'Blacklisting Rule' Blocked

News
10.26.16

The article, "'Blacklisting Rule' Blocked," featured in *SHRM*, discussed how federal contractors were given reprieve on the eve of when the Blacklisting Rule was to take effect, thanks in part to the federal court blocking most of the rule on Oct. 24, determining that the regulation likely violated a host of federal labor laws as well as the First Amendment and due process rights.

Cheryl Behymer weighed in on the court's decision and the paycheck transparency requirements.

The court's preliminary injunction "means that employers may enter into contracts on or after Oct. 25, 2016—even large contracts of $50 million or more, which were the first level for the phased-in requirements—without having to report violations of the 14 federal laws covered by the blacklisting rules," added Cheryl.

Cheryl noted that beginning with all contracts entered into as of Jan. 1, 2017, each pay period, contractors must provide notice to all workers—not just employees—of the following on a weekly basis (even if the workers are paid biweekly or semimonthly):

- Hours worked.
- Overtime hours.
- Rate of pay.
- Gross pay and itemized additions to or deductions from gross pay.

"Exempt employees must be given notice of their exempt status prior to beginning work on the contract," Cheryl said. "Independent contractors (ICs) must be given notice at the time the IC relationship is established, prior to their beginning work on the contract" of their status as ICs, in a document separate from the IC agreement.

She added that wage statements must be provided in a language other than English, as well as in English, if a significant portion of the workforce speaks a different language.

"Contractors must require their subcontractors to provide the same information for subcontracts of over $500,000," she noted.

To read the full article, please visit *SHRM*.

Please reach out to our Media team for any news inquiries.

Related People

Cheryl L. Behymer
Senior Counsel
803.255.0000
Email