
Issue Brief:

How State and Local Government Can Support Workers' Right to Form and Join Unions

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I. Introduction and Executive Summary

For nearly a century, the right to form and join unions has been established by the National Labor Relations Act (NLRA). That right is imperiled by recent actions at the federal level,¹ along with legal challenges to the constitutionality of the National Labor Relations Board (NLRB).² This issue brief describes options for state and local government officials, elected and appointed, who wish to support the right to unionize and collectively bargain, a right enshrined in federal law and international law, and in some cases also guaranteed by state statutes and in state constitutions.

[Section II](#) of this issue brief provides initial context by explaining the role unions have played in improving workers' conditions, as well as in standing up for democracy.

[Section III](#) explains the scope of this issue brief, along with some basic background on federal preemption in this area.

[Section IV](#) describes five actions that state and local government can take to support workers' right to unionize without passing new laws:

1. [Use constituent interactions, government websites, and other touchpoints to educate the public about unions;](#)
2. [Use their convening power to facilitate connections between interested workers and unions;](#)
3. [Allocate resources to offer mediation services to employers and unions, to avoid strikes and other disruptions, as the recently-dismantled Federal Mediation and Conciliation Services \(FMCS\) has done for decades;](#)
4. [Incorporate workers' rights education in public high schools; and](#)
5. [Incorporate labor standards in procurement processes, so that unionized contractors are not at a competitive disadvantage because of their fair labor practices.](#)

Section V highlights seven kinds of laws that could support workers' ability to form and join unions. Most of these are state-focused, but some may also be enacted at the local level.

1. Trigger laws to create state-level unionizing rights if federal labor law is rendered inoperable or no longer preemptive;
2. Laws expanding collective bargaining to workers not currently covered by federal law;
3. Laws allowing striking workers to receive unemployment insurance, just like other employees temporary out of work facing economic hardship;
4. Procurement-related measures (expanded prevailing wage coverage, use of project labor agreements) that would allow unionized employers to compete for public contracts without being disadvantaged by their fair labor practices;
5. Laws creating three-party boards with industry-wide policymaking authority;
6. Laws safeguarding workers' freedom of conscience; and
7. Laws requiring employers to agree to remain neutral in union organizing drives in certain circumstances, such as to ensure, for example, that urgently-needed government-contracted services are not interrupted by strikes or lockouts.

Section VI concludes the issue brief with final guidance, encouraging state and local governments to develop relationships, learn about, and work collaboratively with unions in their jurisdictions.

II. Why State and Local Governments

Should Care:

Unions' Role in Improving Working Conditions, Protecting Democracy, And Fighting Autocracy

Unions improve working conditions in numerous ways: they raise wages and benefits, improve safety conditions, increase workers' ability to report violations without fear of illegal retaliation, reduce racial and gender pay disparities, and more. When unions are sufficiently present in an industry, they increase pay not only for members but also throughout that industry. Unions also advocate for stronger laws and better protections for all workers, often drawing on their extensive industry expertise and policy staff.³

A 2023 Treasury Department Report also highlighted unions' role in building the middle class and supporting broader economic growth.⁴ Unions can benefit employers, too, by reducing turnover and increasing productivity, along with facilitating organizational communication with the workforce.⁵

Unions are also active and essential participants in civil society. They have been shown to increase democratic and civic participation.⁶ In more challenging times throughout history, labor movements have played a leading role in fighting autocracy. As Michael Podhorzer recently explained in *The Contrarian*, unions are “the only major civil society institution in this country that give ordinary working Americans reliable access to collective political power.” This is why “taking out unions is one of the first pages in the oligarchic coup playbook.”⁷ Autocrats throughout the 20th century outlawed and attacked unions,⁸ and in many cases—with the Solidarity Movement in Poland in the 1980s as a central example—unions led the way in fighting back.

Over the past few months, unions have been among the most visible leaders in opposing various actions by the Trump administration and the Elon Musk-run “Department of Government Efficiency” (DOGE), filing lawsuits,⁹ organizing mass protests, and standing up for members, including immigrants subject to unlawful detention and deportation.¹⁰

Although private sector union density is historically low (around 6 percent in 2024),¹¹ unions currently enjoy historically high levels of popularity.¹² The AFL-CIO, which is the umbrella organization for most unions in the United States, has state federations in all fifty states, with union leaders, organizers, shop stewards, and members in every region, urban and rural.¹³ The labor movement remains one of the largest institutions in U.S. civil society, with 16 million members nationwide in 2024,¹⁴ and enormous potential for even greater impact.

