

COALITION FOR A  
**DEMOCRATIC WORKPLACE**

October 27, 2015

The Honorable John Kline  
Chairman, House Committee on Education and  
the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Bobby Scott  
Ranking Member, House Committee on  
Education and the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Kline and Ranking Member Scott,

On behalf of the over 600 members of the Coalition for a Democratic Workplace (CDW) I am writing in regard to Wednesday's Education and Workforce Committee markup of H.R. 3459, the "Protecting Local Business Opportunity Act." The bill will restore the longstanding "joint employer" standard under the National Labor Relations Act—a standard that has paved the way for franchisors, franchisees, contractors, subcontractors and other businesses to create millions of jobs and has allowed hundreds of thousands to achieve the American dream of small business ownership.

Enclosed please find CDW's original letter of support for H.R.3459 signed by over 190 members of the coalition. We thank you again for scheduling this markup to address this important issue and look forward to working with Congress to ensure locally owned businesses and their employees are protected.

Sincerely,



Kristen Swearingen  
Chair, Coalition for a Democratic Workplace

# COALITION FOR A DEMOCRATIC WORKPLACE

October 1, 2015

Dear Chairmen Alexander, Kline, Isakson and Roe:

On behalf of the millions of American businesses concerned with the rights of their employees, the fragile economy, and the need for balance in federal regulation, the Coalition for a Democratic Workplace (CDW) writes to thank you for introducing the Protecting Local Business Opportunity Act (S. 2015/H.R. 3549). The bill will restore the longstanding “joint employer” standard under the National Labor Relations Act—a standard that has paved the way for franchisors, franchisees, contractors, subcontractors and other businesses to create millions of jobs and has allowed hundreds of thousands to achieve the American dream of small business ownership.

CDW is a broad-based coalition of over 600 organizations representing millions of businesses, which employ tens of millions of employees nationwide in nearly every industry. CDW members are joined by their mutual concern over recent actions by the National Labor Relations Board (NLRB or Board), which threaten entrepreneurs, other employers, employees and economic growth.

On August 27, 2015, the NLRB issued its decision in *Browning-Ferris Industries* overturning the 30 year-old “joint employer” standard for determining, with respect to a certain group of employees, when one company is liable for the labor practices of another separate company under the NLRA. Until the Board’s recent ruling, two separate entities were only considered “joint-employers” when they both exercised “direct and immediate” control over “essential terms and conditions of employment.” In *Browning-Ferris Industries*, the Board announced it will now also impose joint employer liability where an entity has “indirect” control and “unexercised potential” of control over another entity’s employees. As noted by the Board’s two dissenting members, this new 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 decision threatens to disrupt hundreds of thousands of business relationships to the detriment of entrepreneurs, other small businesses and their employees. We thank you for introducing this much-needed legislation and urge Congress to pass it quickly.

Sincerely,

The Coalition for a Democratic Workplace  
and the following organizations:

ACCA- The Indoor Environment & Energy Efficiency Association  
Aeronautical Repair Station Association  
American Apparel & Footwear Association  
American Bakers Association  
American Fuel & Petrochemical Manufacturers  
American Fire Sprinkler Association  
American Foundry Society  
American Home Furnishings Alliance  
American Hospital Association  
American Hotel & Lodging Association  
American Moving & Storage Association  
American Pipeline Contractors Association  
American Society of Employers  
American Staffing Association  
American Supply Association  
American Trucking Associations  
AmericanHort  
Arizona Builders Alliance  
Asian American Hotel Owners Association  
Assisted Living Federation of America  
Associated Builders & Contractors  
Associated Builders & Contractors, Central Florida Chapter  
Associated Builders & Contractors, Delaware Chapter  
Associated Builders & Contractors, Eastern Pennsylvania Chapter  
Associated Builders & Contractors, Florida East Coast Chapter  
Associated Builders & Contractors, Hawaii Chapter  
Associated Builders & Contractors, Indiana & Kentucky Chapter  
Associated Builders & Contractors, Mississippi Chapter  
Associated Builders & Contractors of Greater Houston  
Associated Builders & Contractors of Oklahoma  
Associated Builders & Contractors, Pelican Chapter  
Associated Builders & Contractors, Rhode Island Chapter  
Associated Builders & Contractors, Rocky Mountain Chapter  
Associated Builders & Contractors, South Texas Chapter  
Associated Builders & Contractors, Virginia Chapter  
Associated Equipment Distributors  
Associated General Contractors  
California Chamber of Commerce  
California Delivery Association  
Cardinal Health  
CAWA- Representing the Automotive Parts Industry  
Center for Individual Freedom  
Center for the Defense of Free Enterprise  
Coalition of Franchisee Associations  
Food Marketing Institute  
Forging Industry Association  
Foundry Association of Michigan

Franchise Business Services  
Global Cold Chain Alliance  
Heating, Air-Conditioning & Refrigeration Distributors International  
HR Policy Association  
Independent Electrical Contractors, Inc.  
Independent Office Products & Furniture Dealers Alliance  
Indiana Cast Metals Association  
Industrial Fasteners Institute  
Industrial Supply Association  
Industrial Supply Chain Association  
Interlocking Concrete Pavement Institute  
International Council of Shopping Centers  
International Foodservice Distributors Association  
International Franchise Association  
International Sign Association  
International Warehouse Logistics Association  
Metals Service Center Institute  
Minnesota Grocers Association  
Montana Chamber of Commerce  
Motor & Equipment Manufacturers Association  
NASTO, Representing America's Travel Plazas and Truckstops  
National Apartment Association  
National Association of Home Builders  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Club Association  
National Concrete Masonry Association  
National Council of Chain Restaurants  
National Federation of Independent Business  
National Franchisee Association  
National Grocers Association  
National Lumber & Building Material Dealers Association  
National Multifamily Housing Council  
National Office Products Alliance  
National Pest Management Association  
National Precast Concrete 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  
Nebraska Chamber of Commerce & Industry  
Nebraska Grocery Industry Association  
North American Die Casting Association  
Northeastern Retail Lumber Association  
Ohio Cast Metals Association  
Office Furniture Dealers Alliance

Pennsylvania Foundry Association  
Precision Machined Products Association  
Precision Metalforming Association  
Retail Industry Leaders Association  
Society for Human Resource Management  
Society of American Florists  
Texas Cast Metals Association  
Textile Rental Services Association  
Truck Renting and Leasing Association  
U.S. Chamber of Commerce  
Wood Floor Covering Association  
Wisconsin Cast Metals Association  
World Millwork Alliance  
Zimolong LLC