

Top Five Labor Law Developments for April 2025

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Meet the Authors



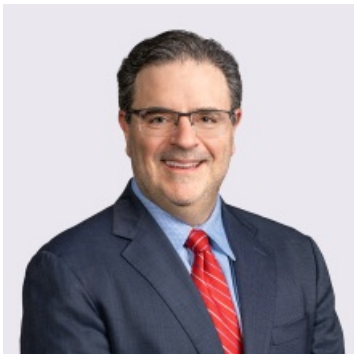
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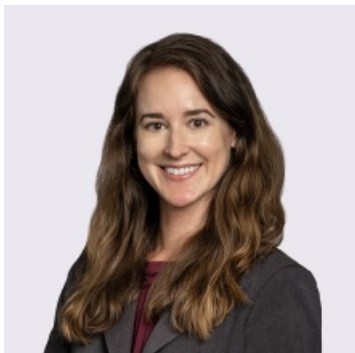


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1. *U.S. Supreme Court Chief Justice John Roberts temporarily halted a U.S. Court of Appeals for the D.C. Circuit Court order reinstating National Labor Relations Board Member Gwynne Wilcox. Trump, et al. v. Wilcox, et al., No. 24A966 (Apr. 9, 2025).* Following President Donald Trump's unprecedented termination of Board Member Wilcox, the D.C. Circuit issued an en banc order reinstating her to the Board, citing the Court's 1935 decision in *Humphrey's Executor* that upheld the constitutionality of for-cause removal protections for federal agency leaders. The Trump Administration filed an emergency application to the Court for a stay of the D.C. Circuit's order, arguing subsequent case law narrowed *Humphrey's Executor* to apply only to multi-member agencies that do not wield substantial executive power, making the case inapplicable to the Board. Although Chief Justice Roberts' order temporarily pauses Wilcox's reinstatement, Wilcox has filed a response to the stay application urging the Court to deny the stay until the D.C. Circuit can issue a decision on the merits of the case. Wilcox also requested that the Court deny the Trump Administration's petition for certiorari before the D.C. Circuit's decision, arguing the request to rush the Court's normal appeal procedures is unwarranted.
2. *A Washington, D.C. federal judge blocked President Trump's executive order (EO) aiming to exclude certain federal agencies and their subdivisions involved in national security from collective bargaining. National Treasury Employees Union v. Donald J. Trump, et al., No. 1:25-cv-00935 (D.D.C. Apr. 25, 2025).* Pursuant to the EO, covered agencies (including the Departments of Defense, Justice, and State) were no longer required to engage in collective bargaining with unions. The National Treasury Employees Union (NTEU), which represents federal workers in 37 departments and agencies, requested a preliminary injunction arguing the order was retaliatory against the unions. The injunction applies to all employees that NTEU represents. Because NTEU was the filing party, employees represented by other unions are not included in the order.
3. *A coalition of unions, nonprofit groups, and local governments filed a complaint in a California federal court arguing President Trump lacks the constitutional authority to downsize or reorganize federal agencies without congressional approval.* The lawsuit stems from an EO aiming to reduce the size of the federal government's workforce and directing each agency head to work with the Department of Government Efficiency on hiring plans. The coalition, which includes national unions such as the Service Employees International Union and the American Federation of State, County and Municipal Employees, as well as the City of Chicago and City of San Francisco, claims the EO violates the U.S. Constitution's separation of



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powers and the Administrative Procedure Act. The coalition requests the court to vacate the executive order and the related reorganization plans.

4. *William Emanuel, former Board member and management-side labor attorney, has passed away.* Emanuel was appointed to the Board by President Trump in 2017 and served until 2021. Emanuel's confirmation to the Board gave the Board its first Republican majority in more than a decade. During his time on the Board, Emanuel was involved in reversing a wide range of union-friendly rulings and decisions issued under the Obama Administration, bringing significant changes to Board law.
5. *Former Board General Counsel Jennifer Abruzzo has joined a union-side law firm as an attorney and rejoined the Communications Workers of America (CWA) as a senior advisor.* President Trump terminated Abruzzo shortly after Inauguration Day in an expected move. She previously held various roles at the Board and formerly served as special counsel at the CWA. Abruzzo's time at the Board was marked by aggressive initiatives resulting in overturning precedent on many issues, including expansion of protected concerted activity, increased use of enhanced remedies for unfair labor practice charges, and making it easier for employees to unionize without an election, among others. President Trump recently nominated management-side labor attorney Crystal Carey as the new general counsel. She is awaiting U.S. Senate approval.

Please contact an attorney at Jackson Lewis if you have any questions about these developments.

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