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HEARING BEFORE THE NEVADA ADVISORY COMMITTEE  
TO THE UNITED STATES COMMISSION  
ON CIVIL RIGHTS

RE: IMPACT OF CONSENT DECREES )  
ON EMPLOYMENT OPPORTUNITIES IN )  
THE HOTEL/CASINO INDUSTRY )  
----- )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Taken on Friday, August 28, 1987

At 9:30 o'clock a.m.

At 2832 East Flamingo Road

Las Vegas, Nevada

Reported by: Anna Maria Rodriguez, C.S.R. #188

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## 1 APPEARANCES:

2 For the Committee: ELIZABETH C. NOZERO,  
Chairperson  
3 MORSE ARBERRY  
SHELLEY BERKLEY  
4 SUSAN L. DELUCA  
MARVIN SEDWAY, O.D.  
5 RICHARD TETREALT  
MARGO PISCEVICH

6 For the U.S.  
7 Commission Western  
Regional Division: THOMAS V. PILLA, Civil Rights  
Analyst  
8 United States Commission on  
Civil Rights  
9 Western Regional Office  
3660 Wilshire Blvd. #810  
Los Angeles, CA. 90010

10 Also Present:  
11 GARY GOWAN  
REVERAND JESSE SCOTT  
12 OTTO MERIDA, ESQ.  
G. BUDD RAMSEY  
13 PAT BENZENBOWER  
JOSEPH LINNERT  
14 DENNIS KIST, ESQ.  
GLORIA BROWN  
15 THERESA FAY BUSTILLOS  
PAUL COHEN

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1 MS. NOZERO: The meeting of the Nevada  
2 Advisory Committee to the United States Commission on  
3 Civil Rights will now come to order.

4 My name is Elizabeth Nozero, I'm the  
5 chairperson of the Nevada Advisory Committee. The  
6 other members of the committee in attendance this  
7 morning are Morse Arberry, Shelley Berkley, Marvin  
8 Sedway, Margo Piscevich and Richard Tetreault. Also  
9 with us today is Thomas Pilla, staff of the  
10 Commission's Western Regional Division.

11 The Advisory Committee receives  
12 information and makes recommendation to the  
13 Commission in areas which the committee or any of its  
14 subcommittee are authorized to study.

15 The commission on civil rights is an  
16 independent agency of the United States Government,  
17 established by congress in 1957 and re-authorized in  
18 1983.

19 I would like to emphasize that this is  
20 a fact-finding meeting and not an adversary  
21 proceeding. Individuals have been invited to come  
22 and share information with the committee. Each  
23 person who will participate has voluntarily agreed to  
24 meet with the committee.

25 Since this is a public meeting the

1 press and radio and television stations, as well as  
2 individuals, are welcome to attend. Persons meeting  
3 with the committee, however, may specifically request  
4 that they not be televised. In this case we will  
5 comply with their wishes.

6 We are also concerned that no  
7 defamatory material be presented here today. In the  
8 unlikely event that this situation should develop, it  
9 will be necessary to call this to the attention of  
10 the person making the statements and request this in  
11 their action that such information will be stricken  
12 from the record if necessary.

13 We will now proceed with our agenda. I  
14 believe the first speaker that we had listed on the  
15 agenda was Mr. Gary Gowen, who is not with us this  
16 morning. It's my understanding that Mr. Gowen was  
17 invited to speak because he had anticipated at one  
18 time intervening in the original consent decree.

19 But since he's not here we'll go on to  
20 our next speaker who is present, I understand.  
21 Reverend Jesse Scott for the National Association for  
22 the Advancement of Colored People.

23 Reverend Scott? Do you have any  
24 opening statements that you'd like to make, or would  
25 you just prefer that the committee ask you questions?

1 How would you like to handle your appearance this  
2 morning?

3 REV. SCOTT: Well, I'll make an opening  
4 statement, and then after that I'll be open for  
5 questions. First of all, I want to say that we're  
6 happy that the committee is meeting here today for  
7 the purposes of listening to various testimony and  
8 reporting it back to the appropriate agencies for the  
9 federal government that might address some of the  
10 issues pertaining here. I really wish that I had the  
11 basic intelligence to make a definitive report to you  
12 today, but I can't. The reason I can't make one is  
13 because the information is not available to the NAACP.

14 I'm speaking about the consent decrees  
15 of 1971 and 1981, the one in '71 having to do with  
16 bringing in a certain percentage of blacks into about  
17 23 categories of the Strip hotels. Mainly those  
18 categories had to do with the tokens, as well as the  
19 consent decree of '81 that had to do with Spanish  
20 speaking people and women.

21 To me, this is a great disservice that  
22 the federal government does through EEOC, to set in  
23 motion through a federal court order that there are  
24 certain things will be done and certain things will  
25 be expected, and then raise the hopes and aspirations

1 and anticipation of people, and then have those hopes  
2 dashed because there is no reports forthcoming.

3           So in the absence of having definitive  
4 reports to say exactly what has happened with the  
5 consent decree, we are left in an area of doubt and  
6 lack of information and lack of understanding.  
7 Therefore, we can't intelligently say the consent  
8 decree of '71 that was signed by Judge Foley said  
9 that there would be, for every third person or fourth  
10 person that would be hired in the gaming industry in  
11 23 categories would be black until they reached 12  
12 and a half percent. Once they reached 12 and a half  
13 percent, that they would not have to continue if they  
14 maintain their percentage for a period of time  
15 certain.

16           But nobody, EEOC, the federal courts  
17 and no one else has come forth and told us whether or  
18 not the hotels named under the decree have  
19 substantially complied with the mandates of that  
20 decree, so we don't know.

21           And many of us feel that the whole  
22 situation has turned out to be just a revolving door  
23 where people are brought in and maintained for a  
24 certain period of quarter and they're let out and  
25 some others brought in and paper is pushed and paper

1 is followed and nobody knows exactly what happened.  
 2 To me, that kind of information should be made  
 3 available so we wouldn't have to guess about. We  
 4 would know. We don't have that information,  
 5 therefore we can't say what they have or have not  
 6 done, and we would just like to have that.

7 We'd like to see somebody make a  
 8 recommendation that Judge Foley would take a look at  
 9 the decree that he signed in 1971, and since then has  
 10 sort of forgotten about it. I think in that decree,  
 11 it is implied that there would be a review period.  
 12 It's implied, not specifically said, but implied that  
 13 there would be a look see three years hence.

14 So in '74 we were all looking to see  
 15 what was going to be said by the decree; we don't  
 16 know, and it has not been done. So if you have any  
 17 power, any juice, any recommendation, any anything,  
 18 you use whatever you can.

19 This is a long time to be in limbo  
 20 waiting to see what the federal government is going  
 21 to do, and we had great hopes when the decree came  
 22 into effect of what was going to happen. We don't  
 23 know what has happened. We have had the jurisdiction  
 24 began originally under the United States Department  
 25 of Justice, as I recall, before it was transferred to

1 the EEOC, and it's been in Phoenix and San Francisco  
2 and back -- I think it's in L.A., the jurisdiction,  
3 but we still don't know what's happened. We want to  
4 know.

5 I'm oftentimes accused of calling press  
6 conferences and making blatant statements about  
7 what's happened, but I'm tired of being in the dark.  
8 My patience has run its limit, so we don't know what  
9 to say or what to do. I can't think of anything that  
10 a federal judge would sign and let it go on that long  
11 without having a review to know what has happened. I  
12 just can't conceive of anything like that happening.  
13 By my mathematics that's been 17 years; long time.  
14 However number of many years it's been. So we'd like  
15 to know.

16 You say that your powers are limited,  
17 not adversarial, but are limited to making  
18 recommendations. I hope you'll make a strong  
19 recommendation that the federal government would  
20 honor its own action, its own decrees.

21 We would like to have -- we would like  
22 to believe that their intention is good, but we have  
23 become very leery now, as to whether or not it's just  
24 something to build people's hopes up in expectation  
25 and then have them dashed because nothing is going to



1 happen.

2                   It reminds me of the speech I heard  
3 leader of the assembly of State of California "Willie"  
4 Brown said yesterday: As a black person I would just  
5 love to be able to back up the fact that black people  
6 have been the most loyal people in this nation for  
7 200 years. We've fought in every war and have paid  
8 taxes, come to the defense of the country. Never  
9 think about selling secrets to the enemies of this  
10 country. And even at the time that the country was  
11 in peril, we were there with our sleeves rolled up  
12 and doing all that needed to be done.

13                   And yet, we have to look back and  
14 reflect on the history and find that when the  
15 founding fathers met in Philadelphia and wrote a  
16 preamble to the Constitution "We the people", they  
17 did not include me. I was considered, me and my  
18 people were considered three-fifths of a person.

19                   It was an afterthought that the 13th  
20 Amendment recognized me as a human being. 14th  
21 Amendment recognized me as a citizen, 15th Amendment  
22 giving me the right to vote. And to think with all  
23 of this loyalty all of these years and now still are  
24 not free, we just want to know how long. When we see  
25 people coming from all lands and given the red carpet

1 and we're still trying to get first class citizenship.

2           Even though you're not adversarial, you  
3 just make recommendations, I hope you make a strong  
4 one to whoever will listen that how long do we have  
5 to wait? 200 years more? Because we don't have it  
6 yet. Long ways from having it. Things that most  
7 people wake up in the morning and take for granted we  
8 have to think about it. Maybe that's why we have so  
9 much high blood pressure going on among black people,  
10 they have so much to think about, so much to tolerate,  
11 so much to swallow, so much just to live with every  
12 day.

13           That if I would just be given the  
14 opportunity to prove myself once the door is open,  
15 the door is not open like everybody else. When James  
16 Brown said, I don't want nobody to give me nothin'.  
17 Just to open up the door and I'll get it myself, and  
18 that's all we're asking, for that door to be open.  
19 An opportunity to present ourselves and prove that we  
20 have the same worth and same values as anybody else.

21           Last statement is I've just been  
22 reading recently where there's a lot of noise being  
23 made about the GNP, the gross national product of  
24 this nation, which is supposed to be the aggregate of  
25 all the worth. Real and potential of American

1 citizens. All our talents and energies and our  
2 potentialities. All that we're willing to give and  
3 to do.

4           They try to strike a figure as to that  
5 value, and I'll say that the gross national product  
6 of America has never been realized, and never will be  
7 realized until black people are included. Just think  
8 that maybe a black boy or black girl that would come  
9 up with a cure for AIDS or cancer or something else  
10 if given the opportunity. Now we're not given that  
11 opportunity.

12           Sad commentary 200 years after the  
13 signing. I want to be included in the preamble of  
14 the Constitution that says "We the people", which I  
15 am not now. I think with your writings to the  
16 congress and to the president and all those others  
17 that need to see and hear what you have to say, I  
18 would suggest that you make your language as to the  
19 point and as strong as possible so that they might be  
20 able to get the message that America can be much  
21 greater than it is.

22           We don't need to have a little country  
23 like Japan beating us out of the marketplace when  
24 they extend all that they have in the national spirit  
25 to make the country great. We haven't even come to

1 realize the greatness that we have. If only we will  
2 include and open the doors and allow people to come  
3 in and be judged not on the color of their skins, but  
4 on the content of their character, this is what we  
5 seek to have.

6 This is what the NAACP seeks to have  
7 for 17 years. They're still plodding along. But you  
8 do what you can do and we'll be going to the next  
9 board of commission that does have adversarial powers  
10 to maybe do more than -- you bring it to their  
11 attention, you make them aware of that and maybe do  
12 that.

13 I thank you for the opportunity for me  
14 to be here. I'll try to answer any questions that  
15 you have.

16 MS. NOZERO: Yes, Mr. Arberry?

17 MR. ARBERRY: Thank you, Madam Chairman.

18 Reverend Scott, recently I got a  
19 complaint from a woman that was terminated from one  
20 of the hotels, that she was terminated based on her  
21 hair style. Have you received any complaints like  
22 that through your office lately where people are  
23 getting terminated because of their clothing, hair  
24 style, things of that nature?

25 REV. SCOTT: No, I don't recall in the

1 recent past of getting any -- yes, we had one. We  
2 had one complaint about the length of one's hair  
3 because they were not handling the food, but they  
4 were handling the plates that the food would go in,  
5 and management told them that this was a man that  
6 needed to have a net for his hair. I can't remember  
7 how that case was resolved.

8           That's the only things I could think of  
9 that has to do with hair styling or dress that we  
10 have seen in recent times. But we've gotten other  
11 kinds of complaints. Alleged discrimination, many of  
12 them, from time to time.

13           MR. ARBERRY: The reason why I ask the  
14 question, Reverend Scott, is do you feel that it's  
15 the job of the NAACP to handle this, or the EEOC to  
16 handle something like this?

17           REV. SCOTT: Both. I think that in the  
18 time the federal government has set aside an agency  
19 like EEOC, they should do what they are to do. The  
20 NAACP is an adversarial agency. Our job is to prick  
21 the conscience of America, keep telling them about it  
22 until something is done. We've been doing that for a  
23 long time and we're not bound to stop because we feel  
24 that since they had opening remarks that we just  
25 haven't become whatever potential the country is, and

1 we want it to be that way. We're asking to be let in.

2           Whereas I would be most delighted to  
3 have this kind of thing taking place, and the local  
4 form of government many times is why we have to  
5 appeal to the federal government.

6           MR. ARBERRY: One additional question.  
7 The woman that spoke of this issue stated to me that  
8 there weren't any black or Hispanic cocktail  
9 waitresses where she was employed. Have you any  
10 statistics at all on any of the hotels on how this  
11 would affect the NAACP?

12           REV. SCOTT: Yes. We are interested in  
13 receiving those complaints. We have a complaint  
14 meeting every Tuesday night at seven o'clock in our  
15 office, and we have all kinds of complaints crossing  
16 the entire strata of employment in this area.  
17 However, we just have not received any kind that you  
18 are referring to. We'd be too happy to hear them,  
19 receive them if they will come.

20           But I will hasten to say, as I said in  
21 my opening remarks, I don't have the -- I don't know  
22 whether a hotel on the Strip has hired one person or  
23 ten or fifteen, or whether they have met the quotas  
24 that were set forth in the decree or not. I don't  
25 know that. I don't know -- I don't know if anybody

1 else knows it. If EEOC knows it, they haven't told  
2 us. Most certainly the judge hasn't said it, and if  
3 anybody knows it I'd like to have it. I really would  
4 want to have it.

5                   And as I said, that's the reason I have  
6 been reserving comments I made about the decree until  
7 I can get this information; we don't have it.

8                   MR. ARBERRY: Thank you.

9                   MS. NOZERO: Any other members of the  
10 committee have any questions? Yes, Miss Piscevich?

11                   MS. PISCEVICH: You indicated, Reverend  
12 Scott, that you are not able to get the information  
13 requested. Have you, as a member of the NAACP, asked  
14 any governmental agency to obtain the employment  
15 statistics from the various casinos?

16                   REV. SCOTT: They'll tell you that they  
17 all are available. All you have to do is go down to  
18 the federal court and go through this maze of paper  
19 and decipher it, and then determine what a certain  
20 hotel has or has not done. We don't have the  
21 resources, the time nor the expertise to do that.

22                   MS. PISCEVICH: Have you been told that  
23 the hotels have provided reports of statistics and  
24 the employment statistics with the Court, as a  
25 question of then having the personnel to go figure

1 out what those statistics are?

2 REV. SCOTT: They're required under the  
3 mandates of the decree to give that information to  
4 EEOC every month. Hotels are.

5 MS. PISCEVICH: Will EEOC give you that  
6 information?

7 REV. SCOTT: (Speaker shakes head.)

8 MS. PISCEVICH: Do they give you an  
9 explanation why not?

10 REV. SCOTT: No.

11 MS. PISCEVICH: Because that should be  
12 public information.

13 REV. SCOTT: We would like to have it.  
14 We'd like to know on a monthly or quarterly basis  
15 exactly what their experience has been. Whether they  
16 had one person or ten people or no one, no person.

17 MS. PISCEVICH: And the EEOC in the  
18 local office here won't provide your organization  
19 with that information?

20 REV. SCOTT: We don't have a local  
21 office of EEOC; it's in Los Angeles, and up until  
22 this time we haven't had -- all the years that we've  
23 been talking about we still haven't received any such  
24 report.

25 MS. PISCEVICH: And has anybody asked



1 the Los Angeles office for that report?

2 REV. SCOTT: I'm not too sure whether  
3 the specific letter has gone out in that way. We've  
4 had many meetings and conferences where we've talked  
5 to them like we're talking to you, and we just  
6 haven't received. Each time we asked the hotels for  
7 it, they tell us that they are not required to do it  
8 because the consent decree does not require them to  
9 do it. It only requires them to make the submission  
10 of their reports to EEOC.

11 MS. PISCEVICH: Well, maybe it's a  
12 recommendation you might consider doing a formal  
13 request through a letter or something to the EEOC in  
14 Los Angeles because it would appear to me that that  
15 should be public information, that you should be able  
16 to have available to your organization. That's why  
17 I'm having a problem here. I can't believe people  
18 don't respond to your request, that's why I'm having  
19 some difficulty. I can understand it might take a  
20 year, that I can appreciate. But I can't understand  
21 why the communication isn't occurring.

22 REV. SCOTT: I would appreciate it if  
23 you'd make such recommendation. Consider making such  
24 recommendation.

25 MS. NOZERO: I believe that's one

1 reason why we're having representatives from the EEOC  
2 appear here this afternoon, so they can answer some  
3 of those questions for us.

4 Any other members of the committee have  
5 any questions?

6 MS. DELUCA: Reverend Scott, has the  
7 NAACP made any effort to go to the court and decipher  
8 those records? I know you said there's difficulty  
9 with personnel staffing and expertise.

