



October 27, 2015

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of the American Hotel & Lodging Association (AH&LA) and the undersigned State Associations from across the country, we urge you to cosponsor and support H.R. 3459, the “Protecting Local Business Opportunity Act” sponsored by Chairman John Kline (MN-2). This commonsense legislation would address decisions made by the National Labor Relations Board (NLRB), which undermine the National Labor Relations Act (NLRA) and create unnecessary uncertainty within the employer community.

The lodging industry is one of the nation’s largest employers. With 1.9 million employees in cities and towns across the country, the hotel industry generates \$176 billion in annual sales from more than 5 million guestrooms at 53,432 properties. It’s particularly important to note that this industry is comprised largely of small businesses, with more than 55% of hotels made up of 75 rooms or less.

For more than three decades, the joint employer standard has been one of the cornerstones of labor law, protecting small businesses from undue liability involving employees over which they do not have actual or direct control. Unfortunately, through its *Browning-Ferris Industries* decision, the NLRB has completely re-written the joint employer standard by including “indirect” and “potential” control into its decision. In doing so, the NLRB has ignored years of legal precedence and has created an environment of uncertainty that will put pressure on primary companies to assert more authority over small businesses to limit new potential liabilities under federal labor law.

As the minority members of the NLRB correctly state in their dissenting opinion, “the number of contractual relationships now potentially encompassed within the majority’s new standard appears to be virtually unlimited” and “...creates uncertainty where certainty is needed...and provides no real standard for determining in advance when entities in a business relationship will be viewed as independent and when they will be viewed as joint employers.”

The “Protecting Local Business Opportunity Act” will bring much needed certainty back into labor law, reversing the new ambiguous and senseless joint employer standard included in the NLRB’s *Browning-Ferris Industries* decision.

We thank you for your consideration of this critical legislation and urge your support of H.R. 3459.

Sincerely,

American Hotel & Lodging Association
Alabama Restaurant & Hospitality Alliance
Alaska Hotel & Lodging Association
Arizona Lodging & Tourism Association



Arkansas Hospitality Association
California Hotel & Lodging Association
Colorado Hotel & Lodging Association
Connecticut Lodging Association
Hotel Association of Washington DC
Florida Restaurant & Lodging Association
Georgia Hotel & Lodging Association
The Hawaii Lodging & Tourism Association
Illinois Hotel & Lodging Association
Indiana Restaurant & Lodging Association
Louisiana Hotel & Lodging Association
Maine Innkeepers Association
Maryland Hotel & Lodging Association
Massachusetts Lodging Association
Michigan Lodging and Tourism Association
Minnesota Lodging Association
Montana Lodging & Hospitality Association
Nebraska Hotel & Motel Association
Nevada Hotel & Lodging Association
New Hampshire Lodging & Restaurant Association
New Jersey Hotel & Lodging Association
New York State Hospitality & Tourism Association
Hotel Association of New York City, Inc.
North Carolina Restaurant & Lodging Association
Ohio Hotel & Lodging Association
Oklahoma Hotel & Lodging Association
Oregon Restaurant & Lodging Association
Pennsylvania Restaurant & Lodging Association
Rhode Island Hospitality Association
South Carolina Restaurant & Lodging Association
Tennessee Hospitality & Tourism Association
Texas Hotel & Lodging Association
Utah Hotel & Lodging Association
Virginia Hospitality & Travel Association
Washington Lodging Association
West Virginia Hospitality & Travel Association
Wisconsin Hotel & Lodging Association
Wyoming Lodging & Restaurant Association