

Newsroom

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By Alex M. Parker aparker@govexec.com June 15, 2009

Two bills introduced this week -- one in the House, one in the Senate -- attempt to address perceived inequities in the pay of some federal judges.

[S. 1228](#), introduced by Sens. Daniel Akaka, D-Hawaii, and Mark Pryor, D-Ark., would ensure that administrative law judges, immigration judges and contract board of appeals judges would automatically accrue eight hours of annual leave for every biweekly pay period.

Supporters of the bill, including the International Federation of Professional and Technical Engineers, said it would bring benefits for those judges in line with those of senior federal executives. In 2008, OPM put the judges on a different leave accrual plan, which IFPTE officials said was payback for resisting a pay-for-performance system.

"This just recognizes these three groups of people in the administrative judiciary as being part of the professional pay classification, and treats them accordingly," said Judge Ron Bernoski, president of the **Association of Administrative Law Judges**.

Akaka and Pryor introduced [identical legislation](#) in 2008, but according to Matt Biggs, legislative director of the IFPTE, it was not addressed. The current bill is before the Senate Homeland Security and Governmental Affairs Committee.

A second bill, [H.R. 2850](#), introduced by Rep. Dennis Kucinich, D-Ohio, and Rep. John McHugh, R-N.Y., would boost retirement benefits for administrative law judges, executive branch officials who decide cases mostly for the Social Security Administration. The bill would increase the multiplier used to calculate annuity payments after retirement -- from 1 percent to 1.7 percent for employees in the Federal Employees Retirement System, and from 2 percent to 2.5 percent for employees in the Civil Service Retirement System.

This enhancement would apply for a maximum of 20 years of service. According to IFPTE officials, most administrative law judges serve about 30 years. Supporters said it was designed for judicial officials who don't join government service until relatively late in their careers -- making it harder to build up retirement annuities.

Bernoski said such enhanced retirement annuity systems already exist for members of Congress, congressional staffers and some law enforcement officers, who often come into government service later and don't serve as long as other employees due to election cycles or mandatory retirement ages.

"We're just asking to be included in the enhanced pension system that's already in government," Bernoski said.

The bill is currently before the House Oversight and Government Reform Committee.