

cannot be considered "severe and pervasive" for Title VII purposes.

The court, however, said Beauvoir has alleged "all of the essential elements of a racial harassment claim" in her complaint. Although White Oak contended that Beauvoir's claims are limited to eight allegations, the court said the company "failed to support that proposed fact" with any evidence. "Therefore, defendant's discussing a few incidents of racial jokes or other racial conduct does not establish that those instances were the only instances that occurred or the only instances of which [Beauvoir] complains," the court said.

Given the factual disputes, the court concluded that Beauvoir may proceed with her claim that the company maintained a racially hostile work environment in violation of Title VII and Section 1981.

Kevin A. Graham of Flook & Graham in Liberty, Mo., represented Beauvoir. Andrew J. Martone and John P. Pollard of Bobroff, Hesse, Lindmark & Martone in St. Louis represented White Oak.

Text of the court's decision may be accessed at <http://op.bna.com/dlrcases.ns/r?Open=kmg-79bsev>.

Immigration

Report Profiles Immigrants' Impact On New York's Economy, Workforce

ALBANY, N.Y.—Immigrants are responsible for an estimated 22 percent of New York state's gross domestic product and work in a wide variety of occupations, according to report released Nov. 26 by the Fiscal Policy Institute.

The report, *Working for a Better Life: A Profile of Immigrants in the New York State Economy*, found that immigrants contributed an estimated \$229 billion in economic output in New York in 2006.

Immigrants constitute 21 percent of New York's population and 26 percent of the state's workforce, according to the report. In addition, 31 percent of commuters into the state are immigrants. One of the central points in the report is that immigrants hold a wide variety of occupations, from day laborers and farmworkers to doctors and college professors.

"Immigrants are such an important part of the New York economy that 'cracking down' on immigrants clearly could have unintended consequences with significant negative impacts," the report said.

Anti-Immigrant Policies Criticized. "English only policies, racial profiling, or a generally anti-immigrant atmosphere negatively affect a large number of people, families, and communities beyond the undocumented workers at whom the measures may purportedly be aimed," the report said.

The report was prepared as a joint project by the New York Immigration Coalition and the Fiscal Policy Institute, a think tank based in Albany, N.Y.

The report found that immigrants comprise 37 percent of the population of New York City and 46 percent of its labor force. They make up about 25 percent of the city's chief executive officers, 50 percent of accountants, and 33 percent of office clerks, receptionists, and building cleaners.

Immigrants comprise 18 percent of the population in the suburbs of New York City and 23 percent of the suburban labor force, according to the report. They make up 41 percent of physicians and surgeons in the region, 28 percent of college and university professors, 22 percent of accountants and auditors, and 19 percent of financial managers.

In the upstate areas of the state, immigrants comprise about 5 percent of the population and the labor force. They make up 20 percent of professors, 35 percent of physicians and surgeons, 20 percent of computer software engineers, and 13 percent of computer scientists and systems analysts in the region, it said. In addition, the report found that immigrants make up an estimated 80 percent of seasonal farmworkers.

"Immigration debates sometimes focus narrowly on one particular part of the immigrant population or another," the report said. "In looking at the whole range of immigrants in New York State, what stands out in one area after another is that immigrants are not dramatically different from other New Yorkers."

"Throughout the state, there are rich, poor, and middle class immigrants, subject to the same economic trends as everyone else," it concluded.

BY GERALD B. SILVERMAN

The report is available on the institute's Web site at http://www.fiscalpolicy.org/publications2007/FPI_ImmReport_WorkingforaBetterLife.pdf.

Gaming

Dealers at Foxwoods Casino on Reservation In Connecticut Vote for UAW Representation

In what is believed to be the first election ever conducted by the National Labor Relations Board at a casino on an Indian reservation, dealers at Foxwoods Resort Casino in Mashantucket, Conn., Nov. 24 voted overwhelmingly to be represented by the United Auto Workers.

According to John Cotter, assistant regional director for NLRB Region 34 in Hartford, Conn., dealers cast 1,289 ballots for the union, 852 against representation, and 36 additional ballots were challenged. Approximately 2,700 dealers and dual-rate dealers were eligible to vote in the election, he said.

A company spokesman told BNA Nov. 26 that Foxwoods plans to file objections to the election with the NLRB by Nov. 30. He declined, however, to detail what the objections would allege.

It also appears that the Mashantucket Pequot tribe, which owns the casino, will continue to challenge the NLRB's jurisdiction over its casino.

In a Nov. 25 statement, John O'Brien, president of Foxwoods, said that the company is "disappointed with the preliminary tally; however, these results will not be official until all legal issues, including jurisdiction, are resolved. We continue to believe as we have from the very beginning that the Labor Board lacked jurisdiction and that any election should have been governed by tribal laws," he added. "We have made our position clear to the NLRB and will continue to do so in the future."