

# Morgan Lewis

## Harry I. Johnson III

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September 29, 2022

### VIA EMAIL AND REGULAR MAIL

Roxanne L. Rothschild  
Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Re: Extension Requests for Joint Employer Regulation Comments

Dear Roxanne:

Morgan Lewis represents the Coalition for a Democratic Workplace ("CDW") in relation to comments in response to the Notice of Proposed Rulemaking on the "Standard for Determining Joint-Employer Status," at 87 Fed. Reg. 54641 (published Sept. 7, 2022). CDW consists of nearly 500 organizations<sup>1</sup> which include and/or represent the interests of employers throughout the United States, virtually all of which are affected by changes in the joint-employer standard under the National Labor Relations Act.

We write to request extensions of the November 7 and November 21, 2022 deadlines that are currently set for the submission of initial comments and reply comments on the NPRM. Given the expansive nature of the proposed standard and the complexity of issues relating the standard's impact on employers and other entities in different industries, employers and other parties will require more time to engage in a meaningful evaluation of the proposed standard and to formulate comments that will benefit the Board when giving further consideration to the proposed rule and during any development of a final rule. Although we are submitting this request on behalf of the CDW and employers and associations whose interests are represented by CDW, we believe that, with such an extension, the Board will receive much more meaningful comments from advocates for advocates for employers, unions, employees, and all other parties who are likely to be affected by changes in the joint employer standard as proposed in the NPRM.

Besides CDW, the following employers and associations who are members of CDW have determined to join in this request in their individual capacities as well:



- American Bakers Association
- American Council of Engineering Companies

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<sup>1</sup> A full list of CDW's members is available at <https://myprivateballot.com/about/>

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- American Hotel & Lodging Association
- American Staffing Association
- American Trucking Associations
- Argentum
- Associated Builders and Contractors
- Associated Equipment Distributors
- Associated General Contractors of America
- CAWA – Representing the Automotive Parts Industry
- Council on Labor Law Equality (“COLLE”)
- FMI – The Food Industry Association
- Georgia Chamber of Commerce
- HR Policy Association
- Independent Bakers Association
- Independent Electrical Contractors
- Institute for the American Worker
- International Foodservice Distributors Association
- International Franchise Association
- International Warehouse Logistics Association
- Littler Mendelson Workplace Policy Institute
- Maryland Hotel Lodging Association
- National Association of Convenience Stores
- National Association of Home Builders
- National Association of Manufacturers
- National Association of Theatre Owners
- National Association of Wholesaler-Distributors
- National Automobile Dealers Association
- National Club Association
- National Council of Chain Restaurants
- National Grocers Association
- National Ready Mixed Concrete Association
- National Restaurant Association
- National Retail Federation
- National Roofing Contractors Association
- Printing United Alliance
- Restaurant Law Center
- SNAC International
- Truck Renting and Leasing Association; and
- U.S. Chamber of Commerce

For the reasons discussed above, we request an extension of sixty days to Friday, January 6, 2023 for initial comments and an extension of slightly more than sixty days to Monday January 23, 2023 for reply comments (the slightly longer extension for reply comments would accommodate the Dr. Martin Luther King, Jr. federal holiday on the 20<sup>th</sup>).


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Roxanne L. Rothschild  
September 29, 2022  
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Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "H. I. Johnson III". The signature is fluid and cursive, with the Roman numeral "III" clearly visible at the end.

Harry I. Johnson III

HIJ/VM

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip A. Miscimarra". The signature is cursive and written in a dark blue color.

Philip A. Miscimarra