



CIVILIAN AGENCY ACQUISITION LETTER 2010-03

JUN 18 2010

**MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA**

**FROM:**

  
EDWARD LOEB  
CHAIRMAN  
CIVILIAN AGENCY ACQUISITION COUNCIL

**SUBJECT:**

Consultation for Class deviations - FAR 52.222-40, Notification of Employee Rights under the National Labor Relations Act

Executive Order 13496 (E.O.), Notification of Employee Rights under Federal Labor Laws, dated January 30, 2009 (published at 74 FR 6107 on February 4, 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 ("Act"), 29 U.S.C. 151 *et seq.* 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 Executive Order 13496 at 29 CFR Part 471 was published on May 20, 2010, with an effective date of June 21, 2010. FAR case 2010-006, Notification of Employee Rights under the National Labor Relations Act, has been completed and is awaiting approval. This rule implements 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. FAR case 2010-006 is not expected to be published until late July 2010. However, the Executive Order requires inclusion of the clause in contracts resulting from solicitations issued after the DoL final rule (June 21, 2010).

Until such time as a FAR change is made, civilian agencies other than National Aeronautics and Space Administration are advised that in accordance with FAR 1.404, this memorandum constitutes consultation with the Chairman of the CAAC, should your agency choose to issue a class deviation to include the clause entitled Notification of Employee Rights under the National Labor Relations Act which will be numbered 52.222-40. For your convenience, a draft text of the FAR clause at 52.222-40 with draft exception and prescription provisions is attached for your use in drafting a class deviation.

If you have questions or need additional information regarding the substance of this letter, please contact Ernest Woodson on (202) 501-3775 or email at: [ernest.woodson@gsa.gov](mailto:ernest.woodson@gsa.gov).

Attachment