10 REV. SCOTT: No, we have not, for two  
11 main reasons. Number one is that it costs money to  
12 hire lawyers and go into court. Number two, we don't  
13 have any such lawyers in Nevada. Civil rights  
14 lawyers.

15 MS. DELUCA: Thank you.

16 REV. SCOTT: They don't take such civil  
17 rights cases, most lawyers.

18 MS. NOZERO: Any other questions?

19 Reverend Scott, I have just one  
20 question I'd like to ask. Over the last 15 to 17  
21 years since the initial decree was entered into, do  
22 you feel there has been any progress in the hotels in  
23 the hiring of minorities?

24 REV. SCOTT: This comes back to my  
25 opening statements: Purely speculation on my part to

1 try to give a numerical evaluation as to what has  
2 happened and what has not happened. I would be  
3 guessing, conjecture and I don't want to do that.

4           The organization that I represent takes  
5 responsible positions based on evidence and facts  
6 before us, and we don't have that. We wish we knew.  
7 We'd like to be able to call a press conference and  
8 congratulate them on how well they've done. In fact,  
9 they have done as well as we hope they've done, or  
10 should have done. That is nothing to hide, that  
11 they'd be glad to tell us about. Whatever they can  
12 do, we'd be glad to hear. We'd like to have that  
13 information, we really would. Very important. Can't  
14 even imagine how joyful we were when the decree was  
15 issued. We were all anticipating what would happen.  
16 We don't know what has taken place.

17           MS. NOZERO: Well, hopefully our  
18 hearing here today will resolve a lot of these  
19 problems. If anybody has no further questions, thank  
20 you very much for your appearance and time here today,  
21 Reverend Scott.

22           REV. SCOTT: Thanks for inviting me and  
23 allowing me to have the opportunity to appear before  
24 you, and keep up the good works and make some strong  
25 recommendations on our behalf. We appreciate that

1 very much.

2 MS. NOZERO: Thank you.

3 Our next scheduled speaker this morning  
4 was to be Eva Garcia. I understand she was not going  
5 to be able to make it. She was going to send a  
6 representative in her place, I don't know if he's  
7 here yet. Mr. Merida is his name. Well, perhaps  
8 he'll show up later in the day so we'll save some  
9 time for him.

10 Our next speaker wasn't scheduled until  
11 10:55. Is he here? Mr. Budd Ramsey?

12 MR. PILLA: Yes, he is. He's going to  
13 be on a panel.

14 MS. NOZERO: Let's take about a  
15 five-minute break. Thank you.

16 (Thereupon a brief recess was  
17 taken, after which the following  
18 proceedings were had:)

19 MS. NOZERO: I'm going to reconvene the  
20 meeting at this point. Unfortunately since one of  
21 our speakers did not show up, we are running ahead of  
22 ourselves here. We had scheduled for 10:55 various  
23 representatives of the unions for panel discussion.  
24 We'd like to give them a little more time to have.  
25 We are still missing one of them to show up. I was

1 wondering if Mr. McCall would be able to go right now.  
2 Would that be possible?

3 MR. McCALL: Sure.

4 MS. NOZERO: Mr. McCall, why don't you  
5 have a seat. You are Mr. Craig McCall, director of  
6 Corporate Human Resources for Summa Corporation?

7 MR. McCALL: Correct.

8 MS. NOZERO: Do you have an opening  
9 statement for us today?

10 MR. McCALL: Yes. First of all, I'm  
11 speaking on behalf of Summa Corporation, but I  
12 believe our experiences have been shared by other  
13 organizations in the industry. What I thought I'd do  
14 is speak a little bit about what we've experienced  
15 with the consent decrees, both with the blacks and a  
16 comment about our minority experience hiring in Las  
17 Vegas.

18 First of all, those of you unfamiliar  
19 with the Summa Corporation, we are primarily gaming  
20 industry and employ about 7500 employees here in the  
21 State of Nevada between Reno and Las Vegas. It might  
22 be significant to talk about the final events before  
23 expiration.

24 Just prior to the Telles expiring, the  
25 EEOC requested an extension of the decree to evaluate

1 our good faith effort of complying with the decree.  
2 This involved evaluation of statistical data, and  
3 applicant flow figures. Several of those  
4 applications were involved in the Telles or high tech  
5 classifications which is some of those that were  
6 identified as needing more female, maybe having one  
7 or two or no openings at all during that period of  
8 time.

9                   The EEOC considered this in their  
10 evaluation and their subsequent favorable decision  
11 regarding our good faith effort, leading to the  
12 Telles decree approximately a year ago. This brings  
13 us to a point I wanted to mention, that it's  
14 generally not identified in establishing any  
15 promotional or recruitment goals in consent decrees  
16 and so forth, and that's the lack of incentive for  
17 many people in our industry to leave positions with  
18 low wages but high tips for a man position with lower  
19 take-home pay.

20                   It's been apparent to me that the EEOC  
21 and people in the community can emphasize the number  
22 of minorities we have in management, when actually  
23 these larger income positions and most sought  
24 positions are those that are not necessarily in  
25 management. It's just an inequity that's prevalent

1 in our gaming industry. In fact, we have oftentimes  
 2 have people who turn down man positions to avoid a  
 3 cut in pay because they want to be made available for  
 4 a seniority list that is using higher income  
 5 positions, such as showroom captain positions and so  
 6 forth.

7 Also worth noting that since the decree  
 8 has expired we've not observed any change in our  
 9 male-female ratios since that time. Just being  
 10 maintained in the decree and then dropping afterwards.

11 With respect to the black consent  
 12 decree which is still in effect, we continue to file  
 13 the required reports and over the years we believe in  
 14 most classifications, as you know there least occurs  
 15 when you maintain that 12 and a half percentage of  
 16 the work force being black for that six-month period.

17 However, in the official managers  
 18 category, the term in the 12 and a half percent  
 19 figure was not used. Instead, they used a term  
 20 "reasonable percentage". This term has never been  
 21 defined for it was never able to be believed in that  
 22 category. Recently the EEOC has stepped up their  
 23 involvement and for approximately 18 months they've  
 24 been requesting our reports include current black  
 25 employed percentages for employees that had

1 previously been relieved. The obvious purpose is to  
2 confirm that we are not letting our figures slip  
3 after being relieved in those positions.

4                   For both decrees, the fact of the  
5 unions as well as the management were signatory to  
6 the decree we believe is an important aspect. I  
7 think it would be difficult for the union to alter  
8 from the seniority list or refer minority candidate  
9 to the employer without some sort of documented  
10 support; I believe this decree provides the support.

11                   At the time the decrees were  
12 implemented, there was a need or appeared to be a  
13 need to increase the awareness among the employers of  
14 the minorities' availability in the labor force and  
15 skills training that may have been necessary to  
16 enhance the marketable skills of these individuals.  
17 As you know, the decree required training programs,  
18 which there was apparent need for at the time, but  
19 now the community offers far more in the way of  
20 dealers school, et cetera for marketing these  
21 available skills.

22                   I think the entire environment in Las  
23 Vegas has changed also, particularly in the area of  
24 human resource function which may not have existed in  
25 a lot of the properties at the time of the decrees.



1 Now, maybe because of the larger corporations moving  
2 into gaming industry, the human resource function has  
3 grown in its role as well as its staffing and  
4 responsibilities in these properties.

5           At Summa we've greatly enhanced our  
6 in-house training for job-related skills and this  
7 includes personal computer training, writing skills,  
8 customer courtesy, as well as managerial skills in  
9 order to develop management skills that people need  
10 to be promoted if they so desire.

11           Also, we offer a lot in the way of  
12 personal development skills to employees, and these  
13 programs can be particularly beneficial to women who  
14 are new to the work force, either now work for a  
15 period of time or never entered it as prior to now.

16           In the earlier days of the black decree,  
17 just to mention a problem of note, is that oftentimes  
18 our properties were through the in-house training  
19 programs, were training black employees and dealers  
20 for dealer classifications, but then after we got  
21 them trained and they were working, we were losing  
22 them quickly to other properties who needed to  
23 maintain -- improve their numbers for black dealers.  
24 But I think with the onset of the development of  
25 these various gaming schools in Las Vegas, that seems

1 to have resolved that problem because we don't feel  
2 that that's happening to us anymore.

3 As far as the black consent decree,  
4 we're still continuing to be represented at the  
5 monthly contact committee meetings, and we still  
6 contact organizations -- for instance the Black  
7 Chamber of Commerce, the Latin Chamber of Commerce --  
8 to try and get in contact with applicants of these  
9 groups before our openings.

10 Also a closing point that I wanted to  
11 mention is that I certainly realize and appreciate  
12 the need for the decrees, but I'm also interested if  
13 EEOC or the MERC has identified any ongoing trends of  
14 discrimination through valid discrimination claims  
15 and so forth in their offices that would be  
16 reflective of our industry trends. That was my point  
17 I wanted to make.

18 MS. NOZERO: Thank you very much. Mr.  
19 McCall, do you have any questions from members of the  
20 committee?

21 MR. ARBERRY: Yes. You mentioned a  
22 monthly meeting.

23 MR. McCALL: Contact committee meetings.  
24 They're held at the Summa Corporate Services building  
25 and they include representatives from various

1 properties that are signatory to the decree as well  
2 as representatives from the union, NAACP at times and  
3 other minority groups who may want to attend.

4 MR. ARBERRY: Is this a meeting you can  
5 bring complaints if you like?

6 MR. McCALL: Sure you can bring  
7 complaints. I think one purpose that we do is to  
8 develop rapport with these representatives from these  
9 minority groups in order to make them aware of  
10 openings that may occur in between the meetings.

11 MR. ARBERRY: Is this a monthly meeting  
12 schedule on the same day every month, or --

13 MR. McCALL: Yeah. I can't tell you  
14 the exact day offhand.

15 MR. ARBERRY: Is it possible I can get  
16 that information from you?

17 MR. McCALL: Sure. I'd be glad to get  
18 that for you.

19 MR. ARBERRY: Thank you.

20 MS. NOZERO: Yes, Dr. Sedway?

21 DR. SEDWAY: Thank you, Chairman.

22 Have you heard the comments of Reverend  
23 Scott concerning his inability to receive information  
24 on compliance reports? Would you have any objection  
25 to sending the Reverend Scott a copy of your

1 compliance report on a regular basis?

2 MR. McCALL: I thought Miss Piscevich --  
3 I don't know if that's correct -- handled his  
4 question quite well. We oftentimes get requests for  
5 information from different organizations. Some seem  
6 very credible, some I question. As a matter of  
7 man-hours, I refer them all to the courthouse, which  
8 it's my understanding it is available to the public,  
9 and this is the first time that I've heard it wasn't.  
10 I prefer to handle it that way.

11 DR. SEDWAY: In other words, you do not --  
12 the answer to my question is no, you will not send  
13 him a copy; is that correct?

14 MR. McCALL: I'd like to talk to him  
15 about problems he might have and obtain them from the  
16 source that he's intending to be available to an  
17 organization such as his before I submit it to him.

18 DR. SEDWAY: I think the NAACP is a  
19 fairly credible organization. It's not an off-the-  
20 wall--

21 MR. McCALL: No, and I respect their  
22 objective for the information. But the intent was  
23 that they were available to the public through the  
24 organization if -- and I'd want to research that  
25 before I give it to him. I'm not saying I wouldn't

1 give it to him. There's a reason why he would want  
2 to have it.

3 DR. SEDWAY: Well, apparently he's  
4 having some difficulties with the EEOC in Los Angeles,  
5 and I thought it might make things a little easier if  
6 you'd just send a Xeroxed copy of the report on a  
7 regular basis. Certainly I'm sure your organization,  
8 which is a significant one in the state, if they'd  
9 make this information available to the federal  
10 government they shouldn't have any trouble making it  
11 available to the NAACP, I think.

12 MR. McCALL: I'd like to talk to him.  
13 First of all, I can't see any problem --

14 DR. SEDWAY: Why do you have to talk to  
15 him?

16 MR. McCALL: Because I think the  
17 information is easily available to him already, and I  
18 don't want us to get into a situation where we are  
19 constantly providing information to everyone who  
20 requests it when it's already designed to be provided  
21 through the courthouse and to my understanding, it's  
22 easily obtainable from them.

23 DR. SEDWAY: Didn't sound like it was  
24 easily obtainable to me.

25 MR. McCALL: From Reverend Jesse

1 Scott's comments, I agree with you. Perhaps he did  
2 not know the right source to contact, and I'd be  
3 happy to get in contact with the correct sources.

4 DR. SEDWAY: Can I rely on you to  
5 contact Reverend Scott to work with him on that?

6 MR. McCALL: Sure.

7 MS. PISCEVICH: If I understand in the  
8 latter decree, there was a confidentiality clause.  
9 Did the reports that you send into the EEOC, are they  
10 different than the EEOC's reports that are filed with  
11 the courthouse, if you know?

12 MR. McCALL: I'm not familiar with the  
13 clause, and I don't know any difference between the  
14 reports we give to the courthouse and those we give  
15 to the EEOC.

16 MS. PISCEVICH: There is a  
17 confidentiality clause in the decree. I don't know --  
18 that's what I'm wondering, if there's a difference  
19 between the reports.

20 MR. McCALL: I'm not aware of any  
21 difference being submitted.

22 MS. PISCEVICH: With respect to the  
23 earlier, '71 decree, you indicated that there has not  
24 been some goals reached in certain areas in your  
25 labor force with Summa; is that correct?

1 MR. McCALL: In the Officials and  
2 Managers category. That's a key point, and it's one  
3 of the problems with the decree that I think even the  
4 EEOC has expressed concerns. That is they require I  
5 believe the term is a reasonable percentage in that  
6 classification in order to be relieved. They've  
7 never defined "reasonable percentage". They've  
8 mentioned off the record that yes, they'd represent  
9 that, but it's never been confirmed.

10 So without ever having established a  
11 set figure in order to define just what you've  
12 reached in order to be relieved, it's impossible to  
13 be relieved, therefore we've never been relieved.

14 MS. PISCEVICH: But you have the relief  
15 from all the other categories?

16 MR. McCALL: I believe there are a few  
17 that we do not maintain the 12 and a half percent for  
18 a six-month period at one or two of our properties.

19 MS. PISCEVICH: I'm just curious. Do  
20 they come back? I'm just asking this for my own  
21 information. Once you're relieved from a certain  
22 area can they come back a year, year and a half later  
23 and reevaluate that area and determine if in fact  
24 compliance has been maintained?

25 MR. McCALL: Yeah, and that's what --

1 recently EEOC has begun doing that, is years ago once  
2 we were relieved we would discontinue reporting for  
3 that position as far as percentage of blacks in that  
4 classification. But as of approximately 18 months  
5 ago, they asked us to report on the percentages for  
6 all classifications that were included in the initial  
7 decree, whether we'd been relieved of them or not.  
8 So yes, in essence that now they're coming back and  
9 checking.

10 MS. PISCEVICH: Thank you.

11 MS. NOZERO: Any other questions?

12 MR. TETREAULT: I have one. Do you  
13 have information available with you or at all, as to  
14 the effectiveness of the consent decree in respect to  
15 your organization?

16 MR. McCALL: I don't have anything with  
17 me. I think that with the Telles, our final reports  
18 prior to expiration, show a significant difference  
19 between the initial figures of female and the final  
20 figures noted. That was what they evaluate in order  
21 to determine relief of it because really it was  
22 contingent upon areas.

23 As far as the black decree, I don't  
24 have anything with me, and it would take some  
25 analysis to assess what progress was made. My gut



1 feeling was it was very significant progress, and  
2 largely because of the training programs that were  
3 initiated.

4 MR. TETREAULT: Did you compare these  
5 statistics that you have today, say, with the  
6 community statistics on the average?

7 MR. McCALL: Yes.

8 MR. TETREAULT: How do they compare?

9 MR. McCALL: Above average.

10 MR. TETREAULT: No further questions.

11 MS. DELUCA: Thank you. Mr. McCall, in  
12 the Officials and Managers category, has Summa  
13 Corporation set its own percentage or level which  
14 feels sufficient to Summa?

15 MR. McCALL: Different properties are  
16 making different levels of objectives and hiring  
17 efforts, and we don't have a corporate figure. In  
18 our comparisons we've been causing the SMSA and we'd  
19 like to have our figures represent what the state  
20 employment security department, the SMSA, reflects  
21 its availability of blacks in the work force, and  
22 these match that.

23 MR. DELUCA: What is your impression of  
24 the success of moving minorities and women into  
25 managerial and officials positions? Can you just

1 comment broadly on what your impression is of the  
2 success or failure in that area?

3 MR. McCALL: I'm speaking for Summa, I  
4 think we've made significant progress of women in  
5 management particularly, and there is still room and  
6 we are looking for more from some of the other  
7 minority groups.

8 MR. DELUCA: Especially which ones, for  
9 example?

10 MR. McCALL: Off the top of my head, it  
11 would be difficult to say where we're short on that,  
12 but it seems as though we've had not as many  
13 qualified blacks and hispanics apply for management  
14 positions as in, say, in the women minority group.

15 MR. DELUCA: Thank you.

16 MS. NOZERO: Any further questions from  
17 the members?

18 I have a few questions if I might, Mr.  
19 McCall.

20 MR. McCALL: Sure.

21 MS. NOZERO: I believe that there is a  
22 scholarship fund set up at the hotel college at the  
23 University of Nevada Las Vegas, which resulted in  
24 some way from the consent decree. Do you have any  
25 knowledge of that scholarship?

