U.S. COMMISSION ON CIVIL RIGHTS

THE IMPACT OF TWO CONSENT DECREES ON EMPLOYMENT AT MAJOR HOTEL/CASINOS IN NEVADA

NEVADA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

This summary report of the Nevada Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or the Advisory Committee, but only to individual participants in the community forum where the information was gathered.

A SUMMARY REPORT JUNE 1989

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NEVADA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

SUMMARY REPORT JUNE 1989

UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

LETTER OF TRANSMITTAL

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Attached for your information is a summary report of a community forum held by the Nevada Advisory Committee in Las Vegas on August 28, 1987. The forum's purpose was to gather information on the impact of two consent decrees on the employment opportunities afforded minorities and women at major hotel/casinos in Nevada. At this forum, the Advisory Committee heard from community representatives, hotel human resource personnel, union officials, State officials, and a representative of the U.S. Equal Employment Opportunity Commission.

The participants addressed the impact of a 1971 consent decree, which sought to increase employment opportunities for blacks, and a 1981 consent decree which had a similar purpose for Hispanics and women. The 1981 decree was terminated to the satisfaction of the EEOC and Federal district court in 1986. However, the impact of the 1971 decree is still in question. Concern was expressed at the forum that enforcement and monitoring of the 1971 decree has been sporadic at best.

The Advisory Committee voted unanimously (11-0) to submit this summary report and it serves a twofold purpose. While not an exhaustive or intensive analysis, it should prove useful as an overview of casino employment of minorities and women in Nevada and will serve as a foundation for further Advisory Committee activity on this issue.

Respectfully,

ELIZABETH C. NOZERO, Chairperson
Nevada Advisory Committee

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Acknowledgments

The Nevada Advisory Committee wishes to thank staff of the Commission's Western Regional Division for its help in the preparation of this summary report. The project was the principal assignment of Thomas V. Pilla with support from Grace Hernandez and Priscilla Herring. The project was carried out under the overall supervision of Philip Montez, Director, Western Regional Division.

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INTRODUCTION

The tourist-related gaming industry, including hotels and casinos, is a major employer in the State of Nevada. As of February 1, 1985, there were 122,100 employees in the hotel/casino industry statewide. The Employment Security Department, State of Nevada, reported that by March 31, 1988, that figure had grown to 141,000 employees. According to Sandra L. Pomrenze, vice president-general counsel, Nevada Resort Association, "the Nevada Resort Association does not keep track of the total number of employees in its member hotel/casinos and such information is not readily accessible to the association."[1]

The Nevada Advisory Committee to the U.S. Commission on Civil Rights has received complaints from minorities and women alleging discrimination in employment by the hotel/casino industry. Similar complaints have been received by the U.S. Department of Justice (DOJ) and the U.S. Equal Employment Opportunity Commission (EEOC).

Following findings of discrimination by DOJ in several cases, a 1971 consent decree (1971 decree) between the major

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[1]Sandra L. Pomrenze, vice president-general counsel, Nevada Resort Association, letter to Thomas V. Pilla, staff, Western Regional Division, U.S. Commission on Civil Rights, July 14, 1987 (hereafter cited as Pomrenze Letter).

hotel/casinos on the "Strip"[2] in Las Vegas and DOJ was entered in Federal district court in Las Vegas. This 1971 decree sought to increase the number of black employees of the hotel/casinos. While not admitting discrimination, the signatory hotel/casinos agreed to recruit, train, and employ blacks in various job categories and to report their efforts quarterly to the Federal district court in Las Vegas.

A 1981 consent decree (Telles decree) between certain Strip hotel/casinos and the EEOC sought to increase the number of Hispanic and women employees.

At various forums and meetings conducted by the Nevada Advisory Committee between 1982 and 1985 in Reno and Las Vegas, representatives of minority organizations and women's groups alleged that despite the two consent decrees, there was a lack of hiring and promotional opportunities for minorities and women in the hotel/casino industry.[3] According to Ms. Pomrenze, "the Nevada Resort Association has made no studies concerning the effect of the consent decrees on the employment opportunities for minorities and women."[4] Since there was a

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[2]The "Strip" is a common term used to describe the major hotel/casinos located on Las Vegas Boulevard South in Las Vegas, Nevada.

[3]Community forums held in 1982 and 1983 led to the Nevada SAC report, <u>Civil Rights Issues in the State of Nevada</u> (1983). Transcripts of these forums are on file in the Western Regional Division.

[4]Pomrenze Letter.

lack of data to confirm or deny these allegations, the Nevada Advisory Committee determined that a study was warranted of the impact of the two consent decrees in eliminating employment discrimination at the signatory hotel/casinos in the State.[5]

The 1971 Consent Decree[6]

Although the complaint was filed in 1971 by the U.S. Department of Justice, the task of monitoring compliance with and enforcing the decree is the responsibility of the EEOC. Initially, reports from the hotel/casino signatories were forwarded to EEOC's San Francisco District Office and then to its Los Angeles District Office.

The 1971 decree ordered that 16 hotel/casinos:

> Shall hire and assign applicants for employment, and shall promote, transfer, train, demote and dismiss employees, without regard to race, and without engaging in any act or practice which has the purpose or the effect of discriminating against

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[5]The proposed study was found to be within the Commission's jurisdiction under sec. 5(a)(2) of its authorizing statute, the United States Commission on Civil Rights Act of 1983, 42 U.S.C. § 1975c(a)(2).

[6]United States v. Nevada Resort Association, No. LV1645 (D. Nev. filed June 4, 1971) (consent decree). Unless otherwise noted, all 1971 consent decree quotations are from this document.

> any individual because of his race or color in regard to his employment opportunities, and shall promote and transfer employees in such a way as to provide employment opportunities to black persons which are equal to those provided to white persons.

It further ordered that four union locals "shall not engage in any act or practice which has the purpose or effect of discriminating against an individual because of his race or color."

Each hotel was ordered to fill future vacancies in the job classifications of: dealer, keno writer, security officer, casino cashier, and secretary-receptionist "in the ratio of at least one (1) black employee for each three (3) other employees hired in such classification." The Culinary Local 226 and Bartenders Local 165 were ordered to refer in the job classifications of: booth cashier, bartender, bar boy, bellman, captain, cashier-checker, cocktail waitress, doorman/parking attendant, waiter, and waitress "in the ratio of at least one (1) black employee for each three (3) other employees referred and hired in such classifications."

Teamsters Local 995 was ordered to refer in the job classifications of: parking attendant, gardener/nurseryman,

warehouseman, front office cashier, PBX operator, and room reservation, rack, file, posting and room clerks "in the ratio of at least one (1) black employee for each three (3) other employees referred and hired in such classifications." Stagehands Local 720 was to refer applicants on a first-in, first-out basis with no preference given to family or personal relationships. Training programs were to be established and operated by the signatory hotel/casinos and unions.

