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Lawsuit charges age discrimination in Tropicana layoffs

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ATLANTIC CITY - Tropicana Casino and Resort is facing accusations of age discrimination from at least 22 employees it terminated during mass layoffs that occurred under a new owner this year.

Robert Fisher, 54, and Charles Nardo, 59, recently filed a lawsuit in U.S. District Court alleging that Tropicana parent Columbia Sussex Corp. violated state and federal age-discrimination laws by replacing them with younger, less qualified workers. The two pit bosses had worked at Tropicana in various capacities since it opened in 1981.

Those accusations follow charges of discrimination that their Philadelphia attorneys said they filed on behalf of 20 employees with the U.S. Equal Employment Opportunity Commission earlier this year. Attorneys at Console Law Offices LLC declined to provide those employees' names but said they ranged in age from late 40s to early 70s. They are all alleging age discrimination, but in some cases filed additional charges of race, gender or disability discrimination.

Some have since found work. And some are unable to, said attorney Stephen Console.

"Many that have are making substantially lower wages," he said. "Part of the problem is these people, the bulk of them, have worked for the majority of their life in the casino industry, have a high school degree and have very little ability to make anywhere near the kind of money they were making at the casinos in another industry."

The charges come as the Fort Mitchell, Ky.-based company fends off allegations from unions that it has laid off so many employees - about 900, or 20 percent of its work force - that Tropicana is unsanitary and understaffed. Columbia Sussex took over the casino in January after affiliate Tropicana Casinos & Resorts bought Tropicana casinos in Atlantic City, Indiana and Nevada for \$2.5 billion.

The company declined to comment on pending legal matters. It has long maintained that the staff reductions were necessary to trim previous owner Aztar Corp.'s bloated staffing levels.

The allegations match, to a degree, what casino unions and former employees have said since wholesale layoffs began in January: that the company has fired with little forethought employees who had worked there often for more than two decades and had received solid performance reviews.

Nardo, of Mays Landing, and Fisher, of Northfield, gave this account in their lawsuit:

Fisher was terminated in January and Nardo in March in similar fashion. The company presented them with documents saying their positions had been identified as surplus positions that could be eliminated without negatively affecting Tropicana's operations. However, younger, less-qualified employees were then promoted to their positions. Supervisors later confided that they should have been retained and the younger people let go.

The former pit bosses claimed that Tropicana's "streamlining" process was susceptible to age bias and that the

number of laid-off workers above 40 was higher than those under. Nardo said that at the time of the firing he asked a supervisor if he could take a pay cut or lower position but was told he could not.

The men alleged that their treatment was part of Tropicana's engagement in a "pattern and practice" of discriminating against older employees and that Tropicana executed layoffs quietly and over time to hide their discriminatory nature.

Nardo and Fisher, who originally filed charges that Tropicana violated federal discrimination laws with the EEOC, are seeking compensatory damages for past and future lost earnings and earning capacity, as well as mental anguish and pain and suffering. They also want liquidated and punitive damages and the coverage of cost of attorney fees.

Most of the filers for the 20 charges under EEOC review also worked in the casino games department since Tropicana opened and made between \$40,000 to \$70,000 per year, according to Console.

The EEOC is charged with enforcing various federal laws that prohibit employer discrimination based on race, religion, age, disability and national origin. The EEOC may investigate a charge or try to settle or mediate it with parties involved. It may also dismiss a claim if it decides further investigation cannot prove legal violations. The EEOC then allows the charging party a period of time to file a lawsuit in federal or state court, which happened in the case of Nardo and Fisher.

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