





















## THE RAUDABAUGH REPORT

### NLRB MEMBER DECISION PARTICIPATION (Fiscal Year 2019 to date: October 1, 2018 – June 17, 2019)

|  |   |  |                 |
|--|---|--|-----------------|
| Total NLRB Published Decisions (Binding Precedent).....149* (100.0%)                                     |   | <b>NLRB Published Decisions</b>  |                 |
| Full NLRB Published Decisions (all Members participating).....8 (5.4%)                                   |   | CY 2019..... 98  | FY 2019.....149 |
| Default/Summary Judgment Published Decisions.....48 (32.2%)  |   | CY 2018.....238  | FY 2018.....221 |
| *Includes 132 (88.6%) "C" (complaint) cases; 11 (7.4%) "R" (representation) cases; 6 (4.0%) "C&R" cases. |   | CY 2017.....157  | FY 2017.....162 |
|  |   | CY 2016.....269  | FY 2016.....298 |
|  |   | CY 2015.....287  | FY 2015.....319 |
| <b>NLRB Member</b>   | <b>NLRB Member Published Decisions/<br/>Total Reported NLRB Published<br/>Decisions</b> | <b>NLRB Member Dissenting Opinions/<br/>Total NLRB Dissenting Opinions</b> |                 |
| Ring (R)                | 119/149 (79.9%)   | 0/0  | (0.0%)          |
| McFerran (Mc)           | 107/149 (71.8%)   | 28/29  | (96.6%)         |
| Kaplan (K)              | 122/149 (81.9%)   | 1/29   | (3.4%)          |
| Emanuel (E)             | 105/149 (70.5%)   | 0/0  | (0.0%)          |

#### NLRB PANEL / MEMBER ANALYSIS

| NLRB Panel/Full Board  | Total Published Panel<br>Decisions / Total Published<br>Decisions | Total Published Panel<br>Decisions with Dissenting<br>Opinions / Total Published<br>Panel Decisions | Total Published Dissenting<br>Opinions by Panel<br>Member |
|--|---|---|---|
| R,Mc,K      | 44/149 (29.5%)  | 7/44 (15.9%)  | R (0), Mc (7), E (0)                                      |
| R,Mc,E      | 27/149 (18.1%)  | 10/27 (37.0%)   | R (0), Mc (10), E (0)                                     |
| R,K,E     | 39/149 (26.2%)  | 0/39 (0.0%)   | R (0), K (0), E (0)                                       |
| Mc,K,E      | 30/149 (20.1%)  | 3/30 (10.0%)  | K (1), Mc (2), E (0)                                      |
| R,Mc,K,E     | 9/149 (6.0%)  | 9/9 (100.0%)  | R (0), Mc (9), K (0), E (0)                               |
| <b>Totals</b>  | 149/149 (100.0%)  | 29/149 (19.5%)  | R (0), Mc (28), K (1), E (0)                              |

#### PUBLISHED DECISIONS BY NLRB REGION / SUBREGION INTAKE

| NLRB Region                      | FY 2018 NLRB<br>Published Decisions | NLRB Region                                   | FY 2018 NLRB<br>Published Decisions |
|----------------------------------|-------------------------------------|---|-------------------------------------|
| 1 - (and former 34) - Boston     | 2 (1.3%)                            | 15 - (and former 26) - New Orleans            | 3 (2.0%)                            |
| 2 - New York                     | 4 (2.7%)                            | 16 - Fort Worth                               | 6 (4.0%)                            |
| 3 - Buffalo                      | 5 (3.4%)                            | 18 - (and former 30) - Minneapolis            | 3 (2.0%)                            |
| 4 - Philadelphia                 | 10 (6.7%)                           | 19 - (and former 36) - Seattle                | 8 (5.4%)                            |
| 5 - Baltimore                    | 5 (3.4%)                            | 20 - (and former 37) - San Francisco          | 10 (6.7%)                           |
| 6 - Pittsburgh                   | 3 (2.0%)                            | 21 - Los Angeles                              | 6 (4.0%)                            |
| 7 - Detroit                      | 7 (4.7%)                            | 22 - Newark                                   | 8 (5.4%)                            |
| 8 - Cleveland                    | 5 (3.4%)                            | 25 - (and former 33) - Indianapolis           | 0 (0.0%)                            |
| 9 - Cincinnati                   | 8 (5.4%)                            | 27 - Denver                                   | 2 (1.3%)                            |
| 10 - (and former 11) - Atlanta   | 3 (2.0%)                            | 28 - Phoenix                                  | 13 (8.7%)                           |
| 12 - (and former 24) - Tampa     | 10 (6.7%)                           | 29 - Brooklyn                                 | 7 (4.7%)                            |
| 13 - Chicago                     | 9 (6.0%)                            | 31 - Los Angeles                              | 4 (2.7%)                            |
| 14 - (and former 17) - St. Louis | 4 (2.7%)                            | 32 - Oakland                                  | 4 (2.7%)                            |
|                                  |                                     | <b>Total FY 2018 NLRB Published Decisions</b> | <b>149 (100.0%)</b>                 |

