# **FEDERAL CONTRACTOR**

## Labor Laws

The law

MINIMUM WAGE

**EXCLUSIONS** 

### **Department of Labor Notices**

WORKER RIGHTS UNDER EXECUTIVE ORDER 136 FEDERAL MINIMUM WAGE FOR CON \$13.30 PER HOUR EFFECTIVE JANUARY 1, 2025 – DECEMBER	TRACTORS	
ne law requires certain federal contractors to display this poster where employees can easily see it.		
<ul> <li>Federal construction and service contracts are generally subject to a minimum wage rate under either Executive Order (EO) 13658 or EO 14026.</li> <li>\$13.30 PER HOUR: If the contract was entered into on or between January 1, 2015, and January 29, 2022, and the contract was not renewed or extended on or after January 30, 2022, EO 13658 generally requires that workers be paid at least \$13.30 per hour for all time spent performing on or in connection with the contract in calendar year 2025.</li> <li>\$17.75 PER HOUR: If the contract is renewed or extended on or after January 30, 2022, FO 14026 generally requires that workers be paid at least \$17.75 per hour for all time spent performing on or in connection with the contract is entered into on or after January 30, 2022, EO 14026 generally requires that workers be paid at least \$17.75 per hour for all time spent performing on or in connection with the contract is entered into on or after January 30, 2022, EO 14026 generally requires that workers be paid at least \$17.75 per hour for all time spent performing on or in connection with the contract is entered into on or after January 30, 2022, EO 14026 generally requires that workers be paid at least \$17.75 per hour for all time spent performing on or in connection with the contract is entered into on or after January 30, 2022, EO 14026 generally requires that workers be paid at least \$17.75 per hour for all time spent performing on or in connection with the contract in calendar year 2025.</li> <li>The EO 13658 minimum wage may not apply to some workers who provide support in connection with covered federal contracts for less than 20 percent of their hours worked in a week.</li> <li>The EO 13658 minimum wage may not apply to certain other occupations and workers.</li> </ul>	<ul> <li>The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for enforcing this law. WHD can answer questions about your workplace rights and protections, investigate employers, and recover back wages. All WHD services are free and confidential. Employers cannot retaliate or discriminate against someone who files a complaint or participates in an investigation. WHD will accept a complaint in any language. You can find your nearest WHD office online at dol.gov/agencies/whd/contact/local-offices or by calling toll-free 866-4US-WAGE (866-487-9243). We do not ask workers about their immigration status. We can help.</li> <li>Workers with disabilities whose wages are governed by special certificates issued under section 14(c) of the Fair Labor Standards Act must receive no less than the EO 13658 minimum wage for time spent performing on or in connection with covered contracts.</li> <li>Some state or local laws may provide greater worker protections and employers must follow the law that requires the highest rate of pay.</li> <li>More information about the EO 13658 minimum wage is available online at dol.gov/whd/flsa/eo13658.</li> </ul>	
DEPARTMENT OF LABOR WHD WAGE AND HOUR DIVISION UNITED STATES OF AMERICA UNITED STATES DEPARTMENT OF LABOR	866-487-9243 www.dol.gov/agencies/whd WH1089 REV. 1/2025	
WORKER RIGHTS		

## **EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS**

THIS ESTABLISHMENT IS PERFORMING GOVERNMENT CONTRACT WORK SUBJECT TO: (CHECK ONE)

#### SERVICE CONTRACT ACT (SCA) PUBLIC CONTRACTS ACT (PCA)

MINIMUM WAGES	Your rate must be no less than the federal minimum wage established by the Fair Labor Standards Act (FLSA). A higher rate may be required for SCA contracts if a wage determination applies. Such wage determination will be posted as an attachment to this notice.	
FRINGE BENEFITS	SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.	
OVERTIME PAY	You must be paid 1.5 times your basic rate of pay for all hours worked over 40 in a week. There are some exceptions.	
CHILD LABOR	No person under 16 years of age may be employed on a PCA contract.	
SAFETY & HEALTH	Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.	
ENFORCEMENT	Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information, contact the <b>Wage and Hour Division</b> (WHD) by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit www.dol.gov/whd	
	Contact the Occupational Safety and Health Administration (OSHA) by calling 1-800-321-OSHA (1-800-321-6742), or visit www.osha.gov	

#### **U.S. DEPARTMENT OF LABOR**

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

The purpose of the discussion below is to advise contractors which are subject to the Walsh-Healey Public Contracts Act or the Service Contract Act of the principal provisions of these acts.

#### WALSH-HEALEY PUBLIC CONTRACTS ACT

General Provisions — This act applies to contracts which exceed or may exceed \$10,000 entered into by any agency or instrumentality of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment. The act establishes minimum wage, maximum hours, and safety and health standards for work on such contracts, and prohibits the employment on contract work of convict labor (unless certain conditions are met) and children under 16 years of age. The employment of homeworkers (except homeworkers with disabilities employed under the provisions of Regulations, 29 CFR Part 525) on a covered contract is not permitted.