1 MR. McCALL: Yes. At the time the  
2 Telles decree was initiated back in '81, there was a  
3 fund that was set aside to be paid out to claimants  
4 from the Telles decree, and they were not able to  
5 locate or identify the claimants who were deserving  
6 or had this money coming to them, and so the  
7 remainder, which I believe is approximately 1.1  
8 million dollars, was set aside to the University  
9 Hotel School.

10 MS. NOZERO: Do you have any knowledge  
11 of whether or not hotels have been advertising  
12 availability of these scholarship funds to its  
13 employees?

14 MR. McCALL: I'm not familiar with how  
15 the funds been administered since it went to the  
16 university.

17 MS. NOZERO: I was wondering, you  
18 talked about these monthly meetings. Has  
19 participation by the representatives of the minority  
20 organizations in town continued over the years? Have  
21 you noticed any apathy on their part?

22 MR. McCALL: My understanding is there  
23 is a sign-up sheet each month that can identify who's  
24 been there every month, but there have been several  
25 months where there's not been any representatives

1 from the minority groups is my understanding.

2 MS. NOZERO: Nobody from the NAACP and  
3 LULAC? Those two major organizations?

4 MR. McCALL: I believe so. Those were  
5 the ones we mentioned attended.

6 MS. NOZERO: Have you had any problems  
7 over the years in working with the unions in terms of  
8 implementing the decree?

9 MR. McCALL: No. My experience is  
10 since I've been involved they've been quite  
11 cooperative.

12 MS. NOZERO: Thank you very much. If  
13 nobody else has questions, I appreciate your  
14 appearance here today, Mr. McCall.

15 MR. McCALL: Thank you.

16 MS. NOZERO: I believe next we will go  
17 back to the agenda in the order in which it was  
18 written. We have four representatives I believe here.  
19 Mr. Budd Ramsey, Mr. Pat Benzenbower, Joseph Linnert  
20 and Dennis Kist, who are going to talk to us --

21 MR. COHEN: I'm from the Culinary.

22 MS. NOZERO: -- who are going to talk  
23 to us about the efforts of the union in the consent  
24 decree.

25 MS. NOZERO: Gentlemen, is there one

1 person designated to speak first, or how do you wish  
2 to handle this morning?

3 MR. KIST: I'm not sure, to be honest  
4 with you.

5 MS. NOZERO: Well, if anyone has any  
6 opening comments they'd like to make we'd like to  
7 hear them.

8 MR. RAMSEY: I'll start out. I am Eudd  
9 Ramsey, the state director for the Bureau of  
10 Apprenticeship training, and I work with the various  
11 apprenticeship training programs. In the State of  
12 Nevada, there are many people in other areas that  
13 when you say are apprenticeship, they are  
14 apprenticeship and union. There is where the  
15 majority of our programs run. However, in the  
16 Southern Nevada area, nine of the 32 programs in this  
17 area have nothing to do with any union; they're  
18 management-run only.

19 Statewide, 23 of the 69 are management  
20 only programs. We have nothing to do with the  
21 consent decree. We are under, on our program,  
22 working with the various apprenticeship programs,  
23 naturally working under the Department of Labor  
24 regulations which is 29 CFR 30. This sets how goals  
25 and time tables are set. This particular regulation

1 also specifies that -- it's like in the State of  
2 Nevada, that the state will come up with their EEO  
3 plan for apprenticeship, which they have done and  
4 been in effect. The first was on minority, and then  
5 later was modified to include women.

6 It breaks down in two different sets of  
7 goals and timetables, one for the north and one for  
8 the south, because of the difference in the minority  
9 population in the two areas. This is the plan that  
10 the apprentice program has worked for. It's no  
11 degree, no quotas, but goals and timetables, and most  
12 of them do a pretty fair job of it. We have programs  
13 in all areas, part of them are in the hotel industry,  
14 and a lot of them aren't.

15 For instance, we have programs like Las  
16 Vegas Sun where we have three apprentice who happens  
17 to be a labor management review committee, and again  
18 the Review-Journal. So we do have a variety of  
19 different types of apprentice programs and  
20 occupations within the state.

21 That would be my opening statement.

22 MS. NOZERO: Thank you, Mr. Ramsey.

23 Anyone have any questions of Mr. Ramsey  
24 before we go on to the union representatives?

25 All right. Go ahead. Do the Union

1 representatives have statements they wish to make?

2 MR. LINNERT: My name is Joseph Linnert.  
3 I'm apprenticeship coordinator and director for the  
4 Operating and Maintenance Engineers. I'd like to  
5 clarify one statement Bud said management union-run  
6 programs. I don't think we have any, quote, union-  
7 run programs. For the very simple reason any  
8 indentureship or any indentured apprenticeship  
9 program in the State of Nevada has a management,  
10 joint management labor committee that tells me what  
11 to do.

12 On that respect, most people have such  
13 a misconception of apprenticeship, and I really think  
14 that's where the biggest problem on my side comes  
15 from. They don't understand apprenticeship, they  
16 have no idea whatsoever what's involved in it, how it  
17 works, or anything else.

18 So part of my spiel today -- and I  
19 don't know, according to the letter I received I was  
20 told I was to give a ten-minute presentation, and  
21 then I was open for questions and answers. I kind of  
22 wrote this down into four categories that the letter  
23 asked me to present to you folks. So if you don't  
24 mind, I'll try and follow what I outlined here and  
25 hopefully not confuse anyone.

1           First of all, in paragraph one they ask  
2 me for a general background of the Operating and  
3 Maintenance Engineers trade. In brief, the program  
4 is a four-year indentured apprenticeship program for  
5 stationary engineers. What we actually do in the  
6 State of Nevada or in Southern Nevada is the  
7 maintenance type work, anything under the roof of a  
8 hotel, laundry or hospital, wherever the union has a  
9 contract.

10           And I also have to first say I'm only  
11 speaking for the JAC here, not the union. I'm not  
12 employed by the union, I'm employed by the JAC. So I  
13 want to be very specific with that because we are  
14 really two totally separate entities. They are  
15 currently under contract negotiations, which I know  
16 nothing about; it's none of my business. The only  
17 thing that is my business is what affects  
18 apprenticeship and the future of that program.

19           Our particular program is a four-year  
20 program, as I said. It encompasses anywhere from  
21 1600 minimum hours on-the-job training per year.  
22 Anything over 1600 hours a year does not count for  
23 extra or into the next year. It goes to year by year.

24           The most hours an apprentice can  
25 accomplish in one year is 2,080 and then they go into



1 year two and start all over again. In conjunction  
2 with that, an apprentice puts in two nights a week,  
3 three hours a night schooling. That school is run by  
4 myself. Our hours, minimum under state standards is  
5 144. We are currently every year in excess of 200  
6 now, to try and give people more and more training.

7           Electrical last year was 231.  
8 Refrigeration this year is slated for 201. The  
9 following year is pressure vessels and water  
10 treatment, that's 201 hours. The last year is a  
11 composite, 100 hours of welding, 50 hours of  
12 blueprint reading and 50 hours of electronics.  
13 That's what an apprentice in my program has to go  
14 through; it's a very, very rigorous curriculum.

15           The days and years gone past where  
16 unions in my opinion got a bad name, someone gets into  
17 the program and four years later gets a journeyman  
18 card, is history. These people are watched, they're  
19 monitored, they're graded on a monthly basis, and if  
20 they do not comply they're out of this program.

21           Now, to my knowledge, the operating and  
22 maintenance engineers have never been under these  
23 consent decrees other than becoming in 1980, they  
24 became signatory to 29 29 30.

25           I feel we've tried very hard to comply

1 with that, but on the same token I feel we've gotten  
2 very little help in complying with that, and these  
3 are my reasons in paragraph two as to what we have  
4 done. These decrees, according to what we were told  
5 or I was told -- I can only go by what I was told  
6 because I've been on board since '81. Originally I  
7 was told it was a law. I found out just in the last  
8 two years that it is not a law, it's goals and  
9 timetables.

10                   Consequently, I feel personally I've  
11 done a lot of things wrong, thinking it was a law.  
12 What I mean by that is I don't believe there's  
13 reverse discrimination. It's just who are we  
14 discriminating against. So my particular committee  
15 took steps over the years in constantly changing to  
16 try to comply to everyone. What we've done is we've  
17 always followed the guidelines of an equal  
18 opportunity employer, in my opinion. But we are not  
19 an employer. We're a training facility, and that's  
20 it. We changed and updated our standards on a yearly  
21 basis to try and come in compliance with all the  
22 federal and state rules.

23                   Before we opened our program, not only  
24 with advertising in the papers so on and so forth, we  
25 sent out over 200 letters to every minority and

1 female agency that we can find on any list, which is  
2 normally supplied to us by the federal government,  
3 advertising the opening of that program.

4 We have run newspaper ads, we have  
5 meetings to counsel apprentices, we have meetings to  
6 counsel journeyman where apprentices may have a  
7 problem. We discuss it at union meetings. We had  
8 mandatory staffing of apprentices on the job built into  
9 the union contract. If it wasn't for that I don't  
10 know if we would actually even have a program today.

11 We eliminated oral interviews back in  
12 1979 or '80 because the committee felt they were too  
13 discriminatory. I believe I'm the only program in  
14 the State of Nevada that posts a selection list in  
15 the foyer of the building and sends a copy to BAT.  
16 We update apprentice applications yearly.

17 Now, this has really been kind of a bad  
18 break because two years with federal and state laws  
19 they tell us what we can ask. I can't ask how old  
20 you are, I can't ask if you're a male or female, I  
21 can't ask what religion, what race you are, anything  
22 else. That same committee comes back and says we  
23 want some statistics. Well, if you can't ask the  
24 information, then we have no way of going back and  
25 getting it.

1                   The time spent on explaining the  
2 program by myself and my secretary is astronomical.  
3 People call on the phone and I give them the whole  
4 bale of hay like I'm giving you people today.  
5 Because I believe the more people that know, the more  
6 people that understand, the more people are going to  
7 try and get into programs because I think they're  
8 very good programs and are very well run.

9                   Paragraph three asks for overall  
10 problems, success, so on and so forth. Again under  
11 that heading I want to specify. We are not employers.  
12 We do select who gets into that program through a  
13 procedure, and we take in, in my particular sense,  
14 the right of selection away from the employers. That  
15 makes employers irritated from time to time because  
16 they do not have the choice of who they get. They  
17 get who we send.

18                   There are a lot of other guidelines and  
19 rules around that give the employer the flexibility  
20 of having in some cases I feel he needs, but it is an  
21 irritating factor to the employer to tell him he will  
22 hire this employee. I touched on the fact that  
23 federal and state rules make it impossible in some  
24 cases to collect information.

25                   Now, in a seminar that we've put on to

1 a local WACA group on job applications, so on and so  
2 forth, we found that legally we can ask a whole lot  
3 more which was never explained to us in the past,  
4 providing it's a tear-out sheet with nobody's name on  
5 it. That is strictly answered on a voluntary basis,  
6 and it says so on the top. They do not have to  
7 answer anything on there if they don't want to  
8 because that's the law.

9           An example on that, I had a woman in  
10 the program or who applied for the program who  
11 refused, number one, to write down that she was a  
12 woman, and refused also to write down that she was  
13 Hispanic. Consequently, you don't show those figures.  
14 And a lot of people do that, I'm finding out more and  
15 more they do.

16           Another fallacy in apprenticeship,  
17 apprenticeship years ago was deemed something for the  
18 young. Someone who did not want to go to college and  
19 wanted to get into a trade. The average age of my  
20 apprentice right now is 39 and a half years old, my  
21 oldest being 56 years old. That's a problem because  
22 employers still look at apprentice as the young  
23 individuals, and not as a 56-year old person.

24           Also on this same token, I personally  
25 feel that from upper management, there is very, very

1 little resistance on who they get from an apprentice,  
2 or for an apprentice. I feel the biggest problem is  
3 with what I would have to call middle management or  
4 lower management, the person that is actually in  
5 charge of that particular crew. There are still a  
6 lot of problems in it, and upper management attends  
7 all kinds of classes, myself included, on  
8 discrimination, on just general every day life.  
9 These lower people do not, and consequently in some  
10 cases I don't feel they know how to handle them. For  
11 the most part, I don't have a problem. But when I do  
12 have a problem it's a very, very serious problem  
13 because of our selection procedures.

14           So I'd like to, in brief, tell you what  
15 it takes for an apprentice to get into my program.  
16 Minimal qualifications are 18 years old or older,  
17 high school diploma or GED, that is it. We must  
18 advertise 30 days prior to the opening of the program  
19 to all applicants; we do that. They come in, and we  
20 have them fill out a very, very standard basic job  
21 application. That's where these figures are supposed  
22 to be compiled from.

23           From that then, we give them a slip of  
24 paper that they sign, stamped with two numbers. The  
25 number is the same, it's just repeated. It's torn in

1 half, they get their half, I get the signed half.  
2 That means that they know, along with that is a sheet  
3 of paper, when they come back and take their exams.

4 We give three basic exams: A reading  
5 exam, approximately sixth grade math exam and a  
6 mechanical comprehension exam. It is very, very  
7 basic, it has nothing to do with the craft. From  
8 those exams they're scored, a list is compiled and  
9 the highest scoring person goes number one on the  
10 list and so on and so on all the way down. No one  
11 fails. No one.

12 Depending on how many jobs -- at that  
13 point then the program is closed and remains closed  
14 for two years. Most people don't understand that.  
15 The reason for the closure is as we need an  
16 apprentice to draw from that list, starting from  
17 number one and so on and so forth.

18 That's where one of the problems come  
19 from because in order to try and comply with these  
20 consent decrees under these standards, it's who are  
21 we discriminating against. On my last opening I had  
22 no woman score in the top 25. None. That's  
23 devastating to me because if I've put a woman on  
24 board I've discriminated against everyone else above  
25 her, so on and so forth with other minorities. It is

1 not a law here and I really personally am very, very  
2 concerned about that, as far as a suit.

3           Who are they going to sue? Me or Budd  
4 Ramsey, or are they going to sue my program? The  
5 decree says we will try and do this. Try. But under  
6 goals and timetables, in my opinion, we're still not  
7 right. I honestly feel that my particular program is  
8 the simplest, the easiest and the most fair in the  
9 State of Nevada to get into. I don't sit there and  
10 play God on who gets into my program. Most people  
11 still have a conception that union members, only  
12 their children get into the program. Less than five  
13 percent of my apprenticeship program are union  
14 members, related to union members.

15           My business agent's son did not get in  
16 last time. The main secretary for the union's son  
17 has not gotten in in the last six years, and he's  
18 applied every time. I feel our tests are fair,  
19 they're graded by six instructors, the instructors do  
20 not know who anyone is when they grade those exams  
21 because the only thing that appears on the top is  
22 that number. Not until the list is compiled by  
23 number matching score is that gone back and then  
24 added to the application and goes in a file. So  
25 that's basically our program.



1           The last paragraph here, remaining  
2 problems, one concern of mine, because I legitimately  
3 care about people -- I will not play with people's  
4 brains personally -- is that women in minorities are  
5 getting a handle, especially in apprenticeship, that  
6 the only reason that they're there is because they're  
7 a minority or because they're a woman. I don't think  
8 that's fair. They can't live that way for four years,  
9 thinking that they're there only because they're a  
10 minority or woman.

11           They've got to know that they're there  
12 because they're the best because the work is very,  
13 very difficult, as far as the schooling and the  
14 on-the-job training. If they can't overcome that,  
15 then they're not going to succeed, and that's part of  
16 what our dropout problem is.

17           Number two, I feel the goals and  
18 timetables are too high. I've had many discussions  
19 with Bud on this. I don't know what was all taken into  
20 place that compiled those goals and timetables. I do  
21 know in 1981 when I opened that program, I had many  
22 more women and minorities apply. But I do know now  
23 that on my last opening, which was 358 people applied  
24 for approximately what we assumed would be 25  
25 openings, that dwindled to ten openings. That's all

1 I've placed, and I'm getting ready to reopen here  
2 shortly. I will put out two more before that  
3 reopening which is scheduled in the spring of next  
4 year.

5 But the reason I'm saying they're too  
6 high is because out of 358 applicants only six  
7 percent women even only applied. So if only six  
8 percent of women applied where do I legitimately even  
9 come close to try and place 18 percent? Which brings  
10 me back to the fact when I've reopened the program we  
11 graduated three women.

12 Mr. Ramsey's computer now punches out a  
13 little thing on how many minorities and women do you  
14 have in the program. But the computer does not take  
15 into consideration this two-year closure; it's a  
16 monthly printout.

17 Consequently, at one time I might be  
18 sitting there with 20 percent, and then over the time  
19 slot when they turn out, I might be down to five  
20 percent. Those reports do not reflect any of that,  
21 and I think it's wrong.

22 Also, when I opened this program and we  
23 closed the door and dispatched, the first two people  
24 I dispatched were women. Now, they were not my  
25 highest scorers, but I dispatched them because I

1 graduated three. I dispatched two. So for the first  
2 four months of my opening, my dispatch rate was 100  
3 percent female, and the next six months it dropped to  
4 80 percent female, as far as dispatch quota.

5 As far over the last two years now I'm  
6 at 21 and a half percent. So I don't think people  
7 look at, quote, the figures realistically in  
8 relationship to what's really there.

9 Also, another problem that I foresee is  
10 because so many journeymen's daughters, sons are not  
11 getting back into these crafts, they are getting a  
12 very bitter taste in their mouth about why should I  
13 train this other person here when my own kid can't  
14 get into this program and I've been a good member of  
15 the union for 25 years?

