

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

September 16, 2015

The Honorable Lamar Alexander
United States Senate
Washington, DC 20510

The Honorable John Kline
U.S. House of Representatives
Washington, DC 20515

Dear Senator Alexander and Representative Kline:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, supports the Protecting Local Business Opportunity Act (S. 2015/H.R. 3459) and applauds you and the bill's cosponsors for introducing this important legislation.

The National Labor Relations Board's (NLRB) recent decision in *Browning-Ferris Industries* upended decades of precedent to change the NLRB's standard for determining whether two businesses are "joint employers" of certain workers. The NLRB overturned its clear bright-line test—to determine if a business entity retained direct and immediate control of the workers—in favor of a broad, ill-defined test that will find joint employment even where one company only has the right to exert *indirect* or *potential* control over the terms and conditions of another company's employees. According to the dissent, this new standard will "subject countless entities to unprecedented new joint-bargaining obligations that most do not even know they have, to potential liability for unfair labor practices and breaches of collective bargaining agreements, and to economic protest activity, including what have heretofore been unlawful secondary strikes, boycotts and picketing."

The Protecting Local Business Opportunity Act would correct the *Browning-Ferris* decision and restore the longstanding and unambiguous "joint employer" standard, which has allowed employers to develop business models that have led to increased flexibility, competitiveness, and growth. The Chamber thanks you for introducing S. 2015 and H.R. 3459 and looks forward to working with you and your colleagues to pass this critical legislation

Sincerely,



R. Bruce Josten

cc: Members of the United States Congress