Reports were to be filed by each hotel and union "within thirty (30) days after the end of each calendar quarter in 1971" including, but not limited to, a "breakdown of all employees by job classification and race, the total number of persons hired or upgraded by classification or position and the number of black persons hired or upgraded, by classification or position," and the "number of individuals referred by race in each classification."

The obligation to report the status of black employment within any job classification was to remain in effect "until such time as the number of black employees is at least twelve and one-half percent (12 1/2) of the total number of employees in each such classification in any six months in a continuous twelve (12) month period."

According to Ms. Pomrenze, "the Nevada Resort Association has done no analyses of the data submitted by the

hotel/casinos to the Equal Employment Opportunity Commission."[7]

The 1971 decree noted that:

> "At any time after three (3) years subsequent to the date of entry of this decree, the defendants, or any of them, may move this Court, on due notice, for dissolution of this decree."

As of the date of this report, nearly 18 years later, the decree is still in effect.

The 1981 Consent Decree

In July 1975 EEOC Commissioner Raymond Telles filed a commissioner's charge against major Strip hotels and unions alleging a pattern and practice of discrimination based upon sex and national origin (Hispanic). In a written statement to the Advisory Committee, Elliott McCarty, senior trial attorney, San Francisco District Office, EEOC, wrote, "after about a 2 1/2 year administrative investigation, the EEOC found 'reasonable cause' to believe most of the allegations of the charge against the hotels and unions."[8] A civil complaint

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[7]Pomrenze Letter.
[8]Written statement of Elliott McCarty, trial attorney, EEOC, San Francisco, Calif., dated Aug. 25, 1987 (hereafter cited as McCarty Statement).

was filed January 13, 1981, and a subsequent consent decree was entered into on February 2, 1981.

The 1981 consent decree (Telles decree) alleged that 15 hotel/casino

> defendants have engaged in a continuing pattern or practice of employment discrimination in violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. Section 20003-2, by discriminating against certain classifications of employees and other individuals because of their sex and national origin with respect to recruitment, hiring, job assignments, transfers promotions, and union registration and referral. The defendants denied the allegations of the Commission's charge, but consented to the entry of [the] decree as a full settlement of the complaint.

The Telles decree ordered that each hotel/casino:

> Within sixty days after the date of entry of the decree, establish and maintain a central personnel office;

Notify each of its managerial, supervisory and other personnel involved in the hiring of employees that each applicant for employment be directed to the Hotel's central personnel office;

Within thirty days after the date of entry of the decree, afford each of its female and Hispanic employees an opportunity to complete a skills inventory; and

Cause its central personnel office to notify each applicant of any registration and referral requirements under collective bargaining agreements with the Unions.

Goals and timetables were established in the Telles decree "in an attempt to achieve a workforce representative of the relevant labor market in the area." Goals were established for each of the 5-year periods following the date of the decree. For women, the ultimate goals per job category

were: 10 percent, 21 floor person;[9] 25 percent, keno supervisor; 20 percent, combined dealers; 10 percent, captain; 20 percent, food servers (gourmet and room service); 20 percent, bus drivers; 5 percent, cook; 15 percent, bartender; 20 percent, apprentice bartender; 20 percent parking attendant; and 5 percent, warehouse person. For Hispanics, the ultimate goals per job category were: 5 percent, 21 floor person; 5 percent, cocktail server; and 5 percent, food checker.

The Telles decree also required that the hotels establish a $1 million monetary fund for the women who could show that since January 1, 1974 [they] were denied a job after having "applied for or otherwise expressed interest at a Hotel in a job [in which a specific Hotel] has agreed to a goal for the classification."

Any residue of the fund was to go to the University of Nevada, Las Vegas, to use in its "financial aid program for needy students in an effort to bring about a greater sexual,

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[9]A 21 floor person handles a card game table used to play the game known as 21 or blackjack.

racial, and ethnic diversity among the students in the University's Hotel Management Department." According to Elliot McCarty, EEOC, because about half of the potential class failed to come forward, about $500,000 of the $1 million was transferred to the management department as a permanent trust.[10]

The EEOC concluded that the hotels and unions had met most of their goals or were in substantial compliance with their particular affirmative action job goals by late 1985. As a result of EEOC's monitoring and the substantial "good faith" compliance by the hotels regarding the female and Hispanic goals, the EEOC agreed to dissolution of the decree by a stipulation of the parties entered in Federal district court, Las Vegas, on August 26, 1986. The Telles decree was terminated for all defendants.

Nevada Advisory Committee

The Nevada Advisory Committee first became aware of community concerns about the impact of these two consent

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[10]McCarty Statement. The statement does not provide a date for this transfer of funds to the management department. The Telles decree also had provisions regarding recruitment, recordkeeping and reporting, training, confidentiality, and a complaint procedure.

decrees at a July 13, 1984, forum in Reno on civil rights concerns. Representatives of the National Organization of Women, the Latin American Information Center, and the National Association for the Advancement of Colored People (NAACP), Reno-Sparks Chapter, alleged a lack of employment opportunity and sexual harassment concerns at major employers in northern Nevada including the hotel/casino industry.

Similar allegations were made at the Advisory Committee's August 10, 1984, forum in Las Vegas on civil rights concerns. A representative of Operation Independence, a black, nonprofit, self-help organization located in North Las Vegas, alleged that the hotel/casinos and unions were not honoring the recruitment and training provisions of the 1971 consent decree.[11]

At its meeting of November 2, 1985, the Advisory Committee heard from Delia Martinez, executive director

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[11] At this forum, a representative of the League of Latin American Citizens said that "Hispanics constitute a large minority in Nevada and yet do not reflect that statistic in any employment." The executive director of the Las Vegas Indian Center told the Advisory Committee that "Indians are faced with an extremely high unemployment rate."

of the Nevada Equal Rights Commission (NERC), a State agency which investigates employment complaints. According to Ms. Martinez, in 1984-85, NERC was handling 80 employment discrimination complaints per month, and about 30 percent of these were from employees in the hotel/casino industry.

The Advisory Committee met June 7, 1986, with Gary Gowen, an attorney in private practice in Las Vegas, to discuss his efforts to ensure compliance with the 1971 decree. According to Mr. Gowen, his clients alleged that signatory hotels would hire during the last few days of a reporting period, file their data with EEOC, and lay off these employees; training was "hit and miss" at best; and employees feared retaliation if they complained about employment problems. He believed that monitoring and verification of the decree's reporting component had failed.

Based upon these complaints and its own preliminary factfinding efforts, the Advisory Committee decided to conduct an open forum on the impact of the consent decrees on employment opportunities for minorities and women in the hotel/casino industry in Las Vegas. The forum was held August 28, 1987, in Las Vegas. Representatives of the NAACP, Summa

Corporation, U.S. Department of Labor, EEOC, NERC, Latin Chamber of Commerce, Bartenders Local, Culinary Workers Local, International Alliance of Theatrical and Stage Employees, Operating Engineers, and other interested individuals appeared before the Advisory Committee. Although in attendance, a representative of the Nevada Resort Association declined to present information to the Advisory Committee.