III. How State and Local Government Can Help Support Workers' Union Rights

This issue brief provides a quick menu of options for state and local government leaders that want to support workers' right to unionize and collectively bargain. The list of options in this brief is not exhaustive; rather, the brief is intended to spark thinking and action, and to contribute to an ongoing conversation among government leaders and policymakers, democracy and labor advocates, scholars, and civil society more broadly.

Regarding the scope of this issue brief: Many laws and programs protect workers and create a more hospitable landscape for worker organizing, including fighting misclassification of workers as independent contractors; strengthening anti-monopoly laws; passing laws expanding worker mobility (e.g., non-compete bans); adequately funding labor standards enforcement; and more. In addition, many organizations, such as worker centers and community-based organizations, are deeply involved in organizing workers and advocating for their rights. This issue brief focuses specifically on measures directly related to unions and unionizing. In addition, while outside of the scope of this brief, it is worth highlighting the importance of defending the NLRA and NLRB at the current moment and improving them in the future.¹⁵

Historically, the NLRA has been invoked to preempt state and local policy efforts impacting unionization or collective bargaining. As a result, state and local governments have been generally relatively limited in relation to lawmaking and regulation in this area. In brief, states are preempted from regulating conduct (a) arguably protected or prohibited by the NLRA,¹⁶ or (b) in an area that Congress intended to be left to the free play of economic forces.¹⁷ Exceptions exist, such as when the state acts as a market participant or regulates issues that have a strong connection to local sentiments. Importantly, most of the measures described in this issue brief are not even arguably preempted under the applicable case law.

Further, the opportunities for action described herein generally fall squarely within routinely conducted government activities. For example, government agencies and officials

regularly educate people about legal rights. After all, the full and fair administration of the law requires workers to know their rights and how to exercise them, and the government at any level may educate workers about their rights. Other measures are simply good government practice, like ensuring that scofflaws with unsatisfied final wage orders do not receive public contracts. Finally, some of the action items contained herein, like funding state-level mediation services, help workers and employers avoid strikes, and keep the economy moving.¹⁸

Although NLRA preemption creates limits for what states and localities can do, some scholars have noted a potential opening for a more expansive role of state and local government in this space¹⁹ as the NLRA and NLRB face both legal and de facto existential challenges. States and localities should remain alert to potential opportunities and open to innovation.

At the same time, there is considerable room for non-preempted action in the current moment, while the NLRA and NLRB are still in place. Some measures require legislation, others involve primarily implementation, and some leverage elected and appointed leaders' public platforms, visibility, and convening powers. The following are five actions that could be implemented without new laws, and seven legislative approaches.

IV. Five Actions State and Local Government Can Take to Support Workers' Right to Unionize Without Passing New Laws

Passing laws is not the only power state and local governments possess, nor is it the only way they can have a meaningful impact. The following five measures can be implemented without creating new rights or new laws. They require varying levels of resources, but all are potential options for supporters of worker organizing even sometimes in more worker-hostile jurisdictions. Also, given that some 2025 state legislative sessions have ended, non-legislative options may be the swiftest and most immediately relevant in certain places.

State and local governments can:

1. **Use constituent interactions, government websites, and other touchpoints to educate the public about unions and about how to unionize.**

Research shows widespread public support for unions and worker interest in unionizing,²⁰ but most people do not know their rights²¹ or as a practical matter, how anyone would go about organizing a union in their workplace. State and local governments have varied and constant touchpoints with their constituents; they could undertake a focused effort to help people understand their right to join a union. For example, workers seeking help with wage theft, or discrimination, or job safety concerns—as well as job seekers taking skill-building courses or attending job fairs—could all be provided with the services they currently receive *and also* be given information about union rights and unionizing. This need not be heavy-handed; even light-touch information (a QR-code linked to a multilingual website about union organizing rights, for example) would impart far more knowledge than many people currently possess.

Workers seeking help in relation to labor violations may be especially open to learning about unions. New research has found that workers who had experienced wage theft in the past six months were more likely to vote for union representation at their workplace, compared with

those who didn't experience wage theft (54 percent versus 39 percent, counting "Don't Know" responses as non-support).²²

Websites for government agencies and elected officials can post information about unionizing rights. Including such information on official government websites imparts an official imprimatur on the content and lends credibility for curious workers. There is no need to develop entirely new content, either: the Biden administration developed a [website](#)²³ about how to form and join unions, which could be readily adapted as needed and posted broadly.²⁴

To be sure, educating workers about unionizing is only a first step, but it is an important one, since people's current lack of knowledge is an unhelpful and debilitating starting point. State and local governments have high visibility and countless opportunities to highlight these essential rights and how to exercise them.

