

# Employment and Labor Standards Issues in Government Contracting

Employment and labor-related laws affecting government contractors, and the oversight and enforcement of these laws, continue to figure into the regulatory and compliance landscape. Wiley's Government Contracts Practice regularly counsels and represents clients regarding nondiscrimination requirements of the U.S. Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP), as well as contractor requirements and investigations that arise under federal labor standards statutes such as the Service Contract Act (SCA) and the Davis-Bacon and Related Acts (DBA/DBRA).

We also advise federal contractors on traditional employment issues such as compliance with the Fair Labor Standards Act (FLSA) and other wage-and-hour laws, covenants not to compete relating to current and prospective employees, the differences between an "employee" and an "independent contractor," and discrimination and sexual harassment allegations and investigations. Recent matters have also entailed coordinating with Wiley's Diversity, Equity, and Inclusion (DEI) Counseling and Support team.

Successful engagements include:

- Responded on behalf of contractor to an OFCCP complaint of disability discrimination and retaliation under Section 503 of the Rehabilitation Act.
- Represented contractors in successful resolutions of Service Contract Act audits, including presenting creative approaches to DOL that fit clients' business practices while saving hundreds of thousands or millions of dollars in compliance and administrative costs.
- Advised contractors on certifications related to workplace policies and practices viewed by the Administration as "illegal DEI" under Executive Order 14173.
- Prepared successful petitions on behalf of several large service contractors seeking approval of use of a self-funded insurance plan as a bona fide fringe benefit under the Service Contract Act. Wiley has honed its process over the years to make it increasingly resource- and cost-effective for clients to pursue these approvals.
- Secured a temporary restraining order in federal district court in Virginia against a former employee of our client who violated his noncompete obligations and helped to secure a contract award for a competitor.

- Advised clients on balancing compliance with International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR) and an employer's nondiscrimination obligations under Title VII of the Civil Rights Act of 1964 and the Immigration and Nationality Act (INA). More information on our ITAR/EAR nondiscrimination obligation capabilities is available [here](#).

## Contact Us

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