Monitoring Reports - 1971 Consent Decree

Under the terms of the 1971 Consent Decree, the hotel/casinos and unions were to file quarterly employment reports with the Federal district court and the EEOC. The Advisory Committee did not receive any information that hotel/casinos failed to comply with this reporting responsibility. However questions were raised by forum participants regarding the accuracy of the data reported by the hotel/casinos. The Advisory Committee realized that a determination of the decree's impact required analysis of the

employment data submitted and requested copies of these reports from EEOC.[12] In April 1988 copies of the quarterly employment reports were provided to the Advisory Committee.

The reports were analyzed by the Center for Survey Research at the University of Nevada, Las Vegas (center). Its summary report and accompanying tables are attached as Appendix A.

The center raised questions regarding the validity of the data. The center wrote that "normal and prudent methodology dictates a more rigorous method of data gathering" than self-reporting. There was inconsistency in data reporting since "some of the reports were almost complete while others lacked significant amounts of data."

The center found that "entries in each of the job classification categories [was] made in percentages without any reference to the actual numbers [which] makes it impossible to generalize about the data with any level of assumed validity." The center also noted that "there are

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[12]Philip Montez, Director, Western Regional Division, U.S. Commission on Civil Rights, letter to Leonora Guarraia, Director, Los Angeles District, EEOC, Apr. 17, 1986; and Elizabeth C. Nozero, Chairperson, Nevada Advisory Committee to the U.S. Commission on Civil Rights, letter to Judith Keeler, Director, Los Angeles District, EEOC, Feb. 5, 1988. Copies of both letters are on file in the Commission's Western Regional Division.

extremely few reports on the number of overall vacancies during any given period and there are no indications of why particular changes take place."

Recognizing the limitations of the data, the center offered several conclusions:

1. Overall percentage employment indicates that the reporting hotel/casinos are in compliance with the 1971 decree.
2. Using the percentage data that cover the period beginning 1971, there was consistent change resulting in increased black hiring. Of the 13 properties for which total percentage data are reported, 9 indicate increased black hiring over the years.

The Advisory Committee was concerned about the limitations of the data and the center's questions about validity. The Committee asked EEOC about the gaps in the data identified by the center and the review and audit procedures undertaken by EEOC.[13]

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[13]Elizabeth C. Nozero, Chairperson, Nevada Advisory Committee to the U.S. Commission on Civil Rights, letter to Judith Keeler, Director, Los Angeles District Office, EEOC, May 20, 1988. The letter is on file in the Commission's Western Regional Division.

The EEOC responded that its

> files indicate...that an EEOC attorney assigned to the San Francisco District Office agreed by correspondence to change the decree's reporting requirements in order to ease the burden of the reporting requirements on the hotels and unions. As a result of this agreement, the reports were to be submitted on a semi-annual basis rather than quarterly.[14]

The EEOC attorney also "agreed that the hotels were only required to report on those positions in the officials and managers category and those positions for which the 12 1/2 percentage goal had not been met." The hotels had stopped submitting full reports, although, according to the Los Angeles District Director, EEOC, "the EEOC has never excused any hotel from reporting."[15]

According to the EEOC, the 1971 decree has never been reviewed by the district court, and the EEOC's Los Angeles District Office has never audited the figures reported by the hotels, but is "currently analyzing the information in order

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[14]Judith Keeler, District Director, EEOC, letter to Elizabeth C. Nozero, Chairperson, Nevada Advisory Committee, Aug. 8, 1988 (hereafter cited as Keeler Letter). On file in Western Regional Division.
[15]Keeler Letter.

to determine a course of action."[16]

A summary of the presentations at the forum follows.

Theresa Fay Bustillos

Ms. Bustillos, a supervisory attorney with EEOC's Los Angeles District Office, provided an overview of the decrees.

She said that in 1971 the Department of Justice filed a complaint against 18 Strip hotel/casinos and four labor unions. The complaint alleged that the hotel/casinos and unions discriminated against blacks in four areas: assigning employees to job classifications on the basis of race without regard to qualifications, failing to provide opportunities for training advancement and promotion to unemployed black applicants, recruiting and hiring employees for certain jobs by relying on word of mouth referrals and nepotism and cronyism to the disadvantage of black applicants and employees, and failing to take reasonable and appropriate action to correct the continuing acts of these discriminating practices.

The complaint stated that as a result of a combination of all of these practices, more than 90 percent of the blacks employed by the hotels were limited in and segregated to the lowest paying, least desirable duties, jobs, and occupations.

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[16]Keeler Letter.

On June 4, 1971, a consent decree was entered between the Department of Justice and the 18 Strip hotel/casinos and four labor unions. There was no admission of liability in the consent decree. The major feature of the consent decree is a goal section, which provides for the hiring or the referring of one black for each three non-black employees or applicants until the number of black employees is a least 12.5 percent of the total number of employees in each classification within any 6-month period in a continuous 12-month period. There were approximately 21 classifications. The employment goals expire automatically. According to Ms. Bustillos, in more recent consent decrees there are normally goals and timetables employers will have to meet within a set time period. But this decree has only a goal section stating that upon compliance with a 12.5 percent goal, it will automatically expire, and the casino or labor union will not have to apply to be relieved of the goal or provision from the court.

The decree requires affirmative action recruitment for black employees into official and managerial positions within the casinos until a "reasonable number" is reached. However, there is no definition or guidance in the decree as to what is a reasonable number or how the court or parties would determine what is a reasonable number.

The decree also requires the hotel/casinos to set up certain training programs: dealer training, keno writer, management training, assistant stage carpenters, assistant stage property men, and other training commitments on an as needed basis for the Culinary Local 226 and Bartenders Local 165. The monitoring provision of the consent decree requires the 18 Strip casinos and four labor unions to submit detailed reports, both to the EEOC and to the Federal district court, on an annual basis.

In 1972 the decree was transferred to the EEOC for monitoring, but the monitoring quality varied from 1972 through 1981, and many of the defendants requested that the court relieve them completely from the provisions of the decree. The court declined to relieve defendants from the provisions until all of them had fully complied.

The EEOC asked the court to order the defendants to comply with additional discovery demands so that the EEOC could be assured that full compliance by all defendants was occurring. The court denied this request.

In 1981 the trial attorney with the San Francisco District Office conducting the monitoring since 1972, wrote to several of the defendants that he believed that they had met the goal provisions of the consent decree, and advised them that they were relieved from submitting the required reports. Thus, the monitoring reports from 1981 through 1984 were even more sporadic and intermittent than the ones submitted between 1972 and 1981.

In approximately mid-1984, the attorney monitoring this case left the EEOC San Francisco District Office. The entire case was then transferred to the Los Angeles District Office for monitoring.

A consultant was hired to go to Las Vegas so that EEOC could get firsthand information regarding whether the casinos were complying with the terms of the consent decree, beyond what was in the recordkeeping reports supplied by some of the casinos and labor unions. The consultant interviewed employees, black groups, organizations within the Las Vegas area, people from the community, and some of the casino owners.