**National Labor Relations Board – Published Decisions – Fiscal Year**







| Fiscal Year | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sep. | Total |
|-------------|------|------|------|------|------|------|------|-----|------|------|------|------|-------|
| 2019        | 24   | 8    | 19   | 25   | 17   | 11   | 11   | 21  | 13   |      |      |      | 149   |
| 2018        | 9    | 2    | 23   | 9    | 18   | 25   | 21   | 22  | 24   | 25   | 38   | 5    | 221   |
| 2017        | 12   | 17   | 10   | 11   | 17   | 12   | 16   | 21  | 15   | 11   | 11   | 9    | 162   |
| 2016        | 13   | 19   | 36   | 15   | 36   | 20   | 19   | 36  | 19   | 21   | 57   | 7    | 298   |
| 2015        | 30   | 28   | 42   | 12   | 14   | 38   | 25   | 17  | 38   | 12   | 47   | 16   | 319   |
| 2014        | 4    | 2    | 6    | 19   | 24   | 9    | 29   | 28  | 11   | 15   | 27   | 23   | 197   |
| 2013        | 4    | 10   | 21   | 11   | 13   | 18   | 24   | 16  | 19   | 21   | 0    | 5    | 162   |
| 2012        | 6    | 20   | 60   | 10   | 13   | 10   | 14   | 10  | 28   | 19   | 25   | 56   | 271   |
| 2011        | 30   | 30   | 26   | 18   | 13   | 26   | 22   | 17  | 20   | 24   | 56   | 14   | 296   |
| 2010        | 12   | 11   | 9    | 15   | 7    | 8    | 6    | 10  | 10   | 11   | 119  | 55   | 273   |
| 2009        | 10   | 12   | 17   | 12   | 16   | 25   | 15   | 14  | 11   | 23   | 11   | 18   | 184   |
| 2008        | 4    | 12   | 36   | 7    | 28   | 12   | 13   | 25  | 19   | 18   | 24   | 36   | 234   |
| 2007        | 11   | 12   | 15   | 64   | 27   | 44   | 45   | 55  | 27   | 24   | 37   | 61   | 422   |
| 2006        | 5    | 12   | 27   | 15   | 11   | 20   | 29   | 34  | 19   | 24   | 48   | 53   | 297   |
| 2005        | 24   | 24   | 45   | 6    | 25   | 26   | 16   | 21  | 39   | 22   | 61   | 40   | 349   |
| 2004        | 20   | 28   | 25   | 25   | 21   | 32   | 38   | 31  | 44   | 37   | 24   | 78   | 403   |
| 2003        | 25   | 37   | 1    | 9    | 9    | 22   | 46   | 35  | 43   | 46   | 49   | 93   | 415   |
| 2002        | 41   | 25   | 67   | 0    | 2    | 9    | 7    | 24  | 24   | 40   | 32   | 44   | 315   |
| 2001        | 43   | 29   | 28   | 39   | 27   | 30   | 56   | 52  | 34   | 49   | 116  | 76   | 579   |
| 2000        | 14   | 51   | 19   | 27   | 30   | 45   | 35   | 41  | 40   | 32   | 80   | 67   | 481   |
| 1999        | 31   | 29   | 17   | 30   | 36   | 64   | 48   | 41  | 40   | 31   | 25   | 70   | 462   |
| 1998        | 51   | 53   | 9    | 6    | 1    | 4    | 37   | 22  | 37   | 36   | 75   | 80   | 411   |
| 1997        | 13   | 35   | 30   | 18   | 44   | 27   | 44   | 44  | 41   | 30   | 35   | 17   | 378   |
| 1996        | 49   | 32   | 79   | 14   | 29   | 46   | 40   | 36  | 26   | 39   | 63   | 39   | 492   |
| 1995        | 31   | 30   | 60   | 64   | 52   | 67   | 74   | 64  | 43   | 54   | 86   | 58   | 683   |
| 1994        | 28   | 102  | 0    | 0    | 75   | 20   | 30   | 43  | 46   | 67   | 57   | 84   | 552   |
| 1993        | 40   | 49   | 81   | 45   | 38   | 79   | 49   | 116 | 24   | 33   | 48   | 142  | 744   |
| 1992        | 23   | 47   | 52   | 70   | 61   | 97   | 72   | 59  | 42   | 90   | 76   | 112  | 801   |
| 1991        | 37   | 27   | 60   | 80   | 79   | 61   | 63   | 78  | 52   | 46   | 81   | 63   | 727   |
| 1990        | 47   | 23   | 16   | 29   | 22   | 42   | 27   | 40  | 46   | 42   | 41   | 97   | 472   |
| 1989        | 33   | 47   | 35   | 51   | 55   | 54   | 42   | 79  | 125  | 40   | 55   | 66   | 682   |
| 1988        | 12   | 48   | 97   | 18   | 28   | 38   | 42   | 47  | 87   | 146  | 36   | 65   | 664   |
| 1987        | 15   | 36   | 30   | 40   | 73   | 49   | 47   | 47  | 77   | 71   | 48   | 120  | 653   |
| 1986        | 37   | 68   | 64   | 77   | 51   | 63   | 84   | 75  | 92   | 31   | 41   | 115  | 798   |
| 1985        | 39   | 70   | 143  | 51   | 106  | 108  | 58   | 37  | 41   | 45   | 43   | 135  | 847   |
| 1984        | 24   | 18   | 28   | 34   | 114  | 146  | 128  | 66  | 75   | 123  | 83   | 108  | 947   |
| 1983        | 47   | 37   | 130  | 22   | 45   | 50   | 17   | 37  | 12   | 17   | 190  | 37   | 641   |
| 1982        | 15   | 42   | 47   | 57   | 79   | 134  | 89   | 97  | 83   | 119  | 104  | 239  | 1,105 |
| 1981        | 19   | 45   | 66   | 134  | 27   | 120  | 98   | 65  | 113  | 105  | 78   | 227  | 1,097 |
| 1980        | 49   | 58   | 72   | 100  | 106  | 114  | 94   | 113 | 99   | 104  | 244  | 190  | 1,343 |