2. Use their convening power to facilitate connections between interested workers and unions.

State and local governments can use their convening power to hold regular events to educate workers about their right to form and join a union, and to bring interested workers together with unions that can help them learn more. Government agencies have often played this convening role, including in relation to workers' rights:

- The Massachusetts Attorney General's office holds a monthly wage theft clinic for cases it cannot handle, bringing together nonprofit organizations, pro bono lawyers, legal services offices, lawyers who can take contingency cases, etc.²⁵
- In 2023, the Massachusetts Attorney General's Office convened representatives the immigrant, education, and business communities to build public awareness about child labor laws and protections.²⁶
- In March 2025, the New York City Comptroller organized a convening in conjunction with the city's central labor council.²⁷
- State workforce development and employment services programs routinely hold job fairs and create a space where they bring together jobseekers alongside local employers with vacancies.

State or local government entities could hold monthly or periodic in-person convenings for workers who want to learn about how to form and join a union, also including state or local AFL-CIO representatives as well as interested unions from that region. These convenings could educate workers about their rights and connect them with unions who can provide more in-depth information and support.

- Such meet-ups could be virtual, could be held in government spaces or public libraries, or could take place at the offices of non-governmental entities like nonprofits, educational institutions, or union halls.
- They could be organized by any government entity: a state or local labor agency, an attorney general's office, elected state legislators or city council members, or by a city or county attorney. Meetups could also be organized by sector or industry, to address issues or trends that are seen in enforcement or regulatory work, or based on the state's priorities around workforce development.
- These efforts would build upon and support work already being done in some places. The California Federation of Labor Unions (California's state AFL-CIO federation) currently has a "Unionize California" campaign in which they match up workers interested in learning more about organizing with unions that can provide information and potentially start a campaign.²⁸

3. Allocate state resources to offer mediation and other services to employers and unions, as the now-endangered Federal Mediation and Conciliation Service (FMCS) has done for decades.

From its website: The FMCS "is a small, independent federal agency that plays a crucial role in sustaining the American economy by preventing, minimizing, and resolving work stoppages and labor disputes. These efforts help avoid costly disruptions in production, services, and supply chains, ensuring economic stability and growth."²⁹ Among other things, FMCS provides free mediation services in contract negotiation disputes between employers and their unionized employees. The Elon Musk-run DOGE has essentially shut down this tiny agency.³⁰ Only four mediators were left as of April 8, 2025.³¹

Some states already have laws or programs that can or do provide similar mediation services. With funding, states could help fill the vacuum left by the likely dismantling of the FMCS. The California Federation of Labor Unions (AFL-CIO) and over twenty unions in April 2025

sent a letter to Governor Gavin Newsom seeking additional funding for the California State Mediation & Conciliation Service for just this purpose.³² Many employers and unionized workplaces rely on FCMS to help avoid strikes and disruptions, a goal that is relevant to states in general and is particularly timely given the current volatile economic climate.

There may be opportunities for economies of scale here: States could pool resources to support a governmental or nongovernmental body for this purpose; lead states could perhaps fund such programs in their region and contract out to other states for these services.

4. Incorporate workers' rights education in public high schools.

As noted above, most workers in the United States know little about employment and labor laws and about their rights at work, including the right to form and join a union. The U.S. education system has no systematic way to educate students about these crucial matters directly relevant to the people's work lives from the very start. Local school boards, or even individual schools or teachers (if they have leeway to do so), could incorporate this subject matter into the high school curriculum.

Incorporating workers' rights education is something everyone should be able to agree on—the need to prepare young people for the world of work. This action item may be feasible without legislation, but ideally, states would pass laws requiring this content in high school curricula, as California did in 2023, requiring public high school students to be taught practical and essential content about workplace rights, including child labor, wage protection, and workplace safety laws, as well as the right to organize a union.³³

5. Incorporate labor standards in the state or local government procurement process, so that unionized companies can compete for public contracts without being disadvantaged by their fair labor practices.

