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Labor Board Proposes Change to Joint-Employer Standard

[Washington, DC] - The National Labor Relations Board will publish a Notice of Proposed Rulemaking in the Federal Register on Friday regarding its joint-employer standard. Under their proposed rule, an employer may be found to be a joint-employer of another employer's employees only if it possesses and exercises substantial, direct and immediate control over the essential terms and conditions of employment and has done so in a manner that is not limited and routine. Indirect influence and contractual reservations of authority would no longer be sufficient to establish a joint-employer relationship.

According to NLRB, the proposed rule reflects the Board majority's view, subject to potential revision in response to public comments, that the National Labor Relations Act's intent is best supported by a joint-employer doctrine that does not draw third parties, who have not played an active role in deciding wages, benefits, or other essential terms and conditions of employment, into a collective-bargaining relationship for another employer's employees.

This action is currently in the proposed rule stage and is not effective at this time. NDA will submit comments to the docket for NLRB to evaluate when considering whether to make the proposal a final rule.

Members with questions can contact Kevin McKenney at kmckenney@demolitionassociation.com

About NDA: The National Demolition Association represents U.S. and Canadian companies that offer standard demolition services as well as a full range of demolition-related services and products. NDA educates members on the latest advances in equipment and services, provides educational programs and tools to stay abreast of regulatory and safety matters, keeps regulators informed about issues in our industry, and increases public awareness of the economic and societal benefits of demolition.