16 So now I'm starting to experience  
17 problems as far as, quote/unquote, they say hey, I  
18 just don't want to be bothered; I'm not going to tell  
19 them what I know. Which puts a bigger burden on the  
20 school. And when you talk about apprenticeship you  
21 cannot do it with school alone. That's been proven  
22 year after year after year.

23 Finally, another problem that I foresee,  
24 they keep saying that testing for apprenticeship  
25 programs so on and so forth is much too difficult for

1 women and minorities. I have a problem with that  
2 because these tests, in my opinion today, are getting  
3 to the point where they're so ridiculous, when you  
4 put someone into a program that in my opinion is one  
5 of the most difficult programs anywhere I've ever  
6 been -- I've been to a lot of schools, and I don't  
7 know if I could do today what my apprentices are  
8 expected to do.

9                   Electrical alone, we use seven  
10 different textbooks in one year. Homework is  
11 astronomical, and the person is working a full-time  
12 job. The tests get to the point where these people  
13 cannot endure that type of a curriculum.

14                   And I have a problem with that. If  
15 they can't read and read very, very well, we don't  
16 have time to put them through a remedial reading  
17 school. I have counseled several apprentices and  
18 told them, I think you should go to the college and  
19 take a reading skills course. The guy says or the  
20 gal says, when can I do it? It's impossible. I  
21 really think a lot of these issues should be looked  
22 at and considered when they talk about apprenticeship.  
23 I think it's the best thing that ever happened to any  
24 craft in the apprenticeship program, but I see them  
25 being destroyed by a lot of rules and regulations

1 that are set forth.

2 So basically I feel I've tried to  
3 answer these as well as I could, and if I went over  
4 my time I apologize, but I have a tendency to get off  
5 on tangents because I truly, truly believe in  
6 apprenticeship and I truly believe most people do not  
7 understand it at all.

8 One other item we do do is with Budd  
9 Ramsey and through WACA, which stands for Western  
10 Apprenticeship Coordinators Association, we put on  
11 several meetings a year that are open to these groups  
12 on women and minorities and apprenticeship, and the  
13 last one we had we put a lot of work into.

14 I was president of the chapter and Eud  
15 and I lined up a day at the college in the meeting  
16 rooms and brought all the coordinators in with all  
17 the information and printed up pamphlets and  
18 everything to present these to the people to really  
19 tell them what do they need to know to get into  
20 apprenticeship. Unfortunately, one person showed up.  
21 Just one. Now, that to me was very, very sad with  
22 the work that we put into it.

23 There we gave the person the whole bale  
24 of hay like I gave to you today, and that's basically  
25 where we're at.

1 MS. NOZERO: All right. Thank you very  
2 much, Mr. Linnert.

3 MR. ARBERRY: I have a quick question.  
4 You mentioned that you put on a seminar. Was it  
5 advertised at all?

6 MR. LINNERT: Yes, it was.

7 MR. ARBERRY: In the newspaper?

8 MR. LINNERT: It was not put, in the  
9 newspaper because WACA as a group cannot finance that.  
10 It was put in the college newspaper, and the college  
11 sent out letters along with Mr. Ramsey's office to,  
12 again, all these minority and women groups that we  
13 are aware of. I believe there was over 200. Bud  
14 might be able to answer where they all went.

15 MR. ARBERRY: And only one person  
16 showed up?

17 MR. LINNERT: One person. I don't  
18 remember her name. Do you, Bud?

19 MR. ARBERRY: It's okay. It doesn't  
20 matter. I didn't hear anything about it, and when I  
21 hear things like that I try to get it out to people  
22 because I get a lot of calls from people wanting jobs  
23 and wanting information and if I had known about it  
24 I'd spread the word.

25 MR. LINNERT: We normally put that on

1 every year at least once, and it's done through the  
2 college.

3 MR. ARBERRY: Thank you.

4 MS. NOZERO: Next?

5 MR. BENZENBOWER: My name is Pat  
6 Benzenbower, and I'm with the Bartenders Union. In  
7 1981 I was put in charge of coordinating the  
8 bartender union and I had two very basic problem.  
9 Number one, what Elliott McCarty told me was in  
10 direct violation with what the NLRB was telling me.  
11 So I went to our attorneys, and he advised me that  
12 whatever Elliott wanted, Elliott got.

13 At that time we had all my union  
14 leadership which was very much opposed to women in  
15 the craft. There again, I had our attorney explain  
16 to them what the consequences would be if we did not  
17 try to provide these for the hotels. Then came the  
18 worst problem: I had no women. At that time women  
19 were pretty much restricted to the small outlying  
20 taverns and not the hotels.

21 So the first thing we did was went  
22 around to these people and told them if they would  
23 like to move and become Strip bartenders, we'd be  
24 more than happy to place them. Then we had the older  
25 bartenders who resented them, and by our constitution,

1 it's first on the list, first goes out. That was a  
2 problem I originally had with Elliott. And these  
3 older fellas were resenting these new women on board  
4 going out as bartenders.

5                   So in our collective bargaining  
6 agreement we have provision whereby the hotels can  
7 ask for three applicants for each vacancy. So I  
8 would send two of the older fellows and one female.  
9 Of course the female got hired. So that took us off  
10 the hook there.

11                   Then we had another program whereby  
12 people come in from other locals that says that they  
13 must have a waiting period of 50 weeks before they  
14 can go to work as a bartender. They can work as an  
15 apprentice, they can sell shoes or whatever they want  
16 to. They cannot go out as a bartender. We'd  
17 immediately waived that. Then the hotels were not  
18 doing their part. At that time most of the people  
19 were being hired by the bar managers. The bar  
20 manager would interview somebody, and then send them  
21 to personnel for processing.

22                   So I went out and talked to a few of  
23 the human resource people that I knew and said hey,  
24 down the road you're going to have a problem. So  
25 they reversed the procedure. The applicants would



1 then go to the human resource departments, where they  
2 would screen. Then they would send the bar manager  
3 to be placed where they were going to work.

4 And we also had a problem trying to get  
5 apprentices. We could not supply what the hotels  
6 were asking for. So again, back to the human  
7 resource people. And we asked them to research their  
8 other areas, primarily housekeeping, for transfers  
9 from that area into the beverage departments. Which  
10 would be a definite promotion for most people, which  
11 really helped them because they had two ways to go  
12 then.

13 They wanted black females, so a lot of  
14 maids ended up in the program, and it worked out well  
15 for the hotels. Then Elliott contacted me and sent  
16 me some reports that the hotels were turning in to  
17 see if I thought they were accurate. I found they  
18 had a very serious fallacy in their reporting. They  
19 would report extras as employees. They would hire a  
20 certain amount of extra employees, which showed as  
21 minorities and women on their reports, but by virtue  
22 of the fact they were extra employees, they weren't  
23 working, which created a lot of turmoil. So they got  
24 that straightened out.

25 Then we had one property that would

1 report for the quarterly report, they would take one  
2 particular day that they had a lot of females working,  
3 and that was what they were reporting. But we had  
4 other properties that went right to work and tried to  
5 get their minorities and their quota for female. By  
6 the end of it, all of the properties who were  
7 signatory to the consent decree pretty much fell in  
8 line and did what they were asked to do, and as far  
9 as I can tell, they are doing a good job of  
10 maintaining.

11                   Now, you have other properties who were  
12 not signatory to that consent decree. To this day,  
13 they are still not hiring minorities or women. And  
14 we had another problem with the hotels -- it was our  
15 problem and the hotels' problem, was these female  
16 apprentices, it is hard work. In the cases of liquor,  
17 beer. We're not helping them.

18                   So we went to the hotels and said hey,  
19 whatever you have to do to get the problem resolved,  
20 do it. Because we recognize that it's here to stay.  
21 And our apprentice program virtually was a program  
22 which was nothing but on-the-job training. Always  
23 before it was bartenders and barboys. With women  
24 going into the program as some of these young women  
25 objected to being called barboys.

1                   So we came up with the word "apprentice  
2 bartender", which was completely untrue because we  
3 had no apprentice program. So with our new union  
4 leadership which is very progressive, we got with Mr.  
5 Ramsey and decided to come up with a program. We  
6 figured it would probably take us two trips in front  
7 of the council to get it approved. We went one time,  
8 they approved it. Great. Here we are, we've got the  
9 potato, what do we do with it?

10                   We went to the university, and they  
11 were more than willing to let us use their facility  
12 at no cost. The only thing we had to do was leave it  
13 the way we found it. We had three of our bartenders  
14 who had to have teaching experience, we are using  
15 them as instructors on the preparation part of it.

16                   We went to government agencies. OSHA  
17 has put on two classes for us. We went to the  
18 various hotels where we have human resource people  
19 put on classes. We have bar managers who have put on  
20 classes for us.

21                   We also have, besides the university,  
22 we have gone to different properties who have new  
23 setups, advanced equipment, such as yesterday we went  
24 to the Golden Nugget which has probably the most  
25 elaborate beverage dispensing equipment in town.

1 They provided that for us and provided us with a  
2 bartender to demonstrate it, and also their  
3 bartenders is an ex-teacher, and had again rapport  
4 with the kids. The program is working out great. We  
5 had no basic requirements to get into the program.  
6 We do require a high school education, and we do  
7 require basic skills in English.

8 Now, at present we have 167 apprentices  
9 in this program. Our requirements are not by the  
10 year. They must have 2,000 hours on-the-job training,  
11 and 144 hours classroom. We have made available,  
12 since our craft is a 24-hour craft and our classroom  
13 time at the university sometimes conflicts with a lot  
14 of their schedules, so one of the properties has  
15 provided us with a video recorder and a camera, and  
16 we also have our own camcorder that we put the  
17 classes on tape, show them at the union hall at  
18 various times to make it available for everybody.

19 Our current figures, we have, say, 167  
20 in the class. We have 14 percent female. We have  
21 six percent black, six percent Asian, 12 percent  
22 Hispanic and 76 percent white. That's all.

23 MS. NOZERO: Thank you very much, Mr.  
24 Benzenbower.

25 Mr. Kist?

1 MR. KIST: My name is Dennis Kist. I'm  
2 president of the International Alliance of Theatrical  
3 Stage Employees, Local 20, also chairman of Nevada  
4 Resort Association Local 720 Training Trust, so I can  
5 speak in both capacities.

6 As far as a small history of our craft  
7 it's probably best that I explain a little bit to you  
8 what we do so I can explain our problems and how we  
9 address them.

10 We are, as Bartenders said, a 24-hour a  
11 day craft. We provide stage hands behind the scenes  
12 at the showrooms on the Strip and downtown. Those  
13 are mostly nighttime jobs. We also have the wardrobe  
14 attendants back stage. We also do the live  
15 television broadcasts out of Las Vegas for any of the  
16 major sporting events, or pretty much any type of  
17 major television production coming out in Las Vegas,  
18 we do that as well.

19 We also are involved in the movie  
20 industry, such as Crime Story that's here now filming.  
21 We provide employees, local hires working for that.  
22 We also are in the audiovisual convention area, which  
23 any conventions coming to town, any type of  
24 theatrical presentations or audiovisual presentations,  
25 the car shows that are in town, we do the work on

1 that. So we have a variety of different crafts that  
2 we have to address.

3           So I wanted to at least let you know  
4 what we're doing, or at least the work that we cover  
5 because we are not like in the construction industry  
6 where, if we have a job to do it may take six months  
7 to complete our job project. When we dispatch an  
8 employee to the job, that employee has to know what  
9 he or she is doing to be able to complete that  
10 project in maybe a four-hour span or three-day job,  
11 that type of thing. We provide work for hotels or  
12 clients that spend an inordinate amount of money in  
13 this town to come and bring conventions here, so it's  
14 very important that we provide qualified people to  
15 the job.

16           With that in mind, when the consent  
17 decrees came down, we were signatory to two of the  
18 consent decrees, the one that covers the black  
19 minorities, and also another consent decree that  
20 covered hispanics and women. So we were faced with  
21 the knowledge that we had to bring the minorities and  
22 the women in, as well as being able to supply  
23 basically on a moment's notice because our dispatch  
24 office is opened practically 24 hours a day, we get  
25 calls we need ten carpenters, ten video electricians,

1 that type of thing immediately.

2 We have to be able to supply these  
3 people that are trained and not just say we need ten  
4 women on the list or 15 Hispanics or 20 blacks and  
5 put them on the job and then they're going to learn.  
6 It can't be done that way. It damages the employer,  
7 it damages the convention trade in town, and it also  
8 damages the reputation of the union which I'm  
9 concerned about, as well.

10 In the consent decree we were required  
11 in the black consent decree to take in a certain  
12 number of blacks to train them and place them first  
13 on our hiring hall list and then out to the jobs. In  
14 a minimal amount of categories. They basically were  
15 referred out to the nighttime Strip jobs, which are  
16 not as hectic because it's a routine job that they do  
17 on the Strip shows.

18 On the Hispanics and women, we were  
19 required to take a certain amount of Hispanics and  
20 women on a variety of our different seniority list,  
21 which we complied with to the best of our ability.

22 As I said, we also represent wardrobe  
23 attendants which is primarily a female category  
24 historically, although we've got a reverse problem in  
25 there as trying to get males in there, although we're

1 not under any requirement to do so. The job just  
2 makes it difficult to get males to take that type of  
3 work.

4           However, on the reverse, because we do  
5 represent those people, we found it extremely easy in  
6 the last six or seven years to now train female stage  
7 hands simply because of the history of the  
8 negotiations and the history of the craft. The pay  
9 is higher for the state category than it is for the  
10 wardrobe category, therefore it's the economic  
11 incentive for them to get into that category as well.

12           As far as our training program is  
13 concerned, we don't have a formal apprenticeship  
14 program. What we do have is we have a trust fund setup  
15 that is funded by the employer through the collective  
16 bargaining process. It is set up with three  
17 management trustees, three union trustees. We have a  
18 training coordinator that's hired and paid by the  
19 trust and it's a separate entity separate and apart  
20 from the hotels and the union.

21           We provide training classes in  
22 carpentry, welding rigging, projection, television,  
23 wardrobe, electronics, all the variety of the crafts  
24 that we have to know in order to do our job. These  
25 classes are open at no cost to anybody that wants to



1 take those classes, as long as they are registered  
2 with the union.

3           As I said, the problem we have is  
4 because it's a 24-hour job someone may be working a  
5 nighttime job and may have to go in in the daytime  
6 for some type of maintenance work or convention type  
7 of thing, and it may disrupt the training. So we  
8 don't set any certain number on how many are taking  
9 the class. We set up the class, there's no cost to  
10 them, so if they complete the class they get credit  
11 for it and then they will be qualified in that  
12 particular category. If they don't complete the  
13 class it's open for them to take at another time when  
14 their work schedule will allow them.

15           We've found over the -- and this has  
16 really gotten into gear over the last six years, we  
17 have found for instance in the last -- in '85 and '86  
18 we trained probably in excess of 200 people in a  
19 variety of jobs. In that our reporting requirements  
20 under the consent decrees have expired, we don't have  
21 to file those documents with the federal court.

22           The position we have taken over the  
23 last years, and I think it's a correct one to take,  
24 is that we're not looking for any certain number of  
25 quota, we're not looking for so many of this or that.

1 We're open to everyone who wants to take the class.  
2 We dispatch on a non-discriminatory basis, and we  
3 think that's the correct position to take. Any -- I  
4 am not aware of any problems with anyone being  
5 referred to the job or being trained that they were  
6 denied either one of those things on the basis of  
7 their sex or their color or their ethnic background.  
8 Or religion.

9 We refer the people to the jobs, but  
10 obviously when they get to the jobs we have no  
11 control over who the employer will or will not hire.  
12 We don't know of any problems with any of the hotels  
13 in which there's any type of discrimination once the  
14 people have been referred out.

15 Historically, our union is a small  
16 craft union; we have approximately 800 members. When  
17 we were first hit with the first consent decree we  
18 were probably at about 200 to 300 members with a  
19 small father-and-son local. As far as the positive  
20 things with what the consent decree did is it forced  
21 the union to change that. It forced the union to  
22 take in people who were not relatives with someone  
23 who started the union. So the doors are now open for  
24 the minorities and for the women to come in and take  
25 the jobs.

1                   We did find an initial problem when we  
2 started training of women, in that with the historic  
3 biases the women would immediately begin the heavier  
4 jobs and automatically be disqualified because they  
5 wouldn't do it. Over the last six years with the  
6 greater influx of qualified women and minorities, I  
7 have not seen that to be the case as of late so I  
8 don't think that problem exists out there. The older  
9 members and maybe the lower level supervisors are now  
10 accepting the change that has come about.

11                   The only problem that I would say, and  
12 it's something that we can't control: We have a  
13 hiring hall list where it's a rotational list. The  
14 first name up is the first name out, and after you  
15 finish with a job you sign it and you go back on the  
16 back of the list. There is one part of the  
17 collective bargaining agreement which the employer  
18 can request someone that's worked for that employer  
19 for the last six months, so they request them by name  
20 and we can't control who they may select.

21                   But like I said, normally -- I think it  
22 really is the truth, that because of the type of  
23 craft that we have, you make your living by  
24 reputation that you're skilled, you're able to do the  
25 work and you're willing to work. That there's really

1 not a discriminatory practice in that letter of  
2 request because we have now found that as the people  
3 take the classes, the women and minorities take the  
4 classes, they too get on the letters requested by the  
5 particular employers.

6           So I think the program that we have is  
7 good, it's been successful, it's cured a lot of  
8 problems that I think the federal government sought  
9 with our union back in the seventies, and I'm not  
10 really aware of any significant problems with any  
11 employers as far as any type of blatant  
12 discrimination.

