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We are here today so that Meg Whitman's nanny and housekeeper, Nicky Diaz Santillan can talk about what it was really like to be employed by Meg Whitman in her home for 9 years. In short it was a nightmare, and the way that Nicky was treated by her employer, Ms. Whitman caused Nicky to feel exploited, disrespected, humiliated and emotionally and financially abused. It also made Nicky feel that she was the victim of hypocrisy. The relationship was terminated last year by Ms. Whitman for what appeared to Nicky to be political reasons involving Ms. Whitman's decision to run for governor.

In August 2000, Nicky was sent by an employment agency to interview with Meg Whitman for a job as a housekeeper. In this interview Nicky alleges that Ms. Whitman never asked if Nicky was here legally. Nicky was hired and was told that she was required to work 15 hours a week (cleaning the 3700 sq ft. house) and would be paid \$23.00 per hour.

After Nicky began to work for Ms. Whitman, nanny duties were added to her job which included, driving to the grocery store, cleaners, shoe repair, school, library, children's friend's house (to take and drop off children) and to the airport to drop off Dr. Harsh.

Although Nicky alleges that she explained that she could not do all the housekeeping and fulfill all of the added responsibilities in 15 hours a week, and that she was working more hours than that trying to do all of those jobs she alleges that she was told that 15 hours a week was all that she would be paid for.

In short, Ms. Whitman failed to pay her for all hours she was required to work and failed to pay her mileage reimbursement for using her car for the errands that Ms. Whitman required her to run. In addition, even though Nicky asked for a raise some years back, Ms. Whitman refused to give her one.

In addition, when Nicky indicated to Ms. Whitman in March 2005, that she needed to take a medical leave for pregnancy, she alleges that she was told that unless she herself obtained someone to replace her, that her job might not be there for her when she returned.

Had Nicky filed a lawsuit of pregnancy discrimination at the time and had she been able to prove this allegation against her employer, this treatment would constitute unlawful pregnancy discrimination.

Despite extremely difficult and what she believed to be unfair working conditions, however, Nicky continued to work for Ms. Whitman because she desperately needed the job. She also filed no claims because she had no idea that she had any right to do so.

Throughout her employment with Ms. Whitman, Nicky was undocumented and she alleges that Ms. Whitman was aware of her status, and may have understood that Nicky was vulnerable as a result of it.

Not only did Ms. Whitman fail to ask her for documentation, but on several occasions when Ms. Whitman asked Nicky if she went to Mexico for vacations, she alleges that she would tell them “I cannot travel outside the country.”

Further on April 22, 2003, Meg Whitman and her husband (Dr. Harsh) received a letter from the Social Security Administration Office indicating that the social security number that Nicky had provided did not match Nicky’s name.

A mismatch of a Social Security number to an employee’s name is a clue that the employee may be undocumented.

That letter instructed that the employer was required to do the following: “Compare the information shown above to your employment records; ask the employee to give you the name and Social Security number exactly as it appears on the Social Security card; and [employer] is required to return this letter in the enclosed envelope.”

Instead, Nicky was told to “check on this.” The employer, however, never asked her about this again and we believe never returned the letter to the Social Security Administration.

Nicky also alleges that for several more years, Ms. Whitman continued to receive letters from the Social Security Administration Office regarding the mismatch in the Social Security numbers. She alleges that she saw these letters after they were thrown in the trash.

Ms. Whitman never asked Nicky about the mismatch. Was she engaging in her own form of “Don’t ask, don’t tell?” so that she could continue to benefit from the work of a vulnerable and undocumented worker and exploit her while pretending that she didn’t know the truth about Nicky’s status?

Nicky’s employment with Ms. Whitman finally came to a sudden end in June 2009. In April 2009, Ms. Whitman told Nicky that she had officially announced her campaign for governor. It was at this point that Nicky decided that she would speak to Ms. Whitman for help to legalize her status.

Nicky felt that because she had been loyal to Ms. Whitman, her husband and their children and had worked hard for them that Ms. Whitman would agree to assist her.

In June 2009, she finally managed to make an appointment with Ms. Whitman and speak to her about it.

Nicky will describe the conversation that she had with Ms. Whitman and her husband Dr. Harsh that day. I will simply state that when Nicky asked for help she was terminated.

The inconvenient truth of the hypocrisy of Meg Whitman as illustrated by her employment of an undocumented worker and her exploitation of her was going to be revealed, because Nicky wanted to be legalized. Therefore the fact that Nicky was employed by Meg Whitman and her husband when she was undocumented would become public knowledge.

Until she decided to run for Governor in 2009, it appears that Ms. Whitman had no problem or concern about employing an undocumented worker. Apparently she knew that employing an undocumented worker while running for a high profile public office was a potential liability. A few days later, in an act of what appeared to be political damage control, Meg Whitman fired Nicky.

Don't ask, don't tell may have become OMG, she will tell if I continue to employ her. The loyal employee of 9 years is now persona non grata with the Whitman household.

Nicky was terminated in a sudden, cruel and heartless way.

It takes a great deal of courage for a person in Nicky's position to speak out against her former employer. She understands the risk that she is taking. Because Ms. Whitman has power, money and influential contacts she understands that Ms. Whitman may try to retaliate against her.

Nicky has been willing to take that risk because she feels it is very important that the truth about Ms. Whitman and her cold and heartless treatment of a hard working Latina, is known.

Nicky does not feel that either she or any other employee should have to suffer what she did as an employee of a wealthy and politically powerful employer.

As a result, we intend to file a claim for the wages that are due her for the hours she worked and her mileage that Ms. Whitman never paid. We will file this claim with the State of California, Department of Industrial Relations, Division of Labor Standards Enforcement.

Nicky is providing a voice for millions who have no voice. We thank her for her courage as she speaks out about what she endured at the hands of Meg Whitman.

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representing  
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