

## LABOR AND MANAGEMENT COMMITTEE - 56TH ASSEMBLY SESSION

Minutes of Meeting - March 9, 1971

PRESENT: Chairman, D. Poggione, R. Capurro, H. McKissick, D. Branch,  
R. Bryan and D. Mello.

ABSENT: T. Hafen

GUESTS: Lee H. Burnham, Acting Deputy Director, Dept. of Employment  
Security; Lou Paley, Executive Secretary, AFL-CIO; Theo R. Lawson  
Secretary-Treasurer, So. Nevada Central Labor Council;  
Stan Jones, Nevada State Labor Commission; Bob Rein, Radio  
Engineer; Reba Gilbert, Jean Roper and W.S. Gilbert from Reno  
and William Swackhamer, Assemblyman.

The meeting was called to order by Chairman, Dan Poggione at 8:10 a.m.  
in Room 320, to discuss two proposed bills.

A.B. 353. Prohibits employers from taking employees' tips.

Prepared statements were read by three individuals from Reno (copy  
attached - No. 1) They also presented a proposed amendment to this  
bill (Attachment No. 2)

Questioning followed by committee members. Mr. Mello asked the opponents  
to clarify their position since the bill would make it "unlawful for  
any person to take all or part of any tips--of his employees". The  
opponents, representing some of the casino workers, stated that they  
merely wanted to amend the bill so that it would be impossible for the  
employer to compel them to share their tips.

Mr. McKissick said that it was his understanding that now about 90% of  
the casinos require that tips be split. The objection seemed to involve  
mostly those people who ran a table in a large casino and felt that new  
employees should not be receiving a share of the tokens given to "old  
hands", who had a following and were able to keep their tables going at  
a faster speed. Mr. Mello said the main reason for introducing this  
measure was to prevent the employers from taking any tips but Mr. Gilbert  
stated that they wanted it further amended so that the employers could  
not compel them to share their tips.

Lou Paley spoke against the bill since he believed the notice as indi-  
cated in the deleted [ ] section should remain. He also mentioned that  
Federal Law permits 50% of tips to apply against the requirements of the  
minimum wage law. He believed that any change in State Law might possibly  
be in violation of some of the Federal Laws requiring reporting of tips  
and social security deductions. He believed the sign should be posted  
and even possibly the same information printed on the menu.

The casino workers mentioned that they were in the process of joining  
a union to help them solve some of their problems with management.

Stan Jones presented the administrative responsibilities of the Labor Department in administering the minimum wage laws and that ~~the~~ employers had taken advantage of the opportunity to offset the recent 15¢ minimum wage law increase by use of tips received. His department also has difficulty in enforcing the posting of the Notice required by present law and he read correspondence from a casino regarding requirements of minimum wage laws and how they were being met.

The members felt that some of the changes requested in this law would definitely be stepping into the field of Management. Me. Mello felt that some new language in the existing law would be effective. Mr. McKissick suggested that in Section 1, Line 4 of the present statute adding after the word [wages] (or who uses the same in the computation of minimum wages under Federal Minimum Wage Law) It was also suggested that perhaps a change in Line 8 [the employer] should be made to (employees) with a corresponding change in Line 9. Mr. McKissick is going to make arrangements for an appropriate amendment to the bill.

A.B. 117 Disqualifies a person who voluntarily retires from receiving unemployment compensation.

Mr. Lou Paley spoke in opposition to the bill - he felt it discriminated against the man who, for example, voluntarily retired at 55 and then some years later decided to go back into the labor market. A person who received his retirement at age 62 could, under the provisions of this law, be eligible for unemployment benefits since he hadn't voluntarily retired.

Lee Burnham spoke in opposition to the bill as it affected the Dept. of Employment Security, on two points. In the opinion of the department, the law would be very difficult to enforce. A person who came from some distance might be a retired person and then, after living in Nevada, decide to go back to work. If he built up wage credits he would then be eligible for unemployment in Nevada. The department could not very well police the law under these circumstances.

Secondly, reinforcing Mr. Paley's statement, a person, even if voluntarily retired from one job, should not be discriminated against. If he is honestly seeking work and available for work, he should be entitled to unemployment benefits.

