Politically Engaged Unionism: The Culinary Workers Union in Las Vegas

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This chapter will examine the model of what I term "politically engaged unionism" in the Las Vegas area as a template for labor-community coalitions in the labor movement of the future. Culinary Workers Union Local 226, an affiliate of UNITE HERE, AFL-CIO ("the Culinary Union") has focused on being a politically connected union able to obtain results with state and local policymakers, and that political and legislative success has been followed by gains at the bargaining table. In this chapter, I argue that the Culinary Union defies previous distinctions between business unionism and social movement unionism, with lessons for the future of the rest of the labor movement.

The national 2016 election results surprised many. But the results in Nevada — victories for Democratic candidate Hillary Clinton and U.S. Senator Catherine Cortez Masto — were less surprising given the years of organizing done by the Culinary Union.¹ These elections exemplify what I term "the Nevada paradox." The state has a longstanding libertarian bent and it has been a "right to work" state since 1953.² Republican Governor Brian Sandoval served from 2010 through 2018, though the state elected a Democratic Governor in 2018. While both houses of the legislature have been controlled by Democrats for more than ten years, except for during the 2015 session, several statewide offices have been held by Republicans over that time.³ Due to legislation exempting state employees from collective bargaining, government employees are not as densely unionized as states like Illinois and California, but private-sector unionization ranks fourth in the nation.⁴ The "Culinary," as it is known in Nevada, has been a political force in the state for decades, even while being by its own account Nevada's largest immigrant organization.⁵

I thank the staff at University Libraries, University of Nevada, Las Vegas Special Collections, for facilitating access to the Culinary Workers Union papers, and Paloma Guerrero and Youngwoo Ban for research assistance on this chapter.

¹ C. Jeffrey Waddoups, Union and Wages in Nevada's Hotel-Casino Industry, 21 J. LAB. RES. 345 (2000).
³ NEVADA REVISED STATUTES, sections 613.230-613.300.
For decades, the labor movement has struggled to define itself between the competing narratives of business unionism and social movement unionism, which many assume are oppositional. The Culinary Union shows why that assumption is false. Its immigrant-centered focus shows a path forward, bridging issues of race and class that are currently riveting the American left.

Worker centers, organizations that are not traditional unions, have become a new model for worker representation in recent years. In this chapter, I argue that the Culinary Union has created a new model of "politically engaged unionism" that molds the new worker center model with traditional unionism. It does this by strongly emphasizing immigrant identity — the common experience of workers who immigrated to the United States and Las Vegas searching for a better life. This model also maintains strong ties to home countries.

As a prominent example, Make the Road is a grassroots organization focused on immigrants' rights. Like the Culinary Union, Make the Road incorporates immigrants into leadership and advocacy around public policy issues and protections against wage theft. Make the Road also cultivates immigrants as leaders.

The transferability of this model to other parts of the country seems to depend on three factors. First, there must be a critical mass of immigrant workers heavily engaged in the politics of immigration and citizenship. Second, the union must have enough bargaining power in a particular industry, or attempt, as other unions have done, to focus on sectoral or industry-level bargaining that would increase worker negotiating power. Finally, the union must tie specific political fights to contract issues. The usual ingredients of a willingness to take great risk on strikes and other direct actions, as well as constantly organizing new members, also figure into the Culinary Union's success. These conditions do not exist everywhere, and so the Culinary Union model is not today a one-size-fits-all solution — but demographic trends suggest this model will grow increasingly relevant in more American states and cities.

### A History of the Culinary Union

The Culinary Workers Union Local 226 and Bartenders Union Local 165, the Nevada locals of UNITE-HERE, AFL-CIO represent over 57,000 workers in the gaming, hotel, and hospitality industries, primarily on the Las Vegas Strip. The Culinary Union was founded in 1935, the same year Congress enacted the National Labor Relations Act. According to the Culinary Union's demographic data, the union's membership today is

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7 I have argued in other work that immigrant identity has always been centered around both race and class. Ruben J. Garcia, Across the Borders: Immigrant Status & Identity in Law & LatCrit Theory, 55 FLA. L. REV. 511 (2003).
56 percent Latino and 55 percent women. Although the Union represents many of the food and beverage workers in hotels, most members work as guest room attendants (GRAs). GRAs clean rooms for the millions of annual visitors to Las Vegas, pushing large carts filled with cleaning supplies and linens. GRAs are nearly all women and nearly all Latina. The Union calls itself Nevada’s largest immigrant organization, with workers who come from over 167 countries and speak over 40 different languages.

