

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2197

To assist the Administrator of the Small Business Administration to determine whether a franchisee is affiliated with a franchisor in the temporary employee services industry, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Ms. BEAN (for herself and Ms. CORRINE BROWN of Florida) introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To assist the Administrator of the Small Business Administration to determine whether a franchisee is affiliated with a franchisor in the temporary employee services industry, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Temporary Employees  
5 Franchise Improvement Act of 2009”.

6       **SEC. 2. TEMPORARY EMPLOYEE SERVICES FRANCHISES.**

7       In determining whether a franchisee is affiliated with  
8 a franchisor in the temporary employee services industry,

1 the Administrator of the Small Business Administration  
2 shall—

3           (1) continue to apply historically considered af-  
4           filiation factors in determining whether a business is  
5           affiliated with another business or the franchisor in  
6           the temporary staffing industry;

7           (2) promulgate such other rules and regulations  
8           as necessary to determine affiliation within the tem-  
9           porary employee services industry as the Adminis-  
10          trator determines consistent with the Small Business  
11          Act; and

12          (3) consider the processing of payroll and bill-  
13          ing by a franchisor as customary and common prac-  
14          tice in the temporary employee services industry that  
15          does not provide probative weight on affiliation, to  
16          the extent that the temporary staffing personnel are  
17          interviewed, hired, trained, assigned, and subject to  
18          discharge by the franchisee.

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