitation carefully
- Mistakes made in pricing are costly
- Communicate with pricing/ contracts

Considering State And Local Laws

- Know where people will be located
- Teleworkers
- Most generous applies:
 - Sick leave
 - Minimum wage requirements
 - Vacation
 - Overtime

Classification

- FLSA Exempt / Non-exempt
- Independent Contractors
- Prevailing Wage Requirements
 - Service Contract Act
 - Davis Bacon Act
 - Related Acts

New Kid In Town

- Successor Obligations (NLRB, USERRA, FMLA)
- SCA Vacation
- Non-compete and non-solicitation agreements
- Do not assume the predecessor got it right
- Be prepared to question what the government client tells you

Making Offers Of Employment

- Have a game plan when onboarding
- Security clearance concerns
- Use the offer letter and include contingencies
- WARN Act considerations

Embracing The Unique

- Government removals
- Far Part 22:
 - Basic Labor Policies
 - Convict Labor
 - Contract Work Hours
 - Labor Standards for Construction Contracts & Service Contracts
 - Project Labor Agreements
 - Contracts for Materials, Supplies, Articles, and Equipment
 - Equal Employment Opportunity (incl. age, veteran status and disability)
 - Non displacement of Qualified Workers under Service Contracts*
 - Prohibitions against Child Labor and Trafficking in Persons
 - Notification of Employee rights under the NLRA
 - Employment Eligibility Verification
 - Contractor Minimum Wage and Paid Sick Leave Requirements
- Office of Federal Contract Compliance Programs (OFCCP)

Questions?



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