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Requirement to Post Union Rights Pursuant to Executive Order 13496 Challenged

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In a [recent court filing](#), the **National Association of Manufacturers** and the Virginia Manufacturers Association have challenged the legality of OFCCP's requirement that federal contractors post notices informing employees of their rights under the **National Labor Relations Act** in connection with [Executive Order 13496](#). In addition to other arguments, the complaint contends that while OFCCP has the jurisdiction to enforce compliance with antidiscrimination and affirmative action requirements, it does not have the same authority with respect to "union status" thus making the Agency's enforcement of the posting requirements of EO 13496 during compliance reviews unauthorized.

Earlier this year, in what was at the time a much more publicized struggle, the [NAM successfully challenged the NLRB's authority](#) to require all employers subject to the NLRA (not just federal contractors) to display a similar notice as the one required by EO 13496.

As this litigation is only in the preliminary stages, make sure to stay tuned for updates . . .

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