

COALITION FOR A
DEMOCRATIC WORKPLACE

December 1, 2015

Dear Chairman Cole:

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

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

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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