

AFL-CIO

LEGISLATIVE ALERT

July 22, 2025

Dear Education and Workforce Committee Members:

I am writing on behalf of the AFL-CIO to express our strong opposition to four pieces of legislation being marked up by the Education and Workforce Committee on Wednesday, July 24, 2025. In varying fashions, **these four bills roll back workers' rights by allowing employers to evade their legal responsibilities to employees.**

- **HR 1320:** This bill would remove minimum wage and overtime protections, non-discrimination protections, the right to organize and bargain collectively, the right to family and medical leave, and more from workers who receive a portable employment benefit – like a health care plan – from an employer upon whom they are obviously economically dependent – where that provision of benefits would otherwise help establish the workers' employment status. Employment status is a matter of economic reality, and the provision of benefits is a big part of that reality. This bill puts a thumb on the scale to allow employers to misclassify workers as independent contractors rather than employees, shielding employers from their legal responsibilities and stripping workers of their hard-won legal rights. This is especially concerning for frequently misclassified employees in the construction and arts industries, who, although supposedly the primary beneficiaries of this bill, will undoubtedly face higher levels of misclassification if it is enacted. The very recognition of the need to provide misclassified workers with benefits underscores the economic reality: they are economically dependent on their employers, not running their own independent businesses. A key solution is to stop misclassifying workers as independent contractors and strengthen and enforce the law, not disempower working people as this bill would do.
- **HR 1319:** This bill makes it easier for employers to misclassify workers as independent contractors and exclude them from labor protections. The proposed definition of employment focuses on whether an entity actually exercises significant control over the details of the way the work is performed is much narrower than existing definitions in the FLSA and NLRA. This is a giveaway for employers who do not want to provide the workplace protections and benefits that employees are guaranteed by law, by making it easier to shirk employer mandates by pretending employees are independent contractors.
- **HR 4366, the Save Local Business Act:** This misnomer bill will protect giant corporations from the responsibility to bargain in good faith alongside their joint employers - such as a small franchisee - with their employees. It dramatically limits the definition of a joint employer so that, even though the giant corporation in the back room is calling the shots on terms and conditions of employment, it need not ever sit at the bargaining table, leaving the franchisee solely holding the ball on matters that its parent company controls. That is not good faith bargaining and is a rollback of workers' fundamental rights under the National Labor Relations Act.

- **HR 4312, the SCORE Act:** This bill contains a number of provisions that harm college athletes, including a sweeping ban on employee status. Under this bill, no matter how a college or conference treats a college athlete, the athlete will never be considered an employee. The possibility of employee status is an important guardrail to protect athletes from exploitation, and the actual treatment of them as employees should result in their enjoyment of all the rights of employees. Other provisions of concern include an exemption of the NCAA from the nation's antitrust laws; unfair name, image, and likeness provisions that give ultimate control to the colleges and that can bleed into the athlete's post-college professional lives; and the preemption of any state-level attempts to treat athletes any better. There is also growing concern about how this bill would impact Title IX protections for women athletes and the rights of international students. The AFL-CIO Sports Council lays out many of these concerns in a letter under separate cover.

For all the reasons above and more, the AFL-CIO strongly urges you to oppose these bills. We need policies that empower workers, not giant corporations that want to pretend they aren't employers subject to the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody Calamine".

Jody Calamine
Director, Government Affairs