

Josh Kaul
Wisconsin Attorney General



P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

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Attorney General Josh Kaul Joins Coalition Defending the Integrity of the National Labor Relations Board

MADISON, Wis. – Attorney General Josh Kaul today joined a coalition of 22 attorneys general in filing an [amicus brief](#) opposing a legal challenge that, if successful, would severely limit the National Labor Relations Board’s (NLRB) ability to carry out its responsibility of protecting American workers’ right to unionize.

Kaul and the coalition filed the brief today with the U.S. Court of Appeals for the 6th Circuit in the case of Yapp USA Automotive Systems Inc. v. National Labor Relations Board. A lawsuit filed by YAPP USA Automotive Systems Inc. (YAPP) seeks to stop the NLRB from addressing allegations YAPP engaged in unfair labor practices prohibited by federal law, arguing the NLRB’s structure and administrative proceedings are unconstitutional. Kaul and the coalition are urging the court to deny YAPP’s request for an injunction, which would hamstring the NLRB’s ability to protect workers’ right to collectively bargain for better wages and improved working conditions.

“The NLRB is critical to safeguarding workers from violations of labor laws,” said AG Kaul. “This attempt to dramatically disrupt the NLRB’s work should be rejected.”

The NLRB is the federal agency responsible for administering the National Labor Relations Act (NLRA), which guarantees American workers the right to unionize, bargain for better wages and working conditions, and engage in activities like strikes and pickets. Under the law, the NLRB adjudicates labor disputes and certifies the results of union elections. The board is also responsible for administering the NLRA uniformly across the country.

Page 1 of 2

According to federal statutes, board members and administrative law judges can be removed from office only for specific reasons, such as inefficiency in office. In its lawsuit, YAPP argues that these removal protections are unconstitutional and that the court should prevent the NLRB from conducting any proceedings while they remain in effect. The Trump administration has declined to defend the constitutionality of the removal protections.

The brief Kaul and the coalition that filed explains the removal protections are constitutional, that YAPP is not entitled to relief, and that pausing the NLRB's operations would seriously harm the public that relies on the board's administration of the NLRA. Collective bargaining helps workers obtain better wages, benefits, and working conditions. Unions also help nonmembers by creating competition for workers that boosts wages. The NLRA also benefits the broader economy by decreasing inequality and stabilizing labor-management relations.

Today's brief is part of Kaul's efforts to protect workers' rights and preserve the NLRB. On Feb. 28, Kaul filed a brief in support of a challenge to President Trump's unlawful attempt to remove NLRB member Gwynne Wilcox in the middle of her five-year term. Kaul was part of a coalition urging the U.S. District Court for the District of Columbia to grant Wilcox's motion for summary judgement and to order the defendants in that case to allow her to continue performing her responsibilities as an NLRB member.

Joining Attorney General Kaul in submitting this brief are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.