Too often, government contracts are awarded to bidders with low-road labor practices.³⁴ As a matter of principle, government contracting should create good jobs. At a bare minimum, government contracts should not be awarded to scofflaws with egregious and unresolved wage or other violations. State and local governments can incorporate labor standards into their procurement process in a variety of ways, such as requiring bidders to disclose any past violation history; awarding bidders more points in the contracting process based on job

quality considerations; or creating public databases listing employer violations and requiring procurement officers to consult such databases as part of the procurement protocol. Without such measures, unionized employers' fair labor standards can put them at a disadvantage against low-road bidders.³⁵

Some states have laws requiring pre-registration for government contracting. While these laws require an initial investment of resources, they ultimately lead to efficiencies by weeding out low-road violators from the get-go. In addition, states and localities can consider including labor peace agreements, discussed in more detail in Item 7 below, as a requirement of receiving certain business investment incentives or tax credits.

V. Seven Laws That States (and Sometimes Localities) Can Pass to Support Workers' Right to Form and Join Unions

Numerous legislative options exist for state governments to protect workers' right to unionize and collectively bargain. In some instances, local governments can also enact these laws.^a

Some state laws that support workers' ability to form and join unions are as follows:

1. **Trigger laws that create unionizing protections under state law if federal labor law is rendered inoperable or no longer preemptive.**

Bills in Massachusetts and California would create coverage by state labor relations laws for employees currently covered by federal law if certain trigger events occur, such as if the NLRA is declared unconstitutional, the NLRA no longer preempts state laws, or the NLRB declines or denies coverage of a given group of employees or industry.³⁷ States could enact such trigger laws, so that if the NLRA or NLRB are no longer legally or functionally operable, state labor protections would immediately kick in, without need of new legislation.

As Cornell Law Professor Gali Racabi recently documented, "Nineteen states currently have private sector labor laws covering workers and sectors not covered by the NLRA," which amounts to approximately 102 million people.^b Those states could amend their existing state labor relations laws to include workers currently covered by the NLRA, so that if that law is rendered inoperable, those workers would immediately have protection at the state level.³⁹ States that do not currently have such laws would need a more comprehensive bill, as in the

^a Items with an asterisk are available for localities as well, unless state-level preemption blocks these options.

^b As Racabi reports, these states include Alabama, Colorado, Connecticut, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wisconsin.

case of California. As Racabi notes, some state labor relations laws have elements that are stronger than the NLRA in certain ways, which adds further impact to potential trigger legislation.

State labor relations trigger laws would also help non-unionized workers. The NLRA guarantees employees the right to engage in “concerted activities for the purpose of...mutual aid or protection.” With the help of worker centers and other community-based organizations—and sometimes on their own—many non-unionized workers have in recent years brought concerted protected activity complaints to the NLRB.⁴⁰ Well-drafted state laws could create similar opportunities.

2. Laws expanding collective bargaining as much as possible to workers not covered by federal law.

The NLRA does not cover all workers; for example, public sector employees and farmworkers are excluded. Several states have expanded collective bargaining rights to employees excluded from NLRA coverage: New York recently did so in relation to farmworkers, while Colorado extended collective bargaining to certain state and county employees.⁴¹ Nevada and Virginia extended collective bargaining to certain subsets of public employees. State and local governments can also ensure that public employees learn about public sector unions by including them in new employee orientation meetings; although this step can be taken without legislation, a number of state laws requiring this and other measures were passed in the wake of the 2018 *Janus* Supreme Court case.⁴² Finally, to facilitate collective bargaining by workers that are covered by the NLRA, states can eliminate barriers to collective bargaining, like so-called “right-to-work” laws.⁴³

3. Laws allowing striking workers to collect unemployment insurance, just like other employees temporarily out of work and experiencing economic hardship.

New York and New Jersey allow striking workers to receive unemployment insurance benefits regardless of the strike’s cause, while nine additional states make striking workers eligible for benefits in certain circumstances. Providing unemployment insurance to striking workers would help them weather the loss of income, would help re-balance the economic and power disparity between employers and workers during a strike (during which workers

may be at risk of losing their homes, for example), and the cost of such coverage would be minimal.⁴⁵

For their part, local governments can ensure that unions and workers are aware of safety-net support that is broadly-available to the public, such as rental assistance programs. Indeed, in Denver, the Mayor’s Office of Financial Empowerment connects wage theft victims with such resources. The San Diego County Office of Labor Standards has a revolving restitution fund used in part for workers fired in retaliation for reporting wage violations. Similar local efforts could support striking workers facing dire financial circumstances.