The consultant advised EEOC that people had reported problems with the decree and with compliance. Casinos

allegedly were hiring blacks and terminating them immediately when the 12.5 percent goal was reached. Additionally, interviewees asserted that casinos with high black employee termination rates were hiring them solely to meet the goals and were not trying to address the discrimination that gave rise to the consent decree.

Ms. Bustillos added that EEOC also received reports that casinos were demoting employees once the 12.5 percent goal had been met. She said that there were no concrete charges reported to the consultant, no charges filed with EEOC, and no identified victims of these alleged discriminatory practices. Based upon the consultant's interviews, only the allegations were brought to the attention of the EEOC. She stated:

> As a result of that information, the EEOC began to look at, and took a more hard line position regarding the casinos and the labor unions that were not supplying monitoring reports, either because they felt they did not have to under the terms of the consent decree, because, in their opinion, they had met the 12.5 percent goal, or

because they had received this letter in 1981 from the trial attorney at the San Francisco District Office of the EEOC.

The Los Angeles District Office advised the casinos of its position that the recordkeeping requirements had no time period, and that there was no automatic termination of their obligations under the consent decree to comply with these requirements. According to Ms. Bustillos, a lot of casinos and labor unions were very reticent at first to comply with EEOC's request for their records. She added, "A lot of them came around, especially when we threatened to go to the Federal district court to require them to meet the recordkeeping requirements under the consent decree."

From 1985 to 1986, compliance with this decree was monitored by an attorney in the Los Angeles District Office. According to Ms. Bustillos, this attorney has looked through the records for 1985 and 1986 and advised the casinos that, in EEOC's opinion, all of them had to comply with the recordkeeping requirements of the consent decree, and none of them were relieved of those duties unless the court ordered such a release.

A preliminary review of reports received by EEOC for 1985 and 1986 indicated that many casinos had satisfied the 12.5 percent goal under the consent decree. However, some problems appeared in the following job categories: secretaries; guards; dealers, especially dice dealers; bartenders; captains; doormen; and cocktail waitresses.

EEOC is now attempting to review the records[17] from 1972 to the present to determine which casinos and labor unions have met the goals under the consent decree. EEOC can then ascertain what future course of action should be taken with regard to this consent decree, including recommendations to the court. That is the current status of the 1971 decree.

Ms. Bustillos provided a short history of the 1981 consent decree. In the early 1970s, employment discrimination complaints were filed by Hispanic organizations and individual females in Nevada with the EEOC in San Francisco. As a result, a commissioner's charge was filed by Commissioner Telles in July 1975 alleging the practice of discrimination based upon sex and national origin by major hotels and four unions. Basically, the complaints pertained to higher paying tip jobs and those requiring public contact, such as dealer, food servers, bell captains, parking attendants, and stage hands.

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[17]In response to the Advisory Committee's request for these data, Ms. Bustillos provided the Advisory Committee with the material in April 1988.

After 2 years of conciliation efforts as a result of this commissioner's charge, a complaint and consent decree, as a package deal, were filed in January-February of 1981. The San Francisco District Office was responsible for monitoring the terms. At the end of a 5-year period, the EEOC San Francisco District Office determined that the goal provisions of that consent decree, which also had a backpay provision, had been substantially complied with, and the decree was dissolved on August 2, 1986, by the United States district court judge.

Jesse D. Scott

Rev. Jesse D. Scott, director of the NAACP, Las Vegas chapter, told the Committee that the 1971 consent decree involved bringing in a certain percentage of blacks into about 23 [job] categories at the Strip hotels, and the 1981 consent decree concerned increasing the percentage of Spanish-speaking and women employees.

Based upon a Federal court order, the community believed certain things would be done. In the absence of definitive reports on the impact of the consent decrees, according to Reverend Scott, the community lacks the requisite information

and understanding to determine whether the 1971 decree has achieved its purpose.

Reverend Scott complained that neither the EEOC, Federal courts, nor anyone else has told the community whether the hotels named under the 1971 decree have substantially complied with the mandates of that decree. "People are brought in and maintained for a certain period or quarter, and they are let out," he alleged, "and others brought in and paper is pushed and followed, and nobody knows exactly what happened." He continued, "to me, that kind of information should be made available so we would not have to guess."

Reverend Scott further stated, "we would like to see somebody recommend that Judge Foley take a look at the decree that he signed in 1971." He added, "the decree implied there would be a review period after 3 years, so in 1974 we were all looking to see what the decree was able to accomplish. We do not know because to our knowledge the review has not been done." Reverend Scott said he hoped the Committee would make a strong recommendation that the Federal Government honor its own decrees.

Craig McCall

Craig McCall, the director of Corporate Human Resources for Summa Corporation, Las Vegas, spoke on behalf of Summa Corporation,[18] and shared his company's experience with both consent decrees and its experience hiring minorities in Las Vegas. Mr. McCall stated that, prior to expiration of the Telles decree (1981), the EEOC requested an extension to evaluate [the hotel/casinos] good faith efforts in complying. Several applications involved in the Telles decree were high tech classifications identified as needing more females, despite having one or two or no openings at all during the period January 1981 through August 1986. EEOC considered this in its evaluation and subsequent favorable decision regarding the hotels' good faith efforts, leading to the expiration of the Telles decree.

Mr. McCall added, "in our industry, there is a lack of incentive for many people to leave positions with low wages

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[18]The Summa Corporation is primarily involved in gaming and at the time of the study employed about 7,500 employees at facilities in Reno and Las Vegas, Nevada. Effective Feb. 1, 1988, Summa Corp. sold and transferred ownership of the Sands Hotel and Casino and the Desert Inn to MGM Grand, Inc.; effective July 1, 1988, Summa Corp. sold and transferred ownership of the Frontier Hotel and Casino to Unbelievable, Inc. Craig A. McCall, director, Human Resources, Summa Corp., letters to Thomas V. Pilla, staff, Western Regional Division, U.S. Commission on Civil Rights, Jan. 21, 1988 and July 12, 1988. Letters are on file in the Western Regional Division.

but high tips for a management position with higher take-home pay and no tips. This fact is generally not identified in establishing any promotional or recruitment goals in consent decrees."

"Although EEOC and people in the community emphasize the number of minorities we have in management as reflective of progress, actually, the larger income, most sought positions are not necessarily in management," he said. It is just an inequity that is prevalent in the gaming industry due to people turning down management positions to be available for a seniority list for positions with higher income potential, such as showroom captain. Mr. McCall continued, "also worth noting is that since the Telles decree has expired we have not observed any change in our male-female ratios, i.e., just being maintained for the decree and then dropping afterwards."

