CCE Survey Results

By Ernie Carson

On behalf of the CCE communications committee I would like to thank all of those who participated in the CCE survey. Seventy-eight people responded to the online survey and two hard copies of the survey were received via interoffice mail. This means that more than half of our Union members responded.

Ernie Carson and Becky McCluskey were the first to review the results online via AFT’s LeaderNet and they noticed an interesting trend. The highest percentage (96%), a combination of Agree and Strongly Agree, was with regards to interest in receiving information in the newsletter about the Palomar College Governing Board. The percentage of Agree and Strongly Agree dropped to 72% with regards to national elections.

The hard copy surveys are not included with the online results and are as follows - one survey indicated Strongly Disagree on all items. The other survey indicated: “Would you like your newsletter to inform you of political issues that affect labor and working families?” – Agree, Palomar College Governing Board – Strongly Agree, Local Elections – Strongly Disagree, State Elections – Strongly Disagree, National Elections – Strongly Disagree.

The online survey results can also be viewed on the CCE web site at www.palomar.edu/cce/.

The comments by the survey’s respondents were also very enlightening because they provide insight on a wide range of opinions. It is my hope that this survey is just the beginning of helping your Union serve you better.
Classified Spotlight – Javier Williams
Interviewed by Elaine Armstrong

My job entails encouraging students to file for Financial Aid and Scholarships, communicating with students about how the Financial Aid process at Palomar College works, and assisting them in completing their Financial Aid files. I think my job is enabling students to continue their education.

I have worked at Palomar College since 1999 when I was first hired as a student worker for the Peer Ambassador Program. My first staff position started in the Fall of 2000 as a Transfer Education Advisor in the Transfer Center, and since then I have worked in Assessment and now in Financial Aid & Scholarships. I am going on my 6th year and looking forward to many more.

I really enjoy working with students, and people in general. I guess you could say I am a “people person”. In my off time, I love to travel; I’ve been all over the US, Canada and have traveled a little in Europe. Visiting new places and meeting different types of people has really opened my eyes to the diversity that exists in the world and how wonderful it is. I have recently found that I like sushi. I never thought I would like raw fish, but wow. Sushi is great! If you have never had it you should try it at least once on your life. When I’m not traveling or eating sushi, I’m having friends over for dinner since I enjoy cooking and coming up with new recipes.

I was born in Monterey California on a military base named Fort Ord, which is now California State University Monterey Bay. I went from living in beautiful Monterey Bay to living in El Centro... for those of you who know nothing about El Centro -- take my advice -- you probably won’t want to build your summer home there. It’s typically 125 degree in the summer time and one of the only places that I’ve heard of someone getting heat stroke at night.

Photograph by Melinda Finn

Discounts and Special Services for Members
By Eddie Tubbs

As a Union Member, have you ever used some of the discounts and special services that AFT offers?

AFT PLUS is proud to offer a wide range of discounts and services available to our members and their families. Don’t have dental coverage through work? Check out the dental and health savings programs. Do you like to dine out? You need to see the dining discount program. You can even help save money on Rover’s vet bills with pet insurance.

I have used some of their discounts and they really do work. See all of the discounts available online at http://www.aft.org/aftplus/discounts/.
Supreme Court Nominee
Not on Your Side
By Brian Engleman

Despite right-wing efforts to paint him as a mainstream jurist, Samuel Alito’s record on the US 3rd Circuit Court of Appeals reveals an excessively anti-labor Supreme Court nominee. From a worker’s perspective, his candidacy represents the potential for a consistent vote against our hard-won rights and liberties. Perhaps the most disturbing aspect of his record is that he angrily rejects the right of workers even to have their day in court, to say nothing of actually ruling in their favor, which he typically does not. Compared to the thought-out, defensible opinions authored by O’Connor throughout the years, Alito’s nomination could foretell a major shift in the Supreme Court’s ideology.

Perhaps the greatest example of the striking difference in interpretation between Alito and O’Connor is the case of Chittister v. Department of Community and Economic Development. Alito’s majority opinion asserted that government employees couldn’t sue the government for failing to grant time off under the terms of the Family and Medical Leave Act of 1993. O’Connor’s swing vote on the Supreme Court overturned this decision.

Alito opined in the minority on another case, saying that governments do not violate the due process rights of employees by suspending them with no pay without a hearing. In Homar v. Gilbert, the majority ruled that at least some kind of minimal hearing would be necessary beyond the initial accusation (in this case, a drug charge which was never proven). Alito stated that the accusation, on its own, justified the loss of work and pay.

In Caterpillar v. UAW Local 786, Alito sought to overturn a practice of handling grievances, which had been negotiated and adhered to for 18 years! The company’s reason for reneging on the agreed-upon procedure: revenge for a strike. Luckily, the other judges disagreed with him, and the company was ordered to commence hearing grievances.

In DiGiacomo v. Teamsters Pension Trust Fund, Alito sought to prevent an employee from claiming 11 years of service time occurring before a gap in employment through a very narrow, anti-worker interpretation of the Employee Retirement Income Security Act. Again, Alito was a lone voice of dissent, as the majority upheld the law’s intent to credit an employee for all time employed, regardless of breaks in service.

In Reich v. Gateway Press, Alito’s narrow interpretation of the law would have exempted newspaper employees from minimum wage and overtime law protections. His minority opinion was overruled by the other two justices, who ruled that the newspaper chain violated federal

continued on page 4
law. In the case RNS Services v. Department of Labor, Alito’s minority opinion stated that the Federal Mine Safety and Health Act did not apply to coal processing plants associated with coal mines.

Alito’s interpretation of the law in the case of Bray v. Marriott Hotels was rebuffed by his sitting colleagues, who described his analysis as “improper in a discrimination case: A play cannot be understood on the basis of some of its scenes but only on its entire performance, and similarly, a discrimination analysis must concentrate not on individual incidents, but on the overall scenario.” Alito had sought to throw out the case on the grounds that the plaintiff hadn’t presented enough evidence to support her claim of discrimination. The majority further said, “[Alito]’s position would immunize an employer from the reach of Title VII if the employer’s belief that it had selected the “best” candidate, was the result of conscious racial bias.”

In Sheridan v. Dupont de Nemours, Alito’s lone dissent sought to overturn a jury verdict for the plaintiff, to replace the jury’s view of the evidence with his own interpretation. In the case of the Federal Labor Relations Authority v. U.S. Department of Navy, Alito attempted to prevent organization of employees by finding that the Department didn’t have to provide the names and addresses of employees that a union was attempting to organize. The full court held that the navy’s refusal to provide this information was in violation of Federal law.

Even on the traditionally conservative 3rd Circuit, Samuel Alito represents a maverick, unwilling to bend on his own ideology, regardless of the laws and facts presented before him. As for “activist judges,” it would be hard to paint a picture of a more legislative jurist than “Machine Gun Sammy.” Alito’s confirmation would be a major step backward for unions and working families. Despite being billed as a “constructionist,” his record demonstrates an unabashed contempt for workers’ rights, and a refusal to abide by the clear intent of lawmakers in each of these cases. If he is allowed to sit on the highest court in the nation, no worker is safe.