**National Labor Relations Board – Published Decisions – Calendar Year**



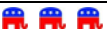
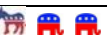
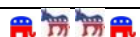















| Calendar Year | Jan. | Feb | Mar. | Apr. | May | June | July | Aug. | Sep. | Oct. | Nov. | Dec. | Total |
|---------------|------|-----|------|------|-----|------|------|------|------|------|------|------|-------|
| 2019          | 25   | 17  | 11   | 11   | 21  | 13   |      |      |      |      |      |      | 98    |
| 2018          | 9    | 18  | 25   | 21   | 22  | 24   | 25   | 38   | 5    | 24   | 8    | 19   | 238   |
| 2017          | 11   | 17  | 12   | 16   | 21  | 15   | 11   | 11   | 9    | 9    | 2    | 23   | 157   |
| 2016          | 15   | 36  | 20   | 19   | 36  | 19   | 21   | 57   | 7    | 12   | 17   | 10   | 269   |
| 2015          | 12   | 14  | 38   | 25   | 17  | 38   | 12   | 47   | 16   | 13   | 19   | 36   | 287   |
| 2014          | 19   | 24  | 9    | 29   | 28  | 11   | 15   | 27   | 23   | 30   | 28   | 42   | 285   |
| 2013          | 11   | 13  | 18   | 24   | 16  | 19   | 21   | 0    | 5    | 4    | 2    | 6    | 139   |
| 2012          | 10   | 13  | 10   | 14   | 10  | 28   | 19   | 25   | 56   | 4    | 10   | 21   | 220   |
| 2011          | 18   | 13  | 26   | 22   | 17  | 20   | 24   | 56   | 14   | 6    | 20   | 60   | 296   |
| 2010          | 15   | 7   | 8    | 6    | 10  | 10   | 11   | 119  | 55   | 30   | 30   | 26   | 327   |
| 2009          | 12   | 16  | 25   | 15   | 14  | 11   | 23   | 11   | 18   | 12   | 11   | 9    | 177   |
| 2008          | 7    | 28  | 12   | 13   | 25  | 19   | 18   | 24   | 36   | 10   | 12   | 17   | 221   |
| 2007          | 64   | 27  | 44   | 45   | 55  | 27   | 24   | 37   | 61   | 4    | 12   | 36   | 436   |
| 2006          | 15   | 11  | 20   | 29   | 34  | 19   | 24   | 48   | 53   | 11   | 12   | 15   | 291   |
| 2005          | 6    | 25  | 26   | 16   | 21  | 39   | 22   | 61   | 40   | 5    | 12   | 27   | 300   |
| 2004          | 25   | 21  | 32   | 38   | 31  | 44   | 37   | 24   | 78   | 24   | 24   | 45   | 423   |
| 2003          | 9    | 9   | 22   | 46   | 35  | 43   | 46   | 49   | 93   | 20   | 28   | 25   | 425   |
| 2002          | 0    | 2   | 9    | 7    | 24  | 24   | 40   | 32   | 44   | 25   | 37   | 1    | 245   |
| 2001          | 39   | 27  | 30   | 56   | 52  | 34   | 49   | 116  | 76   | 41   | 25   | 67   | 612   |
| 2000          | 27   | 30  | 45   | 35   | 41  | 40   | 32   | 80   | 67   | 43   | 29   | 28   | 497   |
| 1999          | 30   | 36  | 64   | 48   | 41  | 40   | 31   | 25   | 70   | 14   | 51   | 19   | 469   |
| 1998          | 6    | 1   | 4    | 37   | 22  | 37   | 36   | 75   | 80   | 31   | 29   | 17   | 375   |
| 1997          | 18   | 44  | 27   | 44   | 44  | 41   | 30   | 35   | 17   | 51   | 53   | 9    | 413   |
| 1996          | 14   | 29  | 46   | 40   | 36  | 26   | 39   | 63   | 39   | 13   | 35   | 30   | 410   |
| 1995          | 64   | 52  | 67   | 74   | 64  | 43   | 54   | 86   | 58   | 49   | 32   | 79   | 722   |
| 1994          | 0    | 75  | 20   | 30   | 43  | 46   | 67   | 57   | 84   | 31   | 30   | 60   | 543   |
| 1993          | 45   | 38  | 79   | 49   | 116 | 24   | 33   | 48   | 142  | 28   | 102  | 0    | 704   |
| 1992          | 70   | 61  | 97   | 72   | 59  | 42   | 90   | 76   | 112  | 40   | 49   | 81   | 849   |
| 1991          | 80   | 79  | 61   | 63   | 78  | 52   | 46   | 81   | 63   | 23   | 47   | 52   | 725   |
| 1990          | 29   | 22  | 42   | 27   | 40  | 46   | 42   | 41   | 97   | 37   | 27   | 60   | 510   |
| 1989          | 51   | 55  | 54   | 42   | 79  | 125  | 40   | 55   | 66   | 47   | 23   | 16   | 653   |
| 1988          | 18   | 28  | 38   | 42   | 47  | 87   | 146  | 36   | 65   | 33   | 47   | 35   | 622   |
| 1987          | 40   | 73  | 49   | 47   | 47  | 77   | 71   | 48   | 120  | 12   | 48   | 97   | 729   |
| 1986          | 77   | 51  | 63   | 84   | 75  | 92   | 31   | 41   | 115  | 15   | 36   | 30   | 710   |
| 1985          | 51   | 106 | 108  | 58   | 37  | 41   | 45   | 43   | 135  | 37   | 68   | 64   | 793   |
| 1984          | 34   | 114 | 146  | 128  | 66  | 75   | 123  | 83   | 108  | 39   | 70   | 143  | 1,129 |
| 1983          | 22   | 45  | 50   | 17   | 37  | 12   | 17   | 190  | 37   | 24   | 18   | 28   | 497   |
| 1982          | 57   | 79  | 134  | 89   | 97  | 83   | 119  | 104  | 239  | 47   | 37   | 130  | 1,215 |
| 1981          | 134  | 27  | 120  | 98   | 65  | 113  | 105  | 78   | 227  | 15   | 42   | 47   | 1,071 |
| 1980          | 100  | 106 | 114  | 94   | 113 | 99   | 104  | 244  | 190  | 19   | 45   | 66   | 1,294 |

