



October 27, 2015

The Honorable John Kline
Chairman
House Education and Workforce Committee
2176 Rayburn House Office Building
Washington D.C. 20515

Dear Chairman Kline,

On behalf of the 70 partner organizations and 1.2 million Latino small business owners that are part of The Latino Coalition, we strongly support H.R. 3459, the "Protecting Local Business Opportunity Act." This bill provides a guarantee that small business owners will not have their livelihoods threatened by the National Labor Relations Board (NLRB) in its recent Browning-Ferris decision. After all, the NLRB has made small businesses liable for workers we don't even employ!

For decades, the joint employer standard has protected small businesses from liability involving employees over which they do not have actual or direct control. That has always made sense. But now, through its Browning-Ferris decision, the NLRB has invented a senseless "indirect" control standard. In doing so, the NLRB has put pressure on primary companies to assert more authority over small businesses such as mine to limit their new liability in federal labor law.

As a result, small business owners may no longer have control over the business they have built and operate, nor will the employees that they have hired and trained be able to depend on me for their livelihoods. An entity with which they have no relationship nor will ever meet will determine their employment terms, including their wages and work schedules. That is not only impractical, but it goes against the very entrepreneurial spirit that you and your colleagues in Congress have long supported.

We need a simple definition of "joint employers" in the National Labor Relations Act (NLRA) that protects small businesses and our employees. That's precisely what the "Protect Local Business Opportunity Act," and that's why we support H.R. 3549.

Small businesses play a vital role in both our nation's economy and our local economy, and I am truly pleased that the success of my business benefits our community from an economic standpoint. Therefore, we join with other small business organizations in thanking you for standing up for local businesses in our state by supporting the "Protect Local Business Opportunity Act."

Sincerely,

Allen Gutierrez
National Executive Director

NATIONAL HEADQUARTERS: 1455 PENNSYLVANIA AVENUE NW ★ SUITE 400 ★ WASHINGTON, D.C. 20004
ADMINISTRATIVE OFFICE: 100 SPECTRUM CENTER DRIVE ★ SUITE 900 ★ IRVINE, CA 92618
OFFICE (TOLL FREE): 1 (855) 852-1995 ★ FAX: (866) 496-1944