

# Biden Judges and Workers' Rights

Federal courts have a mixed record concerning the rights of workers, all too often siding with employers. Biden judges have already had a major impact, writing or casting deciding votes in a dozen rulings that have helped remedy job discrimination, ensure proper overtime pay, and more. In most of these cases, Biden judges have made the difference between anti-worker rulings by Trump judges and decisions that have helped protect workers' rights. For the sake of workers' rights, it is crucial that more fair-minded Biden judges are confirmed to our federal courts.

## Discrimination

Biden judges have cast key votes in more than half a dozen cases concerning job discrimination based on race, age, gender, and disability. In addition to helping individual bias victims in those cases, the rulings have set important precedents that will help other victims and hopefully discourage illegal job discrimination.

For example, Sam Stamey had been an electrical worker at an Indiana company for about 10 years. Beginning at around age 61, he contended, he was subjected to a "relentless and ruthless campaign" of age-based harassment including more than "1000 age-based insults" by co-workers without any effective response by management. The harassment included "acts to interfere with Stamey's work," such as taping or gluing his tool cabinet shut and driving "screws into the wheels of his wire cart, immobilizing it." A Trump district judge dismissed Stamey's lawsuit against the company without a trial.



Biden Seventh Circuit judge Candace Jackson-Akiwumi cast the deciding vote to reverse the lower court and send the case back for trial, despite a dissent by another Trump judge. In addition to helping Sam Stamey vindicate his rights, the decision set an important precedent that will help job discrimination victims. The [ruling](#) made clear that in cases like Stamey's where there is disagreement about the facts, judges should not themselves "weigh evidence or resolve conflicting facts," but should instead leave that "up to the jury" to decide.



## Minimum Wages and Overtime

Federal and state laws set standards for minimum wages and required overtime pay, which are particularly important for low-income and low-wage workers. Biden judges have played an important role in several cases that have protected these rights.



For example, Biden First Circuit judge Gustavo Gelpi wrote a unanimous opinion that reversed a lower court ruling denying overtime pay to workers who help provide gas and electricity to some 200,000 customers in New England. Until Service, a corporation that operates public utilities, claimed that workers who are dispatchers and controllers should receive no overtime pay, and a lower court agreed. In reversing that ruling, Judge Gelpi wrote that ensuring compliance with overtime requirements is “[critical](#) to ensuring worker protections.”

## Other Workers’ Rights

Biden judges have also participated in several other cases that have protected workers’ rights. These have included the right to have their unions bargain with employers on important terms of employment and to prevent employers from undermining other job protections.

For example, Judge Gabriel Sanchez, nominated by President Biden to the Ninth Circuit, [reversed](#) a lower court ruling that would have significantly limited whistleblower protections for workers under California law. Aaron Killgore blew the whistle when he was directed by his employer to violate federal law in preparing an environmental assessment for a U.S. Army Reserve Command project. He was then fired. The lower court ruled for the corporation. But Sanchez wrote a unanimous opinion that reversed the lower court and gave Killgore the opportunity to prove his case. Correcting the lower court’s errors was crucial, Sanchez went on, to help fulfill the law’s purpose to “encourage workplace whistleblowers to report unlawful acts without fear of retaliation.”

