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WLF Urges Federal Court to Permanently Enjoin California's Labor-Law Power Grab (*National Labor Relations Board v. State of California*)

“California’s brazen law endangers the uniform national labor policy on which American business and workers rely.”

— Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Yesterday Washington Legal Foundation (WLF) joined a coalition of concerned amici in urging the U.S. District Court for the Eastern District of California to fully enjoin enforcement of AB 288, a state law that injects California bureaucrats into private-sector labor disputes. WLF contends that the statute unlawfully invades the National Labor Relations Board’s (NLRB’s) exclusive jurisdiction and threatens the uniform national labor policy Congress established nearly a century ago.

The case stems from California’s enactment of AB 288, which authorizes the state’s Public Employment Relations Board to seize jurisdiction over private-sector labor disputes whenever the NLRB is deemed unavailable. In December 2025 the district court preliminarily enjoined the law’s most aggressive triggers—loss of Board quorum, processing delays, and alleged loss of independence. At the summary-judgment stage, the court must now decide whether the remaining provisions may stand.

In its amicus brief, WLF argues that every provision of AB 288 creates forbidden conflict with the National Labor Relations Act under longstanding *Garmon* preemption. Express cession of jurisdiction, questions of employee coverage, and case-specific injunctions against the Board are deliberate congressional choices, not invitations for state takeover. Allowing California to fill these supposed gaps would fracture national uniformity and open the door to conflicting state regimes. WLF urges the court to fully enjoin the entire statute.

WLF joined the U.S. Chamber of Commerce, the National Federation of Independent Business (NFIB), Small Business Center, California Chamber of Commerce, and Associated Builders & Contractors on the brief, which was prepared by Joy Rosenquist and Alex T. MacDonald of Littler Mendelson PC.

Celebrating its 49th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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