

AFL-CIO

LEGISLATIVE ALERT

June 13, 2017

Dear Senator:

The AFL-CIO urges you to oppose to the nomination of Damien Schiff to the United States Court of Federal Claims. This court has jurisdiction over various legal matters against the federal government, including pay claims by federal employees. Schiff's writings and legal positions raise significant concerns about his judicial temperament. Accordingly, the AFL-CIO opposes Schiff's nomination to the U.S. Court of Federal Claims.

Damien Schiff has a record that demonstrates unbridled hostility toward worker rights. He has argued that the Occupational Safety and Health Act (OSHA) is unconstitutional. He represented the National Federation of Independent Business (NFIB) in a challenge the Occupational Safety and Health Administration's interpretation of the "walk-around" inspection policy. The "walk around inspection" policy allows workers the *choice* to designate a representative who is not an employee of the company to participate in OSHA enforcement inspections. This policy was established to help workers who might be concerned with retaliation or to aid non-English speaking workers. Mr. Schiff also has filed an amicus brief on behalf of foreign corporations opposing a class action by overseas employees suffering from poor working conditions in factories of suppliers to U.S.-based international discount retailer Wal-Mart. He also has sued California's Agricultural Labor Relations Board's educational access rule, arguing that growers' and farmers' interests in their property vastly outweighs any interest in responding to the requests of farmworkers about their rights about their rights on the job.

Mr. Schiff's legal career is almost exclusively at the Pacific Legal Foundation (PLF), an ultra-conservative right-wing legal activist organization. The Foundation has posted on its blog that it expects Schiff's confirmation to be "swift and painless". Instead, the Senate Judiciary Committee must thoroughly review Mr. Schiff's record, which includes a blog posting that characterized Supreme Court Justice Anthony Kennedy as a "judicial prostitute."

Americans deserve an open-minded and fair judge on the U.S. Court of Federal Claims, not one whose intemperate writing reflects a monumental lack of judgement. The AFL-CIO urges you to oppose Damien Schiff's nomination for the U.S. Court of Federal Claims.

Sincerely,



William Samuel, Director
Government Affairs Department

American Federation of Labor and Congress of Industrial Organizations

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