Federal Contractor Poster FAQs

What is a federal contractor?
In general, a company that does business with the federal government is a federal contractor.
Federal contractors do construction work for the federal government, or provide goods or services to the federal government. They enter into a contract with a U.S. agency or department to provide the goods, services, or construction work. The contract outlines the company’s obligations.

What kinds of federal contracts are there?
There are construction contracts, and contracts for supplies and services.

Do federal contractors have additional posting requirements?
Yes. Information about the specific postings a contractor needs to display will be contained in the contract clauses of the federal contract.
The Federal Contractor Poster from J. J. Keller includes nine commonly required postings for federal contractors and subcontractors:

• Notification of Employee Rights Under the National Labor Relations Act
• Equal Employment Opportunity is the Law
• Equal Employment Opportunity is the Law Poster Supplement
• Employee Rights Under the Davis-Bacon Act
• Employee Rights on Government Contracts (Service Contract Act/Public Contracts Act)
• Worker Rights Under Executive Order 13658: Federal Minimum Wage for Contractors
• Worker Rights Under Executive Order 14026: Federal Minimum Wage for Contractors
• Pay Transparency Nondiscrimination Provision
• Paid Sick Leave

Highway contractors may need to post Notice of Highway Construction Project (FHWA 1022) in addition to the above postings.
A contractor may be required to display any or all of these postings. The specific postings a contractor is required to display depends on:

• What the contractor is providing to the government,
• The size of the contract, and
• When the contract was awarded.
What happens if a federal contractor is not in compliance with posting requirements?

A contractor that does not comply with the provisions of a federal contract, including the posting clauses, could face cancellation, termination, or suspension of the contract. A company could also be ineligible for federal contracts for up to three years.

Does every federal contractor have posting obligations?

Yes, every federal contractor needs at least one posting in addition to the federal postings all employers need to display. The Notification of Employee Rights Under the National Labor Relations Act posting needs to be displayed by all federal contractors. It is highly likely that other postings are also required under the contract. However, the specific federal contractor postings that are needed will depend on the type of contract, the size of the contract, and when it was awarded.

How can a federal contractor determine which postings are needed?

That information will be included in the contract clauses.

Does the Federal Contractor Poster from J. J. Keller & Associates include all postings a federal contractor might need?

There are some postings that J. J. Keller cannot provide. Federal contractors must get these postings directly from the government website:

- E-Verify (which cannot be obtained from an outside vendor)
- Department of Defense postings (which J. J. Keller does not have permission to reproduce)

Highway contractors may need to post Notice of Highway Construction Project (FHWA 1022) in addition to the above postings.

Does the J. J. Keller Federal Contractor poster include postings a business might not need?

It’s very possible that the all-in-one poster includes some postings that are not mentioned in a contract. However, it’s still fine to use the J. J. Keller poster to meet posting requirements (even if it includes additional postings, which are not mentioned in the contract), because the posters describe which employees they apply to.
Where do federal contractor posters need to be posted? Do they need to be posted only where work is being done on the contract, or at other locations as well?

All required postings (or the all-in-one poster) need to be displayed where employees are doing work that relates to the performance of the contract. Some postings need to be displayed at other locations as well.

The rights outlined in the postings from the Equal Employment Opportunity Commission apply to all employees, regardless of whether they are working on the contract or not. The following posters must be displayed where all employees can see them (even at locations where employees are not working on the contract):

- EEO is the Law
- EEO is the Law contractor supplement
- Pay Transparency

Does J. J. Keller offer any individual federal contractor posters?

Rather than all-in-one poster, an employer could post the individual postings that apply to a contract. J. J. Keller & Associates offers the following individual federal contractor posters:

- Davis-Bacon
- SCA/PCA
- Employee Rights Under the NLRA.
- Paid Sick Leave

However, these individual posters are not part of the Federal Contractor Update Service.