4. Measures enabling unionized employers to fairly compete for public contracts, including expanding prevailing wage laws and adopting policies on project labor agreements.*

Prevailing wage laws require covered government contractors to pay a wage and benefit rate based on similarly employed workers in a given geographic region. Most commonly, they cover construction contracts, but sometimes they also cover other kinds of work, such as building services work. Prevailing wage laws ensure that bidders do not win government contracts through low bids enabled by low-road working conditions; in this way, such laws enable unionized and other contractors with fair working conditions to compete. State and local policymakers can attach prevailing wage requirements to a broader range of categories. For example, if a jurisdiction has prevailing wage only for construction, it could add prevailing wage requirements to service work as well. If prevailing wages are required only for direct government contracts in a jurisdiction, policymakers there could also require prevailing wage for developers and owners that receive local subsidies or tax abatements. New Mexico passed a law in April 2025 that mandates prevailing wage coverage for off-site locations that “engage in the fabrication of heating, cooling, ventilation or exhaust duct systems that are part of the public works project.”⁴⁶

Project labor agreements (PLAs) are agreements between building trade unions and contractors that govern the terms and conditions of employment for all workers on a construction project. Among other things, they often bar workers from striking and employers from locking workers out; in this way, they eliminate expensive delays that can result from labor disputes or skilled worker shortages.⁴⁷ States can pass laws explicitly

allowing the use of PLAs, and where they are permitted, state and local government entities can seek opportunities to use PLAs on projects.

5. Laws creating three-party boards (workers, employers, the public) with industry-level policymaking authority.*

Minnesota enacted a law creating a Nursing Home Workforce Standards Board, and California law created a Fast Food Council (sunsetting January 1, 2029).⁴⁸ Sometimes referred to as sectorial bargaining, this structure involves “tripartite,” (three-party) bodies consisting of representatives of workers, employers and government/the public. They study industry conditions and establish health and safety and other labor standards. New York State, Colorado, and several other states have long had similar “wage boards.”⁴⁹ Several localities (Detroit, Durham County, Harris County, Seattle) have also created worker boards in recent years, although they generally have more of an advisory than a policy-making role.⁵⁰ More states and localities could create these structures.

6. Laws safeguarding workers’ freedom of conscience.*

Around a dozen states have passed laws protecting workers’ freedom of conscience, and more could follow suit. These laws prohibit employers from retaliating against employees who choose not to attend employer-led meetings aimed at communicating the employer’s opinion on religious or political matters.⁵¹ Such laws are often described by media and worker advocates as bans on “captive audience meetings,” where workers are compelled, as a condition of employment, to attend meetings expressing the employer’s anti-union positions. But freedom of conscience laws go far beyond the unionizing context and address a broader range of employer conduct. For example, New York City hotel subcontractors in 2024 allegedly required employees to attend rallies opposing a law regulating the industry, and in 2019, workers at a Pennsylvania petrochemical plant were reportedly required to attend a speech by President Trump, or take paid leave or stay home without pay.⁵² Freedom of conscience laws would address these types of situations. Note: some freedom of conscience laws are currently being challenged in court on NLRA preemption or First Amendment grounds.

7. Laws requiring employers to agree to remain neutral in union organizing drives in certain circumstances, such as to ensure, for example, that urgently-needed government-contracted services are not interrupted by lockouts or strikes.*

Under “labor peace” agreements, employers agree not to disrupt a union’s efforts to communicate with or organize workers, and unions and their members agree not to engage in picketing, work stoppages, or boycotts. Under these terms, employers essentially pledge to stay neutral in union campaigns, and not retaliate against union supporters or take similar actions. This allows workers to make a freer choice without fearing punishment or job loss for supporting a union. Labor peace agreements benefit the government because the union’s promise not to engage in picketing, strikes, or work stoppages ensures uninterrupted provision of needed services.

A New York City ordinance requires labor peace agreements in contracting with human services providers.⁵³ It was upheld in a recent federal district court decision, although the lawsuit remains pending.⁵⁴ Several states require labor peace agreements for cannabis processors and/or retailers, including California and New York.⁵⁵ In fact, Oregon voters approved a labor peace agreement for the cannabis industry through a ballot initiative. That law is currently facing a court challenge.⁵⁶ Note: given ongoing legal challenges in this area, policymakers should consult with attorneys who are experts on the subject if they wish to propose such measures.

VI. Concluding Guidance

State and local governments can build strong partnerships with unions in their jurisdictions.

A first step for many state and local government officials could be simply building relationships with unions and learning more about them. Some agency leaders may have limited experience with unions, while others may have had personal or professional experiences that were either positive or adversarial that inform their views on unions more generally. Intentional engagement with unions can help identify areas of alignment, while also allowing a fuller understanding of the labor movement's function in and benefits to the economy and a democratic society.

