



November 6, 2017

Dear Representative:

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of H.R. 3441, the *Save Local Business Act*. This legislation will provide certainty for small businesses concerning the joint employer standard. **H.R. 3441 will be considered an NFIB Key Vote for the 115th Congress.**

From 1984 to 2015, the National Labor Relations Board (NLRB) defined a joint employer as a business that yields direct control over hiring, terminating, and managing employees. Under this standard, a small business was deemed a joint employer only if it exercised direct and immediate control over another company's employees. In the 2015 Browning-Ferris ruling, the NLRB rewrote the standard to include indirect control, so that even influence over employment would qualify a business as a joint employer. Now, a small business may be liable for another company's employment law violations, and this broader standard has the potential to inflict serious harm to the small business community.

H.R. 3441 will update the National Labor Relations Act (NLRA) and the Fair Labor Standards Act (FLSA) by returning the joint employer standard to its prior definition, removing indirect control from the language. Specifically, an employer may be considered a joint employer of a worker only if it "directly and immediately" exercises control over primary elements of employment. These primary elements include hiring, firing, determining pay, or supervising employees on a routine basis.

NFIB strongly supports passage of H.R. 3441 and will consider it an NFIB Key Vote for the 115th Congress. The *Save Local Business Act* is an important piece of legislation that will provide clarity of business relationships for small business owners and will clearly define when a business owner can be held liable as a joint employer. We look forward to working with you to protect small business as the 115th Congress moves forward.

Sincerely,

A handwritten signature in black ink that reads "Juanita D. Duggan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Juanita D. Duggan
President & CEO
NFIB