

Board Invites Briefs On Joint Employer Standard

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The NLRB continued to signal its intent to review and consider overturning established precedent with another [call for briefs](#) issued yesterday. In its most recent request, the Board invited briefs from interested parties on the issue of joint employer status under the NLRA. Under the Board's current precedent (as stated in *TLI, Inc.*, [271 NLRB 798](#) (1984)), joint employer status is based on whether each entity meaningfully affects employees' terms and conditions of employment. The Board has requested briefing on whether a new standard should be adopted and which factors should be considered, suggesting it may look to overturn this 30-year precedent. The case is *Browning-Ferris Industries*, [Case No. 32-RC-109684](#). As we covered previously, the Board has also recently invited briefing on the employee status issue in the [Northwestern football case](#) and on the [permissibility](#) of prohibiting use of the employer's email system for union activity, as allowed in the Board's 2007 *Register Guard* decision.

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