13           MS. NOZERO: Thank you very much, Mr.  
14 Kist.

15           Mr. Cohen?

16           MR. COHEN: Thank you. My name is Paul  
17 Cohen. I'm administrative assistant to "Jimmy"  
18 Arnold who is secretary/treasurer, and I'm here  
19 because Jimmy just got elected a couple months ago,  
20 and he really isn't aware of the historical  
21 background of the two consent decrees. I came on  
22 board in 1981 with a new administration then that had  
23 a whole different approach, and I'm glad Pat made the  
24 comment regarding the Bartenders because the  
25 Bartenders were of the same venture until they

1 received a new administration that said we've got  
2 some things to do.

3 I think the consent decree triggered  
4 and motivated some people to get some things done,  
5 that goes without saying. The Culinary Union is  
6 probably the least skilled of the unions that were  
7 involved in the consent decree. We basically have  
8 three major sections. We have what we call the front  
9 end, which is your food servers, cocktail waitresses,  
10 maitre d' and captains. Those are called glamour  
11 jobs.

12 Then you get to the back end and you  
13 deal with the maids and the shampoo porters and the  
14 guest room attendants and the people that do all the  
15 cleaning up; the cleanliness, if you will.

16 Then we have people that prepare the  
17 food, dish it up, cook it, get out dishes and so on,  
18 which is our kitchen. You really don't have to have  
19 a super amount of skill to be referred out under our  
20 system because under a Right to Work state, which  
21 Nevada is, we are a referrable union and anyone can  
22 come in and register with us and sign us up for two  
23 classifications.

24 We have seven categories of experience.  
25 Someone with no experience, someone with 500 hours,

1 someone with 1,000, and then someone with over 2,000  
2 which equates to over a full year of experience. But  
3 we get a call in from the hotel and they say we'd  
4 like to have -- we've got two temporary or two steady  
5 extras or two steady extra food servers. They say  
6 send out five of your most experienced. We send out  
7 five people, and they basically are sent out on when  
8 they clocked in, and based upon their experience.

9           Then the hotel decides when they get  
10 there who they wish to hire, which it will lead into  
11 one of the problems that Pat talked about between  
12 what we saw what the hotels reported to Mr. McCarthy  
13 and what we reported.

14           The efforts that are made, we do not  
15 really have any apprentice programs, again because of  
16 the skill things. We do things to encourage. There  
17 has always been a captains board, and these are the  
18 people that seat you at the tables, and these are the  
19 ones that make sure everything goes right. These  
20 people have to take a written and oral examination  
21 with a five-member board, and it is freestanding from  
22 the Culinary Union.

23           Prior to the consent decree, all five  
24 members of that board were males. There is now one  
25 male, one female and I believe two minorities on that

1 five-member board. To be eligible to take that test  
2 and that interview, a person had to have one full  
3 year in the industry.

4           Since 1981 there was a dramatic  
5 increase in the number of minorities and female  
6 because the heretofore, like Pat said, it was like a  
7 closed shop. Bartenders were males and the maids  
8 were female and so on down the line. With the  
9 consent decree in coming to the union in 1981, I saw  
10 a dramatic change there because there was a very  
11 conscious effort to do so. Because if we could not  
12 comply with that category of the consent decree, then  
13 the hotels could say well, we can't do it because the  
14 unions aren't referring us those people who meet  
15 those requirements.

16           So we were able to get that on, and  
17 that is a dramatic change. The situation of overall  
18 perceptions in what has gone on is basically the  
19 nature of the animal. The backbone of a union  
20 contract is seniority, and that was always a problem  
21 in the area of compliance with the consent decree.

22           However, by working with the hotels and  
23 working with the different unions involved, including  
24 ours, as Pat mentioned from Local 165, the bartenders,  
25 we were able to circumvent or short circuit the

1 seniority because we knew, by the nature of the  
2 history of the organization, you were not able to  
3 comply because you wouldn't get these people to the  
4 top because they never had the experience.  
5 Especially in the front end, the cocktail servers,  
6 sauciers, sous chefs, people that have had to have  
7 skill levels to move up the structure because they  
8 basically got promoted from within the existing  
9 structure. I think that's dramatically changed  
10 within the last six years.

11           The problem that we had being a  
12 referral union, is that we reported every referral  
13 that we sent out. Again, if we sent out five people  
14 for one or two jobs, we would show that we sent out  
15 five people. The hotels would report that they only  
16 hired one, and until we got the hire slip we did not  
17 know who in fact had been hired. And then since 1984  
18 I can tell you there has been a tremendous increase  
19 in the amount of extras or steady extras or people  
20 who are brought in for short time positions and then  
21 put into a layoff status and then put on a recall  
22 status.

23           I can count the number of full-time  
24 jobs that we get called in to the union in the last  
25 12 months because you have the people who have



1 stabilized, and now they're saying we're going to  
2 have special events that we need extra people. This  
3 is above and beyond our banquet people who do nothing  
4 but work as food servers in special events. But with  
5 the onset of the corporations and their tremendous  
6 increase in the Convention Center facilities and the  
7 efforts between the hotel industry and the Convention  
8 Center, we have seen a tremendous influx of those  
9 needs.

10 On the other side with the tremendous  
11 increase of construction going on, we cannot today  
12 supply all of the hotels' needs in some  
13 classification, specifically maids. And if you look  
14 in the paper today, even we are advertising, and we  
15 have gone out to try to attempt with other agencies,  
16 to bring people who go through a screening program.  
17 We work very closely with the employment security  
18 program.

19 We work very closely with welfare, with  
20 the Community College, and any sources that we can  
21 find people who have a work ethic who want to come in  
22 and make a reasonable guaranteed wage in a non-  
23 skilled area. And it is very difficult, and now  
24 we're faced with the Riviera building another  
25 thousand rooms, the Flamingo Hilton's going to go

1 with another 800 rooms and other additions going on,  
2 and with people building down in Laughlin there's  
3 going to be a tremendous drain on our current  
4 resources.

5           Again, these are non-skilled areas  
6 because to go out and teach someone to clean a hotel  
7 room does not take an awful lot of skill. It just  
8 takes a lot of tenacity and a stay-with-it attitude.

9           Other projects we've done in attempt to  
10 try to make things easier for people, through the  
11 last three years through the Clark County Community  
12 College have had English as a second language that  
13 we've been running at the union. We provide the  
14 space, and "Val Garner's" group there at the  
15 Community College provides us with a teacher.

16           That is open to union members and their  
17 family dependents if they wish to come in. And with  
18 the number of agents which we now represent as ten  
19 percent, Hispanics are now 16 percent of our union,  
20 we do have a definite need to continue that program,  
21 and that will go into its fourth year.

22           Also worked very closely with the Vo  
23 Tech, trade school the White Elephant a few years ago.  
24 Now it's hard to get into that place. We work with  
25 Chef "Cane". Those students put automatically into

1 the higher entry level because they have gained  
2 academic skills in the culinary arts.

3 We work very closely with the CETA  
4 program when they used to have their culinary arts as  
5 well. We work with any agency and any organization  
6 that has training programs. But unlike the Operating  
7 Engineers Stage Hands and Bartenders, that's where  
8 you get into skilled areas, and the promotions to  
9 become a chef which is a non-classified position is  
10 an appointment by management.

11 But to be in the other skilled areas  
12 the chef can move people and they like to come in and  
13 train their own. They would like to take a young man  
14 who's been a busboy, to become a waiter to become a  
15 captain and so on if you pass the test. They will  
16 take a dish person and try to get them a saucier and  
17 then sous chef because each hotel basically there is  
18 a kingdom under itself. Given the fact that we have  
19 been given our assignment of the consent decree, the  
20 only comment I can make on that, as far as the excess,  
21 is we feel that we have complied to the best of our  
22 efforts in providing the work force to the hotels to  
23 comply with the consent decree, and we are very happy  
24 that all we have to do now is just provide the EEOC  
25 report every year as a referral under the Civil

1 Rights Act of '64. Thank you.

2 MS. NOZERO: Thank you very much.

3 Questions from members of the committee?

4 MS. DELUCA: I do.

5 Mr. Cohen, is there an effort to  
6 recruit males for maids?

7 MR. COHEN: You'd better believe it.

8 It's -- I got to tell you something. With the  
9 Hispanics, it's almost like a macho thing. But again,  
10 when someone signs up, we tell them. You can sign up  
11 for two classifications. You can sign up as a food  
12 server, and a maid. And we tell the people what our  
13 needs are. If a man came up to me right now and said  
14 I want to be a maid, I got him a job. I'll send him  
15 out today. That's not happening. It's very  
16 difficult to get these people to go to -- we do have  
17 some, however.

18 In other areas, people just say we're  
19 not going to do it. This is one of the things we're  
20 working very closely with state and welfare with that  
21 new program the legislature's got in. What we've  
22 been attempting to do, and they do a screening  
23 program, we waive the registration fee. And we will  
24 do it in those areas in which we have immediate job  
25 openings because the thing we do not want to do is

1 have these people come down and get frustrated.  
 2 That's what happened before. And the welfare problem  
 3 is monitoring these people.

4 But they'll come in just like anyone  
 5 else. We don't put a scar on or tag on. They come  
 6 in with a slip just like Employment Security does and  
 7 other programs that we work with. Come to our  
 8 cashier, register, they get their slip and they're  
 9 sent to the dispatcher and the dispatcher knows only  
 10 that they were sent by state welfare, and they are  
 11 here for specific jobs.

12 But they do not pay their \$15, and we  
 13 will send them out immediately. But they do a  
 14 screening program for us, and that's very important.  
 15 It saves a lot of animosity and aggravation.

16 MS. DELUCA: Sounds like a change in  
 17 the job title Maid might be useful.

18 MR. COHEN: Well, historically they're  
 19 called room attendants. We call them guest room  
 20 attendants. They work in the restrooms. We call --  
 21 they used to be called housemen. We call them house  
 22 persons now, and these basically are house men that  
 23 work in the porter area. You try to come up with  
 24 generic names for these, but when you say you're  
 25 going to be fixing beds, you're a maid.

1 MS. BERKLEY: A rose is a rose.

2 MS. DELUCA: Do you see very many  
3 female captains and/or chefs?

4 MR. COHEN: I don't think I've ever  
5 seen, in the six years I've been here in Las Vegas, a  
6 female chef, yes. But on the captains, yes, ma'am,  
7 we sure do. We do have captains that are on the list.

8 MS. DELUCA: I have more questions, but  
9 maybe someone else would like to go first before I  
10 get organized.

11 MR. TETREAULT: I have a couple  
12 questions, especially in the area of the operating  
13 engineers. If I understand your presentation, how  
14 does a minority, someone say in the ghetto with a  
15 limited education, how can they possibly get into  
16 your program and expect to get a position later on  
17 with the union?

18 MR. LINNERT: In the apprenticeship  
19 program or with the union?

20 MR. TETREAULT: Well, I assume when you  
21 use the term "dispatch", you're sending over a  
22 candidate to the union --

23 ~~MR. LINNERT:~~ MR. COHEN: The union is totally  
24 separate and they have this open enrollment that Paul  
25 is referring to.

1 MR. TETREAULT: If the minorities don't  
2 get onto your enrollment, then the unions can't hire  
3 the minorities, the way I understand it.

4 <sup>LINNEAT</sup>  
MR. ~~COHEN~~: There again too, that's the  
5 way I feel I've been discriminating because we do  
6 reach down and get them. Which I feel are against  
7 our selection procedures. In other words, I now have  
8 two Hispanics in this last opening that I dispatched,  
9 one American Indian, two female and one Asian, I  
10 believe. If my memory serves me right. Those people  
11 were reached for because of goals and timetables.

12 MR. TETREAULT: Through affirmative  
13 action hiring; is that right?

14 <sup>LINNEAT</sup>  
MR. ~~COHEN~~: Basically yes, but really  
15 no. They were just reached for. Call it a dual list  
16 if you want. We don't really have such a list, and  
17 that's my problem. I feel I'm in violation of that  
18 selection procedure, like I tried to bring out,  
19 because I'm discriminating against 25 white males  
20 that are before them, and without a law or a rule  
21 that says I must do this, who do we come back to? Is  
22 the point I was trying to get across.

23 We have -- you know, we've made this  
24 effort now before 1980, but have really pushed it  
25 beyond. I've had a couple of white males come back

1 to me and said hey, partner, my score was higher.  
2 That list is posted out there. Why didn't I get that  
3 job? My only out is I refer them to Budd Ramsey. I  
4 said you call the man that tells me I had to do what  
5 I did.

6 MR. TETREAULT: Doesn't it offer  
7 representation by as far as reverse discrimination  
8 claim?

9 <sup>LINNEAT;</sup>  
MR. ~~COHEN~~: First of all, I've never  
10 seen a consent decree. Second of all, again, every  
11 seminar I attended, there's no such thing as reverse  
12 discrimination. It's just who do we discriminate  
13 against. So I'm concerned about it. I brought that  
14 issue up as a concern, and I think it should be  
15 looked at as to, you know, how do we protect  
16 ourselves? I really think we're opening a door that  
17 could create a monster, and you're seeing more and  
18 more of it in the courts today.

19 MR. TETREAULT: Thank you.

20 MR. RAMSEY: I also want to reiterate  
21 the fact that once he does turn out the apprentice,  
22 it's no longer counted, and that's the whole idea of  
23 apprenticeship is to get journeyman. Not to get  
24 people in apprenticeship, no. To get more skilled  
25 people on the job. My department, the state,



1 everybody else, when you've really reached out and  
2 done something good, it's a minus. There's a  
3 negative in front of it because they're gone. And  
4 that's really what you're after, not apprentices;  
5 journeymen.

6 MS. DELUCA: I'd like to say I  
7 appreciate everyone's comments, including Mr.  
8 McCall's. They've all been very informative and  
9 interesting. I would like to ask just a couple other  
10 questions of Mr. Linnert. I know it sounds like  
11 you're putting lots of energy into bringing  
12 minorities and women into the training program. Do  
13 you go into the high schools and schools?

14 MR. LINNERT: Yes, I do. In fact alone,  
15 last year I spent one whole day in a careers class at  
16 Chaparral High School. We used to do this as a group,  
17 but we're finding it much much more difficult to just  
18 go in and take a class over. Some instructors don't  
19 like it, so we do a lot of it through the college.

20 But this particular careers instructor  
21 asked me if I would come out and talk. I spent the  
22 day there, and just to give you an idea, I did put  
23 together a little questionnaire thing for the people,  
24 and out of a day, I didn't actually -- I don't  
25 remember the figures, as far as percentages, but out

1 of that entire day, I had zero amount of people who  
2 can tell me what a union was, and only two that knew  
3 what an apprenticeship program was; only two.

4 And to me that was sad with all the  
5 information that goes to the schools pertaining to  
6 apprenticeship, they really don't know what it is.  
7 They truly don't know, and they are not prepared for  
8 it when they come to us to apply.

9 MS. DELUCA: Thank you. I am a former  
10 schoolteacher myself. It's been many years. I know  
11 most counselors try and stay aware of these things as  
12 best they can.

13 MR. LINNERT: What I've found, and I  
14 don't want to step on any toes here, what I've found  
15 is most teachers try to stay abreast of most programs  
16 that are there, but they cannot possibly understand  
17 them. If I ask you what is a curriculum for getting  
18 into my program, I'm sure you'll tell me you don't  
19 know, or any other program in this state.

20 Whereas I feel if a counselor had Mr.  
21 Ramsey's phone number and said hey you want to know  
22 about apprenticeship, call this man. And that man  
23 will refer you to the program that you want to talk  
24 to. And I talk to anybody that calls me. I've been  
25 told I spend too much time on it, but I believe in it,

1 and I believe that if people would understand what  
2 they were getting into -- now that's another problem  
3 here with the women, that we've all kind of implied.

4           One brief thing, I had a woman one day  
5 who came to me crying who had a remodel in a hotel,  
6 she's a very small individual. They gave her the job  
7 of jerking the toilet off the floor in the restrooms.  
8 She couldn't break that seal, she couldn't do it.  
9 She came into class that night, she was crying and  
10 says: They're going to fire me, I can't do the job.  
11 I said: Okay, let's talk about it.

12           I put our heads together. I cut two  
13 two-by-fours. You put one on the floor, one under  
14 the lip of the toilet, and you kneel down on it and  
15 you pop it off and anyone can drag it. She took her  
16 two two-by-fours the next day, kept up with everyone  
17 else and everyone was happy. But if someone doesn't  
18 take the concern to do that, then everyone is hurt.  
19 And it's an ongoing thing, it snowballs and I'm  
20 worried about it.

21           MS. DELUCA: I'd like to see, just  
22 having been a former teacher, I'd like to see an  
23 organization such as yours be even more aggressive  
24 about getting into the schools. I know everybody has  
25 their limit of resources. I used to have union

1 representatives into my classrooms to speak. It's  
2 just that the demands are so great in the schools  
3 with the counselors and the teachers that someone  
4 needs to come and say we want into every classroom in  
5 this high school this year. We want in here, let us  
6 in.

7 MR. RAMSEY: The last two years in a  
8 row I have sent letters to every single high school,  
9 volunteered my time to speak --

10 MS. DELUCA: Great.

11 MR. RAMSEY: Last year out of every  
12 high school I was invited to five. Three of them I  
13 know are repeaters that will always call me.

14 The new thing that's happening right  
15 now through the Economic Security Department, the way  
16 everything else is going is the world of computers.  
17 Right now we're inputting all Carson City. All the  
18 apprentice information into the computers that will  
19 be available to the various schools. The problem is  
20 that they cost money and the schools are going to  
21 have to come up with it.

22 But all sorts of career information,  
23 including a little quiz to what to do. You like to  
24 do this, that or the other. But every year I have  
25 sent out and I thought my response has been very,

1 very poor.

