

A Uncommon Intervention May Signal Future SCOTUS Review of NLRB

Labor Relations Update on December 24, 2025

On December 22, 2025, the U.S. Supreme Court [stepped in](#) to stay the Third Circuit's enforcement of a National Labor Relations Board ("NLRB" or the "Board") decision and order requiring the Pittsburgh Post-Gazette (the "Post-Gazette") to bargain in good faith with the Newspaper Guild of Pittsburgh (the "Guild") as well as reverse certain unilateral changes made to employees' working conditions. The Supreme Court infrequently hears labor cases, making this rare intervention—issued without explanation—particularly noteworthy.

The Court's order temporarily halts enforcement of two Third Circuit orders issued earlier this year. First, in March, the Third Circuit partially enforced an NLRB remedial bargaining order requiring the Post-Gazette to return to the bargaining table with the Guild to negotiate over changes to union employees' terms and conditions of employment, including healthcare benefits that the Post-Gazette unilaterally implemented in 2020. Then, in November, the Third Circuit affirmed an NLRB decision finding that the Post-Gazette engaged in overall bad-faith bargaining. The Board held the Post-Gazette's bad faith tainted its declaration of bargaining impasse rendering the subsequent unilateral implementation of bargaining proposals unlawful.

In 2022, the Guild-represented employees went on strike as a result of the ongoing labor dispute with the Post-Gazette. The employees returned to work last month following the Third Circuit's second order, ending the three-year work stoppage.

The Supreme Court's order followed an application by the Post-Gazette appealing the Third Circuit's March and November rulings. The Post-Gazette has maintained that its economic challenges are existential and that the newspaper may even shutter if forced to revert to the 2020 pre-unilateral change benefit terms.

Takeaways

While not atypical, the Supreme Court did not provide any reasoning for its December 22 order. However, the fact that the Supreme Court made the rare decision to intervene in a labor relations case—even though such intervention is nominally a temporary, administrative stay—may indicate that the Supreme Court is leaning in favor of formally taking up the case for review.

The order may be yet another sign of the current Supreme Court’s scrutiny of the NLRB and skepticism of organized labor, on which we have previously reported [here](#) and [here](#). A formal review of the Third Circuit’s orders and, in turn, the underlying Board decisions would afford the Court an opportunity to weigh in on the NLRB’s remedial authority, including its authority to issue bargaining orders and require equitable relief. Moreover, it would appear to be consistent with the Court’s approach to increasing judicial oversight of the actions of administrative agencies.

It is too early to predict the ultimate resolution of this possible review or how it may end up impacting employers. However, it is undoubtedly reason to continue to monitor what cases the Supreme Court decides to hear in 2026 and the decisions it issues. We will continue to report on any further guidance for employers from the Supreme Court.

[Related Professionals](#)

- **Daniel H. Dorson**
Associate
- **Dixie M. Morrison**
Associate
- **Joshua S. Fox**
Partner