

AMENDMENT TO H.R. 4366
OFFERED BY MR. ONDER OF MISSOURI

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 AMEND-
6 MENTS.—Section 2(2) of the National Labor Relations
7 Act (29 U.S.C. 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) An employer may be considered a joint employer
12 of the employees of another employer only if each employer
13 directly, actually, and immediately, exercises significant
14 control over the essential terms and conditions of employ-
15 ment of the employees of the other employer, such as hir-
16 ing such employees, discharging such employees, deter-
17 mining the rate of pay and benefits of such employees,
18 supervising such employees on a day-to-day basis, assign-

1 ing such employees a work schedule, position, or task, or
2 disciplining such employees.”.

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

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

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

9 “(2) An employer may be considered a joint employer
10 of the employees of another employer for purposes of this
11 Act only if each employer meets the criteria set forth in
12 section 2(2)(B) of the National Labor Relations Act (29
13 U.S.C. 152(2)(B)) except that, for purposes of deter-
14 mining joint-employer status under this Act, the terms
15 ‘employee’ and ‘employer’ referenced in such section shall
16 have the meanings given such terms in this section.”.

