

Dealer who defied Wynn can't get new job

Cynthia Fields looks younger than her 39 years and has 15 years of experience as a highly rated dealer and casino manager at upscale casinos.

But Fields has discovered what many in the casino business have learned after they've been fired from their jobs: It can be tough to get back into the game.

The story about how Fields was dismissed from her dealer job at Wynn Las Vegas in early January is legend in casinos in Las Vegas. She is the woman who dared to challenge casino boss Steve Wynn with the claim that he violated federal labor law by threatening to fire her and other dealers if they joined a union.

Fields has risen to the ranks of hero in some workers' minds – a distinction that she fears is now hurting her job prospects.

„I'll have a great interview and then they'll do the background check," said Fields, who remains jobless and is receiving unemployment benefits. „They'll see I was terminated from my last job."

Casinos deny that they blacklist employees. And a casino that refuses to hire someone who was terminated under a cloud of suspicion elsewhere may be acting prudently.

Fields, who is among several dealers who have feuded with a Wynn policy to include supervisors in tip pools, says she is now a marked woman.

„I had never been in trouble before," Fields said. „But I will not be threatened or intimidated. I won't back down – and I think (casino supervisors) are afraid of that."

Fields took the unusual step of filing a complaint with the National Labor Relations Board, which regulates union activity in the workplace, even before the union drive at Wynn Las Vegas was in full swing. (Six months later, in May, dealers voted to be represented by the Transport Workers Union by a 3-to-1 margin.)

It was after Fields filed her complaint with the NLRB that she was fired. She added her termination as ammunition to her existing complaint.

Fields was among several Wynn dealers to take complaints to the National Labor Relations Board. It found her complaint had merit, and testimony before a federal administrative law judge concluded last week. A decision isn't expected for at least a month. And yet, any success in federal court will go only so far.

A ruling favorable to Fields could award her back wages and require Wynn to re instate her. It could require the casino to issue a notice forbidding bosses from threatening workers. But that's of little help to her colleagues because it wouldn't require Wynn to roll back the tip policy.

Her case stems from an October meeting with 15 dealers, called by Wynn to explain the new tip sharing policy – a move that would cut dealers' annual earnings by at least 10 percent.

In that meeting, Wynn allegedly yelled at the dealers, threatening to fire them for trying to organize and slamming his fist so hard on the table that it knocked over a bottle of water.

Gathering employees in a room to intimidate them is not illegal. Nor is it illegal to tell workers why they shouldn't join a union. And it's not illegal to fire a worker for the way he combs his hair. But threatening to terminate workers or lower their wages for union organizing, as Fields alleges, crosses the line.

In January, after the supposed confrontation between Wynn and the group of dealers, and after she filed her complaint with the labor board, Fields claims , she received a negative performance evaluation by a „secret shopper“ posing as a gambler. She was so rattled by the review, believing it was crafted in retaliation for having filed her complaint with the labor board, she burst into tears.

She says she was too upset to return to work, so she went to the scheduling window to arrange for someone to cover her shift. She claims the scheduler was sympathetic and agreed she could go home. She handed in her uniform, got a freshly pressed one for the next day, retrieved her belongings from her locker and left.

Casino supervisors rebutted her in court, saying the supervisor wasn't authorized to permit her to leave. The supervisor said Fields wasn't seeking permission so much as demanding to exit the premises. She was suspended, then terminated, for „walking off the job.“

The National Labor Relations Board, representing Fields, produced witnesses backing up her claim. But testimony on behalf of Wynn challenged her account, and the case has turned into a he-said, she-said version of events.

While the hearing judge mulls the case, Fields says, she's been unable to land a new job.

Casino employment attorney Mark Ricciardi isn't familiar with Fields' case but questions her suspicion that employers won't hire her because she spoke up at her last job.

„I'm not sure that's believable in this market, where people need employees,“ he said. „I think that many employers will look at the entire picture rather than have a knee-jerk reaction to a termination.“

Employers can be liable for refusing to hire someone because

the person, at his previous job, exercised his right to file a labor complaint or organize a union, he added.

In most cases, employers can fire workers for the most innocuous of reasons – or for no reason at all. Firing someone in tears who states she is leaving for the day – a woman who by all accounts was an exemplary employee prior to that final review – is rough treatment. Unless the government can convince a judge it is linked to her labor complaint, it's also perfectly legal.

And it's among the many reasons many casino workers choose to avoid a fight.