

A Case Worth Watching

News

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Mark Ricciardi, managing partner of the Las Vegas office, was quoted in the September 17 article "A Case Worth Watching" on *Vegas Inc.* The media outlet reported on a recent Equal Employment Opportunity Commission (EEOC) investigation that could have implications for businesses in Las Vegas. The EEOC is pursuing a case against a Massachusetts coffee shop chain for allegedly hiring only young, attractive women as servers. The investigation was initiated by the EEOC without a complaint being filed. The possible implications of this case are cause for concern for business owners in Las Vegas, where young, attractive women often serve cocktails. The issue, Mark noted, is whether there is anything illegal about an employer's preference in hiring an "attractive" person over an "unattractive" person. Although a couple of states have laws that prohibit discrimination based on a person's looks, an appearance standard is one of the trickier things with which employers deal. It raises an array of issues, subjectivity and gender being just two of them. He noted that the law permits employers to make selective hiring decisions for actors and performers. "Some might contend that cocktail servers are playing a role."

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