

Selected Current Bibliography on Labor & Employment Law

compiled by Book Review/Updates Editor

Included in this bibliography are recent articles on United States labor and employment law. An attempt has been made to provide full and complete biographical data. Readers are encouraged to submit additional titles for possible inclusion in the future.

Alternative Dispute Resolution

Michael Z. Green, *Proposing a New Paradigm for EEOC Enforcement After 35 Years: Outsourcing Charge Processing by Mandatory Mediation*, 105 DICK. L. REV. 305 (2001).

Ann C. Hodges, *Can Compulsory Arbitration be Reconciled With Section 7 Rights?*, 38 WAKE FOREST L. REV. 173 (2003).

Tracy Lipinski, *Note: Major League Baseball Player's Ass'n v. Garvey Narrows the Judicial Strike Zone of Arbitration Awards*, 36 AKRON L. REV. 325 (2003).

Laura Kaplan Plourde, *Comment: Analysis of Circuit City Stores, Inc. v. Adams in Light of Previous Supreme Court Decisions: An Inconsistent Interpretation of the Scope and Exemption Provisions of the Federal Arbitration Act*, 7 J. SMALL & EMERGING BUS. L. 145 (Spring 2003).

Calvin William Sharpe, *Integrity Review of Statutory Arbitration Awards*, 54 HASTINGS L.J. 311 (Jan. 2003).

David Sherwyn, *Because It Takes Two: Why Post-Dispute Voluntary Arbitration Programs Will Fail to Fix the Problems Associated with Employment Discrimination Law Adjudication*, 1 BERKELEY J. EMP. & LAB. L. 1 (2003).

Americans with Disabilities Act (ADA)

Stewart J. Schwab and Steven L. Willborn, *Reasonable Accommodation of Workplace Disabilities*, 44 WM AND MARY L. REV. 1197 (Feb. 2003).

Argun M. Ulgen, *Comment: From Household Bathrooms to the Workplace: Bringing the Americans with Disabilities Act Back To Where it Belongs: An Analysis of Toyota Motor Manufacturing v. Williams*, 30 FORDHAM URB. L.J. 761 (Jan. 2003).

Collective Bargaining

Michael J. Hely, *Note: The Impact of Sturgis on Bargaining Power for Contingent Workers in the U.S. Labor Market*, 11 WASH. U. J.L. & POL'Y 295 (2003).

Discrimination

Darren M. Creasy, *Note: A Union of Formalism and Flexibility: Allowing Employers to Set Their Own Liability under Federal Employment Discrimination Laws*, 44 WM AND MARY L. REV. 1453 (Feb. 2003).

Kenneth R. Davis, *Undo Hardship: An Argument for Affirmative Action as a Mandatory Remedy in Systemic Racial Discrimination Cases*, 107 DICK. L. REV. 503 (2003).

Chad Derum & Karen Engle, *The Rise of the Personal Animosity Presumption in Title VII and the Return to "No Cause" Employment*, 81 TEX. L. REV. 1177 (April 2003).

Tristin K. Green, *Discrimination in Workplace Dynamics: Toward a Structural Account of Disparate Treatment Theory*, 38 HARV. C.R.-C.L. L. REV. 91 (2003).

Stacey A. Hickox, *Reduction of Punitive Damages for Employment Discrimination: Are Courts Ignoring Our Juries?*, 54 MERCER L. REV. 1081 (2003).

Sharon M. McGowan, *The Bona Fide Body: Title VII's Last Bastion of Intentional Sex Discrimination*, 12 COLUM. J. GENDER & L. 77 (2003).

Robert A. Kearney, *The High Price of Price Waterhouse: Dealing with*

Direct Evidence of Discrimination, 5 U. PA. J. LAB. & EMP. L. 303 (2003).

Edward A. Marshall, *Title VII's Participation Clause and Circuit City Stores v. Adams: Making the Foxes Guardians of the Chickens*, 1 BERKELEY J. EMP. & LAB. L. 71 (2003).

Michael Selmi, *The Price of Discrimination: The Nature of Class Action Employment Discrimination Litigation and Its Effects*, 81 TEX. L. REV. 1249 (April 2003).

Employee Benefits

Matthew T. Bodie, *Aligning Incentives with Equity: Employee Stock Options and Rule 10b-5*, 88 IOWA L. REV. 539 (Mar. 2003).

Brian T. Kohn, *Note: Contracts of Convenience: Preventing Employers From Unilaterally Modifying Promises Made in Employee Handbooks*, 24 CARDOZO L. REV. 799 (Jan. 2003).

Norman P. Stein, *DEFERRED COMPENSATION: An Alphabet Soup Agenda for Reform of the Internal Revenue Code and ERISA Provisions Applicable to Qualified Deferred Compensation Plans*, 56 SMU L. REV. 627 (2003).

General Topics in Labor & Employment Law

Stephen F. Befort, *Revisiting the Black Hole of Workplace Regulation: A Historical and Comparative Perspective of Contingent Work*, 1 BERKELEY J. EMP. & LAB. L. 153 (2003).

Michael J. Hayes, *Let Unions Be Unions: Allowing Grants of Benefits During Representation Campaigns*, 5 U. PA. J. LAB. & EMP. L. 259 (2003).

Shirley Lung, *Exploiting the Joint Employer Doctrine: Providing a Break for Sweatshop Garment Workers*, 34 LOY. U. CHI. L.J. 291 (2003).

Nathan Newman, *The Conflict of the Courts: RICO, Labor, and Legal Preemption in Union Comprehensive Campaigns*, 51 DRAKE L. REV. 307 (2003).

Sandra S. Park, *Note: Working Towards Freedom From Abuse:*

Recognizing a "Public Policy" Exception to Employment-At-Will for Domestic Violence Victims, 59 N.Y.U. ANN. SURV. AM. L. 121 (2003).

Eloise Pasachoff, *Note: "Head Start Works Because We Do": Head Start Programs, Community Action Agencies, and the Struggle over Unionization*, 38 HARV. C.R.-C.L. L. REV. 247 (2003).

Sexual Harassment

Judith J. Johnson, *License To Harass Women: Requiring Hostile Environment Sexual Harassment To Be "Severe or Pervasive" Discriminates Among "Terms and Conditions" of Employment*, 62 MD. L. REV. 85 (2003).

Kelly Cahill Timmons, *Sexual Harassment and Disparate Impact: Should Non-Targeted Workplace Sexual Conduct Be Actionable Under Title VII?*, 81 NEB. L. REV. 1152 (2003).