

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).

