

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3441
OFFERED BY MR. BYRNE**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Save Local Business
3 Act”.

4 SEC. 2. CLARIFICATION OF JOINT EMPLOYMENT.

5 (a) NATIONAL LABOR RELATIONS ACT.—Section
6 2(2) of the National Labor Relations Act (29 U.S.C.
7 152(2)) is amended—

8 (1) by striking “The term ‘employer’” and in-
9 serting “(A) The term ‘employer’”; and

10 (2) by adding at the end the following:

11 “(B) A person may be considered a joint
12 employer in relation to an employee only if such
13 person directly, actually, and immediately, and
14 not in a limited and routine manner, exercises
15 significant control over essential terms and con-
16 ditions of employment, such as hiring employ-
17 ees, discharging employees, determining indi-
18 vidual employee rates of pay and benefits, day-

1 to-day supervision of employees, assigning indi-
2 vidual work schedules, positions, and tasks, or
3 administering employee discipline.”.

4 (b) FAIR LABOR STANDARDS ACT OF 1938.—Section
5 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C.
6 203(d)) is amended—

7 (1) by striking “‘Employer’ includes” and in-
8 serting “(1) ‘Employer’ includes”; and

9 (2) by adding at the end the following:

10 “(2) A person may be considered a joint em-
11 ployer in relation to an employee for purposes of this
12 Act only if such person meets the criteria set forth
13 in section 2(2)(B) of the National Labor Relations
14 Act (29 U.S.C. 152(2)(B)).”.