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

In addition to its coverage of prime contractors, the act under certain circumstances applies to secondary contractors performing work under contracts awarded by the Government prime contractor.

All provisions of the act except the safety and health requirements are administered by the Wage and Hour Division.

Minimum Wage — Covered employees must currently be paid not less than the Federal minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime** — Covered workers must be paid at least one and one-half times their basic rate of pay for all hours worked in excess of 40 a week. Overtime is due on the basis of the total hours spent in all work, Government and non-Government, performed by the employee in any week in which covered work is performed.

Child Labor — Employers may protect themselves against unintentional child labor violations by obtaining certificates of age. State employment or age certificates are acceptable.

Safety and Health — No covered work may be performed in plants, factories, buildings, or surroundings or under work conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in the performance of the contract. The safety and health provisions of the Walsh-Healey Public Contracts Act are administered by the Occupational Safety and Health Administration.

Posting — During the period that covered work is being performed on a contract subject to the act, the

#### SERVICE CONTRACT ACT

1-866-487-9243

TTY: 1-877-889-562

www.dol.gov/who

General Provisions — The Service Contract Act applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services in the United States through the use of service employees. Contractors and subcontractors performing on such Federal contracts must observe minimum wage and safety and health standards, and must maintain certain records, unless a specific exemption applies.

Wages and Fringe Benefits — Every service employee performing any of the Government contract work under a service contract in excess of \$2,500 must be paid not less than the monetary wages, and must be furnished the fringe benefits, which the Secretary of Labor has determined to be prevailing in the locality for the classification in which the employee is working or the wage rates and fringe benefits (including any accrued or prospective wage rates and fringe benefits) contained in a predecessor contractor's collective bargaining agreement. The wage rates and fringe benefits required are usually specified in the contract but in no case may employees doing work necessary for the performance of the contract be paid less than the minimum wage established in section 6(a)(1)of the Fair Labor Standards Act. Service contracts which do not exceed \$2,500 are not subject to prevailing rate determinations or to the safety and health requirements of the act. However, the act does require that employees performing work on such contracts be paid not less than the minimum wage rate established in section 6(a)(1) of the Fair Labor Standards Act.

Overtime — The Fair Labor Standards Act and the Contract Work Hours Safety Standards Act may require the payment of overtime at time and one-half the regular rate of pay for all hours work on the contract in excess of 40 a week. The Contract Work Hours Safety Standards Act is more limited in scope than the Fair Labor Standards Act and generally applies to Government contracts in excess of \$100,000 that require or involve the employment of laborers, mechanics, guards, watchmen.

**Safety and Health** — The act provides that no part of the services in contracts in excess of \$2,500 may be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services. The safety and health provisions of the Service Contract Act are administered by the Occupational Safety and Health Administration.

Notice to Employees — On the date a service employee commences work on a contract in excess of \$2,500, the contractor (or subcontractor) must provide the employee with a notice of the compensation required by the act.

**UNDER EXECUTIVE ORDER 14026** FEDERAL MINIMUM WAGE FOR CONTRACTORS \$17.75 PER HOUR EFFECTIVE JANUARY 1, 2025 - DECEMBER 31, 2025

#### The law requires certain federal contractors to display this poster where employees can easily see it.

MINIMUM WAGE Executive Order (EO) 14026 requires that federal contractors pay workers performing work on or in connection with covered contracts at least (1) \$15.00 per hour beginning January 30, 2022, and (2) beginning January 1, 2023, and every year thereafter, an inflation-adjusted amount determined by the Secretary of Labor in accordance with EO 14026 and appropriate regulations. The EO 14026 minimum wage in effect from January 1, 2025 through December 31, 2025 is \$17.75 per hour. Contractors may not credit employee tips toward the EO 14026 minimum

**TIP CREDIT** wage. Similar to other workers subject to EO 14026, tipped employees must be paid a cash wage of at least \$17.75 per hour, effective January 1, 2025, through December 31, 2025

• The EO 14026 minimum wage may not apply to some workers who provide **EXCLUSIONS** support "in connection with" covered contracts for less than 20 percent of their hours worked in a week.

• EO 14026 only applies to certain federal construction and service contracts ADDITIONAL that were renewed, extended, or entered into on or after January 30, 2022. INFORMATION Contracts that were awarded between January 1, 2015 and January 29, 2022, that were not renewed or extended on or after January 30, 2022, and some procurement contracts entered into on or between January 30. 2022 and March 30, 2022, may be subject to EO 13658, which provides a lower minimum wage requirement than EO 14026. More information about the differences between EO 14026 and EO 13658 is available at dol.gov/agencies/whd/government-contracts/eo14026/side-by-side

 Workers with disabilities whose wages are governed by special certificates issued under section 14(c) of the Fair Labor Standards Act must receive no less than the full minimum wage rate under EO 14026 for time spent performing on or in connection with covered contracts.

