



## Why Should You Join the AALJ?

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**You benefit from the terms of the collective bargaining agreement, the AALJ's successes in increasing benefits and in enhancing your physical security. It is in your interest to have a strong AALJ.**

The Agency cannot unilaterally change the judges' terms and conditions of employment that are set forth in the collective bargaining agreement. Without a union and a collective bargaining agreement, you are at the mercy of the Agency.

We are going into negotiations with the Agency very soon. Our contract expires in January 2010. The gains AALJ has won will be attacked. The more members we have, the stronger we are in the eyes of the Agency and the better our bargaining position will be.

We bargained the transfer list and flexiplace into our contract during our last negotiations. Prior to that time, transfer was within the total control of the Agency and the Agency abused its power, transferring only those judges who were management favorites or high producers. The Agency intends to weaken the transfer and flexiplace provisions of the contract in the upcoming negotiations. We need to be a strong, cohesive group to fend off what will be an attempt to gut our contract.

**The AALJ is the only check on the Agency's power to "counsel" or discipline you when management does not like what you do.**

The Agency has "counseled" judges when decisions were issued that contained language that the Agency did not like. It has "counseled" and reprimanded judges who made remarks at hearings that the Agency deemed improper or evidencing "conduct unbecoming a judge." These admonitions will be used later against the judges if the Agency decides to impose greater discipline (suspension or removal) at a later time. The AALJ has filed grievances and proceeded to arbitration to clear the judges' files.

As an AALJ member you are eligible for discretionary representation the AALJ offers or arranges for judges who are being harassed or disciplined.

**The AALJ is the only check on the Agency's efforts to intrude on your judicial independence.**

The Agency has removed cases from judges who had heard them (or were in the process of doing so) because it wanted to issue the decisions by an artificial deadline. The Agency has given "directives" to judges to move cases by some artificial deadline and not to pursue development or a supplemental hearing. The AALJ grieved the practice and won a major arbitration.

In 2008, the Agency filed a Notice of Proposed Rule Making attempting to change 20 CFR §404.936(a), which says: "The administrative law judge sets the time and place for the hearing" to provide that the Agency will set the time and place for the hearing. Such a change would have allowed managers or even clerical staff to set judges' dockets. They, not you, would determine the

number of cases you would hear. AALJ filed over 100 comments in opposition and prepared materials for congressional committees. The regulation was frozen by the new administration. Key congressional staffers have been alerted to this threat. AALJ continues surveillance on this proposed regulatory change.

**The AALJ is the only check on the Agency's power to change your duties.**

The Agency purported to give to the judges in the new National Hearing Centers (NHCs) "supervisory" authority over one or two attorneys to defeat the right of those judges under federal law to be a member of the AALJ bargaining unit. These judges had no right to organize and bargain collectively. Their terms and conditions of employment could be changed without recourse. AALJ grieved the action and won an arbitration victory in which the arbitrator found that the Agency was engaging in anti-union animus in setting up the NHCs to avoid its obligations under the law and the contract to bargain with AALJ concerning those offices. The Agency is appealing that decision to the full FLRA Authority, plus the Agency has filed a "certification petition" with the FLRA as a collateral attack on the arbitrator's decision. The Agency is still trying to maintain that the judges in the National Hearing Centers are "managers" and hence cannot be members of a union. The AALJ will continue the fight this maneuver.

**The AALJ is the only check on the Agency's insistence that judges issue 500-700 decisions annually. The minimum number of decisions has already been increased to 530 in some Regions. Nothing prevents the Agency from increasing it further.**

Without any evidence to back up its assertions, the Agency has determined that all judges should issue between 500 and 700 decisions a year. Some judges who are not on track to issue the minimum number are being "counseled," required to write out plans to describe how they intend to get to 500. They are being told they are not delivering adequate service to the American public, and otherwise being pressured and harassed. The AALJ supports diligence and efficiency, but as the number of decisions a judge is able to issue depends upon myriad factors, including, *inter alia*, the adequacy of support in the hearing office, affirmation rate, dismissal rate, health of the judge, and the percentage of claims denied by the state, all judges will not be able to issue 500 decisions. The AALJ has fought back, filing grievances, producing statements for congressional committees and the news media and sponsoring a Roundtable at which the presenters challenged the basis of the Agency's action in setting this quota.

**The AALJ has fought for and won improvements in the wages and benefits of the judges.**

Our current pay scale is the result of the AALJ's efforts in Congress. In the 1990's the AALJ successfully lobbied to get the pay scales for ALJs changed from the GS scales to ALJ scales which resulted in an immediate 13% pay increase. Additionally, due entirely to the efforts of the AALJ in conjunction with the other smaller ALJ groups, we have been included in the annual cost of living increases granted to federal employees. In the last 25 years, the Agency has not sought to improve judges' pay and benefits in any way.