2 MS. DELUCA: I'm glad to hear that  
3 you're doing that. I think you're all doing  
4 marvelous things.

5 May I ask another question, Madam  
6 Chairman?

7 MS NOZERO: Yes, you may.

8 MS. DELUCA: Mr. Benzenbower, I know  
9 you mentioned that other properties that weren't  
10 signatories to the consent decrees, that you felt  
11 they were not hiring women and minorities. Do you  
12 still feel that way?

13 MR. BENZENBOWER: Very definitely.

14 MS. NOZERO: Margo?

15 MS. PISCEVICH: Thank you. Any of you  
16 gentlemen, have you seen any -- I understand what  
17 decrees do and what consents do and what you have to  
18 do, and as a result of what you have to do, have you  
19 seen any biases exhibited by supervisors or people  
20 higher up in your unions against minorities and women,  
21 once you've placed them? Like to make the job more  
22 difficult, to try and get them out of it? Anything  
23 like that?

24 MR. KIST: I was just going to say that  
25 those are some things that, whether or not it's union

1 or management, you can't control those things. Those  
2 are just some inherent biases that some people have.  
3 I think in that my union, as I said was a smaller  
4 father-son type of union, that I think in my older  
5 members you're going to still see that. But you know,  
6 they're not always in a position to make their biases  
7 affect someone else's job.

8 As you heard with the Bartenders and  
9 with Culinary, in my particular union I came here in  
10 1981 as well, and probably because of my age and also  
11 maybe some of the other people that came in with me,  
12 a lot of those inherent biases went by the wayside.  
13 You're always going to have that type of bias in a  
14 union with a history that mine has. But as far as  
15 the administrative level, my executive board and the  
16 officers of the union, we keep an eye on it if  
17 there's any charge like that.

18 But for instance, like I said, when we  
19 initially started referring the women, I personally  
20 saw several instances where women were put on lifting  
21 counter weights that some of the smaller males  
22 couldn't lift. So if we see something like that we  
23 do take issue --

24 MS. PISCEVICH: What do you do in terms  
25 of like education or awareness of those kinds of

1 things with the people that are there working on day  
2 level? Not the, quote, administrator?

3 MR. KIST: Well, if it's on a  
4 day-to-day level? I think just the influx of the  
5 younger and the minorities have helped because when  
6 there's just one person on the jobsite, one black  
7 goes out on the job and everyone else is white, well  
8 certainly he's going to have some problems. But when  
9 more and more come in, more minorities and more women,  
10 the older memberships are going to naturally not have  
11 the ability to be overbearing with these people  
12 because they no longer are the majority. So it's  
13 just -- I don't think there was any formal thing we  
14 did, it was just a natural consequence of the consent  
15 decree forcing people to go out there in the work  
16 place.

17 MS. PISCEVICH: But there's really no  
18 affirmative steps taken like education or awareness  
19 or anything like that within any of the unions?

20 MR. LINNERT: Yes. I feel we do. I  
21 will personally go out to a job and counsel the  
22 journeyman if I'm having a problem with a journeyman,  
23 or the entire shop. In some cases I have had to go  
24 out and the chief engineer has given me permission to  
25 come in around coffee break time and explain reality

1 to them. That this individual has as much right  
2 there as anybody else, as long as they do their job  
3 and they do it well, treat them like a person. Let's  
4 get away from this other thing.

5 One of my problems, though, that I was  
6 going to bring up in management, is those are people  
7 I personally cannot get to. I cannot talk to. And I  
8 have had a couple, not a lot; one particular property  
9 owner just blatantly said I will not have a woman in  
10 that group. I dispatched her, she was hired, she  
11 made it two months and she was terminated definitely  
12 for other reasons which caused tremendous problems.  
13 But the termination wound up sticking and I was told  
14 to back away from it only because of very, very  
15 severe conflict in other areas. So I feel in some  
16 cases it is still there, but I feel we've tried to  
17 eliminate it.

18 MR. COHEN: On the Culinary side, you  
19 ought to look at the collective bargaining agreement  
20 the way it's set up. A person can be sent out, and  
21 they can be terminated without cause with less than  
22 40 shifts. After they reach their 14th shift they  
23 can if they fall in the collective bargaining  
24 agreement.

25 If someone comes down and wishes to



1 file a grievance and in that investigation they feel  
2 they've been discriminated against -- not considered  
3 for an increase or a promotion into a shift or  
4 graveyard shift into a day shift or something, they  
5 don't feel that they're being satisfactorily  
6 serviced -- they have the right to file a failure to  
7 represent against the union. And we -- while we  
8 don't publicize it a lot, we tell these people if  
9 you're not happy with the union, you're not happy  
10 with the employer and you feel you've been  
11 discriminated against you can file charges with the  
12 NLRB, we give them the name and number and who to  
13 call.

14           And I think if you check over the last  
15 few years the awareness that has gone on in all our  
16 industries is that people are very aware of their  
17 rights now, and the number of failure to represents  
18 that have been filed against unions has dramatically  
19 increased. If you look at the number of charges and  
20 complaints filed with NLRB and the Equal Rights  
21 Commission in Clark County since 1981 you will find  
22 they have been staggering in terms of what has been  
23 taking place.

24           So people are becoming more and more  
25 aware of their rights and what the contract can and

1 can't do for them. When you get up into promotions,  
2 and I guess I'll use the bartenders as a good example.  
3 A food and beverage manager is a nonunion, non-  
4 collective bargaining. They control the structure of  
5 the bar unit and its operation. The union has to  
6 come in and ensure that seniority is maintained, and  
7 that the proper staffing is there, just like we do in  
8 the hotels. If a maid comes to us and we know that  
9 the contract calls for 20 beds a day and one of the  
10 hotels is forcing their maids to do 26 a day, we have  
11 a grievable situation.

12                 So these people are becoming more and  
13 more aware, and the biggest thing I feel that's  
14 taking place in 1981, both in our previous  
15 administration and the current one is the shop  
16 steward program. That's the backbone of the  
17 collective bargaining agreement and the awareness to  
18 stop discrimination. You have shop stewards who are  
19 trained, understand the collective bargaining  
20 agreement, aware of what can be done and if they're  
21 on the job they can resolve a great number of  
22 problems before it gets into grievances with the  
23 union, before they go file charges with the NLRB and  
24 the Equal Rights Commission.

25                 So if you want to take a look at what

1 the unions are doing, take a look at the shop  
2 steward's program. That's really where the training  
3 takes place, where the pyramid gets down to the  
4 worker. The person they go to on their shift.

5 I've got a problem. Can they really make me  
6 move from casino porter cleaning the cigarettes butts  
7 out to going into the bathrooms? Can they move me  
8 from this area into that area? So a great number of  
9 people know what their rights are.

10 MR. BENZENBOWER: We've been very  
11 fortunate. As Mr. McCall said, the hotels have had a  
12 problem in their directors and above, placing  
13 minorities and female. But their middle line  
14 management has been pretty much open, and they are  
15 placing minorities in those positions which our  
16 people fall directly under them. So we don't really  
17 have much of a discriminatory, as far as supervision  
18 is concerned.

19 However, we do get the occasion where  
20 an older fellow was harassing a female because number  
21 one, he doesn't want her in there, and number two, he  
22 feels she can't do the job. We used, my being a  
23 smaller unit, we go out as agents one on one and just  
24 talk to the bar manager, explain the situation then  
25 pull the individual off to the side and say hey, pal,

1 this is the way it is. You either have to accept it  
2 or find another craft.

3 MS. NOZERO: Thank you very much. Any  
4 further questions from the members of the panel?  
5 Thank you all very much for coming this morning.  
6 It's been very enlightening. I appreciate your time.

7 MR. LINNERT: I have one request.  
8 Could I get a copy of the minutes of this meeting?

9 MS. NOZERO: Certainly.

10 MR. PILLA: Yes.

11 MR. BENZENBOWER: Also, I would like to  
12 enter as a point of fact to Joe, a copy of our  
13 reporting and everything through the three years.

14 MS. NOZERO: Thank you very much.  
15 We're now going to adjourn the meeting for lunch and  
16 reconvene at 1:30. Hopefully.

17 (Thereupon a lunch was  
18 taken, after which the following  
19 proceedings were had:)

20 MS. NOZERO: We will now reconvene the  
21 meeting of the Nevada Advisory Committee to the  
22 United States Commission on Civil Rights. Before we  
23 begin with our next speaker, I'd like to comment on  
24 the fact that the agenda is sort of messed up and out  
25 of order here because a lot of people have canceled

1 out on us.

2 For the record I would like to state  
3 that the representative from the Las Vegas Hilton and  
4 a representative from Caesars Palace have elected not  
5 to appear and speak today. In addition, we also  
6 invited representatives from the Latin Chamber of  
7 Commerce; they also apparently elected not to appear.

8 Luckily we have a speaker who wasn't  
9 scheduled to speak until three o'clock who is willing  
10 to go now so we don't waste everyone's time. Her  
11 name is Theresa Bustillos. She is the Equal  
12 Employment Opportunity Commission director.

13 Is that your title?

14 MS. BUSTILLOS: I'm the supervisory  
15 trial attorney.

16 MS. NOZERO: That sounds even more  
17 promising. All right, Theresa, we will open the  
18 meeting with your opening statement, if that's all  
19 right with you.

20 MS. BUSTILLOS: Sure, that's fine. My  
21 name is Theresa Fay Bustillos, I'm a supervisory  
22 attorney Employment Opportunity Commission in the Los  
23 Angeles district office.

24 The requests I speak to today was from  
25 Elliott McCarty. I'd just like to advise the

1 commission that he is unable to attend these  
2 proceedings due to pre-litigation commitments, but he  
3 has sent with me a written statement and a letter  
4 from the director of the San Francisco district  
5 office with his apologies for not being able to  
6 attend. So with your permission I'd also like to  
7 introduce his written statement into the record.

8 MS. NOZERO: That would be appreciated,  
9 thank you.

10 MS. BUSTILLOS: I have an original and  
11 two copies with me.

12 MS. NOZERO: Thank you.

13 MS. BUSTILLOS: I'm going to start off  
14 my talk with the 1971 Department of Justice decree,  
15 and then I will very briefly cover the 1981 decree  
16 that Mr. McCarty was originally scheduled to speak  
17 concerning.

18 In 1971 the Department of Justice filed  
19 a complaint against 18 Strip casinos and four labor  
20 unions. The complaint basically alleged that the  
21 hotels and unions discriminated against blacks due to  
22 basically four different categories: Assigning  
23 employees to job classifications on the basis of race  
24 without regard to qualifications. Failing to provide  
25 opportunities for training advancement and promotion

1 to black applicants who are unemployed. Include  
2 recruiting of hiring employees for certain jobs by  
3 relying on word of mouth referrals and nepotism and  
4 cronyism to the disadvantage of black applicants and  
5 employees, and failing to take reasonable and  
6 appropriate action to correct the continuing acts of  
7 these discriminatory practices.

8           The complaint basically stated that as  
9 a result of a combination of all of these practices,  
10 that more than 90 percent of the blacks employed by  
11 the hotels were limited in and segregated to the  
12 lowest paying, less desirable duties, jobs and  
13 occupations.

14           On June 4th, 1971 a consent decree was  
15 entered between the Department of Justice and the 18  
16 Strip casinos and four labor unions. There is no  
17 admission of liability in the consent decree. The  
18 major feature of the consent decree is a goal section,  
19 which provides for the hiring or the referring for  
20 one black for each three non-black employees or  
21 applicants until the number of black employees is at  
22 least 12.5 percent of the total number of employees  
23 in each classification. Within any six-month period  
24 in a continuous 12-month period. There were  
25 approximately 21 classifications, and if the

1 committee would like I have a listing of all 21  
2 classifications which I could read into the record.

3           The employment goals expire  
4 automatically. That's the other major feature of the  
5 employment goals section of the consent decree.  
6 There is not a -- normally in consent decrees of more  
7 recent vintage there is normally goals and timetables  
8 is what they're normally called because employers  
9 will have to meet certain goals, ultimate goals  
10 within a set time period. But in this decree there  
11 is only a goal section, that upon compliance of the  
12 goal section meeting 12.5 percent in any six-month  
13 period within a 12-month continuous period, then the  
14 goal will automatically expire, and supposedly the  
15 casino or labor union will not have to apply to be  
16 relieved of that goal or provision from the Court.

17           The other provision is a provision  
18 which requires affirmative action recruitment for  
19 black employees into official and managerial  
20 positions within the casinos. The affirmative action  
21 recruitment just requires the casinos to engage in  
22 affirmative action recruitment until a reasonable  
23 number of blacks hold positions in the official and  
24 managerial category.

25           There is no definition in the decree



1 for what is a reasonable number. There is no  
 2 guidance in the decree for what is or is not a  
 3 reasonable number. There is also no guidance in the  
 4 decree for how a court or parties would determine  
 5 what is or is not a reasonable number. The other  
 6 important provision of the decree is they also set up  
 7 certain training programs, and I think the commission  
 8 heard about some of those training programs earlier  
 9 this morning.

10                   Basically the training programs that  
 11 are specified in the decree are training programs in  
 12 dealer training, Keno writer, management training,  
 13 assistant stage carpenters, assistant stage property  
 14 men and other training commitments, such as training  
 15 commitments on an as needed type basis for the  
 16 Culinary Local 226 and Bartenders Local 165.

17                   The last provision of the consent  
 18 decree is a monitoring provision, and that provides  
 19 that the 18 Strip casinos and four labor unions must  
 20 submit relatively detailed reports, both to the EEOC  
 21 and to the Court on a basis -- on pretty much of an  
 22 annual basis.

23                   I now want to go over some of the  
 24 history of the monitoring since 1971. In 1972 the  
 25 decree was transferred to the Equal Employment

1 Opportunity Commission for monitoring. The  
2 monitoring quality varied during the period from 1972  
3 through 1981. The defendants at one time during that  
4 period of 1972 through 1981, many of the defendants,  
5 requested that the Court relieve them from the  
6 provisions of the decree completely. The Court  
7 declined to relieve defendants from the provisions of  
8 the Court until all of the defendants had fully  
9 complied with the provisions of the consent decree.

10 The EEOC at that time also attempted to  
11 obtain additional discovery from the defendants, and  
12 requested that the Court order the defendants to  
13 supply additional discovery so that the EEOC could be  
14 assured that full compliance by all of the defendants  
15 was occurring, but the Court denied the request for  
16 additional discovery during that time period.

17 In 1981 the trial attorney with the San  
18 Francisco district office, which is the office that  
19 was conducting the monitoring during the period from  
20 1972 up to 1984, the trial attorney in the San  
21 Francisco office in 1981 wrote a letter to several of  
22 the defendants that, in this attorney's opinion, had  
23 met the goal provisions of the consent decree, and  
24 advised these defendants that they did not have to --  
25 that they were relieved in terms of EEOC from

1 submitting the reports required under the terms of  
2 the consent decree.

3           Thus, the monitoring reports from 1981  
4 through 1984 were even more sporadic and intermittent  
5 than the reports that had been submitted during the  
6 period from 1972 through 1981.

7           MS. NOZERO: May I interrupt you just a  
8 minute? Do you have the names of those specific  
9 hotels that were relieved of those responsibilities?

10           MS. BUSTILLOS: I could provide that  
11 for you. I don't have that with me today.

12           MS. NOZERO: Okay. Continue.

13           MS. BUSTILLOS: In 1984, approximately  
14 mid 1984, I believe, the entire -- the attorney that  
15 was monitoring this case in San Francisco left the  
16 San Francisco EEOC district office. The entire case  
17 was sent down to Los Angeles district office for  
18 monitoring. When the case was transferred down to  
19 the Los Angeles district office for monitoring, EEOC  
20 hired a consultant because, as you can imagine,  
21 transferred with this case were volumes and volumes  
22 of documents that could fill a couple of cabinets.

23           When the case was transferred down this  
24 consultant was hired to take a trip up to Las Vegas  
25 so that we could try to get some firsthand

1 information as to how the casinos were complying with  
2 the terms of the consent decree, beyond what was  
3 within the record keeping reports that some of the  
4 casinos at that time and some of the labor unions at  
5 that time were supplying.

6           The consultant interviewed many  
7 employees, many black groups, organizations within  
8 the Las Vegas area. Interviewed as many people from  
9 the community as this consultant could contact,  
10 talked to some of the casino owners and came back to  
11 Los Angeles and advised us that many people had  
12 reported that there were problems with the decree and  
13 with compliance with the decree.

14           Some of the problems that were noted  
15 were that casinos were hiring blacks, and immediately  
16 upon, in their opinion, reaching the 12.5 percent  
17 goal, were then terminating and then these casinos  
18 with high termination rates with black employees were  
19 only hiring black employees to meet the goals and not  
20 to eradicate the past pattern practices that were  
21 keeping blacks out of these positions, and not try to  
22 address the problem that gave rise to the consent  
23 decree in the first place.

24           Some of the other reports that we  
25 received were that casinos were demoting ill employees

1 once the 12.5 percent goal had been met, and other  
2 practices like that. But there was nothing concrete  
3 that was reported to this consultant. No concrete  
4 charges, no charges filed with the EEOC, nothing  
5 concrete that were able to be identified that had  
6 been a victim of these particular alleged  
7 discriminatory practices. Only the allegations were  
8 brought to the attention of the EEOC during this  
9 consultant's visit to Las Vegas.

