

May 15, 2015

The Honorable Thomas E. Perez  
Secretary of Labor  
U.S. Dept. of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210-0001  
Via e-mail to the Attention of Nancy Rooney,  
Associate Deputy Secretary of Labor  
Rooney.Nancy@dol.gov

Christopher P. Lu  
Deputy Secretary of Labor  
U.S. Dept. of Labor  
200 Constitution Ave., N.W.  
Washington, DC 20210-0001  
Via e-mail to the Attention of Nancy Rooney, Associate  
Deputy Secretary of Labor  
Rooney.nancy@dol.gov

Paul Igasaki  
Chair and Chief Judge  
Administrative Review Board ("ARB")  
U.S. Dept. of Labor  
200 Constitution Ave., N.W.  
Washington, DC 20210  
Via email to lgasaki.Paul@dol.gov

RE: Letter on Administrative Review Board Vacancies

Dear Secretary Perez, Deputy Secretary Lu, and Chief Judge Igasaki:

The undersigned organizations lead the Make It Safe Campaign (MISC), a coalition of more than 75 organizations that support the rights of whistleblowers as an essential cornerstone of institutional accountability. We are writing because you have the authority to fill two current or imminent vacancies on the Department's Administrative Review Board (ARB), which takes final agency action for 22 whistleblower statutes protecting private sector employees. For the first six years of the Obama Administration, the ARB has been more effective at honoring those rights than at any time since its creation. The ARB has reversed precedents that effectively canceled legislative mandates, and rejected proposals that would have gutted the legal mandates that Congress enacted.

The legislative mandate remains fragile, however. The ARB only has narrowly rejected serious attempts to reverse whistleblower rights back to the crude standards of the 1960's. Key precedents have reflected narrow 3-2 majorities based on support from departing members. The ARB's track record, together with that of the U.S. Merit Systems Protection Board and the U.S. Office of Special

Counsel, has made significant improvements for millions of corporate and federal whistleblowers. The President's legacy in protecting whistleblowers in the private sector must be strengthened by the individuals you select for these positions.

We request that in filling these vacancies, you require that any appointees have a demonstrated commitment to the purposes of whistleblower protection statutes, and a track record of successful advocacy for those laws. We also request that you consider candidates supported by public interest coalitions who worked to pass the laws the ARB interprets. Thank you for considering this request.

Sincerely,

Celia Wexler, Senior Washington Representative  
Center for Science and Democracy, Union of Concerned Scientists

Tom Devine, Legal Director  
Government Accountability Project

Terisa E. Chaw, Executive Director  
National Employment Lawyers Association

Danielle Brian, Executive Director  
Project On Government Oversight

Keith Wrightson, Worker Health and Safety Advocate  
Public Citizen