

## In The News

# Tom Mandler Says Amazon Eyeing SCOTUS Run to Challenge the NLRB

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Tom Mandler, co-chair of Akerman's Traditional Labor Law Practice, provided *Bloomberg Law* with his insights on Amazon's recent defeat before the National Labor Relations Board. Late last month, the NLRB denied the retail giant's request to overturn the 2022 union election at its Staten Island fulfillment center. The company claimed union organizers used various tactics to sway workers in the run-up to the vote, including giving out marijuana and worker intimidation.

"Those kinds of shenanigans by either side, management or union, shouldn't be tolerated," Mandler told *Bloomberg*. "It's like an employer handing out a \$10 bill — it's a bribe. I think if the union does it, it should be just as bad as if the employer did it."

The Staten Island union is the first for Amazon in the United States, but to date the company has refused to negotiate with it. Amazon has also filed suit against the NLRB in federal court in Texas, claiming violation of its Seventh Amendment right to a jury trial. Mandler believes the company is prepared to take the matter to the U.S. Supreme Court.

"I'm sure they're looking at the Supreme Court these days and seeing a conservative body that's going to be pro-employer but how many years is it going to take to get you there and how many hundreds of

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thousands of dollars?” Mandler said. “Amazon is going to be willing to put up the big bucks here because one facility for them may not matter but the other facilities will.”

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