

FAR Alert Notice (FAN)
Issuance of Proposed Rules and Federal Acquisition Circular 2005-100

This *FAR Alert Notice (FAN)* provides awareness to the acquisition workforce about upcoming regulatory changes.¹ This FAN highlights noteworthy proposed rules, and interim and final rules recently published in the released Federal Acquisition Circular (FAC) that impact the acquisition workforce.²

A brief description of each rule is provided below with hyperlinks to an expanded version of the rules. Agencies are encouraged to disseminate this FAN widely across their acquisition workforce.

Rules at a Glance
<u>Proposed Rules</u> See notice below under Proposed Rules
<u>FAC 2005-100 (published on August 22, 2018)</u> FAR Case 2017-001, Paid Sick Leave for Federal Contractors FAR Case 2016-007, Non-Retaliation for Disclosure of Compensation Information

Proposed Rules - Proposed rules are published more often than FACs. To provide timely updates to the acquisition community, the proposed rules will now be posted in real time on acquisition.gov - click on Proposed Rules in the moving banner at the top of the page. To receive automatic email notices of the latest proposed rules as well as other FAR related news, go to <https://listserv.gsa.gov/cgi-bin/wa.exe?A0=ACQUISITIONNEWS>, and click on “Subscribe” and select either regular or digest – see below for definitions of regular and digest.³

Final Rules

FAC 2005-100 (Published on August 22, 2018)

[FAR Case 2017-001, Paid Sick Leave for Federal Contractors](#)

The Department of Defense (DoD), the General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA) have converted to a final rule, without change, an interim rule that amended the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13706 and a Department of Labor final rule issued on September 30, 2016, both entitled Establishing Paid Sick Leave for Federal Contractors. The rule requires contractors to allow all employees performing work on or in connection with a contract covered by the E.O. to accrue and use paid sick leave in accordance with E.O. 13706 and 29 CFR part 13. Contracting officers will include a clause in covered contracts. This FAR rule neither increases

¹ This FAR Alert was established by the Office of Federal Procurement Policy (OFPP) in 2012 to help improve agency awareness of regulatory changes. GSA prepares the FAN for dissemination to the acquisition workforce via the FAI website. Questions about the individual rules should be directed to the analyst in the “For Further Information Contact” paragraph of the rule.

² Proposed rules announce future changes being considered to the Code of Federal Regulations (CFR), include proposed regulatory text, and solicit public comments. Interim rules announce immediate changes to the CFR and are effective immediately upon publication, or on a specified date after publication, but may be amended based on public comment. Final rules make permanent changes to the FAR after considering public comment, if required. Final rules are effective on a specified date after publication.

³ Definitions/Instructions - “Regular” means you get one message at a time just like regular email. “Digest”, of which there are several types means that instead of getting each message as it is sent, the person gets one message per day made up of all the messages sent to the list that day, the digest usually has an index of subject lines at the top linking to all the messages.

nor decreases the cost of the interim rule, which has been in effect since January 1, 2017. This final rule became effective on August 22, 2018.

FAR Case 2016-007, Non-Retaliation for Disclosure of Compensation Information

DoD, GSA, and NASA have converted to a final rule, without change, an interim rule that amended the FAR to implement E.O. 13665, Non-Retaliation for Disclosure of Compensation Information. The 2016-007 interim rule became effective on September 30, 2016. E.O. 13665, signed April 8, 2014, amended E.O. 11246, Equal Opportunity in Federal Employment. The interim FAR rule also implemented a final rule issued by the Office of Federal Contract Compliance Programs of the Department of Labor, entitled Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions, which was published on September 11, 2015. This final rule became effective on August 22, 2018.