Some state or local laws may provide greater worker protections; employers



employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Conduct that coerces, intimidates, threatens, or **Protected Veteran Status** 

pregnancy accommodation

Contact the EEOC promptly if you suspect

else to exercise rights, regarding disability

What can You Do if You Believe

**Discrimination has Occurred?** 

time limits for filing a charge of discrimination (180

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

**EMPLOYERS HOLDING FEDERAL** 

CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal

the nondiscrimination and affirmative action

under Federal law from discrimination on the

**Orientation, Gender Identity, National** 

Executive Order 11246, as amended, prohibits

gender identity, or national origin, and requires

Executive Order 11246, as amended, protects

from discrimination based on inquiring about,

applicants and employees of Federal contractors

disclosing, or discussing their compensation or the

compensation of other applicants or employees.

Section 503 of the Rehabilitation Act of 1973,

with disabilities from discrimination in hiring,

promotion, discharge, pay, fringe benefits, job

training, classification, referral, and other aspects

of employment by Federal contractors. Disability

discrimination includes not making reasonable

accommodation to the known physical or mental

undue hardship to the employer. Section 503 also

requires that Federal contractors take affirmative

qualified individuals with disabilities at all levels of

action to employ and advance in employment

employment, including the executive level.

as amended, protects qualified individuals

in all aspects of employment.

employment discrimination by Federal contractors

based on race, color, religion, sex, sexual orientation,

affirmative action to ensure equality of opportunity

Asking About, Disclosing, or Discussing Pay

Race, Color, Religion, Sex, Sexual

Contract Compliance Programs (OFCCP) enforces

commitments of companies doing business with

the Federal Government. If you are applying for a

job with, or are an employee of, a company with a

Federal contract or subcontract, you are protected

an inquiry through the EEOC's public portal:

https://publicportal.eeoc.gov/Portal/Login.aspx

can reach the EEOC in any of the following ways:

1-800-669-4000 (toll free)

www.eeoc.gov/field-office)

info@eeoc.gov

Additional information about

discrimination, is available at

about filing a charge of

www.eeoc.gov.

following bases:

Origin

Disability

the EEOC, including information

1-800-669-6820 (TTY)

discrimination (including accommodation) or

Submit

Call

Visit

E-Mail

illegal for a union or for the the right to:

Under the NLRA, it is illegal Under the NLRA, you have Under the NLRA, it is for your employer to:

rooms.

#### Who is Protected?

Employees (current and former), including managers and temporary employees

- Job applicants
- Union members and applicants for membership in a union

#### What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

#### What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

#### What Employment Practices can be **Challenged as Discriminatory?**

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding

interferes with someone exercising their rights, The Vietnam Era Veterans' Readjustment Assistance or someone assisting or encouraging someone Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. discrimination. Do not delay, because there are strict

#### Retaliation or 300 days, depending on where you live/work). You

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

#### **PROGRAMS OR ACTIVITIES RECEIVING** FEDERAL FINANCIAL ASSISTANCE

**Race, Color, National Origin, Sex** 

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

#### **Individuals with Disabilities**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in limitations of an otherwise qualified individual with a program of any institution which receives Federal a disability who is an applicant or employee, barring financial assistance, you should immediately contact the Federal agency providing such assistance.

### REV. 06/27/2023

• Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.

- Form, join or assist a union. Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours,
- Discuss your terms and conditions of employment or union organizing with your co-workers or a union.

and other working conditions.

- Take action with one or more co-workers to improve your working conditions by, among other means, raising workrelated complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: www.nlrb.gov.



union that represents you Prohibit you from soliciting in bargaining with your for a union during non-work employer to: time, such as before or after

 Threaten you that you will lose your job unless you support the union.

#### **Refuse to process a**

grievance because you have criticized union officials or because you are not a member of the union.

#### Use or maintain discriminatory standards or procedures in making job

referrals from a hiring hall. Cause or attempt to cause an employer to discriminate

against you because of your union-related activity. Take other adverse action

against you based on whether you have joined or support the union.

If you and your coworkers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

You can also contact the NLRB by calling toll-free: 1-844-762-NLRB (6572). Language assistance is available. Hearing impaired callers who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.



SCAN TO LEARN MORE

#### Question you about your union support or activities in a manner that discourages you from engaging in that activity. Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to

take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.

- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

\*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

work or during break times;

or from distributing union

literature during non-work

such as parking lots or break

time, in non-work areas,



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