

Major Changes On The Horizon For The NLRB? Trump Names Philip Miscimarra Acting Chair Of Agency

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President Trump took his first official action with respect to the National Labor Relations Board (NLRB) on Jan. 24, when he named current NLRB member Philip Miscimarra as acting chair of the agency. Miscimarra has served on the NLRB since 2013 and currently is the lone Republican (i.e., pro-employer) member. The other two members, Mark Gaston Pearce and Lauren McFerran, are Democrat members and tend to be viewed as “pro-union.” Miscimarra replaces Pearce as chair, a position Pearce has held since 2011. There currently are two vacancies on the NLRB; by law, presidents appoint the five NLRB commissioners, with Senate approval, and historically aim to have a majority of their own party. Accordingly, we likely will see a 3-2 Republican majority in the near future. While Miscimarra’s appointment is noteworthy, a substantial change in direction away from the stances the NLRB has taken in the last eight years isn’t likely until Republicans gain an official majority. Stay tuned.

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