



More Conflict Regarding NLRB's Pending Joint-Employer Rule

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There has been much anticipation and conflict surrounding the National Labor Relations Board's (NLRB) joint-employer rule. In fact, the agency has extended the [public comment period three times](#) to account for a host of issues. In 2018 there were [ethical allegations](#) regarding the joint-employer issue at the board. In the world of private sector labor relations labor law, this is as about dramatic as it gets.

The latest conflict? On Jan. 17, NLRB Chairman [John Ring sent a letter](#) responding to lawmakers requesting that his agency not address the joint-employer issue through rule making. In his letter, Ring defends the agency's actions and notes that a recent court ruling on the subject further supports the agency's approach. This is the [second time](#) Ring has fired off a letter along these lines to Congress.

The joint-employer issue is especially consequential for the franchise and staffing industries where different legal entities may affect the terms and conditions of workers' employment. A finding of joint employment under the National Labor Relations Act on two or more companies with respect to a workforce can have significant consequences, such as shared liability for unfair labor practices as well as collective bargaining obligations. If the proposed rule by the agency passes in its current form, it likely will make it more difficult for the board to impose joint employment on businesses. We'll see how this continues to unfold.