

## OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 25-11

September 5, 2025

**TO:** Regional Directors, Officers-in-Charge,  
and Resident Officers

**FROM:** William B. Cowen, Acting General Counsel

**SUBJECT:** Proceedings Under Section 10(j) of the Act

Section 10(j) injunctions serve as an important tool for enforcing the National Labor Relations Act by ensuring the protection of employees' Section 7 rights and the Board's remedial processes. Timely intervention can prevent remedial failure and safeguard core employee Section 7 rights and the collective bargaining process. Accordingly, Regional Offices should continue to assess whether interim injunctive relief is appropriate in each case.

Certain unfair labor practices present a heightened risk of remedial failure, such as discharges during an organizing campaign, some post-certification bargaining violations (particularly those in the context of first contract negotiations), withdrawals of recognition from incumbent unions, successor employers' refusals to bargain and/or hire, and cases involving unlawful picketing activities or bad faith bargaining by unions.<sup>1</sup> Each of these case types should be carefully evaluated to determine if injunctive relief is warranted. Consideration should also be given to other situations where unfair labor practices significantly impact employees' rights or collective bargaining to the extent that a final Board order may come too late to effectively restore the status quo.

Early identification of potential Section 10(j) cases is essential to ensuring prompt and effective relief. Expedited investigation and early collection of evidence regarding the impact of unfair labor practices enhance the likelihood of obtaining meaningful injunctive relief. Even when new charges arise during an ongoing investigation, Regions should not delay submitting recommendations to the Injunction Litigation Branch (ILB) if initial findings support seeking relief.

In assessing whether interim injunctive relief is appropriate, all Regions must now apply the standard the Supreme Court set out in *Starbucks Corp. v. McKinney*, 602 U.S. 339, 346 (2024), which requires a clear showing of: (1) likelihood of success on the merits; (2) likelihood of irreparable harm in the absence of an injunction; (3) the balance of equities favoring injunctive relief; and (4) injunctive relief being in the public interest. Although all four factors must be satisfied, Regions should give particular attention to whether the lack of injunctive relief will result in irreparable harm because a final Board

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<sup>1</sup> A list of the categories of Section 10(j) cases is accessible on the NLRB website at the following link: [Section 10\(j\) Categories | National Labor Relations Board](#).

order will not effectively remedy the alleged unfair labor practices. Regions should also be mindful to fully assess the strength of the alleged violations taking into consideration the merit of any defenses being raised.

Given the importance of timely intervention, potential 10(j) cases, including both cases where the Region recommends seeking injunctive relief and those where the Region does not recommend seeking such relief, should be submitted to ILB promptly. Delay in seeking injunctive relief may reduce its effectiveness, and Regions should prioritize these cases accordingly. Exceptions to this timing should only occur in rare circumstances after consultation with ILB. ILB will respond promptly to Regions seeking 10(j) relief and will continue to assist Regions with district court briefs, motions, litigation advice, and other matters where needed.

In instances where Section 10(j) has been recommended or authorized, and the charged party is interested in settling only the 10(j) portion of the case while pursuing litigation in the underlying administrative case, Regions are encouraged to seek interim settlements that successfully resolve the issues and to consult with ILB to ensure the completeness of such relief. Interim settlements in potential Section 10(j) cases before a formal submission to ILB by the Region are also strongly encouraged, though ILB should be consulted before approval of any such interim settlement.

The Section 10(j) program has consistently delivered positive outcomes, ensuring protection for employees exercising their Section 7 rights and preserving collective bargaining relationships. Regional personnel have played a critical role in delivering those positive outcomes and their continued support of the Section 10(j) program is crucial for maintaining its effectiveness.

If you have any questions, please contact the Injunction Litigation Branch.

W.B.C.