



October 28, 2015

The Honorable John Kline  
Chairman  
Committee on Education and the Workforce  
U.S. House of Representatives

The Honorable Robert C. Scott  
Ranking Member  
Committee on Education and the Workforce  
U.S. House of Representatives

**Re: Support for H.R. 3459, the Protecting Local Business Opportunity Act**

Dear Chairman Kline and Ranking Member Scott:

On behalf of the National Restaurant Association, I write in regards to the markup of H.R. 3459, the Protecting Local Business Opportunity Act. I would like to highlight our support for this important bipartisan piece of legislation.

The National Restaurant Association is the leading business association for the restaurant and food service industry. The industry is comprised of one million restaurant and foodservice outlets employing 14 million people. Despite being an industry of predominately small businesses, the restaurant industry is the nation's second-largest private-sector employer, employing about 10 percent of the U.S. workforce.

The National Labor Relations Board (NLRB), through case law, is currently trying to change the standard that determines whether an employer is a joint employer for purposes of collective bargaining and labor law violations under the National Labor Relations Act. The NLRB's own General Counsel has made these attempts crystal clear in his own filings to the NLRB urging its members to "abandon its existing joint-employer standard," which has been in place for three decades. The Administrative Procedure Act would have been the right approach for the NLRB to follow before attempting to permanently alter the employer-employee relationship for thousands of companies that rely on contractors and sub-contractors for specialized support as well as the franchisor-franchisee model that has been of great benefit to the American economy.

This issue is about hard working employers in our communities, who risked their savings and capital to build, manage, and grow their own local businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Amador", written in a cursive style.

Angelo I. Amador, Esq.  
Senior Vice President & Regulatory Counsel