## THE RAUDABAUGH REPORT

### NLRB MEMBER DECISION PARTICIPATION (Fiscal Year 2018 to date: October 1, 2017 – September 30, 2018)

|  |   |  |                 |
|--|---|--|-----------------|
| Total NLRB Published Decisions (Binding Precedent).....221* (100.0%)   |   | <b>NLRB Published Decisions</b>  |                 |
| Full NLRB Published Decisions (all Members participating).....7 ( 3.2%)  |   | CY 2018.....187  | FY 2018.....221 |
| Default/Summary Judgment Decisions.....50 (22.6%)  |   | CY 2017.....157  | FY 2017.....162 |
| *Includes 211 (95.5%) "C" (complaint) cases; 6 (2.7%) "R" (representation) cases; 4 (1.8%) "C&R" cases.                |   | CY 2016.....269  | FY 2016.....298 |
|  |   | CY 2015.....287  | FY 2015.....319 |
|  |   | CY 2014.....285  | FY 2014.....197 |
| <b>NLRB Member</b>   | <b>NLRB Member Published Decisions/<br/>Total Reported NLRB Published<br/>Decisions</b> | <b>NLRB Member Dissenting Opinions/<br/>Total NLRB Dissenting Opinions</b> |                 |
| Ring (R)                              | 36/221 (16.3%)  | 4/46 ( 8.7%)   |                 |
| McFerran (Mc)                         | 175/221 (79.2%)   | 8/46 (17.4%)   |                 |
| Kaplan (K)                            | 146/221 (66.1%)   | 5/46 (10.9%)   |                 |
| Emanuel (E)                           | 113/221 (51.1%)   | 11/46 (23.9%)  |                 |
| [Miscimarra (M) term ended 12/16/17]  | 29/34 (85.3%)   | 8/20 (40.0%)   |                 |
| [Pearce (P) term ended 8/27/18]       | 180/215 (83.7%)   | 10/46 (24.3%)  |                 |

### NLRB PANEL / MEMBER ANALYSIS

| NLRB Panel/Full Board  | Total Published Panel<br>Decisions / Total Published<br>Decisions | Total Published Panel<br>Decisions with Dissenting<br>Opinions / Total Published<br>Panel Decisions | Total Published Dissenting<br>Opinions by Panel<br>Member |
|--|---|---|---|
| R,Mc,K          | 8/221 ( 3.6%)   | 0/6 ( 0.0%)   | R (0), Mc (0), E (0)                                      |
| R,Mc,E          | 3/221 ( 1.4%)   | 0/2 ( 0.0%)   | R (0), Mc (0), E (0)                                      |
| R,K,E           | 3/221 ( 1.4%)   | 0/3 ( 0.0%)   | R (0), K (0), E (0)                                       |
| Mc,K,E          | 26/221 (11.8%)  | 1/25 ( 4.0%)  | K (0), Mc (0), E (1)                                      |
| R,P,Mc,K       | 1/221 ( 0.5%)   | 0/1 ( 0.0%)   | R (0), P (0), Mc (0), K (0)                               |
| [M,P,Mc]      | 19/34 (55.9%)   | 9/19 (47.4%)  | M (8), P (1), Mc (0)                                      |
| [M,P,K]       | 4/34 (11.8%)  | 0/4 ( 0.0%)   | M (0), P (0), K (0)                                       |
| [M,P,E]       | 0/34 ( 0.0%)  | 0/0 ( 0.0%)   | M (0), P (0), E (0)                                       |
| [M,Mc,K]      | 1/34 ( 2.9%)  | 1/1 (100.0%)  | M (0), Mc (1), K (0)                                      |
| [M,Mc,E]      | 0/34 ( 0.0%)  | 0/0 ( 0.0%)   | M (0), Mc (0), E (0)                                      |
| [M,K,E]       | 0/34 ( 0.0%)  | 0/0 ( 0.0%)   | M (0), K (0), E (0)                                       |
| [M,P,Mc,K,E]  | 5/34 (14.7%)  | 5/5 (100.0%)  | M (0), P (5), Mc (5), K (0), E (0)                        |
| [R,P,Mc]      | 13/215 ( 6.0%)  | 4/13 (30.8%)  | R (4), P (0), Mc (0)                                      |
| [R,P,K]       | 1/215 ( 0.5%)   | 0/1 ( 0.0%)   | R (0), P (0), K (0)                                       |
| [R,P,E]       | 4/215 ( 1.9%)   | 1/4 (25.0%)   | R (0), P (1), E (0)                                       |
| [P,Mc,K]      | 61/215 (28.4%)  | 8/61 (13.1%)  | P (1), Mc (1), K (5)                                      |
| [P,Mc,E]      | 36/215 (16.7%)  | 6/36 (18.2%)  | P (0), Mc (0), E (8)                                      |
| [P,K,E]       | 34/215 (15.8%)  | 3/34 ( 6.1%)  | K (0), P (1), E (2)                                       |
| [R,P,Mc,K]    | 1/215 ( 0.5%)   | 0/1 ( 0.0%)   | R (0), P (0), Mc (0), K (0)                               |
| [R,P,Mc,K,E]  | 2/215 ( 0.9%)   | 1/2 (50.0%)   | K (0), P (1), Mc (1), K (0), E (0)                        |
| <b>Totals</b>  | 221/221 (100.0%)  | 51/221 (23.1%)  | R(4),Mc(8),K(5),E(11),[M(8),P(10)]                        |

