AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 7701
OFFERED BY Mr. Comer

Page 9, line 13, strike the closing quotation and the final period.

Page 9, after line 13, insert the following:

“(e) JOINT EMPLOYER.—Notwithstanding section 3, the term ‘employer’, when used in this section or in any other provision of this Act for any purpose relating to this section, shall have the meaning given in section 3(d) as if such section had been modified—

“(1) by striking “ ‘Employer’ includes’ and inserting ‘(1) “Employer” includes’; and

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

“(2) An employer may be considered a joint employer of the employees of another employer for purposes of this Act only if such employer directly, actually, and immediately exercises significant control over the essential terms and conditions of employment of the employees of the other employer, such as hiring such employees, discharging such employees, determining the rate of pay and benefits of
such employees, supervising such employees on a
day-to-day basis, assigning such employees a work
schedule, position, or task, or disciplining such em-
ployees.’.’’.

Page 10, line 8, strike the closing quotation and the
final period.

Page 10, after line 8, insert the following:

“(c) JOINT EMPLOYER.—Notwithstanding section 3,
the term ‘employer’, when used in this section or in any
other provision of this Act for any purpose relating to this
section, shall have the meaning given in section 3(d) as
if such section had been modified—

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

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

“(2) An employer may be considered a joint
employer of the employees of another employer for
purposes of this Act only if such employer directly,
actually, and immediately exercises significant con-
trol over the essential terms and conditions of em-
ployment of the employees of the other employer,
such as hiring such employees, discharging such em-
ployees, determining the rate of pay and benefits of
such employees, supervising such employees on a
day-to-day basis, assigning such employees a work schedule, position, or task, or disciplining such employees.'"."