The AALJ is working on a pension enhancement bill (HR 2850) Congress) and an annual leave enhancement bill (S. 1228) for those with less than 15 years of federal service.

**The AALJ has fought for and won numerous improvements in the working conditions, particularly the security, of judges.**

In 2000 right after forming a union, AALJ entered into bargaining about the first office relocation. The Agency refused to bargain about any aspect of the relocation related to anything concerning the safety or security of the judges. The AALJ filed an Unfair Labor Practice. After trial, appeal and a remand, the Agency finally agreed with AALJ's reading of the CBA and 5 USC 7106, and the ULP was settled with the Agency agreeing to bargain with AALJ whenever any change is made to any security or safety conditions impacting the judges.

Through arbitration, the AALJ won an increase in the size of cramped video hearing rooms. The AALJ has successfully negotiated wider benches to accommodate computer equipment. It is negotiating ergonomic furniture and other hearing rooms improvements.

**Without the AALJ...**

Your hearing offices would not have armed guards.

Neither would your remote sites (without a showing of need for each hearing).

Your hearing office would not have security wands to detect weapons being brought to hearings.

Your hearing rooms would not have locks on the "escape" door.

The guards would not be searching all purses, briefcases, packages, etc. carried into the hearing offices.

You would not be notified of, nor given any information about, any threats of violence targeting you.

You would not have emergency back-up lighting in windowless hearing rooms.

Your hearing offices would not have fully stocked first aid kits.

All of these vital security changes have been due to the AALJ's efforts in just the past few years.

In an effort to end the endless tensions between the Agency and the administrative law judges, the AALJ continues to lobby Congress for a bill to remove the judges from SSA.

**The AALJ offers opportunities for education with CLE credit, for enhancing your professionalism, for collegiality and to contribute to your colleagues and learn.**

The opportunities include AALJ's annual national educational conference and committee activities in which you can meet, work with and socialize with other judges around the country. Members with special skills or interests are encouraged to work with the AALJ committees. Those interested should contact the committee chair.

Labor Management Committee	Marilyn Zahm	<a href="mailto:marilyn.zahm@ssa.gov">marilyn.zahm@ssa.gov</a>
National Bargaining Committee	Mark Brown	<a href="mailto:mark.a.brown@ssa.gov">mark.a.brown@ssa.gov</a>
Legislative Committee	Ron Bernoski	<a href="mailto:ronald.bernoski@ssa.gov">ronald.bernoski@ssa.gov</a>
Health and Safety Committee	Cheri Filion	<a href="mailto:cheri.l.filion@ssa.gov">cheri.l.filion@ssa.gov</a>
Constitution Committee	Don Willy	<a href="mailto:donald.j.willy@ssa.gov">donald.j.willy@ssa.gov</a>
Membership Committee	Cheri Filion	<a href="mailto:cheri.l.filion@ssa.gov">cheri.l.filion@ssa.gov</a>
Rules Committee	Tom Snook	<a href="mailto:thomas.snook@ssa.gov">thomas.snook@ssa.gov</a>
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Judicial Education Committee	Bill Wenzel	<a href="mailto:william.wenzel@ssa.gov">william.wenzel@ssa.gov</a>
AALJ Education Committee	Pat McLaughlin	<a href="mailto:patrick.f.mclaughlin@ssa.gov">patrick.f.mclaughlin@ssa.gov</a>
Public Relations Committee	Dave Ganly	<a href="mailto:david.m.ganly@ssa.gov">david.m.ganly@ssa.gov</a>

**You and the Association of Administrative Law Judges are dependent upon each other.**

You need the AALJ for all the above safety and financial benefits the AALJ continues to win for you. All of us need generally the protection that membership affords. At some time you may need the particular protection which membership affords.

As one experienced judge recently observed: “[New judges with Agency management experience] think the SSA in which they were managers is the same SSA in which they will serve as ALJs. It is not. They have not been subjected to the abuse that caused the judges to form a union. In time many learn they are now subject to being harassed by management and run for protection when they get into trouble. They need to know up front we are here to represent them and they need to understand the value of supporting the AALJ from the beginning of their new career.”

A high percent of membership gives us more clout with Congress. It gives us more money to support lobbying and litigation.

Some judges do not join because they see they get some of the benefits of membership, like pay or pension benefits, without paying dues or working for the association. In doing so, they cheat their colleagues who *are* contributing money and effort to get the benefits. They are taking a free ride on the backs of their peers. Just as we all pay taxes to provide the funding for our society as a whole, we each have a moral obligation to our colleagues to contribute to the greater good for all of us. Do your part. Do not let down your fellow judges. Join today.

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For membership information and forms click <http://www.aalj.org/07a.html>  
or email the Membership Chair, Judge Cheri Filion, at [cheri.l.filion@ssa.gov](mailto:cheri.l.filion@ssa.gov)