

Transport Workers Union Local 721

The Dealers Voice



March 2008

Uniting Casino Dealers of Nevada

TWU Local 721 Office

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9AM-5PM M-F

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Website

Get all your information regarding the TWU and dealers' issues at www.TWULocal721.org

Membership Card

Don't forget to fill out your dues checkoff and membership cards. See your negotiating committee member to get one. *These are different cards than the ones we filled out to get our union elections.* Remember, the TWU **will not** collect dues until you have a contract.

Update your Address

If you are not receiving the Dealers Voice in the mail, please send an updated address to Tammy at the office. tchaplin@twu.org.

Register to Vote

You can register to vote or change party affiliations at <http://www.co.clark.nv.us/election/votequal.asp>. Click on "Click here to request an application."

Wynn Contract Negotiations Update

The company and the Union have reached 3 more Tentative Agreements involving Health and Safety, Dues Check-off, and Employee Representatives. The company has also shown some movement on Grievance and Arbitration. However, among other things, "just cause", still remains an issue. The company wants dealers to remain "at will" employees and wants to continue to impose discipline without cause and change the rules at any time. Being that the company is confident in their ability and experience in imposing discipline and their ability to provide cause given the many cameras surrounding the working environment, this shouldn't be an issue. However, it still is and the possibility of retaliation and the track record the company has with its dealers remains so the negotiating committee is very cautious about any optimism they may have.

Caesars Contract Negotiations Update

The Caesars Negotiating Committee met with Harrah's Vice President/General Counsel and the Directors of Human Resources and Personnel on March 4, 2008 to open negotiations and submit proposals. This was the first of many sessions to come and is the first step in establishing what will hopefully become a good relationship with Harrah's/Caesars. You can get more information on the negotiations at the TWU website. Just click on "Casino Feedbacks" then "Caesars Palace" then "Negotiations" and then "March 4, 2008".



The Caesars Negotiating Committee takes a much needed lunch break during negotiations.

~ Upcoming Events ~

Supreme Court Hearing

The appeal will be heard on April 7, 2008. See the back of this newsletter for more info.

Labor Commissioner Hearing

The hearing originally schedule for March 19, 2008 has been postponed. The attorneys will speak with the Labor Commissioner's representative on 7/16/08 at 9 a.m. to discuss things further and possibly set a new hearing date. A new date may be scheduled earlier than July depending on what the outcome of the Supreme Court Appeal Hearing is. We will keep you updated.

Union Busting Seminar

Just for your info. On April 8th the nation's largest "union busting" firm, Jackson Lewis, will be holding a seminar on "Union Avoidance in Tribal Casinos" in Las Vegas. And guess which property is hosting the seminar...The Wynn!

STAY STRONG!

STAY UNITED!

Shop Steward Training



The TWU held a shop steward training class on Wednesday February 27, 2008 at the Postal Workers Union Hall. About 50 dealers from 9 different strip casino's attended. This was a great showing of commitment by dealers to the TWU and by

the TWU to Las Vegas dealers. The class was led by TWU attorneys Mark Richard and Kathleen Phillips and was very helpful in giving our future shop stewards the tools and information needed to help protect their coworkers and union brothers and sisters. The TWU will be holding more training classes in the future. We will let you know when they will be held and how you can get involved.

New PR Campaign!

The TWU held a press conference on Monday March 3, 2008 to announce the "Tips for Dealers" campaign. The campaign is intended to show dealers in a positive light, educate players on tipping, offer dealers' game knowledge to players, and



Caesars Palace Dealer, Martina Castle, models the TWU's new video vest for the press.

dispel any myths that dealers are against players. Though the campaign is in its test stage, there may soon be people walking the strip wearing video vests, print, and possibly billboard advertising. You can go to www.lasvegasdealertips.com to see the video vest clips.



Wynn Dealer Daniel Baldonado and Caesars Palace Dealer Brian Garcia show the new video vests to a passer by.

Lawsuit

The date has been set for the Nevada Supreme Court to hear the Baldonado/Cesarz vs Wynn appeal. The date is April 7, 2008. The Court will be hearing the appeal "En Banc", meaning that all 7 Judges will be present, which is not typical & indicates that the Court is recognizing at some level that this is an important case for them to decide and will hopefully make the right decision.

"QUOTE"

The CEO of a huge Fortune 500 company was once asked, "What is your most effective tactic in fighting a union?" His reply was "The most effective tactic I use that works every time is, *I wait the employees out and let them turn on each other.*" Hmmm.

Union Lingo

Just Cause is, by far, the **most important** element in a union contract. Just cause means that an employer must have proof that an employee has done something wrong before imposing discipline and that the reason is just and fair. Without the protection of just cause, employers may discipline or terminate employees at any time, for any reason or no reason, and without proof, leaving the employee defenseless and without the *right* to a hearing. The following are accepted guideline questions used to determine whether or not an employer had just cause to discipline an employee. A "no" answer to any one or more of the following questions indicates that the employer acted arbitrarily, or was capricious and/or discriminatory in his decision to impose discipline.

- ✓ Did management adequately warn the employee of the consequences of his conduct?
- ✓ Was management's rule or order reasonably related to efficient and safe operations?
- ✓ Did management investigate before administering the discipline?
- ✓ Was the investigation fair and objective?
- ✓ Did the investigation produce substantial evidence or proof of guilt?
- ✓ Were the rules, orders, and penalties applied evenhandedly and without discrimination to all employees?
- ✓ Was the penalty reasonably related to the seriousness of the offense and past record?

PEST Initiative

Steve Wynn, the Nevada Restaurant Association, the Retail Association of Nevada, the Nevada Motor Transport Association, the Nevada Manufacturers Association and the Nevada Tavern Owners Association have filed a lawsuit to stop the PEST petition. They are saying that the petition violates the "single subject rule" because it addresses too many subjects including making tips property of the person to whom they are given, prohibiting employers from deciding which employees may participate in a tip pool, and making a violation of the law subject to judicial review. The PEST petition has been put on hold until the lawyers can come up with an alternative petition. We will keep you posted on when the new petition will be available for printing and distribution. Also, a Nevada attorney, Kermitt Waters, is trying to throw out the single subject rule saying that activist judges (who may have ties to industry) can use the rule to block whatever initiatives they want. Because of the Wynn complaint citing that the petition is unconstitutional, this has opened the door for Waters to take the case to **federal court**.

The **Culinary Union Local 226**, without the consent of or notification to their members, have now joined Wynn and pals in their lawsuit against the PEST petition. A recent letter from the International Union of Gaming Employees, the people responsible for PEST, asked Culinary local president "*Why would you, Mr. Taylor, the leader of a union which represents thousands of tip earners, align yourself, on February 26, 2008, with Mr. Steve Wynn who is mounting an effort to kill a voter initiative to make employer tip confiscation unlawful?*" And, more important: "*Why would you, Mr. Taylor, do this without disclosing your actions to your own union members?*" Check the website for updates.