



**THE VOICE OF FOOD RETAIL**

Feeding Families  Enriching Lives

October 3, 2017

The Honorable Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairwoman Foxx,

The Food Marketing Institute (FMI) writes to express appreciation and support for the Save Local Businesses Act, H.R. 3441, to restore clarity to the joint employer standard.

By way of background, FMI proudly advocates on behalf of food retailers and wholesalers. FMI's U.S. members operate nearly 40,000 retail food stores and 25,000 pharmacies, representing a combined annual sales volume of almost \$770 billion. FMI membership covers the spectrum of diverse venues where food is sold, including single owner grocery stores, large multi-store supermarket chains, mixed retail stores, and food wholesalers. The food wholesale and retail industry is an important economic sector that employs more than 4.8 million people and helps support almost 3 million additional jobs in supplier and upstream industries – including contract employees.

For many FMI food retail members, a diverse workforce is a critical component of efficient operation, in particular because the food retail business requires a wide range of skillsets and faces seasonal variation in sales demands, among other challenges. In order to meet these challenges, food retailers often rely on contract employees. Recent expansion of the joint employer standard focusing on only indirect (or potential) control over workers threatens food retailer's ability to hire workers with special skills, fill demand during high volume or holiday seasons, and otherwise fulfill workforce needs in an already competitive industry. As such, it is important to our members that the joint employer standard be clearly defined as requiring actual, direct, and immediate control over contract workers, such as those workers described above.

The Save Local Businesses Act, H.R. 3441, amending the National Labor Relations Act and Fair Labor Standards Act, would provide the necessary clarity to the joint employer standard and would help ensure that the food retail industry can continue to fulfill its diverse employee needs.

We support the Committee's actions to move this legislation forward.

Sincerely,

Jennifer Hatcher  
Chief Public Policy Officer & Senior Vice President, Government Relations  
Food Marketing Institute