



September 14, 2015

The Honorable John Kline
Chairman
House Education and the Workforce Committee
Washington, DC 20515

Dear Chairman Kline:

On behalf of the membership of the National Council of Chain Restaurants, thank you for introducing H.R. 3459, the *Protecting Local Business Opportunity Act* which responds appropriately to the National Labor Relations Board's (NLRB) misguided decision in the *Browning Ferris Industries* case.

The NLRB's expansive and unbalanced ruling imposes a restrictive definition of an employer that upends the business model for tens of thousands of business owners around the country. This is not the appropriate function of any government agency, especially one in which the president chooses the majority of its members.

The effect of this decision will be sweeping. The NLRB has ruled that the existence of a contractual relationship between employers, through the use of franchise agreements, subcontractors, vendors, temporary workers, etc., will result in a legal "joint employer" relationship which will have dramatic and damaging implications for businesses both small and large.

Chain restaurants are, in the large majority of instances, small business franchisees that operate independent restaurants in local communities around the country. The NLRB is effectively telling these small business owners that their personal business investments and the details of how they run their restaurants in local communities around the country now do not matter. This unilateral decision by the NLRB is contrary to the realities of the 21st century economy and American free enterprise.

Again, thank you for introducing H.R. 3459 and we look forward to working with you to ensure prompt passage of this important legislation by the U.S. House of Representatives.

Sincerely,

Robert J. Green
Executive Director