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Washington Looks to Join the NLRB Trigger Bill Trend

Labor Relations Update on **February 27, 2026**

On February 20, 2026, the Washington State Senate advanced House Bill 2471 ("HB 2471"), a proposed law that would authorize the state to regulate certain private-sector labor disputes if the National Labor Relations Act ("NLRA") ceases to preempt state regulation or if the National Labor Relations Board ("NLRB") stops asserting jurisdiction over private sector employment currently subject to federal labor law. With this bill, Washington State is seeking to join other states that have sought to regulate private sector employment if the NLRB's jurisdiction recedes under the current administration.

Background

Under the NLRA, the NLRB generally exercises exclusive jurisdiction over most private-sector labor disputes. Washington's Public Employment Relations Commission ("PERC") oversees public-sector labor relations in the state.

Washington's HB 2471 is part of a recent spate of "trigger bills" in states that establish procedures for union recognition, collective bargaining, and litigation of unfair labor practice charges, among other things, if the NLRB loses jurisdiction over private-sector employers.

As reported here and here, Washington's bill follows similar efforts in other states. New York enacted a trigger bill that would have expanded the jurisdiction of its Public Employment Relations Board to cover most private-sector employers ordinarily covered by the NLRA. California likewise enacted AB 288, dramatically expanding its state labor board's powers over employees otherwise under the NLRB's exclusive jurisdiction. Massachusetts lawmakers are considering analogous legislation.

Washington's bill interestingly singles out that it applies where the NLRB declines to exercise jurisdiction over an industry that was within the "previously existing jurisdiction" of the NLRA. This language has particular significance now that the NLRB has shown a willingness to relinquish jurisdiction over key industries, such as space transport.

Takeaways

Washington joins a growing trend of states that are attempting to expand the jurisdiction of their state's labor boards in light of the NLRB's almost year-long lack of quorum, as reported on here, that ended only recently, and receding NLRB jurisdiction.

Regardless, if Washington State passes this law, we expect that it will be swiftly challenged by the NLRB and likely enjoined by federal courts as preempted by the NLRA. Federal courts have already enjoined the enforcement of both New York and California's NLRB trigger laws.

We will continue monitoring changes – and attempted changes – to labor board jurisdiction at both the federal and state levels.

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