



Comment Period For NLRB's Highly Anticipated Joint-Employer Rule Extended

November 1, 2018 | [Labor And Employment, National Labor Relations Board](#)



**David J.
Pryzbylski**
Partner

The NLRB extended the comment period for its proposed new joint-employer rule, giving the public another 30 days to weigh in on what has been a hot-button issue for businesses who use staffing companies or franchise models.

On Sept. 13, the National Labor Relations Board (NLRB) unveiled a proposed [new rule regarding joint employment](#) under the National Labor Relations Act (NLRA), which stands to make it more difficult for the board to impose a joint-employer finding on companies. Whether two or more companies can be found to be joint employers under the NLRA [has been a hot button issue](#) both at the agency and in the business community since the [NLRB's infamous Browning-Ferris ruling](#) in 2015.

The public was given 60 days to review and submit commentary on the proposed rule, but on Oct. 13, the [NLRB issued a notice](#) stating it was extending the comment period. The notice specifically provides:

"The National Labor Relations Board is extending the time for submitting comments regarding its proposed rulemaking concerning the standard for determining joint-employer status under the National Labor Relations Act for an additional 30 days. The submission window is currently open and interested parties may now file comments on or before Thursday, December 13, 2018. Comments replying to the comments submitted during the initial comment period must be received by the Board on or before December 20,

2018.

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.”

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. Anticipation for the final rule likely will continue to build within the labor relations and business communities until the final rule is issued. Stay tuned.