

3rd Sub. H.B. 116

DETERMINATION OF EMPLOYER STATUS AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 25, 2016 9:13 AM

Senator **Jerry W. Stevenson** proposes the following amendments:

1. *Page 6, Lines 164 through 168:*

164 31A-40-212. Determination of joint employers -- Franchisors excluded.

165 (1) (a) For purposes of determining whether two or more persons are considered joint

166 employers under this chapter, an administrative ruling of a federal executive agency may not be

167 considered a generally applicable law unless that administrative ruling is determined to be

168 generally applicable by a court of law, or adopted by statute or rule.

(b) Nothing in this Subsection (1) prohibits the commissioner, in making policy decisions and taking enforcement action, from applying an administrative ruling or opinion issued by the United States Department of Labor that decides or opines on whether an employee welfare benefit plan is established and maintained for a single employer, multiple employer, or co-employer under the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sec. 1001 et seq.