The Union’s successes have been won through long strikes such as the Frontier Strike which lasted more than six years. Nearly 600 workers maintained a 24-hour picket line in front of the Frontier Hotel from September 21, 1991 until February 1, 1998 in response to management demands for concessions. The Frontier’s owners were eventually forced to sell, and the new owner settled with the Union quickly. The strike showed that the Union was able to wage long strikes in the face of employer resistance. Since then, the Union has gone on shorter strikes of less than a week, such as in the 2002 negotiations, which followed the September 11 attacks. In each successive round of negotiations, strikes have become less likely because of the Union’s increased bargaining power.

After showing its ability to wage a long strike, the Culinary Union’s clout at the bargaining table resulted in enhanced contractual provisions on immigration in the contracts. The Union also created a program encouraging workers to become citizens, known the Citizenship Project. Since its inception, the Project has led to approximately 20,000 new citizens in Nevada, with ripple effects in federal and state elections. The Union is generally seen as the most important constituency of the Democratic Party in Nevada, but the Union also has endorsed Republicans, such as when it endorsed Republican Governor Kenny Guinn over his Democratic challenger, Las Vegas Mayor Jan Jones, in 1998.

This type of politically engaged unionism is not new in the labor movement. Unions routinely work to elect candidates who would be favorable to them, such as the push in the recent special congressional election in Pennsylvania in March 2018. What makes the Culinary Union different is that it ties its political priorities to its bargaining priorities. For example, one of Union’s key recent political campaigns involved a push for the repeal of the “Cadillac Tax” on high-value health plans in the Affordable Care Act, which covered the generous health plans for which the Union had successfully negotiated. The campaign to repeal the tax was stymied by Congress’s unwillingness

12 Our Union, Culinary Workers Union 226, available at www.culinary226.org/about.
16 From Rome to Las Vegas, in LEARNING FROM LAS VEGAS (Robert Venturi, Denise Scott Brown, & Steven Izenour eds., 1977).
18 Adam Nagourney, Culinary Workers Union Won’t Take Sides in Nevada Democratic Caucuses, N.Y. TIMES, Feb. 8, 2016.
to amend the statute, but now that both Nevada senators are Democrats elected with the help of the Culinary Union, there appears to be a political opportunity to repeal the Cadillac tax coinciding with Democratic control of the House of Representatives.

B The Worker Center Model

Throughout the last thirty years, a new model of organization has arisen in the shadow of waning traditional unionism, as “workers centers” have opened throughout the country. Workers centers are a new form of social movement unionism that does not rely on exclusive bargaining relationships with employers. While the goal of some workers centers may ultimately be collective bargaining, many are focused mainly on combating wage theft or low-wage and day laborers. Professor Janice Fine documented the rise of workers centers in her book and provided a helpful map on which the remainder of this section draws.19

Until recently, Las Vegas has had no workers centers (a new center, Arriba! Las Vegas has recently opened). Instead, the Culinary Union has served as the functional equivalent of a workers center in the hospitality industry, which dominates Las Vegas’s economy. The Culinary Union shares many common elements with workers centers. Janice Fine and others have identified elements that define worker centers, including the following factors:20

(1) Service provision. The Culinary Union offers its members benefits such as tax preparation and access to home buying classes besides, of course, services under the collective bargaining agreement. As the population of the Las Vegas Valley and home construction increased throughout the 2000s, many workers were able to buy their first homes through the Union’s home buying program.

(2) Advocacy. As with many unions, the Union engages in advocacy on the political stage, on the shop floor, and also through large demonstrations on the Las Vegas Strip. Concerted actions within properties the Union is seeking to organize are also common.

(3) Worker organizing. In a right-to-work state, constant organizing is critical, and the Union often engages members on their work sites.

(4) Place-based, rather than worksite-based organizing. The Culinary and Bartenders Unions represent workers throughout the Las Vegas Valley, rather than at just one site.

(5) Strong ethnic and racial identification. As described above, the Culinary Union closely identifies itself as an organization of immigrants, and so is politically engaged around policy issues of immigration. For example, the Union and its parent UNITE HERE communicate constantly with their members and the public on President Trump’s moves to end Temporary Protected Status for several Central American countries from which many Union members have emigrated.

(6) Leadership development and internal democracy. The Union, once led primarily by white men, has consciously cultivated new and diverse leaders like Geoconda Arguello-Kline, who is currently the Secretary-Treasurer-the highest-ranking

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19 FINE, supra note 9.
20 Id.
official in the Union. She is an immigrant from Nicaragua who began working as aGRA in a downtown casino before becoming one of the leaders of the Frontier Strike. She previously served as President of the Union, the second ranking position to Donald D. Taylor, who is now international president of UNITE HERE, the parent union.

