

# WASHINGTON JOINS STATES EXPANDING INTO NLRB TERRITORY WITH NEW “TRIGGER” LABOR LAW: WHAT EMPLOYERS NEED TO KNOW

Insights  
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## Washington Joins States Expanding Into NLRB Territory With New “Trigger” Labor Law: What Employers Need to Know

Washington just became the latest state to enact a so-called “trigger” labor law, which will allow the state’s labor board to regulate private-sector labor relations if the federal framework fails. The new legislation, which takes effect June 11, is part of a growing effort by states to fill perceived gaps at the federal level – a movement that the National Labor Relations Board strongly opposes and is actively challenging in courts. We’ll explain everything employers need to know, plus what you can expect next.

### Overview

Gov. Bob Ferguson signed a bill ([HB 2471](#)) into law on March 23 that will expand the power of the state’s Public Employment Relations Commission (PERC) over matters currently reserved for the NLRB under the National Labor Relations Act (NLRA) – if certain triggering conditions are met. HB 2471 emphasizes that protecting workers’ rights under established labor law and maintaining stable labor-management relations is a vital state interest, but the NLRB is pushing back against state efforts like this.

New York and California each enacted similar laws last year, and the NLRB swiftly challenged them in court, arguing that the federal agency has exclusive jurisdiction over private-sector labor relations. Federal courts in New York and

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California both agreed to temporarily block the respective state laws while the lawsuits play out, signaling that each court believes the NLRB is likely to ultimately succeed on its claims.

This new wave of trigger labor laws is in direct response to the NLRB's lack of a functioning quorum for most of 2025 (which was [resolved in December](#)) and other [challenges affecting the agency's structure](#).

**Want more?** Learn more about New York's and California's trigger labor laws and the NLRB's ongoing lawsuits against them by reading these prior Insights:

- [Hamstrung NLRB Doesn't Want States Grabbing Labor Power: Agency Challenges NY Law As More States Consider Similar Path](#)
- [Federal Court Blocks California's Attempt to Oversee Labor Disputes: What Employers Need to Know About Win for NLRB](#)

## How Will Washington's Law Work?

Starting June 11, Washington's new law authorizes PERC to oversee union elections, adjudicate unfair labor practice claims, and regulate collective bargaining in sectors typically governed exclusively by federal law if:

- the NLRA no longer preempts state regulation; or
- the NLRB declines or is deprived of its jurisdiction over the NLRA.

## Will the NLRB Challenge This Law Too?

The agency almost certainly will challenge Washington's HB 2471 in court. As mentioned above, two federal district courts have already agreed to temporarily halt similar legislation in New York and California, so the Evergreen State's new law could likely meet a similar fate, and potentially before it even takes effect.

However, it's worth noting that Washington lawmakers appear to have drafted HB 2471 carefully in anticipation of NLRB challenges against it. The law's triggering conditions that shift authority to PERC specifically refer to the "previously existing jurisdiction" of the NLRA and the NLRB's

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“previous jurisdiction” – whereas New York’s law is much broader, allowing the state’s labor board to step in if the NLRB simply does not “successfully assert jurisdiction.”

### **What Should Washington Employers Do Now?**

While the new law won’t immediately impact your labor relations policies, now is a good time to evaluate existing labor-management relationships, review and clarify all workplace policies and communications, and maintain consistency to ensure readiness for potential state oversight.

Stay tuned for more information as the effective date approaches in Washington and lawsuits play out across the country on state “trigger” labor laws.

### **Conclusion**

We will continue to monitor developments related to state “trigger” labor laws and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips’ Insight System](#) to get the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the authors of this Insight, any attorney in our [Labor Relations Practice Group](#), or any attorney in our [Seattle office](#).