



Fact Sheet: Executive Order 13201 - Notice of Employee Rights Concerning Payment of Union Dues

Executive Order 13201 (E.O. 13201) requires certain Government contracts and subcontracts to include an employee notice clause requiring non-exempt Federal contractors and subcontractors to post notices (Notice of Employee Rights Concerning Payment of Union Dues poster) informing their employees that they have certain rights related to union membership and use of union dues and fees under Federal law.

What are these employee rights?

Under Federal law employees cannot be required to join a union or maintain membership in a union to retain their jobs. Employees who are subject to a union security clause and choose not to be union members may object to the use of their compulsory union dues and fees for union expenditures that are not related to representational activities such as collective bargaining, contract administration, and grievance adjustment. Employees who object to paying for non-representational activities may be entitled to a refund and appropriate reduction of future payments.

What is the definition of government contract under E.O. 13201 and the implementing regulations?

Government contract means any agreement or modification thereof between any contracting agency and any person for the purchase, sale, or use of personal property or non-personal services. The term "personal property" includes supplies, and contracts for the use of real property (such as lease arrangements), unless the contract for the use of real property itself constitutes real property (such as easements). The term "non-personal services" includes, but is not limited to, utilities, construction, transportation, research, insurance, and fund depository. The term "government contract" does not include (a) agreements in which the parties stand in the relationship of employer and employee and (b) Federally assisted contracts.

What is the definition of subcontract under E.O. 13201 and the implementing regulations?

Subcontract means any agreement or arrangement between a contractor and any person (in which the

parties do not stand in the relationship of an employer and an employee): (a) for the purchase, sale, or use of personal property or non-personal services which, in whole or in part, is necessary to the performance of any one or more contracts; or (b) under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

Are there exceptions to the requirement?

Yes. The employee notice clause does not have to be included in government contracts for purchases below the Simplified Acquisition Threshold (currently \$100,000). The posting requirement does not apply to: contractors with fewer than 15 employees; contractor establishments or construction work sites where no union has been formally recognized by the prime contractor or certified as the exclusive bargaining representative of the prime contractor's employees; contractor establishments where state law forbids enforcement of union-security clauses ("right-to-work" states); or work performed outside the United States that does not involve the recruitment or employment of workers within the United States.

Must a contractor post the notice at worksites where no work is performed under Government contracts?

Yes, unless the contractor makes a written request to the Office of Labor-Management Standards (OLMS) and is granted a waiver of the posting requirement for facilities that are in all respects separate and distinct from activities of the contractor related to the performance of a contract.

What contracts are covered by E.O. 13201?

E.O. 13201 covers Government contracts entered into on or after April 28, 2004, that resulted from solicitations issued on or after April 18, 2001.

How will employers be able to obtain copies of the Notice of Employee Rights Concerning Payment of Union Dues poster?

Posters can be downloaded from the OLMS Web site at www.olms.dol.gov, are available at any

OLMS or Office of Federal Contract Compliance Programs (OFCCP) field office, by emailing OLMS-Public@dol.gov, or by calling 1-800-4-US-DOL. Additionally, contractors may reproduce and use exact duplicate copies of the Department's official poster. The poster must be 11 by 17 inches or larger.

How will the Department determine whether a contractor is in compliance with E.O. 13201?

The Deputy Assistant Secretary for Federal Contract Compliance may conduct a compliance evaluation to determine whether a contractor holding a nonexempt contract is in compliance with the requirements of E.O. 13201 and the implementing regulations. Such an evaluation may be limited to compliance with E.O. 13201 or may be included in a compliance evaluation conducted under other laws, executive orders, and/or regulations enforced by the Department of Labor.

What are the procedures for filing a complaint?

An employee of a covered contractor may file a complaint alleging that the contractor has failed to post the employee notice as required by E.O. 13201 and the implementing regulations; and/or has failed to include the employee notice clause in nonexempt subcontracts or purchase orders. Complaints may be filed with OLMS or OFCCP at 200 Constitution Avenue, NW, Washington, DC 20210, or with any OLMS or OFCCP field office.

Is more information on E.O. 13201 available?

Information on E.O. 13201 has been posted on the OLMS Web site at www.olms.dol.gov including the Final Rule, FAQs, the Executive Order and Adobe® Reader® (.pdf) versions of the poster.

OLMS Field Offices

Staff is available to answer questions about the LMRDA at OLMS offices in the following cities.

Atlanta, GA	(404) 562-2083	Detroit, MI	(313) 226-6200	Miami, FL	(954) 356-6850	Pittsburgh, PA	(412) 395-6925
Birmingham, AL	(205) 731-0239	Grand Rapids, MI	(616) 456-2335	Milwaukee, WI	(414) 297-1501	St. Louis, MO	(314) 539-2667
Boston, MA	(617) 624-6690	Guaynabo, PR	(787) 277-1547	Minneapolis, MN	(612) 370-3111	San Francisco, CA	(415) 848-6567
Buffalo, NY	(716) 551-4976	Honolulu, HI	(808) 541-2705	Nashville, TN	(615) 736-5906	Seattle, WA	(206) 398-8099
Chicago, IL	(312) 596-7160	Houston, TX	(713) 718-3755	New Haven, CT	(203) 773-2130	Tampa, FL	(813) 288-1314
Cincinnati, OH	(513) 684-6840	Indianapolis, IN	(317) 614-0013	New Orleans, LA	(504) 589-6174	Washington, DC	(202) 513-7300
Cleveland, OH	(216) 357-5455	Kansas City, MO	(816) 502-0290	New York, NY	(646) 264-3190		
Dallas, TX	(972) 850-2500	Las Vegas, NV	(702) 388-6126	Newark, NJ	(732) 750-5661		
Denver, CO	(720) 264-3231	Los Angeles, CA	(213) 534-6405	Philadelphia, PA	(215) 861-4818		

OFCCP District and Area Offices

Albuquerque, NM	(505) 245-2108	Detroit, MI	(313) 442-3360	Memphis, TN	(901) 544-3458	Phoenix, AZ	(602) 640-2960
Atlanta, GA	(404) 893-4575	Grand Rapids, MI	(616) 456-2144	Miami, FL	(305) 536-5670	Pittsburgh, PA	(412) 395-6300
Baltimore, MD	(410) 962-3572	Hartford, CT	(860) 240-4277	Milwaukee, WI	(414) 297-3821	Portland, OR	(503) 326-4112
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Charlotte, NC	(704) 344-6113	Jackson, MS	(601) 965-4668	New Orleans, LA	(504) 589-6575	San Antonio, TX	(210) 472-5835
Chicago, IL	(312) 596-7046	Jacksonville, FL	(904) 232-3073	New York, NY	(212) 264-7743	San Diego, CA	(619) 557-6489
Cleveland, OH	(216) 522-7472	Kansas City, MO	(816) 502-0370	Oakland, CA	(510) 637-2938	San Jose, CA	(408) 291-7384
Columbia, SC	(803) 765-5244	Landover, MD	(301) 429-2190	Omaha, NE	(402) 221-3381	San Juan, PR	(787) 771-1461
Columbus, OH	(614) 469-5831	Little Rock, AR	(501) 324-5436	Orange, CA	(714) 621-1631	Seattle, WA	(206) 398-8005
Dallas, TX	(972) 850-2650	Los Angeles, CA	(310) 235-6800	Orlando, FL	(407) 648-6181	St. Louis, MO	(314) 539-6394
Denver, CO	(720) 264-3200	Louisville, KY	(502) 582-6275	Philadelphia, PA	(215) 861-5765	Tulsa, OK	(918) 496-6773