Report on ALJ Summit

On June 21 Judges Bruce Rosenstein, Legislative Committee Chairman, and Paul Lang, President, met with representatives of other ALJ organizations and congressional staff members regarding issues of importance to the ALJ community. The ALJ organizations, in addition to FALJC, were FORUM, AALJ, NCALJ (ABA) and the Federal Bar Association. Also present were legislative consultants for the organizations.

The congressional staff members were:

Tania Shand, Staff Director for the House Government Reform Committee, Subcommittee on the Federal Workforce.

Thomas Richards, Majority Counsel to the Senate Homeland Security/Government Affairs Committee, Subcommittee on the Federal Workforce.

Norberto Salinas, Majority Counsel to the House Committee on the Judiciary, Subcommittee on Commercial and Administrative Law.

Theresa Pyrch, Minority Counsel to the Senate Homeland Security/Government Affairs Committee.

The congressional staff members were provided with handouts consisting of our most recent pay proposal, OPM statistics on the distribution of ALJs among federal agencies, the distribution of ALJs among the pay grades, retirement eligibility of ALJs and the text of Judge William Cowan's testimony on May 16, 2006, before the House Committee on Government Reform, Subcommittee on the Federal Workforce and Agency Reorganization. Judge Bruce Birchman then presented an excellent statement of our position regarding the need to eliminate pay compression and to adjust ALJ pay so as to ensure recruitment of the most qualified candidates and the retention of experienced judges. During the course of his presentation, Judge Birchman emphasized the fact that repeated overtures to OPM have been rejected because ALJs are not on a pay for performance system in spite of the fact that pay for performance would be a violation of the Administrative Procedure Act. He also mentioned that the elimination of the OPM Office of ALJs leaves us with no clear contact point. Judge Ronald Bernoski, President of AALJ, stated that the elimination of the OPM office limits ability of SSA to assign Senior Judges so as to reduce the disability backlog. Other participants stated that the OPM office had also been useful in the process of "loaning" judges to agencies who either have no judges or have a need for additional help.

Judge Ronald Bernoski, President of AALJ, made a presentation regarding forthcoming proposals for enhanced retirement and leave. Specific proposals are apparently in the final stages of preparation.

The staff representatives took detailed notes during the presentations. We were informed that the House Subcommittee on the Federal Workforce will hold a hearing on

ALJ pay on July 31 and on benefits on August 2. The ALJ community was invited to provide a witness for each of the hearings. Judge Birchman will testify as to pay and Judge Bernoski will testify as to benefits.

The consensus was that this was a productive meeting. The long-term results are as yet unclear.

Paul Lang,
President