

Short-Lived Victory For Employers? NLRB Chairman Reportedly Stepping Down In December

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BNA Bloomberg and [Law360](#) are reporting that National Labor Relations Board (NLRB) Chairman Philip Miscimarra is stepping down when his current five-year term expires in December rather than seeking reappointment. Miscimarra reportedly is leaving the agency for personal reasons. Having been the lone pro-management voice on the NLRB for an extended period and consistently being out-voted by his pro-union counterparts, Chairman Miscimarra's dissents have been colorful and may provide a glimpse as to what pro-management majority NLRB decisions will look like in the near future. Indeed, in just the past few months he issued scathing dissents regarding the agency's stance on [micro-units](#) and [Facebook discipline cases](#). The NLRB currently is deadlocked with two pro-management and two pro-labor members, as pro-management member [Marvin Kaplan joined the board](#) just last week. Another pro-management member, William Emanuel, is [expected to be confirmed soon](#), giving the NLRB a pro-management majority for the first time in nearly a decade. Given Miscimarra's imminent departure later this year, however, the pro-management majority may be short-lived – at least until President Trump can get a replacement lined up and confirmed.

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