### PUBLISHED DECISIONS BY NLRB REGION / SUBREGION INTAKE

| NLRB Region                  | FY 2018 NLRB<br>Published Decisions | NLRB Region                          | FY 2018 NLRB<br>Published Decisions |
|------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| 1 - (and former 34) - Boston | 6 ( 2.7%)                           | 15 - (and former 26) - New Orleans   | 7 ( 3.2%)                           |
| 2 - New York                 | 11 ( 5.0%)                          | 16 - Fort Worth                      | 10 ( 4.5%)                          |
| 3 - Buffalo                  | 5 ( 2.3%)                           | 18 - (and former 30) - Minneapolis   | 5 ( 2.3%)                           |
| 4 - Philadelphia             | 7 ( 3.2%)                           | 19 - (and former 36) - Seattle       | 10 ( 4.5%)                          |
| 5 - Baltimore                | 11 ( 5.0%)                          | 20 - (and former 37) - San Francisco | 8 ( 3.6%)                           |
| 6 - Pittsburgh               | 8 ( 3.6%)                           | 21 - Los Angeles                     | 9 ( 4.1%)                           |
| 7 - Detroit                  | 6 ( 2.7%)                           | 22 - Newark                          | 11 ( 5.0%)                          |

|                                 |            |   |                     |
|---------------------------------|------------|---|---------------------|
| 8 - Cleveland                   | 8 ( 3.6%)  | 25 - (and former 33) - Indianapolis           | 9 ( 4.1%)           |
| 9 - Cincinnati                  | 12 ( 5.4%) | 27 - Denver                                   | 4 ( 1.8%)           |
| 10 - (and former 11) - Atlanta  | 4 ( 1.8%)  | 28 - Phoenix                                  | 21 ( 9.5%)          |
| 12 - (and former 24) - Tampa    | 12 ( 5.4%) | 29 - Brooklyn                                 | 6 ( 2.7%)           |
| 13 - Chicago                    | 15 ( 6.8%) | 31 - Los Angeles                              | 7 ( 3.2%)           |
| 14- (and former 17) - St. Louis | 5 ( 2.3%)  | 32 - Oakland                                  | 4 ( 1.8%)           |
|                                 |            | <b>Total FY 2018 NLRB Published Decisions</b> | <b>221 (100.0%)</b> |

## THE RAUDABAUGH REPORT

### NLRB MEMBER DECISION PARTICIPATION (Fiscal Year 2017 to date: October 1, 2016 – September 30, 2017)

|  |   |  |                 |
|--|---|--|-----------------|
| Total NLRB Published Decisions (Binding Precedent).....162* (100.0%)                                       |   | <i>NLRB Published Decisions</i>  |                 |
| Full NLRB Published Decisions (all Members participating).....0 (0.0%)                                     |   | CY 2017.....123  | FY 2017.....162 |
| Default/Summary Judgment Decisions.....42 (26.1%)  |   | CY 2016.....269  | FY 2016.....298 |
| *Includes 131 (80.9%) "C" (complaint) cases; 24 (14.8 %) "R" (representation) cases; 7 (4.3%) "C&R" cases. |   | CY 2015.....287  | FY 2015.....319 |
|  |   | CY 2014.....285  | FY 2014.....197 |
| <b>NLRB Member</b>   | <b>NLRB Member Decisions/<br/>Total Reported NLRB Decisions</b> | <b>NLRB Member Dissenting Opinions/<br/>Total NLRB Dissenting Opinions</b> |                 |
| Miscimarra (M)   | 162/162 (100%)  | 41/47 (87.2%)  |                 |
| Pearce (P)   | 162/162 (100%)  | 5/47 (10.6%)   |                 |
| McFerran (Mc)  | 162/162 (100%)  | 1/47 ( 2.1%)   |                 |
| Kaplan (K)   |   |  |                 |
| Emanuel (E)  |   |  |                 |

### NLRB PANEL / MEMBER ANALYSIS





| NLRB Panel/Full Board | Total NLRB Panel Decisions/<br>Total Published Decisions | Total Panel Decisions with Dissenting<br>Opinion/Total Panel Decisions | Total Dissenting<br>Opinions by Panel<br>Member |
|-----------------------|--|--|---|
| M,P,Mc                | 162/162 (100.0%)   | 47/162 (29.2%)   | M (41), P (5), Mc (1)                           |
|                       |  |  |   |
|                       |  |  |   |
|                       |  |  |   |
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|                       |  |  |   |
|                       |  |  |   |
|                       |  |  |   |
|                       |  |  |   |
|                       |  |  |   |
| Totals                | 162/162 (100.0%)   | 47/162 (29.2%)   | M (41), P (5), Mc (1)                           |

### PUBLISHED DECISIONS BY NLRB REGION / SUBREGION INTAKE

















| NLRB Region                                   | FY 2016 NLRB<br>Published Decisions | NLRB Region                          | FY 2016 NLRB<br>Published Decisions |
|---|-------------------------------------|--------------------------------------|-------------------------------------|
| 1 - (and former 34) - Boston                  | 9 ( 5.6%)                           | 15 - (and former 26) - New Orleans   | 6 ( 3.7%)                           |
| 2 - New York                                  | 7 ( 4.3%)                           | 16 - Fort Worth                      | 3 ( 1.9%)                           |
| 3 - Buffalo                                   | 6 ( 3.7%)                           | 18 - (and former 30) - Minneapolis   | 4 ( 2.5%)                           |
| 4 - Philadelphia                              | 8 ( 4.9%)                           | 19 - (and former 36) - Seattle       | 4 ( 2.5%)                           |
| 5 - Baltimore                                 | 4 ( 2.5%)                           | 20 - (and former 37) - San Francisco | 7 ( 4.9%)                           |
| 6 - Pittsburgh                                | 1 ( 0.6%)                           | 21 - Los Angeles                     | 6 ( 3.7%)                           |
| 7 - Detroit                                   | 12 ( 7.4%)                          | 22 - Newark                          | 6 ( 3.7%)                           |
| 8 - Cleveland                                 | 5 ( 3.1%)                           | 25 - (and former 33) - Indianapolis  | 4 ( 2.5%)                           |
| 9 - Cincinnati                                | 4 ( 2.5%)                           | 27 - Denver                          | 4 ( 2.5%)                           |
| 10 - (and former 11) - Atlanta                | 4 ( 2.5%)                           | 28 - Phoenix                         | 10 ( 6.2%)                          |
| 12 - (and former 24) - Tampa                  | 8 ( 4.9%)                           | 29 - Brooklyn                        | 8 ( 4.9%)                           |
| 13 - Chicago                                  | 13 ( 8.0%)                          | 31 - Los Angeles                     | 5 ( 3.1%)                           |
| 14- (and former 17) - St. Louis               | 9 ( 5.6%)                           | 32 - Oakland                         | 4 ( 2.5%)                           |
| <b>Total FY 2017 NLRB Published Decisions</b> |                                     |                                      | <b>162 (100.0%)</b>                 |