The Pay Transparency, federal contractor minimum wage posters, EEO is the Law, and EEO is the Law Poster Supplement are not currently available as individual posters from J. J. Keller & Associates, Inc.

Do federal contractor posting requirements change very often?

Posting requirements for federal contractors have changed greatly in the past few years.

For many years, federal contractors were required to display three or four postings that were updated infrequently. They are now required to display up to nine postings. In addition, the Federal Contractor Minimum Wage posters have an annual mandatory change. This makes the Federal Contractor Poster Update Service from J. J. Keller & Associates very valuable.

How can I determine whether or not my company is a federal contractor?

A company that has a contract with the federal government to do work or provide goods and services is a federal contractor. If you are not sure if your company is a federal contractor, you could see if it is listed on the USASpending.gov website, https://www.usaspending.gov/#/recipient, or the Federal Procurement Data System website, https://www.fpds.gov/fpdsng_cms/index.php/en/.
These websites have public information about government contracts that have been awarded. If your company is listed on the website, check with individuals in your organization for more information.

The fact that a company is listed on the website does not necessarily mean that a contract is still in effect. Some of the information in the database relates to old contracts, which may have expired.

In addition, the websites do not include information about contract clauses involving posters. However, the fact that a company is listed in these databases is a good starting point for a conversation about federal contractor posting requirements.

**What is the difference between a federal contractor or and a federal subcontractor?**

A federal contractor has a contract with a department or agency of the federal government for construction work or the purchase, sale, or use of goods or services.

The subcontractor has an agreement or arrangement with the company that has the federal contract.

A subcontractor may have the same posting obligations as the federal contractor.

**How can I tell if my company is a federal subcontractor?**

Questions to consider include:

- Does your company do work on or under federal contracts?
- Do you provide goods or services that fulfill part of a contractor’s agreement with the federal government?
- Do you have an agreement with a federal contractor to furnish supplies or services that are used for federal contract work?
- Are you a federal subcontractor?

If the answer to any of these questions is “yes,” check with individuals in your organization for more information on contract requirements.

If a company is a federal subcontractor, it often needs to display the same postings as the federal contractor. Many posting requirements refer to federal contractors and subcontractors. As with contractors, the postings a subcontractor needs to display will depend on the type of contract, the amount of the contract, and when the contract was signed.

Sometimes it is difficult to determine whether a company is a federal subcontractor, as a company may not be aware that the goods or services it is providing to another company are being used on a federal contract. In some situations, courts have had to decide whether or not a company is truly a federal subcontractor. If a company is a federal subcontractor, however, it likely needs to display the labor law posters outlined in the federal contract it is working under.
Are some contractors and subcontractors exempt from posting requirements?
Yes. A contractor may be exempt from a posting requirement. A contractor may be exempt if it has a small contract, if the type of goods or service the contractor is providing does not apply to the posting requirement, or if the contract was entered into before the posting requirement took effect.

Do federal contractors have other posting obligations, in addition to those outlined in the contract?
Yes, federal contractors must also display federal, state, and local postings that all employers need to post.
This includes the federal Fair Labor Standards Act poster, the Occupational Safety and Health Act poster, and the Employee Polygraph Protection Act poster. Employers may also need the Family and Medical Leave Act poster. State and local posting requirements also apply.

Does a bank need to display the Federal Contractor Poster?
Some postings on the Federal Contractor Poster from J. J. Keller & Associates may apply to banks, even if the bank does not have a federal contract.
A bank or other financial institution that obtains Federal Deposit Insurance, acts as an issuing and paying agent for U.S. savings bonds and notes, or is a federal funds depository, is a government contractor for purposes of both EO 11246 and EO 13496. This would require a bank to display:
• The EEO is the Law poster
• The EEO is the Law Supplement
• The Pay Transparency Nondiscrimination provision.
• The Executive Order 13496 poster, “Employee Rights Under the National Labor Relations Act.”
In addition, the bank would need to post regular federal and state labor law posters that all employers are required to display.