

115TH CONGRESS
1ST SESSION

H. R. 3441

To clarify the treatment of two or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Mr. BYRNE (for himself, Ms. FOXX, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. HUNTER, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. GUTHRIE, Mr. ROKITA, Mr. BARLETTA, Mr. MESSER, Mr. GROTHMAN, Ms. STEFANIK, Mr. ALLEN, Mr. LEWIS of Minnesota, Mr. FRANCIS ROONEY of Florida, Mr. MITCHELL, Mr. GARRETT, Mr. SMUCKER, Mr. FERGUSON, Mrs. HANDEL, Mr. CHABOT, Mr. CUELLAR, Mr. KELLY of Pennsylvania, Mr. BARR, Mr. PERRY, Mr. ROUZER, Mrs. MIMI WALTERS of California, Mr. COLLINS of Georgia, and Mr. CORREA) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To clarify the treatment of two or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save Local Business
5 Act”.

1 **SEC. 2. CLARIFICATION OF JOINT EMPLOYMENT.**

2 (a) NATIONAL LABOR RELATIONS ACT.—Section
3 2(2) of the National Labor Relations Act (29 U.S.C.
4 152(2)) is amended—

5 (1) by striking “The term ‘employer’” and in-
6 serting “(A) The term ‘employer’”; and

7 (2) by adding at the end the following:

8 “(B) A person may be considered a joint
9 employer in relation to an employee only if such
10 person directly, actually, and immediately, and
11 not in a limited and routine manner, exercises
12 significant control over the essential terms and
13 conditions of employment (including hiring em-
14 ployees, discharging employees, determining in-
15 dividual employee rates of pay and benefits,
16 day-to-day supervision of employees, assigning
17 individual work schedules, positions, and tasks,
18 and administering employee discipline).”

19 (b) FAIR LABOR STANDARDS ACT OF 1938.—Section
20 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C.
21 203(d)) is amended—

22 (1) by striking “‘Employer’ includes” and in-
23 serting “(1) ‘Employer’ includes”; and

24 (2) by adding at the end the following:

25 “(2) A person may be considered a joint em-
26 ployer in relation to an employee for purposes of this

1 Act only if such person meets the criteria set forth
2 in section 2(2)(B) of the National Labor Relations
3 Act (29 U.S.C. 152(2)(B)).”

○