

Pit boss sues union he worked to reject

In the end, after a tough battle to organize dealers at the Atlantic City Hilton, the union lost.

Among the wounded, according to a federal lawsuit filed Friday, was Wayne Chiw, 65, a longtime pit boss at the Atlantic City Hilton, and his wife, Elana, 63, who worked there as a supervisor.

He was a soldier for the company, which enlisted him to help persuade the Asian dealers at the Hilton and its sister casino, Resorts Hotel & Casino, that they would be better off without the United Auto Workers, which has been organizing dealers in Atlantic City's casinos.

But, the lawsuit said, the couple, of Galloway, N.J., paid a price for their help.

„They were hammered,“ said their lawyer, Gustine J. Pelagatti, at Pelagatti & Pelagatti in Philadelphia. „He is very depressed.“

Neither the union's lawyer, William T. Josem in Philadelphia, nor the lead UAW organizer, James Moore, had any comment on the lawsuit against them last week because they had not seen it. Hilton officials also declined to comment. The suit was filed in Philadelphia.

„He was an agent for the company,“ Moore said.

A spokesman for the Hilton did not return calls or answer e-mail seeking comment.

In their suit, the couple say the union destroyed their good reputation in the Asian community by lying about them and what they did and said to persuade Asian dealers to reject the

union.

On May 25, dealers at the Atlantic City Hilton voted 316-268 against having the UAW represent them in collective bargaining. The union continues to work to organize dealers at Resorts.

The lawsuit depicts „fairly standard types of events in terms of what a union does and what management does to counter it,“ said Stephen J. Cabot, who runs Cabot Institute, a Plymouth Meeting union-avoidance consulting group.

One key management strategy is to find a trusted person to speak to workers – and that’s particularly the case when the workers belong to an ethnic group, Cabot said.

Chiw was that person, the lawsuit said. He had worked in the Atlantic City Hilton since 1980, when it was called the Golden Nugget.

Chiw, who is Chinese, helped his coworkers with the complications of American life, such as taxes and insurance. He threw Christmas and New Year’s parties for his Asian coworkers.

„He’s perfect, the classic,“ Cabot said. „He’s someone who is knowledgeable of the employees, an effective communicator. You want to put him in a bottle and clone him.“

Cabot said that when he helps companies avoid unions, he sometimes has to hire someone from the outside like Chiw if he can’t find an employee who can do the job. „They are called persuaders,“ he said.

When the union drive began, management at the two companies turned to Chiw and trained him to talk to the Asian dealers, the lawsuit said. He spoke to two groups of them – 80 in all – who attended two meetings at Resorts. Ten to 20 management members also came to the meetings, Pelagatti said.

The next day, when he got to work at the Hilton, union activists there accused him of telling Asian workers that if they didn't vote against the union, they might lose their green cards or have issues bringing over family members.

Even though Chiw denied saying anything like that, the union circulated a letter to dealers reading „there is a disgrace [sic] pit boss telling Asian dealers that if they sign a union card . . . they will be deported.“

The union filed an unfair-labor-practice charge with the National Labor Relations Board against the company about Chiw. It was withdrawn after the election.

„He took pride in his position in the Asian dealer community. He was well-respected,“ Pelagatti said. „Now he is known as a disgraced Asian pit boss.“

His wife was also taunted about her husband's activities, the suit said.

But companies often do, either covertly or overtly, try to frighten immigrant workers during organizing drives, said Gail Lopez-Henriquez, a Philadelphia lawyer who has represented unions for 23 years. „Even if nothing were overtly said, a union would want to reassure noncitizen employees because that is something they'll be afraid of.“

The lawsuit also accuses union members of trying to intimidate the Chiws during a chartered fishing trip for Asian workers held less than two weeks before the union vote.

When they showed up at the dock, the boat's owner was wearing a union T-shirt, and when they returned from the trip, people wearing union T-shirts met them at the dock.

„It's absolutely textbookish what the union did,“ Cabot said. „You want to discredit. You want to engage for misinformation. You want to harass. There are many instances that it works.“

Philip M. Dine, longtime labor reporter for the St. Louis Post Dispatch and author of State of the Unions, a book published by McGraw-Hill this month, said harassment is a given in the lead-up to an election.

„It's frequent that there is harassment on either side or both sides," Dine said in an interview Friday. „People talk about theories and laws, but when the rubber hits the road, there is often harassment by one side, or the other side, or both sides. The issue is, how severe is it, and what happens as a result.“