



LABOR & EMPLOYMENT ISSUES

IN FOCUS

FOR CLIENTS & FRIENDS

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BI-PARTISAN HOUSE BILL WOULD FAST TRACK INITIAL CBAS

On Tuesday, September 16th, House Representatives Donald Norcross (D-NJ) and Peter Stauber (R-Minn) announced the Faster Labor Contracts Act (“Act”). The Act notes that on average it takes 465 days from employees voting for a union and a first contract. As the Act says: “Delays in the processing of collective bargaining contracts primarily benefit employers opposed to representation by the labor organization. The employers can use those delays to sap labor organization resolve and secure more favorable terms for the employer.”

Thus, the Act is intended to set a series of deadlines for employers and unions to reach a first collective bargaining agreement after the union is certified by the National Labor Relations Board.

Under the Act, employers have to commence bargaining within 10 days of a written request for bargaining from unions. If after 90 days of bargaining the parties do not have an agreement, either can notify the Federal Mediation and Conciliation Service (“FMCS”), which will attempt to mediate the dispute. If there is no contract 30 days after mediation is requested, the FMCS will refer the matter to a three-person arbitration panel. One arbitrator is picked by the union, one by the employer, and one that the parties both agree on. The panel will then render a two-year binding contract on the parties.

The Act introduced by the House Representatives mirrors the same act introduced in the Senate by Senators Josh Hawley (R-Mo.) and Cory Booker (D.-N.J.).

NLRB CHALLENGES NEW YORK STATE’S ATTEMPT TO FILL HOLE LEFT BY ITS OWN LACK OF QUORUM

On September 12, 2025, the National Labor Relations Board (“NLRB” or “Board”) filed a complaint in the federal district court for the Northern District of New York challenging New York State’s recently enacted law giving the state authority over private-sector labor disputes (“Complaint”). The Complaint seeks (1) a declaratory judgment that the state law is preempted by federal law and (2) an injunction preventing enforcement of the law, arguing that the law “disrupts the careful balance of interests established by

Congress.” The case is *National Labor Relations Board v. State of New York et al.*, Docket No. 1:25-cv-01283 (N.D.N.Y. Sep 12, 2025).

S.8034A was signed into law by Governor Kathy Hochul on September 5, 2025. The statute amends Section 715 of the New York State Labor Relations Act, N.Y. Lab. Law § 715 (2025) by bringing private sector employees within its scope unless the NLRB “successfully asserts jurisdiction” via federal court order over “any employees, employer, trades, or industries.” Thus, the statute gives the Public Employment Relations Board (“PERB”)—the state’s agency primarily responsible for overseeing labor relations between public employers and employees—the power to enforce collective bargaining agreements and handle labor disputes for private sector employees when the Board lacks a quorum to do so itself.

The Complaint argues that the NLRB has exclusive jurisdiction over matters covered by the National Labor Relations Act (“NLRA”), which “ensures a uniform national labor policy by preventing states from enacting laws or regulations that could disrupt the balance established by federal law.” According to the Complaint, the enactment of the law itself “creates an instant conflict with the federal scheme because it disrupts the NLRB’s exclusive authority to regulate most private sector labor relations.” The Complaint makes no reference to the lack of quorum or the NLRB’s current inability to function. The instantaneous challenge could raise issues of standing for the Board if the Northern District of New York finds that the case is premature absent an actual case or controversy, such as a charge filed by a private sector employee with PERB.

PRESIDENT TRUMP CONVENES SPECIAL MEDIATION BOARD AT UNIONS’ REQUEST, AVOIDING LIRR STRIKE

On September 16, with a possible strike looming, President Donald Trump issued an executive order convening a special mediation board to assist with negotiations between the Long Island Rail Road (“LIRR”) (part of the Metropolitan Transit Authority, or “MTA”) and a coalition of five unions to which over half of the LIRR’s employees belong. The parties have been in negotiations for over half a year and have been unable to reach an agreement. Upon reaching an impasse, the Unions requested that this emergency board be convened to avoid a strike, after 99.9% of their membership voted to approve a strike to start as soon as September 18.

The main issue causing an impasse is pay, specifically to what extent the agreement will increase pay over the next few years to keep up with the rising cost of living. The Unions’ members, who have not received a raise in over three years, rejected an MTA offer of a 9.5% raise to take effect over the next three years. If negotiations under the special board are still unsuccessful, the next opportunity the Unions will have to strike will be in May 2026.

According to the Board of Locomotive Engineers and Trainmen, one of the coalition member unions involved, the board plans to hold hearings within the next month and expects to give its recommendations for a reasonable agreement in October of this year.

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