

## Fireworks! NLRB Chairman Fires Back At Senators, Confirms Agency Will Address Joint-Employer Issue Through Rulemaking

June 6, 2018 | [National Labor Relations Board, Labor And Employment](#)



**David J. Pryzbylski**  
Partner

National Labor Relations Board (NLRB) Chairman John Ring issued a [letter](#) to several U.S. Senators on Tuesday, June 5 [addressing concerns](#) they previously raised with the head of the labor board regarding potential rulemaking on the standard the agency uses for evaluating joint-employment. Specifically, Ring vehemently rejected any contention that the board was considering rulemaking to somehow circumvent ethical restraints; pronounced the NLRB officially is going forward with rulemaking to address the agency's standard for evaluating joint-employment; articulated why he believes rulemaking is appropriate and the best vehicle for addressing the issue; and proclaimed that while he has some opinion on the matter - just as Democrat board members had opinions on union election procedures when they invoked rulemaking several years ago to modify those procedures - he is maintaining an open mind. There have been many twists and turns on the joint-employer front at the NLRB in [recent times](#). A finding of joint-employment 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. The issue is especially pertinent to businesses who use staffing companies as well as those utilizing franchise models. Based on Ring's letter, more to come soon.

### RELATED PRACTICE AREAS

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

### RELATED TOPICS

Joint Employers  
US Senate