

“Union avoidance”ⁱ consultant Cruz & Associates

The Sofitel Hotel in Los Angeles retained Cruz & Associates, a self-described “union avoidance” firm. Beginning in early February, Cruz & Associates consultants scheduled mandatory meetings of 6-8 employees each with consultants where consultants urged Sofitel employees to oppose unionization.¹

Cruz & Associates has also recently consulted for the Trump International Las Vegas.

Companies advised by Cruz & Associates have committed or have been accused of committing violations of federal labor law, including:

- Interrogations and surveillance,
- Suspensions and firings,
- Threats of reprisals,
- Inducements if employees stopped supporting the union, and
- Other retaliatory actions, including in one instance the filing of false criminal charges.

In the early 1990s, clergy and community members in Santa Monica found that management at a hotel where Cruz & Associates had been retained had deployed other unsavory tactics, specifically the use of racial and anti-Semitic stereotyping in its efforts to portray the union in a negative light when management posted a cartoon depicting a union organizer as Adolf Hitler.²

Trump International Las Vegas

In April 2015, Trump Las Vegas retained Cruz & Associates as its labor consultant². In August 2015, the General Counsel of the National Labor Relations Board (“NLRB”) issued a complaint against Trump Las Vegas, alleging that the company had interfered with, restrained, and coerced workers in the exercise of their federally protected rights. The complaint alleged that Trump Las Vegas managers interrogated employees about their union activities, threatened employees with a loss of job opportunities, engaged in surveillance of union activities, called employees “traitors” for supporting the union, and created ad hoc rules against speaking to guests or distributing literature.³ The allegations remain pending determination before the NLRB.

i “About our firm.” <<http://www.cruzandassociates.com/index.php?/static/about/>>

ii LM-20 #593221

In March 2016, the NLRB's General Counsel issuedⁱⁱⁱ another complaint against the Trump Las Vegas alleging that a Cruz & Associates representative guaranteed “job opportunities to transfer to different positions” if employees stopped supporting the union. The same complaint also alleged that the hotel terminated an employee and did not transfer another one to a full-time server job because they “formed, joined and assisted the union and engaged in concerted activities.” These allegations also remain pending.

Conway Freight

In September 2014, Conway Freight in Los Angeles retained^{iv} Cruz & Associates to oppose unionization. On November 19th, 2015 an NLRB Administrative Law Judge issued a tentative ruling after hearing evidence in an unfair labor practice case against the company. In reaching her tentative ruling, the Judge found⁴ that the Cruz & Associates representative generally lacked credibility and “had a tendency to exaggerate and embellish when it served him.”

“Having resolved the conflicting testimony, I find [Cruz representative] Camarena's actions indicated a willingness to resort to physical violence to protect his interests.”

—Administrative Law Judge
in case JD (SF) 45-15

The Judge also found that the Cruz & Associates representative went as far as to file false criminal charges against a Conway employee in order to retaliate against him for supporting the union. The false charges resulted in the employee's arrest and his suspension. The Judge determined that the Cruz representative also implicitly threatened the Conway employee with physical harm. According to the Judge's tentative decision the Cruz representative's “actions indicated a willingness to resort to physical violence to protect his interests.”

The judge recommended a ruling that Conway violated federal labor law by prohibiting employees from wearing union insignia, threatening workers for supporting the union, and terminating two workers because of their support for the union.

Conway Freight has asked the National Labor Relations Board to review of the Judge's tentative ruling, and the case remains pending.

Hilton LAX

In 2006, the Hilton Los Angeles Airport retained Cruz & Associates as its labor relations consultant. During Cruz's contract with the hotel, the Hilton LAX illegally suspended 77

iii “Trump International faces April hearing over labor complaint” By J.D Morris. <<http://vegasinc.com/business/2016/mar/09/trump-international-faces-april-hearing-over-labor/>>

iv LM-20 #572923

workers.⁵ The NLRB ordered the hotel to pay back wages plus interest. The NLRB's ruling was enforced by the D.C. Circuit Court of Appeals.

Miramar Sheraton

In September 1997⁶, the Miramar Sheraton retained Cruz & Associates. A panel of community members, including academics and clergy from local synagogues and churches, reviewed the employers' conduct during a union election found that "the hotel management utilized racial and anti-Semitic stereotyping in its efforts to portray the union in a negative light"⁷ when it posted a cartoon depicting a union organizer as Adolf Hitler.



Management cartoon portrays union organizer as Adolf Hitler, including armband that reads 814, the local number of the union that represented hotel workers at the Miramar Sheraton.

Endnotes

- 1 Interview with Salvador Rojas Diaz.
- 2 Report on the Miramar Sheraton Election Hearing. April 21st, 1998.
- 3 <http://unitehere.org/press-releases/trump-las-vegas-hotel-files-objections-after-workers-vote-to-join-union/>
- 4 https://teamster.org/sites/teamster.org/files/111915_administrativelawjudgesdecision.pdf
- 5 "Union backed in LAX case" Los Angeles Times. October 25, 2008. <http://articles.latimes.com/2008/oct/25/local/me-hilton25> The decision was affirmed in Fortuna vs. NLRB by the US Court of Appeals Case No. 14-1099.
- 6 Report on the Miramar Sheraton Election Hearing. April 21st, 1998.
- 7 Ibid.