

- Practice Areas**
- Government Contracts Law
 - Business & Corporate Law
 - Small Business Programs & Advisory Services
 - Labor & Employment Law
 - Litigation
 - Intellectual Property & Technology Rights

ABOUT PILIEROMAZZA: Located in the nation's capital and in Boulder, Colorado, PilieroMazza has earned a reputation as one of the country's most prominent law firms for companies doing business with the federal government. Our vast experience in government contracts law and Small Business Administration procurement programs, coupled with our full-service capabilities in the areas of corporate and business law, litigation, labor and employment, government relations, and intellectual property, distinguish us from others in the legal community.

We bring the versatility and insight that clients across the country seek and the responsive delivery they appreciate. We represent a broad range of businesses, trade associations and nonprofits—from startups with a single-market focus to publicly traded corporations doing business around the world—with the personalized service, experience and zeal that few law firms can match.



FEDERAL LABOR AND EMPLOYMENT

888 17th Street, NW, 11th Floor
Washington, DC 20006
(202) 857-1000

1881 9th Street, Suite 300
Boulder, CO 80302
(303) 501-1300

www.pilieromazza.com

LAWS APPLICABLE TO ALL EMPLOYERS

LAW	Description	Covered Contracts	Covered Employees	Legal Requirements	Recordkeeping and Policies	State Laws	Suggested Assistance
Age Discrimination in Employment Act (ADEA)	Prohibits employment discrimination on the basis of age (40 and older).	Private employers with 20 or more employees for 20 or more calendar workweeks.	Employees and applicants age 40 or older.	Required language in any severance or release agreement.	Handbook policy.	Employees under the age of 40 may be covered under state and/or local law.	Review of handbook and employment application process; separation agreements; claims assessment; Equal Employment Opportunity Commission (EEOC) position statements; counsel for ADEA violation claims; litigation assistance.
Americans with Disabilities Act (ADA)	Prohibits employment discrimination on the basis of a disability.	Private employers with 15 or more employees for 20 or more calendar workweeks.	"Qualified individuals": Those who can perform the essential job functions with or without a reasonable accommodation.	Provide "reasonable accommodation" and to engage in the "interactive process" to discuss reasonable accommodations.	Handbook policy regarding reasonable accommodations.	Several states' laws include broader definitions of disability.	Review of handbook and employment application process; assessment of interactive process and accommodation requests; claims assessment; EEOC position statement; counsel for ADA violation claims; litigation assistance.
Equal Pay Act	Prohibits wage discrimination on the basis of sex.	Private employers.	Private employees.	Prohibits employers from discriminating in the payment of wages on the basis of sex for equal work both performed under similar working conditions should the work require equal skill, effort, and responsibility.	Handbook policy and basic payroll records.	Several states' laws create analogous equal pay requirements.	Review of handbook and non-discrimination policies; counsel for EPA violation claims; litigation assistance.
Fair Labor Standards Act (FLSA)	Wage and hour law governing: minimum wage, salaried employees, child labor, overtime pay, and payroll requirements.	Private employers.	Private employees.	FLSA minimum wage of \$7.25 per hour and overtime pay at a rate not less than one and one-half times the regular rate of pay for work in excess of 40 hours per workweek must be paid to hourly employees. Salaried employees must meet applicable salary and duty requirements. Must pay at least the applicable minimum wage, or the wage rates required under the DBA or SCA, whichever is higher.	Records must include information regarding wages paid, hours worked, deductions from pay, and other compensation information, and be maintained for up to 3 years.	Employees are entitled to the higher of the applicable federal or state minimum wage.	Review of handbook and deductions from pay, timekeeping, and overtime policies; evaluate employee classifications as exempt or non-exempt from overtime and independent contractor status; claims assessment; counsel for FLSA violation claims; litigation assistance.