Mr. McCall said that his company still files the reports required under the 1971 decree. A facility that maintained the 12.5 percentage for 6 months no longer needed to report the category and over the years, for most classifications this has been maintained, he added. In the officials and managers category, the goal of a 12.5 figure was not cited in the decree and the court used "reasonable percentage" as a goal. According to Mr. McCall, this term has never been defined, and

it was never achieved in that category. Recently EEOC has increased its involvement and for approximately 18 months it has been requesting that reports include current information on black employee percentages for certain employee classifications from which the hotel/casinos had previously been relieved from reporting. The obvious purpose, he added, is to confirm that they are not letting their figures slip after being relieved from reporting on those positions.

For both decrees, the fact that unions and management were signatories is an important aspect. He said "it would be difficult for the union to alter from the seniority list or refer minority candidates to the employer without some sort of documented support, and I believe these decrees provide the support."

Mr. McCall noted that when the decrees were implemented, there appeared to be a need to increase employer awareness of the availability of minorities in the labor force and the need for skills training necessary to enhance the marketable skills of these individuals. The 1971 decree required training programs. Now the community offers far more in the way of dealers' school, for example, for training and marketing these skills.

Also, the entire environment in Las Vegas has changed. Now, due to movement of larger corporations into the gaming industry, the human resource function has grown in its role as well as its staffing and employment responsibilities.

Mr. McCall said that Summa has greatly enhanced in-house training for job-related skills in personal computer operation, writing, customer courtesy, and managerial aspects to develop those skills employees need to be promoted. Also, Summa offers personal development skills to employees, programs that can be particularly beneficial to women who are new to the work force or returning after some time.

Mr. McCall noted that in the earlier days of the 1971 decree, Summa was training black employees and dealers for dealer classifications in its in-house training program. He alleged that after Summa trained them and they were working, Summa was losing them quickly to other properties needing to improve their numbers of black dealers. With the development of various gaming schools in Las Vegas, he said, that problem seems to have been resolved.

As far back as the 1971 consent decree, Mr. McCall added,

Summa has been represented at the monthly contact committee meetings,[19] and still contacts organizations such as the Black Chamber of Commerce and the Latin Chamber of Commerce to obtain applicants for its openings. He appreciated the need for the decrees, but also was interested in knowing if EEOC or the Nevada Equal Rights Commission (NERC) had identified any patterns of discrimination through valid discrimination claims filed in their offices.

Pat Benzenbower

Pat Benzenbower, an official with the Bartenders Union in Las Vegas, was put in charge of coordinating the union in 1981. He was confronted with a basic problem because what EEOC was telling him was in direct violation with what the National Labor Relations Board (NLRB) was telling him. The union's attorney advised him to provide whatever EEOC requested.

At that time, union leadership was very much opposed to women in the craft, and he had the union attorney explain the consequences of not providing women bartenders for the hotels. The worst problem was that the union had no women

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[19]"The Nevada Resort Association plays little or no role in the on-going monthly meetings of community representatives and hotel/casinos." Pomrenze Letter.

available because at that time they were generally restricted to the small outlying taverns and not the hotels.

Mr. Benzenbower said that the first thing the union did was to ask these women if they would like to move and become Strip bartenders, and informed them that the union would place them. He noted, "by our constitution, it is first on the list, first out. That was a problem I originally had with EEOC. And these older fellas were resenting women going out as bartenders."

Mr. Benzenbower continued, "in our collective bargaining agreement we have a provision whereby the hotels can ask for three applicants for each vacancy. So I send two of the older fellows and one female."

The hotels were not doing their part, he alleged. At that time most people were being hired by the bar managers, who would interview somebody, and then send that person to personnel for processing. This process was later reversed. The applicants now go first to the human resource departments for screening and then are sent to the bar manager to be placed for work.

The union also had a problem trying to get apprentices

and could not supply what the hotels were requesting. The human resource people were asked to look for transfers from other areas. Housekeeping departments were contacted, which resulted in many black females being promoted from maid positions into the beverage departments.

EEOC sent Mr. Benzenbower some hotel reports to see if he thought they were accurate. He said a serious fallacy was found in these reports because hotels would report extras as employees and would hire a number of extra employees, who showed as minorities and women on the reports, but by virtue of their status as extra employees, they were not working. This created a lot of turmoil until it was corrected.

According to Mr. Benzenbower, one property would select a particular day on which it had many females working and report that data. But other properties tried to recruit and employ minorities and females. "By the end of it, all of the properties who were signatory to the consent decree pretty much fell in line and did what they were asked to do, and as far as I can tell, they are doing a good job of maintaining the numbers." Properties that were not signatory to that consent decree, however, are still not hiring minorities or women, he alleged.

Another problem was that some female apprentices had difficulty moving cases of liquor, and the older employees were not helping them. The union told the hotels to resolve the problem because the program was going to continue.

Mr. Benzenbower said the bartender apprentice program is on-the-job training. He noted:

> Our union leadership is very progressive and got together with Mr. Ramsey of DOL[20] and decided to come up with a program. We figured it would probably take us two trips in front of the council to get it approved. We went one time, and they approved it. Great, he said, here we are, we have got the potato, what do we do with it?

The union approached officials of the University of Nevada, Las Vegas, who were more than willing to let the union use their facility at no cost. He added:

> Three of our bartenders who have teaching experience are used as instructors. Occupational Safety and Health Administration (OSHA) has put on

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[20] Budd Ramsey, State Director, Bureau of Apprenticeship and Training, U.S. Department of Labor (DOL), noted that most job training programs in the State are run as union apprenticeship. He told the Advisory Committee at the forum that 9 of the 32 programs in southern Nevada have nothing to do with any union and are management-run only. Statewide, 23 of the 69 programs are management only.

two classes with the union. The union went to the various hotels where there are human resource people and had them put on classes. The union has bar managers who have put on classes.

In addition, the Bartenders Union has gone to different properties that have new setups and advanced equipment. For example, he said, the Golden Nugget which probably has the most elaborate beverage dispensing equipment in town, provided the union with a bartender to demonstrate the equipment. One of its bartenders is an ex-teacher and established a good rapport with students. According to Mr. Benzenbower, "the program is working out great; our basic requirements to get into the program are a high school education and basic skills in English."

At present, the union has 167 apprentices in this program. Apprentices must have 2,000 hours of on-the-job training and 144 hours of classroom instruction. He added, "since our craft is a 24-hour craft and our classroom time at the university sometimes conflicts with work schedules, one of

the properties has provided us with a video recorder and a camera, and we also have our own camcorder to put classes on tape. These tapes are available for everybody to view at the union hall."

Of the 167 people currently in the class, 14 percent are female; 6 percent black; 6 percent Asian; 12 percent Hispanic; and 76 percent white.

Dennis Kist

Dennis Kist, president of the International Alliance of Theatrical and Stage Employees (IATSE), Local 20 in Las Vegas, and also chairman of the Nevada Resort Association Local 720 Training Trust, said IATSE is a 24-hour a day craft that provides stage hands behind the scenes at the showrooms on the Strip and downtown. "Those are mostly nighttime jobs," he added, and "we also have the wardrobe attendants backstage, do the live television broadcasts out of Las Vegas for any of the major sporting events, handle any type of major television production coming out of Las Vegas, and have a variety of different crafts that we have to address."

