

## Challenge to NLRB Joint Employer Rule Heads to Circuit Court

By Robert Iafolla 2025-05-06T12:52:47000-04:00

- Recently restarted district court case goes back on ice
- Agency, union cited judicial economy for forum move

A union's legal challenge to the National Labor Relations Board's regulation for joint employment finalized during the first Trump administration is on track to be decided by a circuit court.

Judge Rudolph Contreras of the US District Court for the District of Columbia—after [restarting](#) in March district court litigation that had been dormant for about three years—[agreed](#) Monday to put the case in abeyance until a circuit court rules on a separate challenge to the same rule.

The Service Employees International Union, which lodged the now-paused district court lawsuit in 2021, filed a [petition](#) for review of the joint employer regulation May 2 in the US Court of Appeals for the District of Columbia Circuit.

The NLRB's standard for joint employment has been one of the most hotly contested issues for the agency over the past decade. The legal test for determining when multiple companies share liability and obligations under labor law reverted to the Trump-era [standard](#) after a Texas district court [struck down](#) a worker-friendly [framework](#) set during the Biden administration.

In a [joint motion](#), the SEIU and NLRB noted that the agency believes that the D.C. Circuit has jurisdiction to consider a challenge to the rule.

“Judicial economy favors presenting that forum with an opportunity to decide the jurisdictional question, thereby avoiding additional and potentially needless briefing on the same question here,” the union and the agency told the district court.

The SEIU is represented by Bredhoff & Kaiser PLLC. The NLRB is represented by agency lawyers.

The case is [SEIU v. NLRB](#) , D.D.C., No. 21-02443, 5/5/25 .

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