



**Opening Statement by Rep. Bradley Byrne (R-AL)
Chairman, Subcommittee on Workforce Protections
Hearing on H.R. 3341, the *Save Local Business Act***

To most Americans, the question over who their employer is seems to be an obvious answer. It's the person who hired them, the one who signs their paycheck.

As a former labor attorney, I can tell you it used to be very clear in legal terms how you become someone's employer. But that's no longer the case since the National Labor Relations Board stepped in.

Many people would be shocked to find out that some company they've had zero contact with is also considered their employer, in addition to the employer that actually hired them.

Now, we all agree there are times when two or more employers should be deemed "joint employers." Before the NLRB overstepped, there was a commonsense understanding of the circumstances establishing that joint employer relationship. Both employers had to have "actual, direct, and immediate" control over essential terms and conditions of employment.

This standard made sense. But today, business owners and their employees face a standard vastly different, and far more confusing. They face a situation where a group of unelected bureaucrats in Washington are interfering with their relationship in a way that has created a lot of problems.

The NLRB's decision, and the Obama administration's actions that followed, have inserted a great deal of uncertainty and confusion into the traditional employer-employee relationship. Two completely separate employers can be considered joint employers if they made a business agreement that "indirectly" or "potentially" impacts their employees.

What does that even mean? It's pretty vague and confusing. Think of it from the employee's standpoint. There shouldn't be any room for question on who their employer is.

As for employers, they should have the clarity they need to look out for their employees in the way the law requires. Because in order for employees to have strong protections in the workplace, it needs to be crystal clear who is responsible for providing those protections.

We are here today because we are determined to provide that clarity and protect jobs and small businesses in our communities by advancing the Save Local Business Act. I'm proud to say two of our Democrat colleagues, Representatives Correa and Cuellar, are original cosponsors of H.R. 3441, and we hope to continue to build bipartisan support so we can restore commonsense to the joint employer issue.

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This is an issue of great importance to both of our workforce subcommittees, which is why this has been a joint effort with my colleague, Mr. Walberg. Chairwoman Foxx has made the Save Local Business Act a top priority for the full committee, and this hearing will bring us one step closer to moving it through the legislative process.

I'd like to give Mr. Walberg an opportunity to provide his own opening remarks, but before I do, I will yield to Ranking Member Takano.

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