10 As a result of that information, the  
11 EEOC began to look at, and began to take a more hard  
12 line position to the casinos and the labor unions  
13 that were not supplying monitoring reports, either  
14 because they felt they didn't have to under the terms  
15 of the consent decree because, in their opinion, they  
16 had met the 12.5 percent goal, or because they had  
17 received this letter in 1981 from the trial attorney  
18 out of the San Francisco district office of the EEOC.

19 The Los Angeles district office advised  
20 the casinos that no, it is our opinion that the  
21 record keeping requirements under the consent decree  
22 had no time period, and that there was no automatic  
23 termination of their obligations under the consent  
24 decree to supply the record keeping requirements  
25 under the consent decree, and that that was the

1 position that we were taking. A lot of casinos and  
2 labor unions were very reticent at the beginning to  
3 comply with our request for their records.

4 A lot of them came around, especially  
5 when we threatened to go to the district court to  
6 require them to supply the record keeping  
7 requirements under the consent decree. During this  
8 period, we're probably now at about 1985 and '86.  
9 This decree has been monitored in the Los Angeles  
10 district office by an attorney there that I supervise,  
11 Mr. John "Simms". He has looked through the records  
12 for 1985 and 1986 and advised the casinos that in our  
13 opinion, all of them had to comply with the record  
14 keeping requirements of the consent decree and none  
15 of them were relieved of those duties unless the  
16 Court saw fit to relieve them of those requirements.

17 He has basically analyzed -- he's in  
18 the process of continuing to analyze the reports that  
19 we have received for the period of 1985 and 1986. As  
20 a result of that analysis, he indicates that a  
21 preliminary review indicates that many of the casinos  
22 have satisfied the 12.5 goal under the consent decree.  
23 But that there appear to be some problems in the  
24 following job categories: Secretaries, secretary  
25 guards, dealers, especially dice dealers; bartenders,

1 captains, doormen and cocktail waitresses.

2           What we are now attempting to do at the  
3 EEOC, since this is such an old decree began in 1971  
4 and this is now 1987. What we are attempting to do  
5 is we are attempting to go back through the records  
6 from 1972 to the present to determine which casinos  
7 and labor unions, in our opinion, have met the goals  
8 under the consent decree. So that we can then  
9 ascertain what future course of action we should take  
10 with regard to this consent decree, if any. And what  
11 future course of action we would recommend that the  
12 Court take with regard to this consent decree, if any.  
13 That's the current status of the 1971 consent decree.

14           I will now discuss the 1981 consent  
15 decree with regard to sex discrimination and  
16 discrimination on the basis of national origin.  
17 Employment discrimination complaints were filed by  
18 Hispanic organizations with the EEOC, and by  
19 individual female in the early 1970's with the EEOC  
20 in San Francisco.

21           As a result of these complaints a  
22 commissioner charge was filed by Commissioner Telles,  
23 T-e-l-l-e-s, in July of 1975 alleging the practice of  
24 sex -- and Hispanic to a smaller degree --  
25 discrimination against major hotels and four unions.

1 Basically they were in the higher paying tip jobs  
2 requiring public contact, such as dealers, food  
3 servers, bell captains, parking attendants, stage  
4 hands, et cetera.

5           After two years of conciliation efforts  
6 as a result of this commissioner's charge, a  
7 complaint and consent decree as a package deal were  
8 filed in January-February of 1981. The San Francisco  
9 district office monitored the terms of that consent  
10 decree. Elliott McCarty was the attorney who  
11 monitored the terms of that consent decree, and at  
12 the end of that five-year consent decree it was  
13 determined by the EEOC San Francisco district office  
14 that the goal provisions of that consent decree,  
15 which also had a back-pay provision, had been  
16 substantially complied with, and the decree was  
17 dissolved on August 2nd of 1986 by the United States  
18 District Court judge.

19           That's a very brief summary of the 1981  
20 decree. If you have any questions about both, either  
21 or both decrees, I can answer those questions at this  
22 point.

23           MS. NOZERO: I'm sure some of our  
24 members do. Thank you, that was a very good summary  
25 of the historical background, especially the '71



1 decree, which I know a lot of us didn't have clear  
2 understanding of it.

3 Any members of the committee have any  
4 questions?

5 MS. BERKLEY: Not at this time.

6 MR. SEDWAY: Could I see a copy of that  
7 report that Mr. McCarty sent?

8 MS. BUSTILLOS: Yes.

9 MS. DELUCA: Theresa, you said that  
10 there were problems with the 1971 decree. With  
11 secretaries, security guards, dealers, captains,  
12 doormen, cocktail waitresses et cetera. Do you know  
13 what kinds of problems there were?

14 MS. BUSTILLOS: I only have preliminary  
15 indication of the kinds of problems, what the kinds  
16 of problems are talking about under representation.  
17 Not really independent type of complaints, but based  
18 on representations we've received from blacks in  
19 those positions.

20 MS. DELUCA: Thank you.

21 MS. NOZERO: Any other questions?

22 MS. PISCEVICH: I have a question.

23 MS. PISCEVICH: Of the approximately 19  
24 casinos that were involved in the original consent  
25 decree, how many were in compliance when you

1 reevaluated it in San Francisco?

2 MS. BUSTILLOS: In 1981 that is when  
3 the trial attorney of the San Francisco district  
4 office decided that certain casinos weren't in  
5 compliance. And I don't have that letter with me  
6 here today to let you know what, in that attorney's  
7 opinion, were each of those casinos were in  
8 compliance. I can supply that to the committee, but  
9 I don't have that information with me.

10 MS. PISCEVICH: Do you have a feel?  
11 Was it like 50 percent or a third?

12 MS. BUSTILLOS: No, I don't have a feel  
13 for how many casinos were in compliance, and that's  
14 why at this point, what we are attempting to do is to  
15 go back through the voluminous documents which we've  
16 already started, from 1972 through the present so  
17 that we can understand two things: Number one, which  
18 of those casinos and labor unions in our opinion have  
19 met the 12.5 percent goal.

20 But secondly, and I think even more  
21 importantly, can we ascertain a continuing pattern of  
22 practice under representation of blacks in the  
23 casinos that are being referred by the labor unions  
24 presently and currently. Because I think that is of  
25 a more viable concern, that even, whether some casino

1 in 1975 met 12.5 percent of the --

2 MS. PISCEVICH: My next question was  
3 going to be have you found any still in compliance.  
4 Or is that material being evaluated yet?

5 MS. BUSTILLOS: We haven't come to any  
6 conclusions yet. Until we finish our complete review,  
7 because I'm sure as you can appreciate, we have  
8 looked at the documents supplied, and again we don't  
9 have complete records, but we have looked at the  
10 documents supplied in 1985 and 1986. But that's not  
11 enough. Looking at two years' records is not really  
12 enough to substantiate whether there is a continuing  
13 pattern and practice of blacks not being allowed into  
14 certain positions or not maintaining their  
15 representation of those positions.

16 So we really need to look back further  
17 on prior to 1985 in order to try and ascertain is  
18 there a pattern and practice of discriminatory  
19 practices that are continuing to keep blacks out of  
20 certain positions. That's why I just tried to give  
21 our preliminary study indicates those two years. Of  
22 those categories that I've listed, our preliminary  
23 review indicates there is current representation of  
24 blacks in those positions.

25 MS. PISCEVICH: In all 19 hotels?

1 MS. BUSTILLOS: No.

2 MS. PISCEVICH: Again, do you have any  
3 feel for the number that are in compliance? Or is it  
4 like one hotel is fine in two areas, but not maybe in  
5 three?

6 MS. BUSTILLOS: Well, it also depends  
7 on what you mean by the term "compliance". Because  
8 if you use 12.5 percent for any six-month period,  
9 then that would be one answer. If you try to  
10 determine compliance by the representation of blacks  
11 in the fewer positions for those positions or in the  
12 civilian labor market for those positions, then that  
13 would give you another answer for what is compliance.  
14 We haven't quite finished our analysis, and we are  
15 trying to answer both of those questions.

16 The 12.5 percent question, and I think  
17 the more viable and current question which is looking  
18 at the "feeder" position applicant rates and civilian  
19 labor force figures for currently what is the status  
20 of blacks in these positions.

21 MS. PISCEVICH: There was some  
22 testimony this morning that hotels were turning in  
23 one type of documentation and the labor unions the  
24 second, and that the two were maybe not compatible in  
25 terms of their statistics and their figures. Have

1 you found that to be the case?

2 MS. BUSTILLOS: Yes, we have found that  
3 to be the case, and that has presented a lot of the  
4 problem in trying to analyze the data and come up  
5 with what we would hope to be an accurate depiction  
6 of the current status of blacks on the Strip in those  
7 casinos.

8 MS. PISCEVICH: This is probably  
9 something that no one can answer, but I'm going to  
10 try anyway. I know that the second decree was  
11 dissolved and that dealt with female and Hispanics  
12 primarily. Is there any reason why that's not going  
13 to be reinitiated, or are you just going to  
14 concentrate on the black population in Las Vegas?

15 MS. BUSTILLOS: Well, that decree is  
16 not going to be reinitiated because the San Francisco  
17 district office determined there was substantial  
18 compliance with the terms of that decree. To the  
19 extent -- to answer your second question, no, we're  
20 not just going to concentrate on the status of blacks  
21 in the casino industry, especially because I think  
22 the important thing to understand is that both of  
23 these decrees just concerned the casinos on the Strip.  
24 But there are a lot of other casinos out there that  
25 have not been touched by any of these consent decrees.

1                   And secondly is our concern for all the  
2 groups that the EEOC is designated to serve to  
3 protect. So to the extent that there are individual  
4 problems, discrimination occurring out there, then  
5 those individuals need to file charges of  
6 discrimination. To the extent that we receive  
7 information that there is a pattern and practice  
8 against whatever group, whether it's female,  
9 Hispanics, blacks, Asians, whatever, then the EEOC  
10 intends to look at that sort of evidence and  
11 determine is there a pattern and practice? Is there  
12 more a systemic type of problem, or is it just an  
13 individualized type of problem.

14                   MS. PISCEVICH: Is the information that  
15 you're receiving for verification of the '71 decree  
16 strictly just statistics on black versus white?

17                   MS. BUSTILLOS: It's actually on black  
18 versus non-black, and at times it is broken down more  
19 precisely by black versus white, yes.

20                   MS. PISCEVICH: So you really don't  
21 have a feel though, in terms of sex or national  
22 origin or anything?

23                   MS. BUSTILLOS: No, not -- basically  
24 because the decree just concerned blacks. That's why.

25                   MS. PISCEVICH: Is there records in the

1 courthouse here in Las Vegas with those statistics in  
2 them?

3 MS. BUSTILLOS: The casinos and the  
4 labor unions, under the terms of the 1971 consent  
5 decree, are required to file their reports with the  
6 Court, and with the EEOC. So to the extent the  
7 casinos have complied with that provision, then yes,  
8 those records are available at the Court.

9 MS. PISCEVICH: Thank you.

10 MS. BERKLEY: Reverend Scott, when he  
11 testified, stated that he was having great difficulty  
12 getting ahold of these reports that had been filed.  
13 If he's unable to get them at the courthouse, and I'm  
14 not quite sure why he would be unable to get them at  
15 the court, could he get them from your office?

16 MS. BUSTILLOS: Yes, he could.

17 MS. BERKLEY: How would he go about  
18 doing that?

19 MS. BUSTILLOS: He could contact our  
20 office, and he would contact John Simms. That is the  
21 attorney who is responsible for --

22 MS. BERKLEY: Through a letter?

23 MS. BUSTILLOS: Yes.

24 MS. BERKLEY: By way of a letter?

25 MS. BUSTILLOS: He could write a letter

1 to the commission.

2 MS. BERKLEY: And what would he request  
3 in that letter?

4 MS. BUSTILLOS: He would request copies  
5 of reports for whatever time period he wanted those  
6 reports because there is not a confidentiality  
7 provision under the 1971 consent decree. We would  
8 not be able to supply reports for the 1981 consent  
9 decree --

10 MS. BERKLEY: It is a confidentiality  
11 section?

12 MS. BUSTILLOS: Yes, for the '71  
13 consent decree, and I have to add a caveat which is,  
14 as I indicated before, we are in the process of  
15 reviewing all of the reports from 1972 to the present.  
16 I could not guarantee a quick response to such a  
17 request because we have voluminous documents which we  
18 would have to sort through in order to find whatever  
19 reports an individual was interested in receiving.

20 MS. BERKLEY: To your knowledge, has  
21 your office ever received a request from Mr. Scott or  
22 the NAACP and not complied with the request?

23 MS. BUSTILLOS: I don't know.

24 DR. SEDWAY: It's my understanding that  
25 staff people are having difficulty getting copies of



1 the compliance reports from your office. Could you  
2 address that for me, please?

3 MS. BUSTILLOS: I am not aware of any  
4 difficulties for the commission in receiving reports,  
5 in the monitoring reports that the defendants are  
6 submitting to the EEOC. That may very well be true,  
7 I have just not been apprised that that is a problem,  
8 or that such a request was made and not responded to.  
9 I can only say that it is my understanding that since  
10 there is no confidentiality provision and since the  
11 reports are also sent in to the Court, that the  
12 commission would not have a problem in supplying  
13 reports. I am not aware of any problem.

14 MS. NOZERO: I wonder if, just for the  
15 record, our staff member Mr. Pilla might comment on  
16 the efforts that we've made in the past to try and  
17 obtain copies.

18 MR. PILLA: There was a letter that was  
19 mailed to the former director Judy Keeler, requesting  
20 that data for three different years. I can't  
21 remember the specific years, but I believe it was '71,  
22 '78 and '85. That letter was mailed to her on April  
23 of 1986. The EEOC, Los Angeles office has still not  
24 responded to that correspondence. It's been brought  
25 to the attention of the new director, who is just a

1 month or so old in her position, so perhaps we can  
2 follow up on that.

3 MS. BUSTILLOS: Actually I might  
4 correct you. She's about two weeks old in that  
5 position.

6 MR. PILLA: Excuse me.

7 MS. NOZERO: I wonder too if I might  
8 ask at this point if Reverend Scott or any one of us  
9 went down to federal court and reviewed copies of all  
10 these documents, is there any way to figure out that  
11 they're reviewing in terms of doing an exhaustive  
12 study?

13 MS. BUSTILLOS: I think there's very  
14 little actually to reveal without seeing the pattern,  
15 without looking and analyzing every year from 1972 to  
16 the present because with each report you're just  
17 going to get a little snapshot of what is happening  
18 with that particular period at that particular casino  
19 or that particular labor union, and a snapshot tells  
20 you very little. So I think you would have to do  
21 some sort of statistical analysis, which is the type  
22 of project that we are attempting to undertake right  
23 now, and which I can assure you is very time  
24 consuming, and very exhaustive.

25 MS. NOZERO: Do you have any idea on

1 how long it's going to take to complete that study?

2 MS. BUSTILLOS: Our goal is to complete  
3 the analysis by the end of October so that we can  
4 attempt to take some position or do something with  
5 this 1971 consent decree. I know that the casinos  
6 don't want the consent decree hanging around. It's  
7 already been in existence since 1971, and the  
8 commission would like to be able to take some  
9 position and then determine what course of action  
10 would be appropriate for the commission to take.

11 But until we go through the exhaustive  
12 tasks of reviewing all these documents, because of  
13 the way the goal provision is set up, then we really  
14 can't take a position or ascertain what position we  
15 should take, number one with regard to the decree;  
16 secondly, with regard to the current state of affairs,  
17 to the extent we can ascertain that, until we  
18 complete this exhaustive search of all these records.

19 MS. NOZERO: Once your analysis is  
20 completed, I presume there will be some sort of  
21 written report. Would there be any problem with  
22 providing this committee with a copy of that report  
23 when it is completed?

24 MS. BUSTILLOS: There would probably be  
25 a problem of providing the committee with a report

1 until it's made public because the basis of that  
2 report will determine which course of action the EEOC  
3 takes with regard to the consent decree. Since the  
4 consent decree is still an open case, we would not be  
5 in a position to divulge the contents of that report  
6 until we had decided on a course of action based on  
7 that report. Depending on the course of action we  
8 had decided, then certain portions of that report may  
9 or may not be available to the public.

10 MS. NOZERO: I don't know if you're  
11 aware but the committee had anticipated doing its own  
12 study and hiring some consultants to do a statistical  
13 analysis. We had picked three years that we were  
14 going to look at, but I hate to go forward on that if  
15 it would just be a duplication of effort. On the  
16 other hand, if we're not going to have access to all  
17 the information, maybe we should do it anyway.  
18 Perhaps you could bring that back to your supervisors  
19 in Los Angeles and explain the dilemma we're in as  
20 well.

21 MS. BUSTILLOS: I think we would be  
22 able to answer your questions after our reports are  
23 completed. Because if we have determined that the  
24 basis on that report at all of the casinos or labor  
25 unions or some or whatever are in compliance and that

1 there may be certain very limited current problems  
2 which we could not address through the decree, then  
3 we may take one course of action. If we take that  
4 course of action we may be very willing to supply  
5 that to the court because.

6           So I think that we'd be able to give  
7 you a fuller answer to your question as soon as we  
8 have finished our analysis and determined which  
9 course of action we're going to take, based on the  
10 terms of that report.

11           MS. NOZERO: In the meantime, should  
12 the committee decide to do an independent study, you  
13 see no problem with providing us with the actual  
14 reporting from the years we requested?

15           MS. BUSTILLOS: I don't see a problem  
16 in doing that. I would have to check with the  
17 district director Judy Keeler, because I was not  
18 aware that that prior request had been made and not  
19 been responded to. I don't know if that's because it  
20 was lost or whatever. I don't know the reasons for  
21 the non response. I don't know if there's some other  
22 reason I'm not aware of for the non response.