Unions' priorities vary considerably among localities, jurisdictions, industries, and regions. State and local government leaders can make efforts to build genuine partnerships, seek opportunities to collaborate, and support labor priorities where appropriate. Shared efforts to promote worker-focused legislation may be broad in scope. Or they may be industry-specific, such as recent state or local laws:

- **In the hotel industry:** Laws requiring panic buttons for hotel housekeepers; laws requiring guest cancellations without penalty if there are service disruptions,⁵⁷ including resulting from strikes; and laws prohibiting subcontracting certain essential positions, such as housekeepers,⁵⁸
- **In the construction industry:** Laws creating liability for general contractors when their subcontractors commit wage theft or other serious violations;⁵⁹
- **In the healthcare industry:** Laws setting required staffing ratios, which also improve patient care;⁶⁰
- **At airports:** Laws setting higher labor standards required of contractors to operate at government-operated airports;⁶¹
- **Protecting subcontracted employees:** Laws requiring retention of workers for a set time period when service contracts in certain industries (building services, janitorial,

or hotels) change hands. New Jersey, New York City, and Philadelphia all have some version of these laws which provide greater job security in precarious industries;⁶² or

- **Protecting temp workers:** Laws in New Jersey and Illinois mandate temp worker pay comparable to that of regular employees (after an initial period); they also prohibit temp agencies from sending workers to sites where a strike, lockout or other labor dispute exists without providing written information to the worker about the dispute and the worker's right to refuse the assignment.⁶³

There are also considerable non-legislative opportunities, as highlighted throughout this issue brief.

In light of ongoing attacks on federal law and institutions protecting workers' right to unionize, state and local government leaders of all kinds can consider a range of potential action items to support workers' rights at present, and to prepare for even more dramatic potential changes that could upend federal labor rights in the future. Some of the above options require significant funds or a landscape hospitable to workers' rights; other possibilities could be piloted with little more than a website, meeting space, and some modest planning. Above all, state and local government leaders will benefit from understanding the unique and crucial role of unions and the labor movement in supporting democracy, and the urgency of supporting them accordingly.

About the NYU Wagner Labor Initiative

The NYU Wagner Labor Initiative studies and helps catalyze the often-untapped potential of government in relation to workers' rights. The Labor Initiative helps government work for workers, by serving as a hub of analysis, research, and implementation guidance, as well as idea generation and dissemination, related to the role of government in advancing and protecting workers' rights.

For more information, please visit <https://wagner.nyu.edu/laborinitiative>

Endnotes

1. Among other things, the Trump administration issued an executive order purporting to end collective bargaining rights for hundreds of thousands of federal employees, Andrea Hsu, [Trump signs order ending union bargaining rights for wide swaths of federal employees](#), National Public Radio, March 28, 2025; fired National Labor Relations Board member Gwynne Wilcox, thereby depriving the Board of the quorum needed to operate, Adam Liptak, [Supreme Court Sides With Trump, for Now, on Firing Agencies' Leaders](#), *The New York Times*, April 9, 2025; and has been firing enormous numbers of federal workers performing critical government functions. Kennedy Andara, [Thousands of Workers in Each Congressional District Could Lose Their Jobs to DOGE](#), Center for American Progress, March 17, 2025.
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9. See, for example, *National Treasury Employees Union v. Russell Vought* (25-5091, D.C. Circuit Court of Appeals) and *American Federation of Government Employees, AFL-CIO, et al. v. United States Office of Personnel Management, et al.* (25-1677, 9th Circuit Court of Appeals).

