

115TH CONGRESS
1ST SESSION

H. R. 3441

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2017

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Save Local Business
3 Act”.

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

5 (a) NATIONAL LABOR RELATIONS ACT.—Section
6 2(2) of the National Labor Relations Act (29 U.S.C.
7 152(2)) is amended—

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

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

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

20 (b) FAIR LABOR STANDARDS ACT OF 1938.—Section
21 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C.
22 203(d)) is amended—

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

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

1 “(2) A person may be considered a joint employer
2 in relation to an employee for purposes of this Act only
3 if such person meets the criteria set forth in section
4 2(2)(B) of the National Labor Relations Act (29 U.S.C.
5 152(2)(B)).”.

Passed the House of Representatives November 7,
2017.

Attest:

KAREN L. HAAS,
Clerk.