7 Coalition building. While the Union’s size provides independence, it engages in significant coalition building, particularly on immigration issues and particularly around election and citizenship education. It also partners with other organizations to register voters and monitor poll sites.

8 Involved memberships. The Union considers membership a “privilege that is not automatic, but must be earned.” Members adhere to a code of conduct binding them to certain norms.

C Business Unionism

After World War II, the labor movement trended toward business or “bread and butter” unionism, and union density declined precipitously. Business unionism is the idea that unions exist primarily as a service for the organization’s members, rather than as part of a broader social movement. This “deradicalization” of the labor movement, identified by Karl Klare in the 1980s, occurred in part because of the post-war compact of labor peace and shared prosperity. It was facilitated by Supreme Court decisions like Boys Markets v. Retail Clerks, Local 770, which allowed courts to enjoin peaceful labor disputes during the term of a collective bargaining agreement, in seeming disregard of the prohibition of such injunctions in the 1932 Norris-LaGuardia Act.

Business unionism prioritizes filing grievances and representing existing workers at the expense, it is argued, of increasing organizing and bargaining power to be more effective for a greater number of workers. The history of the labor movement in the last several decades has shown an increasingly necessary focus on organizing new workers to counteract the ongoing assault on labor rights.

D Union Communications

The Union publishes a newsletter called Unity to Win, which regularly features examples of grievance victories under the Culinary contract, and a running total of the amount of back wages obtained. These victories show employees in this right-to-work state that there is value in Union membership, and demonstrates the importance of collective action to vigorously enforcing the contract.

The Union also uses social media to publicize its victories to members and nonmembers. On January 24, 2018, the union tweeted:

Over the last 4 years, the Culinary Union’s amazing grievance department has processed 17,223 grievances and won nearly $8 million for workers who were wronged. We are fighting everyday. All day! Congratulations! Yes we did! #Vegas #1u

Id. at 14.


23 @CulinaryUnion226, Twitter, Jan. 24, 2018, available at https://twitter.com/Culinary226/status/956240308869545984.
Although there are undoubtedly many grievances that will not be processed because of limited resources, these messages tell the employer and the employees alike that the organizing is not at the expense of enforcing the contract.

**E Contractual Provisions**

The provisions of the Culinary Union contracts with large companies like Caesars Entertainment and MGM Resorts indicate the Union’s interest in negotiating for immigration provisions in contracts increased as the demographics of the Las Vegas work force changed. Accordingly, in each successive contract in the 2000s with the MGM Grand and the Mirage Hotel and Casino, provisions for employees to take leave to regularize their immigration status were added. By contrast, MGM casino contracts in the Detroit area have not added these immigration-protection provisions. The difference in demographics might lead some to question whether these provisions are necessary in other parts of the country, but they go far to bind immigrant workers to the Union and to demonstrate the value of engagement and further organizing.

**F Trump Hotel Campaign**

The Trump Hotel campaign is the best example of the Culinary’s model of politically engaged unionism. Sitting apart from Las Vegas Boulevard by a couple of blocks, the Trump International Hotel’s gold sheen sticks out from the rest of the iconic Strip. The Hotel opened in 2006 without a union contract. On the cusp of the 2008 recession, with layoffs taking place throughout the Strip, the Hotel cut wages and benefits. When Donald Trump announced his intent to run for the 2016 GOP nomination and called Mexican immigrants drug runners, rapists, and criminals, the Union became focused on what Trump represented in the Republican party. Although the Union has organized much of the Las Vegas Strip through card check agreements that avoided the delays of an NLRB election, the Culinary filed a representation petition at the Trump Hotel in 2015. The Union won by a large majority. The Hotel, managed by the Trump-Ruffin Organization, responded by objecting to the election result. The objections were adjudicated but ultimately dismissed by the NLRB region based in Las Vegas.

While the unionization campaign was in full swing, the Culinary and UNITE HERE spared no punches for the Trump campaign or the Republican party. Sporting t-shirts that stated “DEFEAT TRUMP,” the Union railed against Trump and his anti-immigration proposals. The Union also parodied Trump’s promise to “build a wall” between the United States and Mexico by posting a wall of taco trucks in front of the Trump Hotel. Trump won the presidency, but the Union’s efforts on the ground led to victory for the first Latina U.S. Senator, Catherine Cortez Masto, and the first Latino congressman from Nevada. The Union also supported state candidates to help the Democratic party regain the majority in the Nevada Legislature. This changed the tenor of the 2017 legislative session from the 2015 session, in which several bills to curtail public-sector collective bargaining were proposed including one to limit the right to picket in front of businesses. The Culinary Union’s political director, Yvanna Cancela, won election as a state senator. (She also is a law student at the University of Nevada, Las Vegas.)
In December 2016, the Culinary and the Trump Organization signed a first collective bargaining agreement at the Trump Las Vegas. In light of the bitter campaigning between Hillary Clinton and Donald Trump, and the Union's endorsement of Clinton, the contract battle could have dragged several years into the future, raising the specter of unfair labor practice charges adjudicated by an NLRB majority appointed by Donald Trump. But the Union's willingness to strike seemed to persuade the Trump organization of the value of a contract with a no-strike clause.