10. A review of press releases by the Service Employees International Union, for example, shows the extent of the union's focus on opposing the dismantling of the federal government, deportations, etc. Available at <https://seiu.org/release/archive> (last accessed April 11, 2025). Many unions have vocally opposed deportations; see, e.g., [Union Calls on Trump Administration to Halt Deportation of Manufacturing Workers](#), Communications Workers of America news release, April 4, 2025.
11. Bureau of Labor Statistics News Release, [Union Members—2024](#), January 8, 2025.
12. Lydia Saad, [More in U.S. See Unions Strengthening and Want It That Way](#), Gallup, August 30, 2023.
13. [State Federations and Local Labor Councils](#), AFL-CIO website, undated, last accessed April 11, 2025.
14. Margaret Poydock et al, [16 million workers were unionized in 2024](#), Economic Policy Institute, Jan. 28, 2025.
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16. *San Diego Building Trades Council v Garmon*, 359 U.S. 236 (1959).
17. *Machinists v. Wisconsin Employment Relations Commission*, 427 U.S. 132 (1976).
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24. See <https://www.workcenter.gov/>.
25. Free Wage Theft Legal Clinic, Mass. Attorney General's Office, <https://www.mass.gov/info-details/free-wage-theft-legalclinic#:~:text=The%20goal%20of%20the%20clinic,or%20taking%20some%20other%20action>, last accessed April 11, 2025.
26. Press Release, Massachusetts Attorney General's Office, [AG Campbell Convenes Community Leaders, Issues Guidance to Raise Awareness of Child, Migrant Child Workplace Protections](#), June 8, 2023.
27. New York Central Labor Council website, [NYC CLC Co-Hosts Workers' Rights Convening with NYC Comptroller & CUNY SLU](#), March 14, 2025.
28. California AFL-CIO website, <https://unionizecalifornia.org/>, last accessed April 11, 2025.
29. <https://www.fmcs.gov/>, last accessed April 11, 2025.
30. Lynn Rhinehart, [Donald Trump is Shuttering a Little-Known Labor-Management Agency That Supports Collective Bargaining](#), The Nation, March 28, 2025; Michael Sainato, [Doge shuts federal workforce mediator agency after Trump order](#), The Guardian, March 26, 2025; KJ Boyle, [Trump Quietly Decimates a Pivotal Labor Relations Agency](#), The American Prospect, April 2, 2025.
31. Parker Purifoy, [Strike Risk Grows as Trump Cuts Labor Mediators from 143 to Four](#), Bloomberg Law, April 8, 2025.
32. April 8 [Letter to Governor Gavin Newsom](#) by California Labor Federation, signed by Federation President Lorena Gonzalez and several union leaders. On file with author.
33. [California Education Code § 49110.5](#) (2024)
34. See, e.g., Marcus Baram, [In New York, Wage Theft Violators Get Millions in Government Contracts](#), ProPublica, July 15, 2024.

35. The nonprofit organization Jobs to Move America (<https://jobstomoveamerica.org/>) has focused extensively on methods to use procurement to create higher quality jobs. A March 2025 webinar by the newly-founded Partners for the Public Good (<https://partnersforpublicgood.org/>) explores this issue in more depth as well, available at <https://partnersforpublicgood.org/procurement-excellence-network/event/using-public-procurement-to-advance-local-high-quality-jobs/>.
36. Items with an asterisk are available for localities as well, unless state-level preemption blocks these options.
37. See Massachusetts Bill S1327 (194th), available at <https://malegislature.gov/Bills/194/SD2280> and California AB 288 (2025-2026), available at <https://legiscan.com/CA/bill/AB288/2025>.
38. These states include Alabama, Colorado, Connecticut, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wisconsin.
39. Gali Racabi, [In Lieu of the NLRA](#), Cornell University ILR School, working paper March 28, 2025.
40. [The Right to Talk to Co-Workers and Management About Working Conditions: A Study of Enforcement at the NLRB](#), National Institute for Workers' Rights, April 2, 2024.
41. [New York Assembly Bill A8419](#) (2019-2020 Legislative Session); [Colorado House Bill 20-1153](#) (2020 Regular Session); [Colorado SB22-230](#) (2022 Regular Session).
42. [Nevada SB135](#) (2019); [Virginia Code § 41-57.2](#); *Janus v. American Federation of State, County, and Municipal Employees, Council 31, et al.*, 138 S.Ct. 2448 (2018); Aurelia Glass and Karla Walter, [7 Ways State Lawmakers Can Build Public Sector Union Power](#), Center for American Progress, January 14, 2025. See also, Terri Gerstein and LiJia Gong, [The role of local government in protecting workers' rights](#), Economic Policy Institute, Harvard Labor and Worklife Program, Local Progress, June 13, 2022, p. 15.
43. Jennifer Sherer and Elise Gould, [Data show anti-union "right-to-work" laws damage state economies](#), Economic Policy Institute, February 13, 2024.
44. For their part, local governments can ensure that unions and workers are aware of safety-net support that is broadly-available to the public, such as rental assistance programs. Indeed, in Denver, the Mayor's Office of Financial Empowerment connects wage theft victims with such resources. The San Diego County Office of Labor Standards has a revolving restitution fund used in part for workers fired in retaliation for reporting wage violations. Similar local efforts could support striking workers facing dire financial circumstances.
45. National Employment Law Project, [Unemployment Insurance for Striking Workers](#), Policy and Data Brief, October 21, 2024; Daniel Perez, [Unemployment insurance for striking workers](#), Economic Policy Institute, February 3, 2025.
46. [New Mexico SB 59](#) (2025 Regular Session).
47. For more information on project labor agreements, see Ihna Mangundayao et al., [Project Labor Agreements on Federal Construction Projects Will Benefit Nearly 200,000 Workers](#), Economic Policy Institute, Working Economics blog, February 9, 2022.
48. State government webpages provide more detail about these boards: [Nursing Home Workforce Standards Board](#), available at <https://www.dli.mn.gov/about-department/boards-and-councils/nursing-home-workforce-standards-board> and AB1228 – [Fast Food Council](#), available at <https://www.dir.ca.gov/AB1228/AB1228.html>.
49. See, e.g., [New York Labor Law § 655](#).
50. See Kate Andrias et al, [A How-To Guide for State and Local Workers' Boards](#), Center for American Progress, December 11, 2019; see also, Terri Gerstein and LiJia Gong [The role of local government in protecting workers' rights](#), Economic Policy Institute, Harvard Labor and Worklife Program, Local Progress, June 13, 2022, pp. 11-13.
51. [The State of Captive Audience Meetings Bans in the States](#), Labor Lab website, December 31, 2024, available at <https://laborlab.us/the-state-of-captive-audience-meetings-bans-in-the-states/>, last accessed April 14, 2025; Daniel Perez and Jennifer Sherer, [Will Illinois be next to tackle the problem of 'captive audience' meetings?](#), Economic Policy Institute Working Economics Blog, April 18, 2024. For an example of one such law, see [New York Labor Law § 201-D\(2\)\(e\)](#).

