

UNITED STATES CONGRESS

FOR IMMEDIATE RELEASE

May 21, 2021

Contacts:

[Aryele Bradford](#) (Maloney): 202-226-5181

[Mary Yatrousis](#) (Larson): (860) 539-4924

[Ira Cohen](#) (Davis): (202) 805-1615

Chairs Connolly, Maloney, Larson, and Davis Applaud Arbitrator's Decision Supporting Administrative Law Judges

Washington, D.C. (May 21, 2021)— Today, Rep. Gerald E. Connolly, Chairman of the Government Operations Subcommittee, and Rep. Carolyn B. Maloney, Chairwoman of the Committee on Oversight and Reform, along with Rep. John B. Larson, Chairman of the Subcommittee on Social Security, and Rep. Danny K. Davis, Chairman of the Subcommittee on Worker and Family Support, of the Committee on Ways and Means, applauded an arbitrator's decision to overturn a labor contract imposed during the Trump Administration at the Social Security Administration (SSA) and require agency management and union representatives to resume negotiations. The arbitrator found that agency officials had repeatedly violated the federal requirement to bargain in good faith.

“This opinion overturns ill-gotten gains that Trump Administration officials obtained through illegal and unfair labor practices,” the Chairs said. “President Biden overturned the previous Administration’s attempts to abolish labor unions. We stand with him in support of our public sector unions.”

The opinion overturns a labor contract governing SSA's administrative law judges (ALJs). That contract significantly undermined the judges' legal rights to collectively bargain and conduct official union business, among other things. ALJs hear appeals of agency denials of applications for Social Security and Supplemental Security Income benefits.

“It is apparent to your Arbitrator that [sic] Agency’s decision to simply refuse to provide a last and best offer during negotiations as a form of protest to the back and forth negotiations is tantamount to saying, ‘I’m taking my ball and going home’, which is an inexcusable position to take when negotiating a National Agreement,” the arbitrator wrote in May 17th opinion.

The arbitrator found the SSA’s actions under the Trump Administration repeatedly violated federal law when it negotiated with the judges’ union. The resulting labor contract was declared null and void and the arbitrator ordered agency management and union representatives to restart negotiations. In addition, the arbitrator ordered the agency’s management to cease-and-desist violating federal labor law.

Background:

The opinion comes years after longstanding efforts by the Oversight Committee and the Committee on Ways and Means to prevent attacks on ALJs and preserve due process for those applying for their earned Social Security benefits. While in the minority in 2018, Chairman Connolly and former Oversight and Reform Committee Chairman Elijah Cummings [requested](#) a hearing to examine the Trump Administration’s attacks on the ALJs’ rights to collectively bargain.

In May 2019, Chairman Connolly—again with Chairman Cummings—[introduced](#) the ALJ Competitive Service Restoration Act, which would have overturned the Trump Administration’s order to name politically-appointed ALJs in lieu of ALJs selected on the basis of neutrality and merit through the competitive civil service. Chairmen Larson and Davis also supported that bill.

In February 2020, Chairs Maloney, Connolly, Larson, and Davis joined with other top Democrats in a [letter](#) to SSA Commissioner Andrew Saul strongly opposing his proposed regulation that will erode due process by allowing staff attorneys at SSA to hear disability appeals, rather than independent, impartial ALJs.

In April 2021, Chairs Larson and Davis [introduced](#) H.J.Res 38, to overturn the regulation, joined by Chairman Connolly.