IATSE is also involved in the movie industry and its filming in Las Vegas by providing local hires. IATSE also

provides employees for any conventions requiring theatrical or audiovisual presentations.

IATSE was signatory to both consent decrees. Mr. Kist said:

> IATSE gets calls from facilities stating, we need 10 carpenters, 10 video electricians, and we have to be able to supply these trained people and not just say we need 10 women on the list or 15 Hispanics or 20 blacks and put them on the job and that they are going to learn. It cannot be done that way. It damages the employer, it damages the convention trade in town, and it also damages the reputation of the union.

According to Mr. Kist, the 1971 consent decree required IATSE to take a certain number of blacks to train and place first from its hiring hall list to jobs in a minimal number of categories. These new members basically were referred to the nighttime routine Strip show jobs.

He added, in the Telles decree, IATSE was required to take a certain number of Hispanics and women from a variety of

the union's seniority lists.

Although IATSE does not have a formal apprenticeship program, it does have a trust fund arrangement funded by the employer through the collective-bargaining process. This fund is set up with three management trustees and three union trustees. IATSE has a training coordinator hired and paid by the trust, and the position is a separate entity, apart from the hotels and the union.

IATSE provides training classes in carpentry, welding, rigging, projection, television, wardrobe, electronics, and all other crafts needed for members to perform their jobs. These classes are open at no cost to union members and IATSE has no limit on class size. A member completing the class gets credit in that particular category, and if not, the class is available at other times when work schedules may allow. He said, "we have found over the last 6 years that these classes have been popular. In 1985 and 1986 we trained in excess of 200 people for a variety of jobs."

According to Mr. Kist, IATSE reporting requirements under the consent decrees have expired, and the union does not have to file those documents with the Federal court. He said that

the union's position over the last few years is not to fill a certain quota but to open the classes to everyone.

Mr. Kist was not aware of any problems with anyone being referred to a job or being trained who was then denied on the basis of sex, ethnic background, or religion. He said that IATSE refers people to the jobs, but has no control over who the employer will hire.

Historically, IATSE has been a small craft union and presently has approximately 800 members. Mr. Kist said, "when we were hit with the first consent decree we were a small father-and-son local of about 200 to 300 members, but the consent decree forced the union to take in people who were not relatives of someone who started the union. The doors are now open for minorities and women to come in, take the training and be referred to jobs."

When IATSE started training women it found historic biases. Older workers would place women immediately on the heavier jobs, and IATSE found that women were being disqualified because they could not do them. Over the last 6 years, with the greater influx of qualified women and minorities, Mr. Kist has not seen that to be the case and does

not think that problem exists. The older members and lower level supervisors are accepting the change.

He added that IATSE has a rotational hiring hall list. The first name up is the first name out, and after a member finishes with a job, he or she signs the list and his or her name goes back on the bottom. One part of the collective-bargaining agreement allows employers to request someone who worked for that employer during the last 6 months. Employers request persons by name, and IATSE cannot control who they may select.

"Because of the type of craft that we have," Mr. Kist added, "you make your living by reputation, skills, abilities, and your willingness to work." He said IATSE has not found any discriminatory practice in these letters of request, and, since women and minorities take the classes, they also receive request letters from particular employers.

Mr. Kist said, "I think the program that we have is good, has been successful, and cured a lot of problems that the Federal Government identified with our union back in the seventies. I am not aware of any significant problems with any employers as far as any blatant discrimination."

Paul Cohen

Paul Cohen, the administrative assistant to the secretary/treasurer of the Culinary Workers Union in Las Vegas, said he thought "the consent decree triggered and motivated some people to initiate changes." The culinary union is probably the least skilled of the unions involved in the consent decree. Mr. Cohen noted that "culinary has three major sections: (1) food servers, cocktail waitresses, maitre d' and captains, 'glamour jobs'; (2) maids, shampoo porters, guest room attendants; (3) and the kitchen, those people who prepare and serve the food."

According to Mr. Cohen, "you really do not have to have a super amount of skill to be referred out under our system. Nevada is a right-to-work State, and culinary is a referral union; anyone can come in, register, and sign up for two classifications." The Culinary Workers Union has seven categories of work experience. In a typical request for workers, the union receives a call from a hotel for two temporary or two steady extra food servers and a request for referral of five of the union's most experienced workers in

the requested category. Five people are sent out based upon when they clocked in at the union hall and their experience. When they get to the site, the hotel decides who it will hire. This led to a problem that the Bartenders Union faced regarding [discrepancies in] what the hotels reported to EEOC and what the Culinary Workers Union reported. Mr. Cohen stated:

> the problem that we had being a referral union is that we reported every referral that we sent out. Again, if we sent out five people for one or two jobs, we would show that we sent out five people. The hotels would report that they only hired one, and until we got the hire slip we did not know who in fact had been hired.

The Culinary Workers Union does not have any apprentice programs because of the low level of skill involved. There has always been a captains board, composed of those staff who seat customers and ensure that service is appropriate. These staff must take a written and oral examination with a

five-member board that is not an entity of the culinary union. Prior to the consent decree, all five members of the board were males, but now it includes one female and two minorities. To be eligible to take that test and interview, a person must have 1 full year in the industry.

Mr. Cohen said, "since 1981 there has been a dramatic increase in the number of minorities and females because prior to that time it was like a closed shop. Bartenders were males and maids were female and so on down the line." The consent decree triggered a dramatic change because there was a conscious effort to do so, he added. If the unions could not comply with the consent decree, then the hotels could maintain their inability to comply was due to the fact that the unions were not referring people who met the decree's requirements.

According to Mr. Cohen, "the backbone of a union contract is seniority, and that always was a problem in the area of compliance with the consent decree. However, by working with the hotels and the different unions involved, ours, the bartenders, etc., we were able to circumvent seniority." Experience was especially a problem with respect to cocktail servers, sauciers, sous chefs, and other positions that

required skill levels to move up the structure. These skills, learned within the existing structure, allowed promotions. He said, "that has dramatically changed within the last 6 years." Since 1984 there has been a major increase in the number of people brought in for temporary positions, laid off, and then put on recall status.

Mr. Cohen said, "I can count the number of full-time jobs called in to the union in the last 12 months because you now have people who have stabilized." When this occurs, employers only request extra people as food servers for special events. But with the increase of corporate ownerships, the increase in the convention center facilities, and the efforts between the hotel industry and the convention center, the Culinary Workers Union has seen a tremendous increase in the need for employeès.

The increase in hotel construction has caused problems. The union cannot today supply all the hotels' needs in some classifications, such as maids. Mr. Cohen stated, "we are advertising, and have gone to the State Department of Employment Security and other agencies to recruit people who go through a screening program." The union works very closely

with welfare, the community college, and with any sources where it can find people who have a work ethic, who want to come in and make a reasonable, guaranteed wage in an unskilled area, but it is very difficult, he noted.

