

THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
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**Date:** April 5, 2006 **Code:** HR 2006-09  
**To:** CSU Presidents **Supersedes:** HR 2006-01  
**From:** Jackie R. McClain   
Vice Chancellor  
Human Resources  
**Subject:** **Executive Order 13201: Notice of Employee Rights Concerning Payment of Union Dues**

This coded memorandum supersedes HR 2006-01. HR 2006-01 advised the campuses of certain legal obligations under federal presidential Executive Order 13201 (EO 13201) that the California State University (CSU) must comply with, given the CSU has federal contracts. HR 2006-01 stated that, to comply with EO 13201, each campus must: (1) post an employee notice about employee rights related to union membership and use of union dues and fees in conspicuous places throughout its facilities; and (2) include the notice, or a reference to 29 CFR Part 470 (the regulations implementing EO 13201), in all of its subcontracts and purchase orders that exceed \$100,000 and were entered into or modified (i.e., amended, re-negotiated or renewed) on or after April 28, 2004.

The requirement to post the employee notice in conspicuous places throughout the facilities remains unchanged since HR 2006-01 was issued. A copy of the notice is provided for your use (Attachment A). The two-page notice must be pasted or taped together to form an 11"x17" poster when you post it. You may reproduce the attachment for use or obtain additional copies from The Division of Interpretations and Standards, U.S. Department of Labor (1-866-4-USA-DOL) or any field office of the Office of Labor-Management Standards ([olms-public@dol.gov](mailto:olms-public@dol.gov)) or of the OFCCP or by downloading at [http://www.dol.gov/esa/regs/compliance/olms/EO13201\\_PosterWithoutNLRB.pdf](http://www.dol.gov/esa/regs/compliance/olms/EO13201_PosterWithoutNLRB.pdf).

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**Distribution:**

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Vice Presidents, Administration  
Associate Vice Presidents/Deans, Faculty Affairs  
Systemwide Contract Services and Procurement  
Human Resources Directors  
Equal Employment Opportunity Directors

However, the second requirement to include the employee notice clause, or a reference to 29 CFR Part 470 (the regulations implementing EO 13201), in subcontracts and purchase orders needs to be clarified. EO 13201 does not require all subcontracts and purchase orders that the CSU enters into contain the employee notice clause. Instead, only the subcontracts that fit the regulatory definition must contain the employee notice clause. 29 CFR 470.1(r) defines “subcontract” as:

. . . [A]ny agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the purchase, sale or use of personal property or nonpersonal services which, in whole or in part, is necessary to the performance of any one or more contracts; or (2) Under which any portion of the contractor’s obligation under any one or more contracts is performed, undertaken or assumed.

Systemwide Business and Finance will provide further guidance to the campuses on the specifics of this second requirement in the near future.

Effective June 20, 2005, the Office of Federal Contract Compliance Programs (OFCCP) began conducting compliance inspections under EO 13201 when the agency goes on-site to review an employer’s Affirmative Action Program.

Questions regarding this HR letter should be addressed to Employee Relations at (562) 951-4425. This HR letter is available via Human Resources Administration’s Web page at: <http://www.calstate.edu/HRAdm/memos.shtml>.

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