Family and Medical Leave Act (FMLA)	Requires unpaid family or medical leave to be provided to eligible employees. Prohibits discrimination and retaliation for exercising these rights.	Private employers with 50 or more employees (within 75 miles) for 20 or more calendar workweeks.	Employees who have worked at least 1,250 hours during the previous 12 months. Eligible employees caring for a covered member of the military may be entitled to 26 weeks of leave.	Leave must be related to pregnancy, birth, adoption, and childcare; care for family members with a serious health condition; personal serious health conditions; military qualifying exigency leave; or care for a military family member with an injury or illness. Employee reinstatement to previous position or an equivalent position at the end of FMLA leave.	Employers must keep and retain records for 3 years regarding FMLA policies, notices, wages, identifying information, dates and duration of leave, FMLA disputes, and more.	Several states' laws include lower thresholds for employer coverage and expanded definitions of family.	Review of handbook and FMLA policies; counsel relating to FMLA applicability, notices, medical certifications, and allegations of misconduct; litigation assistance.
National Labor Relations Act (NLRA)	Protects employees engaged in activity for mutual aid and protection, regulates the collective bargaining process, and prohibits certain practices on the part of labor and management.	Private employers other than rail and air carriers.	Private employees.	Prohibits discrimination against employees for union activity and grants employees the right to organize, bargain collectively, and engage in other concerted activities for mutual aid and protection (picketing, striking, hand-billing, etc.). Compels employers and unions to bargain in good faith. Limits employer handbook and work policies.	Employers must keep and retain records regarding collective bargaining agreements (CBAs), organizing records, and correspondence with unions.	State laws dictate whether employees may be forced to join a union or pay dues.	Review of handbook policies; assist in union election process, collective bargaining, arbitrations, and unfair labor practice proceedings; counsel regarding price adjustment requests for federal contractors that negotiate a CBA on an SCA contract; litigation assistance.
Occupational Safety and Health Act (OSHA)	Governs workplace safety and health issues, and prohibits retaliation against whistleblowers.	Private employers with 1 or more employees.	Private employees and contract employees who work in areas covered by OSHA's Process Safety Management of Highly Hazardous Chemicals standard.	Compliance with applicable safety standards.	Significant and complex injury and illness recordkeeping and reporting requirements.	Several states have OSHA-Approved State Plans with analogous workplace safety and health standards, as well as recordkeeping and reporting requirements.	Review of recordkeeping and reporting policies for OSHA compliance; counsel for whistleblower claims and OSHA investigations; litigation assistance.
Title VII of the Civil Rights Act of 1964	Prohibits discrimination, harassment, and retaliation on the basis of race, color, national origin, religion, and sex.	Private employers with 15 or more employees for 20 or more calendar workweeks.	Private employees.	Prohibits employers from refusing to hire or promote, terminate, demote, discriminate in compensation or other terms, conditions, or privileges of employment, or fail to prevent or eliminate harassment or retaliation on the basis of race, color, national origin, religion, and sex.	Handbook policy regarding equal employment, non-discrimination, anti-harassment, and complaint procedures.	Several states prohibit discrimination, harassment, and retaliation for a broader range of protected classes.	Review of handbook and equal employment policies; counsel regarding claims of discrimination, harassment, and retaliation; EEOC position statements; litigation assistance.
Worker Adjustment & Retention Act (WARN Act)	Requires notice in advance of a covered plant's closing or mass layoffs.	Private employers with 100 or more employees.	Private employees.	Requires employers to provide 60 day notice to employees before a plant closing or mass layoffs.	None.	Several states have broader coverage and stricter requirements.	Provide compliance assistance and counsel regarding proper notice.
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Prohibits discrimination on the basis of military service. Governs return to work rights after serving in the uniformed services for, in most cases, less than 5 years.	Private employers.	Employees who are members of, apply to be a member of, perform, have performed, apply to perform, or have an obligation to perform service in a uniformed service, including the Armed Forces, Army National Guard, and Air National Guard.	Prohibits denial of initial employment, reemployment, retention in employment, promotion, or any benefit of employment for covered uniformed services employees.	Handbook policy regarding leave and reemployment.	Several states' laws provide additional job protection and reemployment requirements.	Review of handbook policies; counsel regarding claims of discrimination and retaliation; evaluation of return to work rights; litigation assistance.