23           Based on the information I have, just  
24 based on looking at the consent decree, I don't see  
25 any problems with finding that information, but I'll

1 have to check with Judy Keeler to make sure that  
2 there's not some reason I'm just not aware of.

3 MS. NOZERO: Thank you.

4 MS. DELUCA: I have a couple of  
5 questions. What involvement did the Nevada Resort  
6 Association have in the consent decree, if any?

7 MS. BUSTILLOS: The Nevada Resort  
8 Association? It's my understanding that they have  
9 not played an active role, in terms of the commission.  
10 I don't know what role they may have played with the  
11 casinos. But in a direct relationship with the  
12 commission, vis-a-vis the consent decree, it was my  
13 understanding that there has not been an active role,  
14 and the commission has been dealing with each of the  
15 18 Strip casinos independently and individually,  
16 especially in attempting to obtain the records. We  
17 have dealt with each of them individually.

18 There may have also been some contact  
19 with that organization that I am not aware of. Since  
20 I am not the attorney, I'm not aware of every step  
21 Mr. Simms has taken with regard to attempting to  
22 obtain compliance with the records provision, and he  
23 may have done that. But it is my understanding that  
24 he we have been dealing with each of the casinos and  
25 Strip hotels subsequent to the 1971 consent decree.

1 MS. DELUCA: In your attempt to analyze  
2 the data and the hiring practices with women and  
3 other minorities besides blacks, will you be asking  
4 more questions of the casinos with that type of data  
5 before you finish?

6 MS. BUSTILLOS: We are not really -- I  
7 don't believe that we really can ask for any data  
8 beyond the scope of the consent decree. Since the  
9 consent decree just dealt with blacks, we are limited  
10 in what we can really do with that decree. I think  
11 that is one of the perception problems that the  
12 commission has seen with regard to the 1971 consent  
13 decree because it really just addressed the problems  
14 of blacks and not minority groups and not women. The  
15 decree is not a decree for all minorities and for  
16 women. So it's a very limited and narrow decree with  
17 very limited and narrow results, and we are bound by  
18 the terms of that decree.

19 If we find evidence of discrimination  
20 through the information we have received from the  
21 reports, or from other sources, then that would be  
22 for the commission to determine what future course of  
23 action to take based on that information. To the  
24 extent that women or other minority groups are aware  
25 of pattern, are aware of that. If there are problems

1 beyond their own individual problems that they may be  
2 suffering from in terms of discrimination, then we  
3 would encourage them to file a charge of  
4 discrimination and assert that. This affects other  
5 blacks or other Hispanics or other Asians or women,  
6 because based on that type of information the  
7 commission could then take some action.

8 MS. DELUCA: Thank you.

9 MR. TETREAULT: Just a couple of  
10 questions. In the record keeping process did that  
11 consultant that your commission retained, did you  
12 conduct an audit of the hotels to determine whether  
13 the information they supplied was accurate?

14 MS. BUSTILLOS: No. When I reviewed  
15 the information I don't know why that wasn't done. I  
16 mean I wish that had been done because then that  
17 would make our current job much easier.

18 Basically what that consultant did was  
19 come up to Las Vegas and attempt to do a sort of more  
20 on-site type of investigation talking to members of  
21 the community to get a more community-type  
22 perspective to find out from the black community what  
23 was the perception in terms of the casinos'  
24 compliance with the terms of the consent decree. And  
25 that was the type of information that we received



1 from the consultant. But no real hard, statistical  
2 analysis was conducted of the consent decree.

3 MR. TETREAULT: You also mentioned I  
4 think that in at least some instances there was an  
5 occasion that when some of the hotels reached their  
6 compliance figure of 12 and a half percent, then  
7 there was an indication of some terminations of  
8 minorities. Wouldn't those minorities be beneficiary  
9 of this decree? Wouldn't they have a right to file a  
10 charge with your office for specific investigation of  
11 those type of charges?

12 MS. BUSTILLOS: Yes, and not just  
13 because of the decree, but yes, as a result of the  
14 decree if they could assert that they were being  
15 terminated because casinos had met the decree and  
16 therefore then their services were no longer needed,  
17 then that would be the basis for a race  
18 discrimination charging, yes. Then they could have  
19 filed a charge of discrimination with the commission.

20 The problem is this, and this is a  
21 problem you find in an area of discrimination  
22 employment, especially when dealing with past actions  
23 or class action litigation: When an individual is  
24 hired or terminated, they don't know why. They don't  
25 know who was hired. They don't know who else isn't

1 being terminated. Usually they're provided with some  
2 reason. If they're not hired they're told you're not  
3 the best qualified. You don't know who was hired.

4           Generally you can't compare your  
5 qualifications with the person who was hired to  
6 determine if your race was a factor or not a factor.  
7 You may be told we have no further use for your  
8 services, or some other non-discriminatory -- on the  
9 surface non-discriminatory reason so you don't know.  
10 Most people don't jump to the conclusion I'm being  
11 terminated or not hired because of my race. So I  
12 don't think one can draw any conclusions by the fact  
13 that blacks or any other group have not filed charges  
14 of discrimination because they were not hired, or  
15 because they were terminated. That's part of the  
16 problem.

17           MR. TETREAULT: Do you know whether any  
18 charges were filed? By any investigator?

19           MS. BUSTILLOS: Some charges -- I mean  
20 during this whole time period, sure, we have received  
21 charges of race discrimination for termination. And  
22 those were investigated to a certain extent. I don't  
23 know what the outcome of those have been, but they  
24 were not of such a volume or not to such a degree or  
25 did not mention the decree that the EEOC found a

1 direct relationship. Not that one did not exist, but  
2 that the EEOC did not find that direct relationship  
3 in order to follow up with that investigation or  
4 conduct it on the basis of the consent decree or  
5 trying to determine compliance or noncompliance with  
6 the terms of the consent decree.

7 MR. TETREULT: Thank you.

8 MS. NOZERO: Any further questions from  
9 the committee?

10 Thank you, Miss Bustillos. We really  
11 appreciate your appearing here today.

12 MS. BUSTILLOS: Thank you.

13 MS. NOZERO: Before we go into our next  
14 speaker, I notice since we have some more observers  
15 in the back of the room, I was wondering if anyone  
16 was here who would be interested in speaking on  
17 behalf of Caesars or the Las Vegas Hilton. We were  
18 under the impression that they might be speaking here  
19 today.

20 All right. Our next speaker is Delia  
21 Martinez who is executive director of the Nevada  
22 Equal Rights Commission.

23 MR. MERIDA: My name is Otto Merida.  
24 Thank you very much for inviting me to speak today.  
25 I understand that you have four basic areas that you

1 would like for me to address, and I'll start with  
2 those first and then go on to any questions that you  
3 may have.

4           First of all was to give you a  
5 background of our agency and our involvement in the  
6 consent decree. The policy for our agency was  
7 established back in 1961. At first the legislature  
8 only gave the commission \$5,000 to operate with and  
9 five volunteer commissioners. That was the beginning  
10 then of our agency. Later on an executive secretary  
11 and a part-time secretary were then appointed.

12           Over the years the staff has grown to  
13 where we now have a staff of 16 plus two deputy  
14 attorney generals that are assigned to our agency.  
15 To give you a little bit better an idea of what the  
16 growth has been, we prepared a chart to show you some  
17 of the number of cases the agency has been handling  
18 and the amount of staff that we presently have.  
19 You'll see that we have a comparison of where the  
20 agency was ten years ago versus where we were for  
21 1984-86.

22           As you can see, instead of making  
23 improvements the staff was cut back in 1981 by five,  
24 and we have not been able to recover those, although  
25 the work load has doubled. The commission was

1 involved in the Telles consent decree, and not in the  
2 first decree. The staff, from my understanding  
3 because I was not with the commission at the time,  
4 did the statistical analysis, gathered all the  
5 information, put it together and went to court and  
6 that's when the EEOC took over. Ever since that time  
7 they have monitored the decree as part of the court  
8 order.

9                   We have been intermittently involved in  
10 the sense that our agency has only gotten reports  
11 from time to time as to how the decree is operating  
12 because it was not part of the court order that we  
13 would be involved throughout the process. In  
14 addition to that, we do have copies of the consent  
15 decree in our office, and if necessary we use that in  
16 our investigations as cases are filed throughout the  
17 year if they deal with any of the hotels that were  
18 involved during the consent decree because as you are  
19 well aware, not all the hotels are under the consent  
20 decree and there are many more new ones built since  
21 that time that have charges filed against them.

22                   To show you what charges, though, that  
23 have been filed in the last three years we have  
24 prepared some additional charts for you. The first  
25 one, as you can see, is the number of charges that

1 were filed in 1984, '85, '86, and since this year is  
2 not over with, we only gave you then the partial  
3 figures. These figures only represent those charges  
4 that were filed against the major Strip hotels  
5 dealing with things like discharge, unable to be  
6 promoted, failure to hire, terms and conditions of  
7 employment, and they only dealt with blacks,  
8 Hispanics and women. It does not include a section  
9 on harassment.

10 If you will see on the other chart, the  
11 second one I've pointed out to you, sex is the  
12 biggest area where we get a number of complaints and  
13 that's mainly because we have a lot of sexual  
14 harassment charges. Since the consent decree did not  
15 address sexual harassment we did not include the  
16 figure of sexual harassment charges filed. If we  
17 were to do that the figures would be substantially  
18 larger.

19 The numbers, as far as percentages been  
20 concerned over the last three years have remained  
21 pretty constant. Sex remains the largest one, where  
22 about 38 percent of the charges being filed are on  
23 the basis of sex, and with only about 24 percent  
24 being filed upon race.

25 As you can see from the last chart,

1 though, age discrimination is becoming larger all the  
2 time. You may also wonder why, in 1984 and '85, we  
3 had such a large number of charges being filed. We  
4 have been able to determine that's because of the  
5 strike that occurred on the Strip and a lot of people  
6 were discharged at that time, or were not hired after  
7 the strike was settled, and many of them felt that  
8 might have to do with discriminatory reasons and  
9 therefore they came to our agency. Otherwise the  
10 numbers have remained pretty constant for '85 and '86.

11           You had also asked me to address what I  
12 think are still some areas or problems that we see  
13 with the hotels. What we still see is that basically  
14 when it comes to the upper management jobs, we still  
15 do not find many minorities or Hispanics in them.

16           We were trying to recall whether there  
17 was a hotel manager of a major Strip hotel that was a  
18 woman, and we could not recall if one of them is and  
19 maybe the people from the hotel industry could tell  
20 us of those positions being held by women. There are  
21 certainly some great improvements in other positions  
22 where traditionally women have not been involved,  
23 such as dealers, baggage handlers and those positions.  
24 I think the hotel is to be complimented for the  
25 progress in that area. But the upper management area

1 still remains to be filled.

2 We do still also have I believe some  
3 areas of concern when it comes to sexual harassment,  
4 but that was not addressed by the consent decree and  
5 that has to be addressed on a separate basis. I  
6 should put a footnote on that that it's not only the  
7 hotels' experience, it's a problem that's prevalent  
8 throughout private enterprise as well as state and  
9 local governments. That's why you see the number of  
10 charges when it comes to sex is so high. And it has  
11 to do with sexual harassment charges. The hotels  
12 should not only be blamed for that. It just occurs  
13 all over.

14 When we take a look at the number of  
15 charges being filed against the hotel, they only  
16 comprise 33 percent of all charges filed with our  
17 agency. 28 percent comes from state local  
18 governments, and then the remainder is from private  
19 enterprise. Private enterprise means charges being  
20 filed against employers that have 15 or more  
21 employees. We get a lot of charges filed in our  
22 agencies against those employers that have less than  
23 15 and we have to refer them to private attorneys.  
24 If we were able to take those charges, then I think  
25 you would see we'd be taking an additional 500 to 700



1 charges more per year because that's about how many  
2 we're turning away all the time because they don't  
3 meet the number of requirements.

4           Some areas that we might see some type  
5 of improvements. I think alot of it has to do with  
6 training and providing people that have the  
7 qualifications in the work force. I know that the  
8 University of Nevada Las Vegas was given money for  
9 scholarships to get more people educated into the  
10 work place that met the qualifications that the  
11 hotels might need. I don't think that has been as  
12 successful as people might have thought. I don't  
13 think they're recruiting as many Hispanics, women or  
14 minorities for those programs. Certainly they need  
15 to do their portion in order to be able to provide  
16 people for these jobs because you can't blame the  
17 hotels for people who have their required  
18 qualifications and are not re-applying for the jobs.

19           The unions could also be doing some  
20 areas of improvement because they also provide  
21 workers. I'm a little bit concerned about this  
22 hearing because it seems to me that I don't know how  
23 much publicity we are giving here locally to this  
24 type of hearing to have people that have been  
25 discriminated or don't come forward and express

1 whatever concerns they will have.

2 I know that if I recall correctly, I  
3 think like Miss Garcia gave me this notice, a letter  
4 she received from this committee, and I told her at  
5 that time that I don't know how much we could  
6 contribute. We have done the Latin Chamber of  
7 Commerce and Hispanic and in politics we have done  
8 in-depth studies, for example, of the Clark County  
9 School District. We have filed charges against the  
10 Clark County School District. This is now being  
11 looked at and developed by the Department of Justice  
12 and the Civil Rights Commission.

13 We have also looked at the Manpower  
14 programs of this city and the county, and we have  
15 filed charges against the hiring practices as well as  
16 the training programs for Hispanics in this county.  
17 We have not taken a look at what has happened in the  
18 hotel industry in this town. For lack of resources  
19 and so forth, this is not one of the issues we've  
20 been involved in so I don't know how much we can  
21 contribute to this discussion. But I think one of my  
22 main concerns is that I don't know, even, for example,  
23 in terms of name, they mention here Eva Garcia from  
24 the League of United Latin American Citizens. It's  
25 supposed to be the Latin Chamber of Commerce. We do

1 in fact have LULAC here in town. Perhaps the  
2 president of LULAC should have been informed of this  
3 meeting, and perhaps he could have put some input into  
4 this.

5 Also the Latin American citizens, for  
6 example, who have some of these complaints who have  
7 been brought up or individual may have stepped  
8 forward and those entities could also think in terms  
9 of for example the Human Equity Club who have been  
10 formed recently and have new members. So my concern  
11 is I don't know how much we missed. This hearing has  
12 been given in order for people to step forward and  
13 perhaps address those issues.

14 MS. NOZERO: Well, on a personal basis  
15 I know that I contacted a member of LULAC and invited  
16 them to come, and was told that they would be here  
17 with people at least in the audience to observe; I  
18 don't see any of them here today. I don't know about  
19 Mr. Pilla.

20 MR. PILLA: There were over a hundred  
21 press advisories that were mailed out regarding this  
22 meeting. Other than that I can't --

23 MR. MERIDA: To whom did you send them?

24 MR. PILLA: To all media in the state,  
25 and then all department organizations that I had.

1                   MR. MERIDA: I will have to take a look  
2 at that.

3                   MS. NOZERO: I did personally also  
4 speak to Miss Garcia about making a presentation here  
5 today and she told me she could not be available, but  
6 that she would ask someone to come to speak. She had  
7 not notified me who that was going to be until last  
8 night after five o'clock.

9                   MR. MERIDA: I tell you my concern is I  
10 think sometimes this happens many instances and many  
11 things that we are involved in is that sometimes the  
12 information and so forth is not given to the right  
13 individuals or to the right entities of media in  
14 order for, in this case the Hispanic community to  
15 come forth. I know for example only 100 people that  
16 sent letters to, did we send it to the different  
17 Hispanic medias.

18                   MR. PILLA: El Mundo was the only  
19 newspaper reporter that phoned me when I was still in  
20 my office in Los Angeles.

21                   MR. MERIDA: He got it Tuesday and it  
22 was too late for publication this Tuesday.

23                   I also think, for example, a newspaper  
24 is the Las Vegas Sun is, in Saturdays, in Spanish, so  
25 I'm sure if you had contacted the editor of that

1 paper they would notice. But that would have to be  
2 given like two or three weeks in advance.

3 MS. NOZERO: If we gave your  
4 organization some time to submit some writing to the  
5 committee would you be interested in doing that?

6 MR. MERIDA: Specifically in terms of  
7 the Latin Chamber of Commerce, I don't know how much  
8 we can contribute in terms of specifics since this is  
9 not an area we have been involved. I think all other  
10 entities might be able to.

11 MS. NOZERO: I was wondering, in  
12 testimony that we heard this morning, we were told  
13 that there are monthly meetings held by casino and  
14 union representatives to discuss the progression of  
15 the consent decrees, and I believe Mr. McCall  
16 mentioned that invitations were regularly sent out to  
17 the representatives of the Latin Chamber of Commerce --

18 MR. MERIDA: That's not true. Matter  
19 of fact, we were not made aware of the results of the  
20 progress of this. I know for a fact nobody has been  
21 contacted in terms of this issue. On behalf of the  
22 hotels or the Culinary Union.

23 MS. NOZERO: So your organization has  
24 not been involved?

25 MR. MERIDA: We've never been involved,

1 never been notified, we have never participated in  
2 any type of the meetings along this issue. They  
3 might be sending it to someone else, but not to us.

4 MS. NOZERO: Did you ever have any  
5 involvement in the decree itself?

6 MR. MERIDA: No.

7 MS. NOZERO: Any members of the  
8 committee have any questions?

9 Thank you very much for your appearance,  
10 Mr. Merida. We appreciate it. The meeting is now  
11 adjourned, we thank everybody for their participation  
12 and their time. We hope we'll be able to come up  
13 with a report which will be of some value to some  
14 people.

15 (Whereupon the deposition  
16 proceedings were concluded.)  
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