

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

August 28, 2019

Honorable Nita M. Lowey, Chairwoman
Committee on Appropriations
U.S. House of Representatives
H-307, The Capitol
Washington, DC 20515

Hon. Patrick Leahy, Ranking Senator
Committee on Appropriations
United States Senate
S146A, The Capitol
Washington, DC 20510

Hon. Mike Quigley, Chairman
Subcommittee on Financial Services
& General Government
U.S. House of Representatives
2000 Rayburn House Office Building
Washington, DC 20515

Hon. Chris Coons, Ranking Senator
Subcommittee on Financial Services
& General Government
United States Senate
125 Hart Senate Office Building
Washington, DC 20510

Hon. Jose Serrano, Chairman
CJS Appropriations Subcommittee
U.S. House of Representatives
H310 The Capitol
Washington, DC 20515

Hon. Jeanne Shaheen, Ranking Senator
CJS Appropriations Subcommittee
United States Senate
125 Hart Senate Office Building
Washington, DC 20510

Dear Appropriators:

The undersigned labor unions of the Federal Workers Alliance (FWA) are writing regarding the blatant union busting being promulgated against IFPTE Judicial Council 2/The National Association of Immigration Judges (JC2/NAIJ), representing our nation's more than 400 Immigration Judges (IJs). As you are likely aware, on Friday, August 9th the Department of Justice (DOJ) filed a petition with the Federal Labor Relations Authority (FLRA) alleging that IJs are managers who create Agency policy, which renders them as management officials.

Sadly, this is just the latest in a long string of events promulgated by the Trump Administration to dismantle federal unions and stifle the independent voice of federal workers. In this case, the clear intention is to prevent JC2/NAIJ from serving as a public voice on behalf of IJs and provide a modicum of transparency and accountability for the DOJ when it comes to the Immigration adjudicatory process. This misguided action, if not stopped, will harm the public by further obscuring its already limited view inside the inner workings of immigration courts and permit the DOJ to further undermine the independent decision-making authority of IJs. This is bad news for working people, including many of our unions who represent immigrant workers who are being targeted by this Administration. These workers and others appear before IJs with the expectation that they will receive a fair shake from an independent adjudicator free of political influence. Given the current events related to immigration, this is important now more than ever.

As the Chairpersons and Ranking Members on the Appropriations Committees/Subcommittees of jurisdiction, you all are in a position to move to block this draconian move by the DOJ. Fortunately, the House has already taken a huge step forward toward protecting IJ judicial independence by including language in their Fiscal Year 2020 (FY20) passed Commerce, Justice, Science (CJS) and Related Agencies appropriations measure (HR 3055) that defunds the imposition of quotas on IJs. With this latest attempt to dismantle the union altogether, we are hopeful that Congress will act to also address this matter through the appropriations process.

Specifically, we are asking that the following be included in the final FY20 appropriations conference report(s):

- Maintain SEC. 218 of HR 3055: “None of the funds made available by this Act may be used by the Executive Office for Immigration Review to implement case performance numeric metrics that are linked to performance evaluations for individual immigration judges.” (passed the House on June 25, 2019);
- Include language in the yet to be considered Senate FY20 CJS and/or Financial Services and General Government (FSGG) appropriations measure(s), and ultimately the final conference report(s), denying the expenditure of funds towards the consideration of and/or promulgation of the elimination of IFPTE Judicial Council 2/NAIJ as the exclusive bargaining representative of federal Immigration Judges.

Normally, collective bargaining in the federal government operates without intervention from the Congress. However, we find ourselves in extraordinary times with an administration determined to foreclose the ability of federal unions to carry out our legal duty to represent the members of our bargaining units. We request this specific language because of the extreme nature of our current predicament. The Civil Service Reform Act of 1978 affirms that “labor organizations and collective bargaining in the civil service are in the public interest.” Our request for the inclusion of this language in the final negotiated appropriations conference report(s), whether they take the form of an Omnibus, a series of minibuses, or through passage of each of the 12 appropriations conference reports independently, furthers the public interest and would prevent that interest from being undermined by an administration determined to stifle the independent voice of the NAIJ, and deny due process protections to those who appear before them.

We welcome the opportunity to answer any questions you may have regarding the requested language and thank you for your serious attention to this important issue. For additional information, please contact FWA legislative committee Co-Chairs, Steve Lenkart (slenkart@nffe.org) and Matt Biggs (mbiggs@ifpte.org).

Respectfully,

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

Department for Professional Employees, AFL-CIO (DPE)

Federal Education Association/National Education Association (FEA/NEA)

International Brotherhood of Teamsters (IBT)

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 Weather Service Employees Organization (NWSEO)

Patent Office Professional Association (POPA)

Service Employees International Union (SEIU)

United Power Trades Organization (UPTO)