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Halted: Federal Judge Stops Enforcement of New York's 'NLRB Trigger Bill'

Labor Relations Update on **December 3, 2025**

On November 26, 2025, a New York federal judge granted Amazon's bid for a preliminary injunction barring the enforcement of recent amendments to the Empire State's State Employment Relations Act ("SERA") that would have subjected most private-sector employers within the state to the jurisdiction of the Public Employment Relations Board ("PERB").

Prior to passage of the "NLRB Trigger Bill" that amended SERA, PERB, which enforces state labor law, mainly oversaw public-sector employers in New York, though it also regulates labor relations for private-sector employers where federal laws – such as the National Labor Relations Act ("NLRA") – do not apply, such as for agricultural workers. SERA, generally, applies more employee-friendly standards than the NLRA.

With the injunction, most New York employers, unions, and employees return to the familiar forum of the National Labor Relations Board ("NLRB") as the primary agency responsible for regulating labor relations in private employment.

Background

On September 5, 2025, New York Governor Kathy Hochul signed into law the SERA amendments, which sought to expand PERB's jurisdiction to fill the gap at the NLRB, which currently lacks a quorum and, as a result, is unable to fully act, as we covered here .

With the amendments, SERA applied to NLRA-covered employees, except in cases where the NLRB "successfully asserts jurisdiction over any employer, employees, trades, or industries pursuant to an order by the federal district court."

On September 15, 2025, the Amazon Labor Union ("ALU"), affiliated with the International Brotherhood of Teamsters, filed a charge with PERB alleging Amazon committed unfair labor practices by firing an ALU president for their union activities.

On September 22, 2025, Amazon sued PERB in the Eastern District of New York to stop enforcement of the SERA amendments, arguing they were preempted by the NLRA.

The NLRB separately sued New York seeking to stop enforcement of the SERA amendments, as we covered here.

Federal Court Decision

Judge Eric R. Komitee held that Amazon successfully showed that it would likely prevail on the merits of its challenge that the SERA amendments are preempted under the U.S. Supreme Court's landmark decision in *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959), and granted a preliminary injunction barring enforcement of the amendments to SERA.

In holding that Amazon showed it was likely to succeed on the merits – the key element in granting a preliminary injunction – Judge Komitee rejected New York State's argument that the NLRB faces "unique circumstances," *i.e.*, that it lacks a quorum and faces challenges to its for-cause job-removal protections, which warrant an exception to *Garmon*. Judge Komitee reasoned that the Supreme Court never created a "unique circumstances" exception, and even if he could create one, the NLRB's current situation did not resemble those circumstances.

Judge Komitee also reasoned that Congress must have considered the NLRB losing its quorum when it required one in the NLRA, and that while some Supreme Court justices expressed interest in revisiting the breadth of *Garmon* and constitutionality of NLRB removal protections, both remain good law.

Takeaways

Barring a reversal by the Second Circuit, Judge Komitee's order may mark the end of New York's attempt to expand the jurisdiction of PERB into areas traditionally left to the NLRB.

Regardless, other states continue to attempt to expand the jurisdiction of their state labor boards in light of the NLRB's current lack of a quorum – California's recently enacted labor law, covered here, is also subject to challenge by the NLRB on preemption grounds, and Massachusetts is considering similar labor legislation. We will need to wait to see if any state reconsiders their approach based on Judge Komitee's reiteration of *Garmon*'s broad preemptive reach.

This trend is just one of many current challenges to the NLRB, which is also threatened by challenges to its constitutionality.

We will continue monitoring this growing approach of states attempting to expand the jurisdiction of their state labor boards and any related developments.

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