52. Justine Landis Handley, [Hotel Workers Say They Were Pressured to Attend Rally](#), Columbia Journalism School, September 16, 2024; Bobby Allyn, [Pa. Workers Forced To Choose Between Watching Trump, No Pay, Or Using Paid Time Off](#), National Public Radio, August 17, 2019.
53. [New York City Admin Code §6-145](#)
54. Human Services Council of New York, et al, v. City of New York and District Council 37 et al., U.S. District Court, Southern District of New York, Case No. 21 Civ. 11149, [Memorandum Opinion and Order](#) dated Nov. 14, 2024.
55. Leigh Giangreco, [States With Legal Pot Consider How to Protect Cannabis Workers](#), Stateline, March 27, 2023; John Fry, [A Pathway Toward Union Density in the Cannabis Industry](#), OnLabor blog, March 18, 2025.
56. Dan McIntosh and Anna Del Savio, [Lawsuit aims to strike down Oregon’s new cannabis labor peace law](#), Northwest Labor Press, March 5, 2025.
57. [Newark, N.J. Ordinances, ch. 9:1-3](#); [N.Y.C. Admin. Code §§ 20-850-851](#)
58. New York City passed [Int. No. 991-c](#) in 2024, which, among other things, prohibits hotels from subcontracting housekeeping positions.
59. See, e.g., Cal. Lab. Code § 218.7 (2022); Haw. Rev. Stat. Ann. § 388-11.5 (2023); 820 Ill. Comp. Stat. Ann. 115/13.5 (2023); Md. Code Ann., Lab. & Emp. § 3-507.2 (2018); Minn. Stat. Ann. § 181.165 (2023); N.J. Stat. Ann. § 34:11-67.1 (2020); N.Y. Lab. Law § 198-E (2024); Nev. Rev. Stat. Ann. § 608.150 (2023); Va. Code Ann. § 11-4.6 (2023).
60. The American Nurses Association advocates for safe staffing ratios and has resources on its webpage: <https://www.nursingworld.org/practice-policy/nurse-staffing/nurse-staffing-advocacy/>.
61. For a discussion of some relevant state and local laws, see Aurelia Glass and Karla Walter, [Too Many Airport Service Workers Earn Low Wages and Benefits](#), Center for American Progress, Jan. 13, 2025.
62. See, e.g., [New York City Administrative Code § 22-505](#); [NJ Rev Stat § 34:21-17 \(2024\)](#); and Martha Keon and Paul Sopher, “[Philadelphia Expands Protections for Security, Janitorial, Maintenance, Food and Beverage, Hotel, and Health Care Employees Whose Jobs are Outsourced](#),” *JD Supra*, April 26, 2021.
63. [NJ Rev Stat § 34:8D-3\(b\)](#) (2024); [820 ILCS 175/11](#).