## THE RAUDABAUGH REPORT

### NLRB MEMBER DECISION PARTICIPATION (Fiscal Year 2016 to date: October 1, 2015 – September 30, 2016)

|  |   |  |                     |
|--|---|--|---------------------|
| Total NLRB Published Decisions (Binding Precedent).....298* (100.0%)                                     |   | <b>NLRB Published Decisions</b>  |                     |
| Full NLRB Published Decisions (all Members participating).....   | 11 ( 3.7%)  | CY 2016.....   | 230 FY 2016.....298 |
| Default/Summary Judgment Decisions.....  | 55 (18.5%)  | CY 2015.....   | 287 FY 2015.....319 |
| *Includes 268 (89.9%) "C" (complaint) cases; 28 (9.4%) "R" (representation) cases; 2 (0.7%) "C&R" cases. |   | CY 2014.....   | 285 FY 2014.....197 |
|  |   | CY 2013.....   | 139 FY 2013.....210 |
|  |   | CY 2012.....   | 220 FY 2012.....271 |
| <b>NLRB Member</b>   | <b>NLRB Member Decisions/<br/>Total Reported NLRB Decisions</b> | <b>NLRB Member Dissenting Opinions/<br/>Total NLRB Dissenting Opinions</b> |                     |
| Pearce (P)              | 262/298 (87.9%)   | 0/0 ( 0.0%)  |                     |
| Miscimarra (M)          | 207/298 (69.5%)   | 134/138 (97.1%)  |                     |
| McFerran (Mc)           | 193/298 (64.8%)   | 3/138 ( 2.2%)  |                     |
| <b>*[Hirozawa (H)]</b>  | <b>[243/290 (83.8%)]</b>  | <b>[1/138 ( 0.7%)]</b>   |                     |
| <b>*Hirozawa's term ended August 27, 2016</b>  |   |  |                     |

### NLRB PANEL / MEMBER ANALYSIS

| NLRB Panel/Full Board  | Total NLRB Panel Decisions/<br>Total Published Decisions | Total Panel Decisions with Dissenting<br>Opinion/Total Panel Decisions | Total Dissenting<br>Opinions by Panel<br>Member |
|--|--|--|---|
| P,M,Mc      | 55/298 (18.5%)   | 30/55 (54.5%)  | M (30)  |
| <b>*P,M,H</b>     | <b>[105/290 (36.2%)]</b>                                 | <b>[72/105 (68.6%)]</b>  | <b>[M (72)]</b>                                 |
| <b>*[P,H,Mc]</b>      | <b>[ 91/290 (31.4%)]</b>                                 | <b>[ 2/91 ( 2.2%)]</b>   | <b>[Mc (2)]</b>                                 |
| <b>*[M,H,Mc]</b>      | <b>[ 36/290 (12.4%)]</b>                                 | <b>[20/36 (55.6%)]</b>   | <b>[M (18) H(1) Mc(1)]</b>                      |
| <b>*[P,M,H,Mc]</b>     | <b>[ 11/290 ( 3.8%)]</b>                                 | <b>[11/11 (100.0%)]</b>  | <b>[M (11)]</b>                                 |
| Totals   | 293/293 (100.0%)   |  |   |

### PUBLISHED DECISIONS BY NLRB REGION / SUBREGION INTAKE

| NLRB Region                      | FY 2016 NLRB<br>Published Decisions | NLRB Region                                   | FY 2016 NLRB<br>Published Decisions |
|----------------------------------|-------------------------------------|---|-------------------------------------|
| 1 - (and former 34) - Boston     | 4 ( 1.3%)                           | 15 - (and former 26) - New Orleans            | 7 ( 2.3%)                           |
| 2 - New York                     | 14 ( 4.7%)                          | 16 - Fort Worth                               | 8 ( 2.7%)                           |
| 3 - Buffalo                      | 9 ( 3.0%)                           | 18 - (and former 30) - Minneapolis            | 5 ( 1.7%)                           |
| 4 - Philadelphia                 | 9 ( 3.0%)                           | 19 - (and former 36) - Seattle                | 20 ( 6.7%)                          |
| 5 - Baltimore                    | 15 ( 5.0%)                          | 20 - (and former 37) - San Francisco          | 12 ( 4.0%)                          |
| 6 - Pittsburgh                   | 5 ( 1.7%)                           | 21 - Los Angeles                              | 14 ( 4.7%)                          |
| 7 - Detroit                      | 13 ( 4.4%)                          | 22 - Newark                                   | 9 ( 3.0%)                           |
| 8 - Cleveland                    | 13 ( 4.4%)                          | 25 - (and former 33) - Indianapolis           | 3 ( 1.0%)                           |
| 9 - Cincinnati                   | 6 ( 2.0%)                           | 27 - Denver                                   | 6 ( 2.0%)                           |
| 10 - (and former 11) - Atlanta   | 10 ( 3.4%)                          | 28 - Phoenix                                  | 27 ( 9.1%)                          |
| 12 - (and former 24) - Tampa     | 7 ( 2.3%)                           | 29 - Brooklyn                                 | 17 ( 5.7%)                          |
| 13 - Chicago                     | 13 ( 4.4%)                          | 31 - Los Angeles                              | 23 ( 7.7%)                          |
| 14 - (and former 17) - St. Louis | 13 ( 4.4%)                          | 32 - Oakland                                  | 16 ( 5.4%)                          |
|                                  |                                     | <b>Total FY 2016 NLRB Published Decisions</b> | <b>298 (100.0%)</b>                 |