Mr. Swackhamer, one of the co-sponsors of the bill, spoke for this measure. He said that in Ely they had found employees of Kennecott Co. retiring voluntarily and immediately going down and also filing for unemployment compensation.

Mr. Burnham said that some states have put a provision in their laws whereby an individual who voluntarily retires cannot draw unemployment compensation as a result of wage benefits or credits from the company from which he retires. However, if he subsequently builds up additional wage credits in a separate program after retirement, then he would again become eligible.

Mr. Paley brought out the fact that an employer would be approving such unemployment benefits since the application for unemployment has to be signed by him.

Mr. McKissick moved that the language contained in other states laws be obtained and an amendment be drafted for the committee to look at. Motion seconded by Mr. Capurro and carried. Meeting adjourned at 8:55 a.m.

A.B. 353 PREPARED STATEMENTS (COPIES)

W. G. Gilbert  
1901 Coleman Drive  
Reno, Nevada 89503

Mr. Chairman - Gentlemen:

I am Mr. Bill Gilbert, from Reno, Nevada. I have been chosen as spokesman for a group of casino employees-- to speak to you in reference to A.B. 353 Para #1. We want to be assured--that in the future-- we would not be compelled to divide tips or gratuities by our employers-- by having words to this effect added to the amendment--we believe-- this will in no way change the intent of this bill--to expound on reasons for our endeavor--I would like to introduce my wife, Mrs. Gilbert, who has been an employee of the same casino for the past fifteen years.

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Reba E. Gilbert  
1901 Coleman Drive  
Reno, Nevada 89503

Mr. Chairman - Gentlemen:

We feel that we are victims of new management. The bartenders, cocktail waitresses, none of these groups split. If a customer gives you a cow, how do you split it into one hundred ways...or a bottle of scotch... these things have happened in the past. At that time we were keeping our own tips so there problem. Why should money not also be a personal gift? We had no choice. The Hughes organization told us we had to split. We would rather occasionally have a good shift or say \$10.00 or \$15.00 than a small amount of \$1.00 or \$1.20 a night. For further information I would like to introduce Mrs. Jean Roper who has been employed continuously by the same casino for the past twenty five years.

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Jean Roper  
1850 Carter Drive  
Reno, Nevada 89502

Mister Chairman--Gentlemen:

For the 35 years that the Smith family owned Harold's Club, each dealer was allowed to keep the tips that he or she made. With the take-over by the Hughes organization came the order that all dealers of all games would split their tips equally. This means splitting with students who can't even deal one game, much less two or three--it means dividing our tips with people with a sour countenance and an unfriendly attitude. We feel that management is doing this to supplement the income of new employees - at the expense of the old established dealers who must deal any high limit game in the Casino - but who receive no additional pay - yet who have seniority, efficiency and a knowledge of the whims of the customers of long standing - who built the casinos in Nevada. Since Management doesn't share their profits - it seems to us that they shouldn't force us to share our income. I hope that you gentlemen will add to bill number 353 to correct this unfair situation. Thank you,

5 March 1971

Labor and Management Committee

Nevada Legislature

Re: AB No. 353

Mr. Dan Poggione, Chairman:

With reference to lines 13, 14 and 15 we would like an insert in the amendment making it unlawful for any person or an employer to compel or force the dividing of tips or gratuities.

Jean Lopez  
1858 Carter Dr.  
Reno, Nev. 89502

Rita E. Gilbert  
1901 Coleman Dr.  
Reno, Nev.

MR CHAIRMAN ---- GENTLEMEN:

AM MR BILL GILBERT---FROM RENO, NEVADA.--- I HAVE  
 BEEN CHOSEN AS SPOKESMAN FOR A GROUP OF CASINO EM-  
 PLOYEES--TO SPEAK TO YOU IN REFERENCE TO AB353 PARA  
 #1-- WE WANT TO BE ASSURED---THAT IN THE FUTURE ---  
 WE WOULD NOT BE COMPELLED TO DIVIDE TIPS OR GRATUIT\*  
IES BY OUR EMPLOYERS----BY HAVING WORDS TO THIS EFFECT  
ADDED TO THE AMENDMENT---WE BELIEVE--THIS WILL IN NO  
 WAY---CHANGE THE INTENT OF THIS BILL-----TO EXPOUND  
 ON REASONS FOR OUR ENDEAVOR--I WOULD LIKE TO INTRO-  
 D UCE MY WIFE---MRS GILBERT---WHO HAS BEEN AN EMPLOYEE  
 OF THE SAME CASINO FOR THE PAST FIFTEEN YEARS-----

