



# Pennsylvania Conference of Teamsters

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# LEGISLATIVE ACTION ALERT

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## "Direct attack on working people": On their way out, Manchin and Sinema vote to kneecap the NLRB

**It is possible the board will no longer exist: the president-elect's benefactor, billionaire Elon Musk, is suing to have the NLRB declared unconstitutional (in that he's joined by Jeff Bezos and Amazon)**

An article posted on line from Salon© wrote, there are two types of "independents" who presently caucus with Senate Democrats: those who are basically Democrats, in all but name, and those who are barely not Republicans. On Wednesday, Sens. Joe Manchin, I-W.V., and Kyrsten Sinema, I-Ariz., offered a clear reminder of which category they fall into, serving as the two "no" votes that killed the possibility of a pro-union majority helming the National Labor Relations Board through 2026.

Lauren McFerran is one of three Democrats who currently serves on the five-member NLRB, which under President Joe Biden has functioned as an ally of organized labor and foe of corporate overreach. Under McFerran, the board's chair, the NLRB has voted to ban severance agreements and bar employers from holding mandatory anti-union propaganda sessions.

McFerran's term expires next week, prompting Senate Democrats to see if they could extend her appointment before President-elect Donald Trump assumes office. As one law firm advised its business clients, an NLRB run by Trump appointees will likely "ease up on prosecuting employers for alleged labor violations and shift certain policies to favor employers over workers and unions."

"It is deeply disappointing, a direct attack on working people, and incredibly troubling that this highly qualified nominee — with a proven track record of protecting

worker rights — did not have the votes," Senate Majority Leader Chuck Schumer said in a statement.

A Trump-led NLRB is now a done deal, Manchin and Sinema's "no" votes on McFerran's nomination serving as what Axios describes as their "final middle finger" to Democrats. Both senators are returning to the private sector next year.

Speaking to reporters afterwards, Manchin made clear that his vote was based on hostility to the current, Democratic-led NLRB, specifically citing its ruling on "joint employers." In 2023, the board found that a company such as McDonald's can in fact be held liable for labor violations — unpaid overtime, underage employees — found at its franchise locations.

Manchin, who quit the Democratic Party last spring, told HuffPost that his vote should "not [be] a surprise to anyone." And indeed it should not: A month before he left the party, Manchin joined Republicans in voting to overturn the NLRB's joint-employer decision, which he claimed at the time would "destroy the system of franchising" and "shut the door for thousands of citizens who want to start a business and fulfill the American Dream."

Sinema, meanwhile, has not deigned it necessary to explain herself, although she too had previously criticized the NLRB's joint-employer rule. As Politico noted

Tuesday, the senator, who left the Democratic Party in 2022 before ultimately deciding not to run for reelection, had not bothered to vote since Thanksgiving; she returned Wednesday to vote against McFerran's nomination.

Liz Shuler, president of the AFL-CIO, offered an explanation in Sinema's absence: "[T]hey voted against the working people of this country." Indeed, the fight was not over McFerran nomination, per se, but had "everything to do with reversing generations of progress workers have made toward building a fairer and more just economy," Shuler said in a statement.

The next member of the NLRB will now be appointed by Trump. Instead of Democrats controlling the board until

mid-2026, it's also possible the board no longer exists then: the president-elect's benefactor, billionaire Elon Musk, is suing to have the NLRB declared unconstitutional (in that he's joined by Jeff Bezos and Amazon).

It's just the latest and possibly last betrayal of the Democratic agenda from two former members of the party, Sara Nelson, president of the Association of Flight Attendants-CWA union, said in a statement.

"Manchin and Sinema are responsible for killing voting rights, worker rights, women's rights, LGBTQ rights, childcare, vision and dental for seniors, and an economy built for the people," Nelson said. "This is one more FU to the working class on their way out the door."

View Article at: ["Direct attack on working people": On their way out, Manchin and Sinema vote to kneecap the NLRB](#)