



February 4, 2015

The Honorable Lamar Alexander  
Chairman, Committee on Health, Education, Labor,  
and Pensions  
United States Senate  
Washington, D.C. 20515

The Honorable Patty Murray  
Ranking Member, Committee on Health, Education,  
Labor, and Pensions  
United States Senate  
Washington, D.C. 20515

Dear Chairman Alexander and Ranking Member Murray:

On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 chapter members, I am writing in regards to Thursday's full committee hearing, *Who's the Boss? The "Joint Employer" Standard and Business Ownership*. We applaud the committee for exploring this issue, which is of great concern to ABC members.

On May 12, 2014, the National Labor Relations Board (NLRB or Board) issued an invitation to the public to file amicus briefs in the *Browning Ferris Industries* case, on whether the Board should revisit its 30 year old joint employer standard. The unprecedented changes the Board is considering would redefine who qualifies as a "joint employer" under the National Labor Relations Act, potentially imposing unnecessary barriers to and burdens on the contractor and subcontractor relationships throughout the construction industry. Contractors may find themselves vulnerable to increased liability making them less likely to hire subcontractors, most of whom are small businesses, to work on projects.

The NLRB under the Obama Administration has continually issued radical decisions and rules threatening small business. The possibility of overturning decades of standards that have worked for both the contractor and the subcontractor is yet another example.

Again, we thank you for exploring this important issue and look forward to working with Congress to protect hard working ABC members and the businesses they have built.

Sincerely,

Geoffrey Burr  
Vice President, Government Affairs