WHAT FLORIDA BUSINESSES SHOULD KNOW ABOUT THE LIMITS OF STATE LABOR ENFORCEMENT

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By: Andrew B. Zelman

A recent federal court decision involving Amazon reinforces an important principle for businesses: states generally cannot replace the National Labor Relations Board (NLRB) when it comes to private-sector union elections and unfair labor practice disputes governed by federal law.

The decision arose from a New York law enacted in 2025 that authorized the state's Public Employment Relations Board to handle certain private-sector labor matters when the NLRB lacked enough members to issue decisions. Amazon challenged the law, arguing that the National Labor Relations Act gives the NLRB exclusive authority over those matters.

A federal judge agreed and permanently blocked the New York law, finding that it was preempted by the NLRA. Following that ruling, the NLRB dismissed its separate challenge to the law. A comparable California measure has also been blocked.

Why the Decision Matters to Businesses

Although the litigation involved a New York statute, the decision is relevant to Florida businesses, particularly those with employees, facilities or operations in multiple states.

The ruling confirms that states generally cannot create an alternative system for deciding matters reserved for the NLRB simply because the federal agency is experiencing vacancies, delays or a lack of quorum. For employers, this helps preserve a more uniform framework for addressing union-organizing activity, representation elections, collective bargaining and alleged unfair labor practices.

Without federal preemption, multistate businesses could face different procedures and potentially conflicting labor-law obligations depending on where their employees work. The court's decision limits that possibility by reaffirming that the NLRA remains the principal source of law for covered private-sector labor relations.

State Employment Laws Still Apply

The decision does not eliminate state authority over employment matters generally. States may continue to regulate areas such as wages, discrimination, paid leave, workplace safety and other employee protections that are not exclusively governed by the NLRA.

Businesses should therefore avoid interpreting the ruling as a broad restriction on state employment regulation. Instead, it draws a jurisdictional line between labor-relations matters assigned to the NLRB and other workplace requirements that states may continue to establish and enforce.

That distinction can be especially important for Florida companies expanding into other states. A business may remain subject to another state's wage-and-hour, leave and discrimination requirements even when that state cannot assume the NLRB's authority over union elections or unfair labor practice proceedings.

Practical Considerations for Employers

Businesses should continue to:

- Apply federal labor-law requirements consistently across their operations.
- Review employment policies for language that could interfere with employees' rights to organize or discuss workplace conditions.
- Train managers to respond appropriately to union activity and employee complaints.
- Monitor state legislation without assuming that every new labor measure will withstand a federal preemption challenge.
- Evaluate state-specific employment requirements when opening, acquiring or operating facilities outside Florida.

The ruling also demonstrates that uncertainty at a federal agency does not necessarily give states authority to fill the perceived enforcement gap. Employers should consult counsel before changing their labor-relations strategy in response to shifts in NLRB leadership, staffing or enforcement priorities.

Berger Singerman's Labor and Employment Team continues to monitor developments affecting employers and their workforces. Please feel free to contact us if you have questions about federal labor-law compliance, multistate employment requirements or how these developments may affect your business.

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Andrew B. Zelman