



## **Federal Arbitrator Finds Social Security Administration Acted Illegally During Negotiations with Judges**

*Ruling Shows SSA Commissioner Andrew Saul and Deputy Commissioner David Black Haven't Fulfilled Sworn Testimony Promising Cooperation*

WASHINGTON — May 13, 2020 — The [Association of Administrative Law Judges](#), IFPTE, AFL-CIO, says the Social Security Administration (SSA) is on the hot seat after a federal arbitrator found it [violated federal law](#) in five instances during contract negotiations. AALJ, which represents judges in Social Security disability hearings across the U.S., says the illegal moves fit into a broader pattern of union busting by the SSA against their union.

The arbitrator sided with the judges, citing the government for “not responding by giving the correct information which it obviously possessed and maintained.”

The official also found that SSA illegally withheld information on what supported their proposal for a seven-year contract. The agency ambushed the union with the data in their Federal Service Impasses Panel submission, after refusing to provide it to the union through its information request. SSA also illegally withheld what “close supervision” meant in its telework proposal.

The judge’s association finds the ruling especially disturbing as it contradicts the sworn testimony of SSA Commissioner Andrew Saul and Deputy Commissioner David Black during their respective confirmation hearings. Saul stated he would “absolutely” follow the law as to the rights and responsibilities of both the management of federal agencies and the people who are represented by collective bargaining agreements. Black testified that he would take a team approach, rather than an adversarial approach, with SSA employees and their union representatives.

Judge Melissa McIntosh, president of the AALJ, says, “Mr. Saul and Mr. Black have authorized aggressive union busting strategies to eliminate our union of disability judges. SSA negotiated in bad faith and refused to work with us during the pandemic. While Mr. Saul and Mr. Black have chosen to make union busting a part of their professional legacies, the American public should not be their collateral damage. Their focus should be on serving the American public, not eliminating our union.”

The union also has asked to meet with SSA decision makers to discuss the agency’s plans to return judges to the workplace. To date, the agency has refused to meet with the judges’ union or provide any information on their return to the hearing offices. Hearings have been successfully conducted by telephone, with the agreement of claimants and their representatives, from alternative duty stations since March 30 because of the COVID-19 pandemic.

The AALJ represents 1,200 administrative law judges who preside in disability hearings in 163 offices across the country.

MEDIA CONTACT:

Adam Shapiro

[Adam.Shapiro@ASPR.bz](mailto:Adam.Shapiro@ASPR.bz)

202-427-3603