

**AMENDMENT TO H.R. 4366, AS REPORTED
OFFERED BY MS. LEE OF PENNSYLVANIA**

Page 3, line 13, strike “(B) An employer may be considered” and all that follows through “disciplining such employees.” and insert the following:

1 “(B) Two or more persons shall be employ-
2 ers with respect to an employee if each such
3 person codetermines or shares control over the
4 employee’s essential terms and conditions of
5 employment. In determining whether such con-
6 trol exists, the Board or a court of competent
7 jurisdiction shall consider as relevant direct
8 control and indirect control over such terms and
9 conditions, reserved authority to control such
10 terms and conditions, and control over such
11 terms and conditions exercised by a person in
12 fact: Provided, That nothing herein precludes a
13 finding that indirect or reserved control stand-
14 ing alone can be sufficient given specific facts
15 and circumstances.”.

Page 3, beginning on line 23, strike subsection (b).