## THE RAUDABAUGH REPORT

### NLRB MEMBER DECISION PARTICIPATION (Fiscal Year 2015 to date: October 1, 2014 – September 30, 2015)

|   |   |  |
|---|---|--|
| Total NLRB Published Decisions (Binding Precedent).....319* (100.0%)<br>Full NLRB Published Decisions (all Members participating).....14 ( 4.4%)<br>Default/Summary Judgment Decisions.....69 ( 21.6%)<br>*Includes 269 (84.3%) “C” (complaint) cases; 24 (7.5%) “R” (representation) cases; 26 (8.2%) “C&R” cases. | <b>NLRB Published Decisions</b><br>CY 2015.....219      FY 2015.....319<br>CY 2014.....284      FY 2014.....197<br>CY 2013.....139      FY 2013.....210<br>CY 2012.....220      FY 2012.....271 |  |
| <b>NLRB Member</b>  | <b>NLRB Member Decisions/<br/>Total Reported NLRB Decisions</b>   | <b>NLRB Member Dissenting Opinions/<br/>Total NLRB Dissenting Opinions</b> |
| Pearce (P)  | 235/319 (73.7%)   | 0/0 ( 0.0%)  |
| Miscimarra (M)  | 136/319 (42.6%)   | 37/72 (51.4%)  |
| Hirozawa (H)  | 228/319 (71.5%)   | 2/72 ( 2.8%)   |
| McFerran (Mc)*  | 133/319 (41.7%)   | 1/72 ( 1.4%)   |
| Schiffer (S) *  | [79]/[99] [79.8%]   | 0/0 ( 0.0%)  |
| Johnson (J)+  | {173}/{301} {57.5%}   | {32/69} {46.4%}  |
| *McFerran’s term effective December 17, 2014; Schiffer’s  term ended December 16, 2014; Schiffer decisions [ ]<br>+Johnson’s term  ended August 27, 2014; Johnson decisions { }   |   |  |

#### NLRB PANEL / MEMBER ANALYSIS

| NLRB Panel/Full Board | Total NLRB Panel Decisions/<br>Total Published Decisions | Total Panel Decisions with Dissenting<br>Opinion/Total Panel Decisions | Total Dissenting<br>Opinions by Panel<br>Member |
|-----------------------|--|--|---|
| P,M,H                 | 49/319 (15.0%)   | 14/49 (28.6%)  | M(14)   |
| P,M {J}               | {4}/319 ( 1.3%)  | 0/4 ( 0.0%)  |   |
| P,M,Mc [S]            | 16+[11]/319 ( 7.6%)                                      | 4/27 (14.8%)   | M(4)  |
| P,H {J}               | {43}/319 (13.7%)   | 14/43 (27.5%)  | {J(14)}   |
| P,H,Mc [S]            | 23+[25]/319 (15.3%)                                      | 0/48 ( 0.0%)   |   |
| P,Mc [S]{J}           | {38+[11]}/319 (15.6%)                                    | 6/49 (12.2%)   | {J(6)}  |
| M,H{J}                | {11}/319 ( 3.5%)   | 2/11 (18.2%)   | M(1) H(1)                                       |
| M,H,Mc [S]            | 12+[9]/319 ( 6.7%)                                       | 5/21 (23.8%)   | M(5) H(1)                                       |
| M,Mc [S]{J}           | {5+[7]}/319 ( 3.8%)                                      | 4/12 (33.3%)   | M(3) Mc(1)                                      |
| H,Mc [S]{J}           | {31+[10]}/319 (13.1%)                                    | 2/41 ( 4.9%)   | {J(2)}  |
| P,M,H,Mc [S]{J}       | {8+[6]}/319 ( 4.5%)                                      | 10/14 (71.4%)  | M(10), {J(10)}                                  |
| <b>Totals</b>         | <b>18+(222+[79])/319 (100.0%)</b>                        |  |   |






#### PUBLISHED DECISIONS BY NLRB REGION / SUBREGION INTAKE

| NLRB Region                    | FY 2015 NLRB<br>Published Decisions | NLRB Region                              | FY 2015 NLRB<br>Published Decisions |
|--------------------------------|-------------------------------------|--|-------------------------------------|
| 1 - (and former 34) - Boston   | 20 ( 6.3%)                          | 15 - (and former 26) - New Orleans       | 18 ( 5.6%)                          |
| 2 - New York                   | 13 ( 4.1%)                          | 16 - Fort Worth                          | 5 ( 1.6%)                           |
| 3 - Buffalo                    | 10 ( 3.1%)                          | 18 - (and former 30) - Minneapolis       | 9 ( 2.8%)                           |
| 4 - Philadelphia               | 15 ( 4.7%)                          | 19 - (and former 36) - Seattle           | 21 ( 6.6%)                          |
| 5 - Baltimore                  | 18 ( 5.6%)                          | 20 - (and former 37) - San Francisco     | 10 ( 3.1%)                          |
| 6 - Pittsburgh                 | 5 ( 1.6%)                           | 21 - Los Angeles                         | 13 ( 4.1%)                          |
| 7 - Detroit                    | 14 ( 4.4%)                          | 22 - Newark                              | 15 ( 4.7%)                          |
| 8 - Cleveland                  | 8 ( 2.5%)                           | 25 - (and former 33) - Indianapolis      | 5 ( 1.6%)                           |
| 9 - Cincinnati                 | 10 ( 3.1%)                          | 27 - Denver                              | 0 ( 0.0%)                           |
| 10 - (and former 11) - Atlanta | 16 ( 5.0%)                          | 28 - Phoenix                             | 24 ( 7.5%)                          |
|                                |                                     | <b>Total FY 2015 Published Decisions</b> | <b>319 (100.0%)</b>                 |

