

Casino Union Vote Nearer

Labor Board Rejects Foxwoods' Objections

By MARK PETERS | Courant Staff Writer

October 25, 2007

A federal labor official cleared the path Wednesday for table dealers at Foxwoods Resort Casino to vote on whether to unionize, a victory for the United Auto Workers, which is trying to organize 3,000 dealers at the southeastern Connecticut casino.

The decision by Peter B. Hoffman, a regional director of the National Labor Relations Board, rejected arguments from the Mashantucket Pequot Tribe, which had contended that the NLRB does not have jurisdiction over the casino on its reservation.

The UAW expects a vote to be held within the next month, even if tribal leaders appeal the decision to the full, five-member labor relations board in Washington, D.C.

Union leaders say they have strong support among the 3,000 dealers who would make up the new bargaining unit. A majority vote is required to unionize.

"We worked really hard to make this happen. We've talked to literally thousands of our co-workers. The response is overwhelming," said Billy Shea, a longtime Foxwoods dealer.

Hoffman's ruling could add momentum to efforts by the UAW and other unions to organize other groups of workers at Foxwoods, which has more than 10,000 employees.

The International Union of Operating Engineers is collecting signatures to force a vote of its own among trades workers, and the United Food and Commercial Workers International Union is interested in unionizing workers, as well.

The UAW petitioned the NLRB last month for a federally supervised election, turning in more than the requisite number of signatures.

Tribal officials said in a statement Wednesday that the union effort is being misinterpreted to mean the casino is trying to stop workers from organizing. They said the central issue is the sovereignty of the tribal government, which set up its own union organizing process for casino workers.

Tribal law that was passed during the summer as the UAW worked to organize dealers

establishes a commission appointed by tribal leaders to oversee union elections. That law is what the UAW should follow, the tribe said.

"The UAW would like people to believe that the tribe is not being fair in fact, it is the union that is not being fair," the tribe said.

Hoffman's decision was not a surprise. The NLRB, in a similar case involving the San Manuel Band of Mission Indians of California, ruled that the tribe was subject to the National Labor Relations Act, which provides employees the right to organize and bargain collectively.

That decision was appealed to the U.S. Court of Appeals for the District of Columbia Circuit, which ruled in February that Indian tribes, though considered sovereign governments, must follow the act's provisions.

"Given the strikingly similar nature of the casino operations and tribal laws in the [Mashantucket Pequot] case with those in San Manuel, I see no basis for departing from the board's conclusion in San Manuel that such tribe-run business enterprises acting in interstate commerce do not fall under the "self-governance" exception to the rule that general statutes apply to Indian tribes,' " Hoffman wrote.

The UAW said NLRB procedures require an election within one month of a ruling. Hoffman's decision says that the time and location of the vote will be issued at a future date.

A tribal spokesman said Wednesday that lawyers are reviewing the decision and had not decided whether to appeal.

Foxwoods dealers have said they are organizing because of deteriorating wages, benefits and working conditions.

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