*Thank You*  
*W. S. Gilbert*  
*1901 Coleman Dr*  
*RENO, NEV 89503*

MR. CHAIRMAN, GENTLEMEN

WE FEEL THAT WE ARE VICTIMS OF NEW MANAGEMENT.

THE BARTENDERS, COCTAIL WAITRESSES, FOOD

WAITRESSES, NONE OF THESE GROUPS SPLIT. IF A

CUSTOMER GIVES YOU A COW, HOW DO YOU SPLIT IT

INTO ONE HUNDRED WAYS....OR A BOTTLE OF SCOTCH....

THESES THINGS HAVE HAPPENED INT HE PAST. AT

THAT TIME WE WERE KEEPING OUR OWN TIPS SO THERE

PROBLEM. WHY SHOULD MONEY NOT ALSO BE A

PERSONAL GIFT.

WE HAD NO CHOISE. THE HUGHES ORGANIZATION

SPLIT

TOLD US WE HAD TO. WE WOULD RATHER OCCASIONALLY

HAVE A GOOD SHIFT OF SAY 10.00 OR <sup>15.55¢</sup> ~~10.00~~.

THAN A SMALL AMOUNT OT \$1.00 or \$1.20 A NIGHT.

FOR FURTHER INFORMATION I WOULD LIKE TO INTRODUCE

MRS JEAN ROPER WHO HAS BEEN EMPLOYED CONTINU-  
OULY BY THE SAME CASINO FOR THE PAST  
TWENTY FIVE YEARS.

*Peter & Gilbert  
1901 Coleman Dr.  
Reno, Nev 89503*

MISTER CHAIRMAN - - - GENTLEMEN:

FOR THE 35 YEARS THAT THE SMITH FAMILY OWNED HAROLDS CLUB -  
 EACH DEALER WAS ALLOWED TO KEEP THE TIPS THAT HE OR SHE MADE. -  
 WITH THE TAKE OVER ~~BY~~ - THE HUGHES ORGANIZATION - CAME THE ORDER  
 THAT ALL DEALERS OF ALL GAMES WOULD SPLIT THEIR TIPS EQUALLY. THIS  
 MEANS SPLITTING WITH STUDENTS WHO CAN'T EVEN DEAL ONE GAME, MUCH  
 LESS TWO OR THREE - - - IT MEANS DIVIDING OUR TIPS WITH PEOPLE  
 WITH A SOUR COUNTENANCE AND AN UNFRIENDLY ATTITUDE. WE FEEL THAT  
 MANAGEMENT IS DOING THIS TO SUPPLEMENT THE INCOME OF NEW EMPLOYEES -  
 AT THE EXPENSE OF THE OLD ESTABLISHED DEALERS WHO MUST DEAL ANY  
 HIGH LIMIT GAME IN THE CASINO - BUT WHO RECEIVE NO ADDITIONAL PAY. -  
 YET WHO HAVE SENIORITY, EFFICIENCY AND A KNOWLEDGE OF THE WHIMS OF  
 THE CUSTOMERS OF LONG STANDING - WHO BUILT THE CASINOS IN NEVADA.  
 SINCE MANAGEMENT DOESN'T SHARE THEIR PROFITS - IT SEEMS TO US THAT  
 THEY SHOULDN'T FORCE US TO SHARE OUR INCOME. I HOPE THAT YOU  
 GENTLEMEN WILL ADD TO BILL NUMBER 353 TO CORRECT THIS UNFAIR  
 SITUATION.

THANK YOU,


 A handwritten signature in cursive script that reads "Jean Roper".

JEAN ROPER  
 1850 CARTER DR.,  
 RENO, NEV. 89502



