

# FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

January 18, 2021

Hon. Edward E. “Ted” Kaufman  
Office of the President-elect  
Suite 38038  
1401 Constitution Ave, N.W.  
Washington, DC 20230

Ms. Tyler Moran  
Office of the President-elect  
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Washington, DC 20230

Ms. Cristina Rodriguez  
Office of the President-elect,  
DOJ Agency Review Team  
Suite 38038  
1401 Constitution Ave, N.W.  
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Ms. Rocio Inclan-Rodriguez  
Office of the President-elect,  
DOJ Agency Review Team  
Suite 38038  
1401 Constitution Ave, N.W.  
Washington, DC 20230

Dear Sen. Kaufman, Ms. Moran, Ms. Rodriguez, and Ms. Inclan-Rodriguez:

The undersigned Federal Workers Alliance labor unions join the National Association of Immigration Judges, IFPTE Judicial Council 2, (NAIJ) in urging the Biden Administration to maintain the statutory labor rights of the NAIJ and reverse the Federal Labor Relations Authority’s (FLRA) November 2, 2020 unprecedented decision to strip the NAIJ of their unit certification by incorrectly classifying all of the 500 non-supervisory Immigration Judges as “management officials.”

The November FLRA decision overturned a well-reasoned decision issued on July 31, 2020 by the FLRA Washington, D.C. Regional Director which affirmed that Immigration Judges are not management officials and therefore pursuant to statute are able to unionize. The majority decision authored by two Trump-appointed FLRA members is countered by Authority Member Ernest DuBester’s strong and thorough dissent calling the decision “the antithesis of reasoned decision making” and concluding that “it is abundantly clear that the majority’s sole objective is to divest the [Immigration Judges] of their statutory rights.”

The Trump Department of Justice (DOJ) filed the petition with the FLRA seeking to reclassify Immigration Judges as management officials and decertify NAIJ in an effort to eliminate NAIJ’s voice and role in calling for transparency and accountability in the public discourse on immigration courts. The politicized action on part of the Trump DOJ and the baseless illegal decision by the FLRA should not be allowed to stand and remain unaddressed.

Our unions stand in solidarity with NAIJ against this union-busting decision, which is the unmistakable culmination of the Trump administration's orchestrated attacks against NAIJ, and more broadly an attack against all administrative judges, federal employees' collective bargaining rights, and labor unions as a whole. Together we request that all necessary action be taken to review and rescind this egregious decision rendered by the FLRA and uphold the Regional Director's July 31, 2020 decision. We thank you for your consideration.

If you have any questions, contact FWA legislative co-chairs Matt Biggs at (202) 239-4880 or Steve Lenkart at (202) 216-4458.

Respectfully,

Antilles Consolidated Education Association (ACEA)  
Federal Education Association (FEA)  
International Association of Fire Fighters (IAFF)  
International Association of Machinists and Aerospace Workers (IAMAW)  
International Brotherhood of Teamsters (IBT)  
International Brotherhood of Electrical Workers (IBEW)  
International Federation of Professional and Technical Engineers (IFPTE)  
Metal Trades Department, AFL-CIO (MTD)  
National Association of Government Employees, SEIU (NAGE)  
National Federation of Federal Employees (NFFE)  
National Nurses United (NNU)  
National Weather Service Employees Organization (NWSEO)  
Patent Office Professional Association (POPA)  
United Power Trades Organization (UPTO)

CC: Mr. Jason Miller  
Ms. Shalanda Young