



RELATED PRACTICE AREAS

Labor and Employment
Labor Relations
National Labor Relations Board (NLRB)

RELATED TOPICS

Joint Employers

Joint-Employer Rule Comment Period Extended Again

January 14, 2019 | [Labor And Employment, National Labor Relations Board](#)

For the third time, the National Labor Relations Board has extended the deadline for submitting comments to its joint-employer rule. [The proposed rule was first issued](#) on September 13, 2018 and public comments were due within 60 days. That deadline has now been extended to **January 28, 2019**, and the deadline for reply comments has been extended to **February 11, 2019**.

The decision to extend the deadline two weeks further comes in light of [the recent D.C. Circuit Court case](#) that affirmed the *Browning-Ferris* joint-employer rule standard. That standard, which has received considerable scrutiny since its promulgation in 2015, is likely to be changed by the proposed rule.

As the law currently stands, the joint-employer rule creates uncertainty for companies in the franchise and staffing industries, where different legal entities may affect the terms and conditions of workers' employment. Those employers are hoping for a new rule that brings the standard used by the Board back to a more employer-friendly position, where an entity is only the employer of a workforce if it directly controls the terms and conditions of that workforce's employment.

Public comments are invited on all aspects of the proposed rule and should be submitted either electronically to www.regulations.gov, or by mail or hand-delivery to Roxanne Rothschild, Acting Executive Secretary, National Labor Relations Board, 1015 Half Street S.E., Washington, D.C. 20570-0001.