



November 6, 2017

United States House of Representatives
Washington, DC 20515

Dear Representative,

On behalf of Associated Builders and Contractors (ABC), a national trade association representing more than 21,000 members from construction and industry-related firms, we write in support of H.R. 3441, the Save Local Business Act. Introduced by Representative Bradley Byrne (R-Ala.), H.R. 3441 will restore the “joint employer” standard that has been in place for over 30 years and bring stability back into the economy for contractors and subcontractors across the country. We urge you to vote YES on H.R. 3441 and will consider this a **Key Vote** for our 115th Congressional Scorecard.

On August 27, 2015, the National Labor Relations Board (NLRB) issued its decision in Browning-Ferris Industries altering the “joint employer” standard under the National Labor Relations Act. The standard is used to determine when two separate companies are considered one employer with respect to a group of employees for purposes of liability and bargaining obligations under the National Labor Relations Act.

Prior to this decision, companies were only deemed joint employers when they both exercised “direct and immediate” control over the “essential terms and conditions of employment.” In Browning-Ferris, however, the Board overturned 30 years of precedent to impose a new standard expanding the definition to include those employers who have “indirect” control and “unexercised potential” control. The two Republican members who dissented in the case explained the potential consequences of such a change, stating that the rule 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 Board’s decision will disrupt hundreds of thousands of business operations throughout the country and threaten the ability of hardworking Americans to achieve the American dream of owning their own business. ABC applauds Speaker Ryan for bringing this legislation to the floor and Rep. Byrne for introducing H.R. 3441.

Again, we urge you to support the Save Local Business Act, and will consider this a Key Vote for our 115th Congressional Scorecard.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Swearingen', is written over a light blue horizontal line.

Kristen Swearingen
Vice President of Legislative & Political Affairs