FEDERAL LABOR AND EMPLOYMENT LAWS - APPLICABLE TO GOVERNMENT CONTRACTORS

LAW	Description	Covered Contracts	Covered Employees	Legal Requirements	Recordkeeping and Policies	State Law Interaction	Suggested Assistance
Contract Work Hours & Safety Standards Act (CWHSSA)	Requires overtime pay to employees working on covered contracts.	Service contracts and federally funded and assisted construction contracts valued at \$100,000 or more.	Laborers and mechanics employed in the performance of a covered contract.	Must pay covered employees one and one-half times their basic rate of pay for work in excess of 40 hours per workweek, and post a notice regarding compensation required under CWHSSA. Punitive damages imposed.	Same as SCA and DBA.	Employers may also be subject to additional prevailing wage and overtime pay requirements under state (and local) laws.	Evaluate employee classifications as exempt or non-exempt from overtime; review of timekeeping and overtime policies; counsel during investigations and claims of misconduct; litigation assistance.
Davis-Bacon Act (DBA)	Requires payment of local prevailing wages (including fringe benefits) on federally funded or assisted construction projects.	Federal or District of Columbia contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.	Laborers and mechanics employed in the performance of a covered contract.	Must pay covered employees the local prevailing wages and fringe benefits specified in the applicable DBA wage determination. DBA notice must be posted on the job site.	Maintain certified payroll and basic records for up to 3 years after contract completion.	Employers may also be subject to additional prevailing wage requirements under state (and local) laws.	Evaluate prevailing wage requirements; compliance assistance; counsel during investigations and claims of misconduct; litigation assistance.
Equal Employment Opportunity (Executive Order 11246)	Prohibits discrimination and requires contractors to advance employment to qualified individuals without regard to race, color, national origin, religion, sex, sexual orientation, or gender identity.	Federal contracts in excess of \$10,000. Federal supply and service contractors and subcontractors with 50 or more employees and contracts valued at \$50,000 or more are also subject to Affirmative Action Program (AAP) requirements.	Employees and applicants for employment on covered contracts.	If applicable, develop written AAP, maintain employment records that include employee demographic data, list employment openings to advance equal employment opportunities, and submit annual reports with employment data.	Contractors and first-tier subcontractors with 50 or more employees and a federal contract, subcontract, or purchase order valued at \$50,000 or more must annually file Employer Information Report EEO-1 with employees' demographic information, and maintain an AAP.	Several states prohibit discrimination, harassment, and retaliation for a broader range of protected classes.	Review of handbook and develop AAP; counsel regarding Office of Federal Contract Compliance Programs (OFCCP) investigations and audits; litigation assistance.
Minimum Wage (Executive Order 13658)	Requires payment of at least the federal minimum wage on covered contracts.	Contracts subject to the FLSA, DBA, SCA, concessions contracts and contract-like instruments issued on or after January 1, 2015.	Employees covered by, or working in connection with, a contract covered by the FLSA, DBA, and SCA.	Must pay non-exempt employees working on covered contracts at least \$10.80 per hour for 2020.	Maintain payroll records in accordance with FAR requirements.	Employers must pay at least the minimum wage, or the wage rates required under the DBA or SCA, whichever is higher.	Evaluate contract for applicability and determine whether certain employees are working in connection with a covered contract; counsel regarding price adjustment requests when wage rates increase; litigation assistance.
Sick Leave (Executive Order 13706)	Requires provision of paid sick leave on covered contracts.	Contracts subject to the FLSA, DBA, SCA, concessions contracts and contract-like instruments issued on or after January 1, 2017.	Employees covered by, or working in connection with, a contract covered by the FLSA, DBA, and SCA.	Must provide employees working on covered contracts at least 1 hour of paid sick leave for every 30 hours worked.	Maintain sick leave records for 3 years.	State and local laws regulating sick leave may also apply.	Evaluate handbook for applicability and determine whether certain employees are working in connection with a covered contract; counsel regarding intersection with fringe benefit requirements.
Section 503 of the Rehabilitation Act of 1973	Prohibits discrimination on the basis of disability.	Contracts for the purchase, sale, or use of personal property, or non-personal services (including construction) valued at \$10,000 or more.	"Qualified individuals": Those who can perform the essential job functions with or without a reasonable accommodation.	Affirmative action in the hiring and advancing in employment of qualified individuals with disabilities. Employers must engage in the ADA interactive process to provide reasonable accommodations and must provide employees and applicants' self-identification form.	Contractors with 50 or more employees and a federal contract valued at \$50,000 or more must maintain an AAP and employment records, undertake outreach and recruitment efforts, and provide records on the employment of qualified individuals with disabilities upon request from the OFCCP.	Several states' laws include broader definition of disability.	Review of handbook and develop AAP; compliance assistance; counsel regarding OFCCP investigations and audits; litigation assistance.
Service Contract Act (SCA)	Requires payment of local prevailing wages (including fringe benefits) to employees performing work in connection with service contracts.	Contracts principally for services performed through the use of service employees in excess of \$2,500.	Laborers and mechanics employed in the performance of a covered contract.	Must pay covered employees the local prevailing wages and fringe benefits specified in the applicable SCA wage determination. SCA notice must be posted on the job site.	Maintain payroll and basic records for up to 3 years after contract completion.	Employers may also be subject to additional prevailing wage requirements under state (and local) laws.	Review of handbook; evaluate contract for applicability; compliance assistance; assist in resolving complaints and the Department of Labor (DOL) investigations; counsel regarding price adjustment requests; evaluate interaction between collective bargaining obligations and SCA requirements; litigation assistance.
Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)	Prohibits discrimination on the basis of specified categories of veteran status.	Contracts for the furnishing of supplies or services, or the use of real or personal property (including construction) valued at \$100,000 or more, for contractors with 50 or more employees.	Disabled veterans, recently separated veterans, Armed Forces service medal veterans, and active duty wartime or campaign badge veterans.	Affirmative action to employ and advance covered veterans, and a written AAP, if applicable, maintain employment records about covered veterans, list employment openings that give priority to covered veterans, and submit annual reports on the employment of covered veterans.	Develop a written AAP, if applicable, document and retain records of annual hiring for 3 years. Submit annual reports on the number of covered veterans currently employed. Retain personnel and employment records for up to 2 years.	Several states' laws allow employers to implement voluntary veterans' preference employment policies.	Review of handbook and develop AAP; compliance assistance; counsel regarding OFCCP investigations and audits; litigation assistance.
Walsh-Healey Public Contracts Act (PCA)	Requires at least payment of the federal minimum wage for all hours worked and overtime.	Contracts in excess of \$10,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia.	Employees who produce, assemble, handle, or ship goods under covered contracts.	Contractors with covered contracts must pay employees at least \$7.25 per hour, or as required by the FLSA.	Contractors and subcontractors are required to maintain certain records which must be available for inspection by the DOL for at least 3 years.	State and local laws regulating wages and hours of work may also apply.	Review of handbook; provide compliance assistance and counsel regarding DOL audits and investigations; litigation assistance.