G Political Engagement in the Corporate Campaign

As with many union organizing campaigns today, the goal of the Culinary Union's corporate campaign is to see the interrelations between corporations and to pressure the various constituencies. The corporate campaigns of the union to organize new workers in suburban casinos explicitly connect current political events to their struggles. Even after the Union negotiated a contract with the Trump Hotel, it criticized Station Casinos for its donations to and associations with rich political benefactors of the Trump presidential campaign. The campaign against Stations Casinos continues throughout the Las Vegas valley, and workers in some locations have become unionized through secret ballot elections. The NLRB rules enabling faster, streamlined union elections in the last two years of the Obama Administration played a part in the union's decision to seek elections. The corporate campaign against Stations and the entities that finance its operations apparently will continue until the rest of the chain's locations in the Las Vegas Valley are unionized.

During 2018, with the Station Casinos campaign ongoing, the Union negotiated new five-year contracts covering over a total more than 50,000 workers in the Las Vegas Strip and Downtown casinos. These contracts continued an upward progression of wages and benefits. The contracts also include new protections against sexual harassment and the automation of certain jobs in the industry. At the outset of the negotiations, the Union obtained a strike authorization from 99 percent of voting members in two large public meetings at the Thomas & Mack basketball arena at the University of Nevada, Las Vegas. Nearly nine months after negotiations began, the last two casinos settled their contracts, just days before the November 6, 2018 election day. During those elections, the union estimated it reached more than 85,000 voters in its statewide canvassing campaign. The release time for political activities negotiated over several contract campaigns helped return these workers back to their jobs at the election's conclusion without loss of seniority.

H Conclusion

As described above, the Culinary Union has some unique advantages that unions in other parts of the country lack. The unique nature of the Las Vegas Strip allows union workers access to millions of tourists who would be sensitive to disruption and a work

stoppage that would cause rooms to go uncleaned and traffic blocked. The consolidation
of the gambling industry has also played a role in allowing the Union to obtain pattern
agreements with large sectors of the industry that are then used to reach settlements
with smaller operators in the Valley and downtown Las Vegas. Most properties on the
Strip are either owned by MGM Resorts, Caesars' Entertainment, or Wynn Resorts, with
the lone holdout to the Culinary contract being Sheldon Adelson's Sands Corporation
and Venetian properties. Organizers have access to workers because the Union and
the American Civil Liberties Union of Nevada have won several rulings that opened
up access to seemingly private areas of the Strip. ²⁶ The Strip is now the modern
equivalent of the "Company Town" in First Amendment law. ²⁷

These advantages, however, do not alone explain the Culinary Union's success.
The history of the Union is marked by sometimes violent conflict with casino owners,
law enforcement, and sometimes even the mob. The political establishment has often
been very cool to the Union's efforts, and sometimes openly hostile and contemptuous
of its influence. And the long campaign to organize smaller companies throughout the
Las Vegas Valley shows that many employers in the industry still fail to see the value the
Union brings in terms of training, longevity, and a healthy workforce.

In this way, the story of the Culinary Union is very much like the rest of the history of
the labor movement: employer resistance and indifferent or hostile government action to
efforts to enforce federally protected rights to collective action and increase bargaining
power. Immigrants coming from Mexico and Central America strengthen the West and
Southwest labor movements much like European immigrants were the engine that
fueled organizing in the garment factories and Chicago meatpacking plants in the
twentieth century.

In addition, political engagement has been central to the Culinary Union's bargaining
power, which shows that unions cannot simply give up on politics. ²⁸ The ongoing debate
about the labor movement becoming more of a service organization or an organizing
machine will continue. In an era where right-to-work laws are spreading, the Culinary
Union in Las Vegas demonstrates that the future of the labor movement depends upon
unions both serving their existing members and organizing many new ones.

²⁶ Venetian Casino Resort, LLC v. American Civil Liberties Union of Nevada 257 F.3d 937 (9th Cir. 2001).