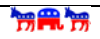








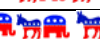



## THE RAUDABAUGH REPORT

### NLRB MEMBER DECISION PARTICIPATION (Fiscal Year 2014 to date: October 1, 2013 – September 30, 2014)

|  |  |
|--|--|
| Reported Decisions..... 197 <sup>1</sup> (100.0%)  | Reported Decisions   |
| Full Board Decisions..... 8 ( 4.1%)  | CY <sup>2</sup> 2013.....139      FY <sup>3</sup> 2014.....197   |
| Default/Summary Judgment Decisions.....34 ( 17.3%)   | CY 2012.....220      FY 2013.....210                             |
|  | CY 2011.....296      FY 2012.....271                             |
| <b>Member</b>  | <b>Member Decisions/<br/>Total Reported Decisions</b>            |
| Pearce (P)      | 144/197 (73.0%)  |
| Miscimarra (M)  | 99/197 (50.5%)   |
| Hirozawa (H)    | 132/197 (66.8%)  |
| Johnson (J)     | 119/197 (60.2%)  |
| Schiffer (S)    | 114/197 (58.2%)  |
|  | <b>Member Dissenting Opinions/<br/>Total Dissenting Opinions</b> |
|  | 1/36 ( 2.9%)   |
|  | 18/36 (57.1%)  |
|  | 2/36 ( 2.9%)   |
|  | 14/36 (37.1%)  |
|  | 1/36 ( 2.9%)   |

#### PANEL / MEMBER ANALYSIS

| Panel/Full Board  | Total Panel Decisions/<br>Total Reported Decisions | Total Panel Decisions with<br>Dissenting Opinion/<br>Total Panel Decisions | Total Dissenting Opinions<br>by Panel Member |
|---|--|--|--|
| P,M,H        | 29/197 (14.8%)                                     | 6/29 (20.7%)   | M(5) H(1)                                    |
| P,M,J        | 6/197 ( 3.1%)                                      |  |  |
| P,M,S        | 10/197 ( 5.1%)                                     | 2/10 (20.0%)   | M(2)   |
| P,H,J        | 38/197 (18.9%)                                     | 7/38 (18.4%)   | P(1) H(1) J(6)                               |
| P,H,S        | 10/197 ( 5.1%)                                     |  |  |
| P,J,S        | 36/197 (18.4%)                                     | 3/36 ( 8.3%)   | J(3)   |
| M,H,J       | 7/197 ( 3.6%)                                      | 1/7 (14.3%)  | M(1)   |
| M,H,S      | 26/197 (13.3%)                                     | 5/26 (19.2%)   | M(5)   |
| M,J,S      | 14/197 ( 7.1%)                                     | 2/14 (14.3%)   | M(1) S(1)                                    |
| H,J,S      | 10/197 ( 5.1%)                                     |  |  |
| P,M,H,J,S  | 8/197 ( 4.1%)                                      | 6/8 (75.0%)  | M(4) J(5)                                    |
| Totals  | 197/197 (100.0%)                                   |  |  |

#### REPORTED DECISIONS BY REGION / SUBREGION

| Region                          | Reported Decisions | Region                                   | Reported Decisions |
|---------------------------------|--------------------|--|--------------------|
| 1 - (and former 34) - Boston    | 13 ( 6.6%)         | 15 - (and former 26) - New Orleans       | 5 ( 2.5%)          |
| 2 - New York                    | 5 ( 2.5%)          | 16 - Fort Worth                          | 3 ( 1.5%)          |
| 3 - Buffalo                     | 2 ( 1.0%)          | 18 - (and former 30) - Minneapolis       | 7 ( 3.6%)          |
| 4 - Philadelphia                | 10 ( 5.1%)         | 19 - Seattle                             | 5 ( 2.5%)          |
| 5 - Baltimore                   | 11 ( 5.6%)         | 20 - San Francisco                       | 5 ( 2.5%)          |
| 6 - Pittsburgh                  | 4 ( 2.0%)          | 21 - Los Angeles                         | 7 ( 3.6%)          |
| 7 - Detroit                     | 12 ( 6.1%)         | 22 - Newark                              | 12 ( 6.1%)         |
| 8 - Cleveland                   | 8 ( 4.1%)          | 25 - (and former 33) - Indianapolis      | 4 ( 2.0%)          |
| 9 - Cincinnati                  | 7 ( 3.6%)          | 27 - Denver                              | 1 ( 0.3%)          |
| 10 - (and former 11) - Atlanta  | 6 ( 3.0%)          | 28 - Phoenix                             | 17 ( 8.6%)         |
| 12 - (and former 24) - Tampa    | 6 ( 3.0%)          | 29 - Brooklyn                            | 9 ( 4.6%)          |
| 13 - Chicago                    | 13 ( 6.6%)         | 31 - Los Angeles                         | 7 ( 3.6%)          |
| 14- (and former 17) - St. Louis | 11 ( 5.6%)         | 32 - Oakland                             | 7 ( 3.6%)          |
|                                 |                    | <b>Total FY 2014 Published Decisions</b> | <b>197 (100%)</b>  |

<sup>1</sup> Includes 174 (88.3%) "C" (complaint) cases; 16 (8.1%) "R" (representation) cases; 7 (3.6%) "C&R" cases.

<sup>2</sup> CY (Calendar Year to Date; January 1 – December 31)

<sup>3</sup> FY (Fiscal Year to Date; October 1 – September 30) ©John N. Raudabaugh