

COALITION FOR A  
DEMOCRATIC WORKPLACE

December 1, 2015

Dear Chairman Blunt:

On behalf of the millions of American businesses concerned with the rights of their employees, the economy, and the need for fairness in federal regulation, the Coalition for a Democratic Workplace (CDW) – a broad-based coalition of over 600 organizations focused on labor issues – writes to express our support for a provision included in the FY 2016 Labor, Health and Human Services, Education and Related Agencies Appropriations Bill that would stop the National Labor Relations Board (NLRB) from implementing recently announced and dramatic changes to the joint employer standard under the National Labor Relations Act (NLRA). We urge Congress to incorporate the provision into the 2016 omnibus spending package.

On August 27, the NLRB released its decision in the *Browning-Ferris Industries* (BFI) case, which announced dramatic changes to the agency's joint employer standard. The joint employer standard is used by the NLRB to determine when two separate companies share collective bargaining obligations and unfair labor practice liability under the NLRA. For the last three decades, a business had to exercise direct and immediate control over the terms and conditions of employment of another company's employees in order to be considered a joint employer by the Board. This clear set of rules protected businesses from liability for actions over which they had *no* actual or direct control. If the NLRB is allowed to apply the standard it announced in the *BFI* decision going forward, however, companies will face liability and collective bargaining obligations whenever the NLRB deems they have indirect or even just potential, unexercised control over another company's employees.

The changes announced in *BFI* are both expansive and vague and will negatively affect every business contract throughout the nation's economy, including franchisor-franchisee, contractor-subcontractor, and supplier-vendor relationships. This significant change means companies will now be held liable for the business practices of other entities over which they have no direct control, a drastic departure from the original intent of the joint employer standard.

We believe it is vital to address this drastic change in labor law put forth by the unelected NLRB, and we look forward to working with you to further this provision. If left unchecked, the actions of this agency could fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers, and consumers.

Sincerely,

Coalition for a Democratic Workplace

[www.myprivateballot.com](http://www.myprivateballot.com)

2015

And

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Aeronautical Repair Station Association  
American Apparel & Footwear Association  
American Bakers Association  
American Concrete Pressure Pipe Association  
American Hotel & Lodging Association  
American Moving & Storage Association  
American Rental Association  
American Seniors Housing Association  
American Supply Association  
AmericanHort  
Argentum  
Arkansas Hospitality Association  
Arkansas State Chamber of Commerce  
Asian American Hotel Owners Association  
Associated Builders and Contractors  
Associated Builders and Contractors, Central Florida Chapter  
Associated Builders and Contractors, Eastern Pennsylvania Chapter  
Associated Builders and Contractors, Florida East Coast Chapter  
Associated Builders and Contractors, Florida First Coast Chapter  
Associated Builders and Contractors, Hawaii Chapter  
Associated Builders and Contractors, Indiana/ Kentucky Chapter  
Associated Builders and Contractors of New Mexico  
Associated Builders and Contractors, Massachusetts Chapter  
Associated Builders and Contractors of Michigan  
Associated Builders and Contractors, Rocky Mountain Chapter  
Associated Builders and Contractors, South Texas Chapter  
Associated Builders and Contractors, Virginia Chapter  
Associated Equipment Distributors  
Associated General Contractors  
Associated Industries of Arkansas  
Auto Care Association  
California Delivery Association  
CAWA- Representing the Automotive Parts Industry  
Center for the Defense of Free Enterprise  
Coalition of Franchisee Associations  
Equipment Dealers Association  
Farm Equipment Manufacturers Association  
Forging Industry Association  
Franchise Business Services  
Global Cold Chain Alliance  
Heating, Air-Conditioning & Refrigeration Distributors International  
HR Policy Association  
Independent Electrical Contractors

# COALITION FOR A DEMOCRATIC WORKPLACE

Independent Office Products & Furniture Dealers Alliance  
Industrial Fasteners Institute  
International Foodservice Distributors Association  
International Franchise Association  
International Warehouse Logistics Association  
Kitchen Cabinet Manufacturers Association  
Little Rock Regional Chamber of Commerce  
Maryland Motor Truck Association  
Metals Service Center Institute  
National Apartment Association  
National Association of Electrical Distributors  
National Association of Home Builders  
National Association of Wholesaler-Distributors  
National Christmas Tree Association  
National Club Association  
National Council of Chain Restaurants  
National Federation of Independent Business  
National Franchisee Association  
National Lumber and Building Material Dealers Association  
National Multifamily Housing Council  
National Office Products Alliance  
National Pest Management Association  
National Ready Mixed Concrete Association  
National Retail Federation  
National Roofing Contractors Association  
National Small Business Association  
National Stone, Sand and Gravel Association  
National Tooling and Machining Association  
NATSO, Representing America's Travel Centers and Truckstops  
North American Die Casting Association  
Office Furniture Dealers Alliance  
Precision Machined Products Association  
Precision Metalforming Association  
Retail Industry Leaders Association  
Small Business Association  
Society for Human Resource Management  
Society of American Florists  
Southeastern Lumber Manufacturers Association  
Textile Rental Services Association  
Truck Renting and Leasing Association  
United Motorcoach Association  
U.S. Chamber of Commerce  
World Floor Covering Association