

Union Calendar No. 272

114TH CONGRESS
1ST SESSION

H. R. 3459

[Report No. 114–355]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2015

Mr. KLINE (for himself, Mr. ROE of Tennessee, Mr. WALBERG, Ms. FOXX, Mr. ROKITA, Mr. WILSON of South Carolina, Mr. HUNTER, Mr. THOMPSON of Pennsylvania, Mr. SALMON, Mr. GUTHRIE, Mr. BARLETTA, Mr. HECK of Nevada, Mr. MESSER, Mr. BYRNE, Mr. CARTER of Georgia, Mr. BISHOP of Michigan, Mr. GROTHMAN, Mr. RUSSELL, Mr. CURBELO of Florida, Mr. ALLEN, Mr. CHABOT, Mr. LUETKEMEYER, Mrs. HARTZLER, Mr. SMITH of Missouri, Mr. HARDY, and Mr. KNIGHT) introduced the following bill; which was referred to the Committee on Education and the Workforce

DECEMBER 1, 2015

Additional sponsors: Mr. PALMER, Mr. BUCSHON, Mr. TIBERI, Mr. GOSAR, Mr. COSTELLO of Pennsylvania, Mr. LONG, Mr. HUIZENGA of Michigan, Mrs. MIMI WALTERS of California, Mr. CRAMER, Mr. FORBES, Mr. ABRAHAM, Mr. HUELSKAMP, Mr. YODER, Mr. CUELLAR, Mr. WESTMORELAND, Mr. POMPEO, Mr. SENSENBRENNER, Mr. BILIRAKIS, Mr. BRAT, Mr. HILL, Mr. ROONEY of Florida, Ms. JENKINS of Kansas, Mrs. WAGNER, Mr. GOODLATTE, Mr. JOLLY, Mr. ROSS, Mrs. WALORSKI, Mr. PETERSON, Mr. MILLER of Florida, Mr. MOOLENAAR, Mr. ROHRABACHER, Mr. MARCHANT, Mr. SMITH of Texas, Mrs. COMSTOCK, Mr. BUCK, Mr. FARENTHOLD, Mrs. BROOKS of Indiana, Mr. LATTI, Mr. SHIMKUS, Mr. BURGESS, Ms. MCSALLY, Mr. FINCHER, Mr. COFFMAN, Mr. ASHFORD, Mr. HULTGREN, Mr. WESTERMAN, Mr. RATCLIFFE, Mr. SMITH of Nebraska, Mr. HURT of Virginia, Mr. HENSARLING, Mr. RIBBLE, Mr. OLSON, Mr. BARR, Mr. TOM PRICE of Georgia, Mr. SAM JOHNSON of Texas, Mr. WOMACK, Mr. HOLDING, Mr. SESSIONS, Mr. LANCE, Mr. AUSTIN SCOTT of Georgia, Ms. STEFANIK, Mr. DUNCAN of Tennessee, Mr. LOUDERMILK, Mr. HANNA, Mrs. BLACK, Mrs. ROBY, Mr.

CALVERT, Mr. MULVANEY, Mr. DOLD, Mr. BOUSTANY, Mr. HURD of Texas, Mr. POSEY, Mr. LAMBORN, Mr. NUGENT, Mr. ZINKE, Mrs. ELLMERS of North Carolina, Mr. GIBBS, Mr. STEWART, Mr. MACARTHUR, Mr. STIVERS, Mr. TIPTON, Mr. CULBERSON, Mr. KELLY of Pennsylvania, Mr. COLLINS of New York, Mr. KELLY of Mississippi, Mr. BENISHEK, Mr. FORTENBERRY, Mr. LUCAS, Mr. HUDSON, Mr. COLE, Mrs. LOVE, and Mr. NEWHOUSE

DECEMBER 1, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on September 9, 2015]

A BILL

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

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 “Protecting Local Busi-*
5 *ness Opportunity Act”.*

6 **SEC. 2. TREATMENT OF JOINT EMPLOYERS.**

7 *Section 2(2) of the National Labor Relations Act (29*
8 *U.S.C. 152(2)) is amended by adding at the end the fol-*
9 *lowing: “Notwithstanding any other provision of this Act,*
10 *two or more employers may be considered joint employers*
11 *for purposes of this Act only if each employer shares and*
12 *exercises control over essential terms and conditions of em-*
13 *ployment and such control over these matters is actual, di-*
14 *rect, and immediate.”.*

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