



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

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LEGISLATIVE ACTION ALERT



The House Committee on Education and the Workforce is marking up legislation that would have a drastic impact on what it means to be an employer. H.R. 3441, the Save Local Business Act redefines the term “employer” so narrowly that many workers will have no remedy when their employers violate wage laws or their rights to organize and bargain collectively. [Take Action!](#)

The National Labor Relations Board (NLRB) previously affirmed in its Browning-Ferris decision that two or more employers are joint employers if they share the ability to govern a worker’s terms and conditions of employment. H.R. 3441 would overturn this decision and make it more difficult for employees to collectively bargain with employers that make the decisions impacting their wellbeing.

This legislation also amends the definition of employment relationships under the Fair Labor Standards Act (FLSA). The FLSA currently recognizes that more than one business can be an employer. Thus, an employer cannot hide behind labor contractors, brokers, or others. For example, some contractors will use subcontractors or labor brokers who intentionally misclassify workers as independent contractors or pay them “off the books” to the disadvantage of responsible employers. This legislation will serve as an incentive for worker misclassification to defeat employment and labor law, as well as facilitate tax avoidance. Additionally, due to FLSA changes in this legislation, seasonal workers covered by the Migrant and Seasonal Agricultural Workers Protection Act (MSAWPA) may find it more difficult to seek redress for wage theft and other employment abuses.

This legislation will hurt employees and undermine their right to bargain collectively. [Contact your Representative now to tell them to oppose H.R. 3441, the Save Local Business Act.](#)