In an attempt to try to make things easier for people, in the last 3 years the union has offered English as a second language training through the Clark County Community College. The union provides the space, and the community college provides a teacher. The program is open to union members and their family dependents. Hispanics are now 16 percent of the union, and Mr. Cohen sees a definite need to continue this program.

The union worked very closely with Vocational Tech trade school a few years ago, and students who have gained academic skills in the culinary arts are automatically placed at higher entry levels. The union also worked very closely with the Comprehensive Employment and Training Act (CETA) program when it had a culinary arts program, and works with any agency or organization that has training programs, he added.

"Unlike the operating engineers,[21] stage hands and bartenders, which are skilled areas," Mr. Cohen added, "the promotion to become a chef, a nonclassified position, is an

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[21]Joseph Linnert, apprenticeship coodinator and director of the Operating and Maintenance Engineers Union in Las Vegas, told the Advisory Committee at the forum that, to his knowledge, "the operating and maintenance engineers have never been under consent decrees."

appointment by management." Chefs can promote and move people, and they like to come in and train their own staffs.

According to Mr. Cohen, the union believes it has complied to the best of its efforts in providing the work force to the hotels to comply with the consent decree. "All it has to do now is provide EEOC a report every year."

Delia Martinez

Delia Martinez, executive director of NERC, said that legislation created the agency in 1961 with a budget of $5,000 and five volunteer commissioners. Later, an executive secretary and a part-time secretary were appointed.

According to Ms. Martinez, over the years the staff has grown to 16, plus two deputy State attorneys general assigned to NERC. Table I (p. 52) provides the number of employment discrimination cases the agency has been handling and the number of staff through a comparison of data for 1974-76 and 1984-86. The staff was reduced in 1981 by five positions.

NERC was involved in the Telles consent decree, but not in the 1971 decree. NERC staff performed the statistical

analysis, gathered all the information, put it together and went to court, and that is when the EEOC assumed responsibility. Since then EEOC has monitored compliance with the decree as part of the court order. NERC has copies of the consent decrees in its Las Vegas office and uses them in its investigations if cases filed deal with any of the hotels covered by the decrees. Ms. Martinez noted that not all the hotels are under the decrees and there have been many new ones built since that have had charges filed against them.

NERC provided additional tables which show the charges filed in the last 3 years. Table II (p. 53) is the number of charges filed in 1984, '85, '86, and partial figures for '87. These figures represent only those charges filed by blacks, Hispanics, and women against the major Strip hotels for reasons such as discharge, failure to be promoted, failure to hire, and terms and conditions of employment.

Ms. Martinez noted that sexual harassment is the major basis for complaints received by NERC. Since the consent decree did not address sexual harassment, NERC did not include data on sexual harassment charges filed against the hotels/casinos. She contended that if the agency were able to

include such data, the figures on charges filed against the hotels/casinos would be substantially larger.

According to Ms. Martinez, the numbers, as far as percentages are concerned, have remained constant over the last 3 years. About 38 percent of the charges being filed are on the basis of sex, 24 percent filed on the basis of race. She pointed out that in Table II, age discrimination complaints also continue to remain high.[22]

NERC determined that in 1984 and 1985, it had a large number of charges filed because of the strike that occurred. Numerous people were discharged at that time, or were not hired after the strike was settled. Many of them felt that these results may have been based on discrimination and they therefore came to the agency. Otherwise, the numbers have remained constant for 1985 and 1986. Table III (p. 54) represents complaints from minorities and women with reference to employment opportunities and upward mobility at all major Strip hotels.

NERC still observes that there are few minorities or women in upper management jobs. Staff could not determine whether there was a woman hotel manager of a major

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[22]Ms. Martinez did not provide information on the disposition of these charges, including findings of discrimination.

Strip hotel. There are some notable improvements in other positions where traditionally women have not been employed, such as dealers and baggage handlers. Ms. Martinez added that positions at the upper management level still remain to be filled.

Ms. Martinez told the Advisory Committee that the number of employment discrimination charges filed against the hotels comprise 33 percent of all charges filed with NERC; 28 percent of charges come from employees of State and local governments; and the remainder from private enterprise. In this context, the term "private enterprise" refers to charges filed against entities employing 15 or more individuals. Ms. Martinez stated that NERC receives many complaints against employers with fewer than 15 employees, and that these charges are referred to private attorneys. If NERC were able to accept those charges, it would be taking an additional 500 to 700 charges a year.

Ms. Martinez believes there has been much improvement in training and providing people who have the qualifications in the work force. Although the University of Nevada, Las Vegas, was given money for scholarships to enable more people to be

educated to meet the qualifications needed by the hotels, that program has not been as successful as initially envisioned. She said, "they are not recruiting Hispanics, women, or minorities for those programs." Ms. Martinez believes the university needs to do its share to recruit people for these jobs. Unions also could do more to improve the availability of minorities and women because they provide workers.

Summary

The EEOC is responsible for monitoring and enforcing the terms of both the 1971 and 1981 consent decrees. The representative of the NAACP suggested that this responsibility required that the EEOC advise the minority community in Las Vegas of the progress and status of the decrees.

The EEOC's performance, as expressed by its representative, with respect to its responsibilities in these cases is mixed. The agency found the hotel/casino industry in compliance with the goals established for employment of females and Hispanics in the 1981 consent decree, and that decree was dissolved. Based upon the information produced at

the open forum, the hotels and unions have fulfilled their obligations pursuant to this decree.

Because of the lack of factual information, the Advisory Committee cannot determine whether the 1971 decree has been effective. Forum participants alleged that the EEOC has failed to evaluate progress, and has not monitored or enforced the provisions of the 1971 decree. At least one community leader alleged that the EEOC has failed to keep the minority community informed of the impact of the decree. As a result of several factors, more than 18 years later, the 1971 decree remains in effect.

The hotel/casino employment reporting data provided the Advisory Committee were incomplete and inconclusive. Although analysis of the data by the Center for Survey Research indicates general compliance with the decree's requirements, limitations and gaps in the data hinder effective evaluation of the impact of the 1971 decree. Without complete data there is no way to assess the full impact of this decree.

The problem remains for the Federal district court and

EEOC to determine whether available data demonstrate compliance, and if such compliance will allow discharge of the parties from EEOC and court supervision. The Advisory Committee believes the age of this decree may demonstrate a lack of attention and commitment on the part of a Federal enforcement agency, and it respectfully suggests that the Commission request that the EEOC, under jurisdiction of the Federal district court, conduct a comprehensive audit of the data submitted by the major hotel/casinos in Nevada to assure continued accuracy in the reporting protocol. The Advisory Committee plans to monitor further developments until the issue is resolved.

