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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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DARLENE JESPERSEN,
an individual,

Plaintiff,

-vs-

HARRAH'S OPERATING COMPANY,
Inc., a Delaware corporation,

Defendant.

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: No. CV-N-01-0401-ECR-VPC
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DEPOSITION OF

DARLENE BETTY JESPERSEN

May 22, 2002

Reno, Nevada

Reported by: Karen Bryson
Certified Court Reporter #120

1 Harrah's?

2 A April of '79 to July of 2000.

3 Q What position were you hired into at Harrah's?

4 A Dishwasher.

5 Q How long did you hold that position?

6 A I think it was six months, somewhere around
7 there.

8 Q And then what position did you have?

9 A Bar back.

0 Q How long did you hold the bar back position more
1 or less?

2 A Six months to a year. I became a dual rate after
3 bar school so I really can't speculate. I mean, you know, I
4 bar backed six months.

5 Q And then what did you do?

6 A Became a bartender.

7 Q And how long did you hold that position?

8 A Almost about 20 years.

9 Q And that's the position you held in July of 2000
0 when your employment ended?

1 A Yes.

2 Q Have you held employment anywhere since leaving
3 Harrah's?

4 A Yes.

5 Q Okay. Tell me where you've worked, whether it's

portion of the policy that had to do with wearing makeup, do you recall generally when that was?

A With the personal best?

Q Yes.

A Repeat it again, please.

Q Sure. The personal best policy as exhibited in Exhibit 4 was revised to include the requirement of makeup on April 18th, correct?

A Yes.

Q And you refused to agree to that particular portion of the policy, correct?

A Yes.

Q If you take a look at Exhibit 5, which you've already testified is accurate to the best of your knowledge; as I understand the chronology of events, following the issuance of Exhibit 4, you refused to comply with the appearance standards policy, correct?

A Yes.

Q And then on July 6th you were offered reassignment to another department and given a 30-day window of opportunity to select a new position, correct? I'm going to follow the subpoints in that document.

A Yes.

Q Okay. Who offered you that reassignment?

A Mary Lou Anderson.

Q And during that 30-day period, which would have been from July 6th presumably to August 6th, did you in fact review the job board?

A Yes.

Q And as indicated in item number three of Exhibit 5, you specifically checked the job board on July 8th, July 12th, July 20th, July 28th, and on August 4th, correct?

A To the best of my knowledge, I think those are the dates.

Q And on August 10th, you were given a final opportunity to select another position with the company but you declined any of the other positions because they did not meet your criteria for pay, correct?

A Yes.

Q Okay. If you'll take a look at page 273 and 274, there were 74 positions that were offered to you on August 10th as reflected on those two pages, correct?

A Yes.

Q And you weren't interested in any of those; isn't that right?

A It wasn't -- didn't have anything to do with interest.

Q What did it have to do with?

A I wasn't qualified for a lot of these. A lot of

are less paying. Lot of them I don't know how to do.

Q You'd agree with me, would you not, you were qualified for a number of these positions? For example, you were certainly qualified to be trained on a number of these positions?

A Like a room attendant?

Q Let's use that as an example.

You could have been trained as room attendant, correct?

A I -- I don't know. I -- I suppose.

Q You could have been trained as a bellhop,

correct?

A I have to apply --

Q I understand.

A -- for these jobs and be interviewed to even be -- have a consideration of being considered for the job.

Q Now, you don't think that you were inherently incapable of being trained to be a bellhop, do you?

MR. MCKENNA: I'm sorry, I have to ask you a question, because bar attendant is on here and cocktail server and bellhop. Aren't they subject to the personal best policy? Wouldn't she be required to have to wear makeup in those positions?

MR. HICKS: You know what, I can't answer that question because I don't --

A Yes.

Q And after he applied makeup on half your face and left the other half normal, did there come a time when you looked in the mirror?

A Yes.

Q And tell me your reaction.

A I felt very degraded and very demeaning. I actually felt sick that I had to cover up my face and become pretty or feminine in a sex stereotyping role to keep my job or to do my job. I actually felt ill and I felt violated.

Q Did you attempt thereafter to actually wear makeup and comply with your employer's desire that you have a makeup look versus your normal face?

A Yes.

Q How long did you try to wear makeup?

A Just a couple of weeks.

Q And what was that experience like?

A It was -- I felt that it -- it prohibited me from doing my job. I felt exposed. I actually felt like I was naked. I mean, I -- I felt that I -- that I was being pushed into having to be revealed or forced to be feminine to do that job, to stay employed, when it had nothing to do with the making of a drink. I felt that I had become dolled up and that I was a sexual object.

Q And how long did you then, even though feeling

that way, attempt to comply? How long did you make it?

A I could only do it for a couple of weeks.

Q And then what happened?

A It -- it was too harmful. It affected my self-dignity. It portrayed me in a role that I wasn't comfortable, that I wasn't taken seriously as myself.

I also feel that it took away my credibility as an individual and as a person. I was -- it was demanded that -- that my job performance was based on how I look and not on how I did my work.

Q So what did you do? How did you stop?

A I went -- I just stopped. And I went home and threw the makeup in the garbage.

Q And when you showed back up for work after a two-week period of wearing makeup and then came in not wearing makeup again, what, if anything, occurred --

A Nothing.

Q -- between you and your employer?

A Nothing was ever said for several years.

Q You were asked a question earlier, whether it would be appropriate for an employer to tell a female employee to in effect show less of her breast if she were somehow wearing something that was revealing, that the employer would have a right to say, you need to tone that down, you need to cover up.