Table I
1974-1976 through 1984-1986

STATISTICAL COMPARISONS

OF STATEWIDE EMPLOYMENT COMPLAINTS

FILED AND CLOSED BY THE NEVADA EQUAL RIGHTS COMMISSION

1982-84 BIENNIUM		1984-86 BIENNIUM		% INCREASE OVER PREVIOUS BIENNIUM
Charges Filed	1,260	Charges Filed	1,507	20%
Charges Closed	1,213	Charges Closed	1,252	5%
Monetary Benefits For Charging Parties:	$1,388,526.07	Monetary Benefits For Charging Parties:	$1,948,231.01	40%
Funding Allocated:	$1,068,940.29	Funding Allocated:	$1,168,342.68	
Staff Allocated:	14	Staff Allocated:	14	

1974-76 BIENNIUM	
Charges Filed	754
Charges Closed	725
Monetary Benefits For Charging Parties	$190,287*
Staff Allocated	20

*Data available only for 1975-76, thus only represents one year of the biennium

Source: Delia Martinez, executive director, Nevada Equal Rights Commission, Las Vegas, Nevada, August 1987.

Table II

BREAKDOWN OF CHARGES FILED

with the Nevada Equal Rights Commission 1984 - 1987

YEAR	RACE/ COLOR	SEX	RELIGION	NATIONAL ORIGIN	AGE	PHY/VIS/AURAL HANDICAP	PUBLIC ACCOMM.	HOUSING	RETALIATION	TOTAL
1984/85	177	270	9	102	125	31	7	25	38	783
1985/86	186	255	10	79	99	31	12	24	28	724
1986/87	172	273	11	89	91	26	4	20	35	721

Source: Delia Martinez, executive director, Nevada Equal Rights Commission, Las Vegas, Nevada, August 1987.

Table III

COMPLAINTS RECEIVED BY NERC FROM MINORITIES AND WOMEN
WITH REFERENCE TO EMPLOYMENT OPPORTUNITIES AND
UPWARD MOBILITY AT ALL MAJOR STRIP HOTELS

CALENDAR YEAR	MINORITIES	WOMEN*
1984	14	12
1985	33	15
1986	28	24
1987 (7 months)	15	10

*Does not include sexual harassment charges.

Source: Delia Martinez, executive director,
Nevada Equal Rights Commission
Las Vegas, Nevada, August 1987

APPENDIX A

REPORT OF ANALYSES FOR THE UNITED STATES COMMISSION ON CIVIL RIGHTS EEOC V. NEVADA RESORT ASSOCIATION

DESCRIPTION OF DATA

Data were entered on forms provided by the United States Commission on Civil Rights and reflect black employment in twenty-three job classification categories. Earliest entries were for 12/71 while the most recent are for 12/87. We received forms describing employment patterns in eighteen major resorts/hotels/casinos. Some of the reports were almost complete while others lacked significant amounts of data. Such lack of information raises the issue of validity. Questions of validity exist both for the data and any conclusions which may be drawn from them.

The first and most obvious problem with the data is the self-reporting manner in which it was gathered. There is no reason to assume that resorts/hotels/casinos misrepresented black employment, but normal and prudent methodology dictates a more rigorous method of data gathering. A second difficulty with the data has been noted already. That is the lack of consistency from one property to the next. This lack of consistency makes it impossible to achieve statistical validity in terms of overall conclusions regarding compliance with the consent decree. A final set of major difficulties with the data involves the manner in which they are presented. Entries in each of the job classification categories are made in percentages without any reference to the actual numbers. Again, quite obviously, this makes it impossible to generalize about the data with any level of assumed validity, e.g., one year the addition of one black employee in a given category would be worth more percentage points than the addition of fifteen employees in another category or at another hotel in the same category. The old axiom about comparing apples and oranges is very appropriate here. A related difficulty involves the "quarter report" forms on which actual numbers as well as percentages are recorded. The inclusion of these forms is extremely sporadic and there are many instances of error in the calculation of the percentages. Finally, there are extremely few reports on the number of overall vacancies during any given period and there are no indications of why particular changes take place. For instance, when the number of blacks in a given job classification decreases, there is nothing to indicate whether that decrease is due to termination, resignation, or promotion. It would be very helpful to have such information.

CONCLUSIONS

Recognizing the numerous limitations of the data. it is still possible to offer several important conclusions. First, overall percentage employment indicates that the reporting hotels/resorts/casinos are in compliance with their agreement. Utilizing the forms on which actual numbers of employees are recorded the total percentage of black employment is 16.36 (see table 1) It should be noted that in addition to an overall compliance. all but three of the reporting properties excede both local and national black population percentage figures (see table 2).

A second major conclusion relates to the direction of change. Using the percentage data that cover the period beginning in 1971, consistent change is in the direction of increased black hiring. Of the thirteen properties for which total percentage data are reported nine indicate increased black hiring over the years. Of the four which do not show such a trend, all were in compliance at the beginning of the reporting period and remain so as of the most recent report. It is worth noting that the highest job classification category, "officials and managers," also shows evidence of increased black hiring. Though no report indicates percentage compliance (the range is from 2.2 to 11.0), twelve of the fourteen reports that indicate change show such change in the direction of increased hiring of black officials and managers.

Summary Recommendations

From the perspective of statistical analyses it is imperative that data be gathered within a format that allows for reasonable assumptions of validity. With that in mind we offer the following summary recommendations:

1. All data should be reported in actual numbers as well as in percentages.

2. Every effort should be made to have more consistent reporting of information, i.e., there should be far fewer blank categories or reporting periods.

3. There should be some method used to assure that the data reported are an accurate portrayal of actual employment profiles, e.g., employment reports could be subject to audit procedures for verification.

TABLE I

Reporting Quarter	Reporting Property	Total	Black	Percent Black
12/87	Circus Circus	132	11	8.3%
	Caesars (only percent)			
6/83	Stardust	82	11	13.41%
12/87	Flamingo Hilton	3021	590	19.5%
6/87	Dunes	82	6	7.3%
12/87	Sands	1381	247	17.9%
12/87	Riviera	1789	302	16.9%
12/86	Hacienda	193	6	6.82%
12/87	Tropicana	2623	436	16.6%
12/85	Aladdin	455	85	18.7%
6/87	Castaways	232	44	19.0%
12/87	Desert Inn	1822	343	18.8%
12/87	Frontier	1364	198	14.5%
--	Thunderbird/Silverbird N.R.			
12/85	Landmark	132	6	4.55%
6/87	Sahara	1342	199	14.83%
12/87	Silver Slipper	542	80	14.8%
12/87	Las Vegas Hilton	3437	483	14.0%
		18,629	3,047	16.36%

Source: Center for Survey Research, College of Arts and Letters, University of Nevada, Las Vegas, November 21, 1988.

Table II

Percentage Black Population

United States	Black Population
1970	11.1%
1980	11.8%
1986	12.2%
Nevada	
1970	5.3%
1980	6.4%
1985	6.7%
Clark County	
1985	10.0%

Source: Center for Survey Research, College of Arts and Letters, University of Nevada, Las Vegas, November 21, 1988.

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