

# Selected Current Bibliography on Labor & Employment Law

*compiled by* Book Review/Casenote 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***

Marc A. Altenbernt, *Will EEOC v. Waffle House, Inc. Signal the Beginning of the End for Mandatory Arbitration Agreements in the Employment Context?*, 3 PEPP. DISP. RESOL. L.J. 221 (2003).

Joseph A. Arnold, Comment, *The Circumvention of Compulsory Arbitration: Two Bites at the Apple, or a Restoration of Employees' Statutory Rights?*, 33 SETON HALL L. REV. 1207 (2003).

Robert Bass, Case note, *Tort Law-Employment Law-Rights of the EEOC. EEOC v. Waffle House, Inc.*, 122 S. Ct., 754 (2002), 33 CUMB. L. REV. 727 (2002-03).

Kelly Burton Beam, Note, *Administering Last Rites to Employee Rights: Arbitration Enforcement and Employment Law in the Twenty-First Century*, 40 HOUS. L. REV. 499 (2003).

Lucy T. France & Timothy C. Kelly, *Mandatory Arbitration of Civil Rights Claims in the Workplace: No Enforceability Without Equivalency*, 64 MONT. L. REV. 449 (2003).

Matthew T. Mitchell, Case note, *Alternative Dispute Resolution-Employment Discrimination Claims—an Employee’s Arbitration Agreement Will Not Preclude the Equal Employment Opportunity Commission from Pursuing Victim-Specific Judicial Relief*. EEOC v. Waffle House, 122 S. Ct. 754 (2002), 33 CUMB. L. REV. 739 (2002-03).

Steven S. Poindexter, Note, *Pre-Dispute Mandatory Arbitration Agreements and Title VII: Promoting Efficiency While Protecting Employee Rights*, 2003 J. DISP. RESOL. 301 (2003).

### ***Americans with Disabilities Act***

Sandy Andrikopoulos & Theo E. M. Gould, Note, *Living In Harmony? Reasonable Accommodations, Employee Expectations and U.S. Airways, Inc. v. Barnett*, 20 HOFSTRA LAB. & EMP. L.J. 345 (2003).

Erin M. Conroy, Case Comment, *Discrimination: An EEOC Regulation Allowing Employers to Assert that an Employee May Not Pose a Danger to Himself Falls Within the Purview of the Americans with Disabilities Act*. Chevron U.S.A., Inc. v. Echazabal, 122 S. Ct. 2045 (2002), 79 N.D. L. REV. 147 (2003).

Jon L. Gillum, *Tort Law and the Americans with Disabilities Act: Assessing the Need for a Realignment*, 39 IDAHO L. REV. 531 (2003).

Amy M. Kearney, Comment, *Not Like it was in the Old Days: Is the Americans with Disabilities Act Changing the Face of Sports as We Know It?*, 10 VILL. SPORTS & ENT. L. J. 153 (2003).

Heather R. McDonald, Garrett *Under Title II of the Americans with Disabilities Act: Its Broad Implications to Civil Rights Laws*, 52 DEPAUL L. REV. 993 (2003).

Michael D. Meuti, *Disabling Legislation: The Judicial Erosion of the ADA’s Protection for Employees with Psychiatric Disorders*, 14 STAN. L. & POL’Y REV 445 (2003).

Leah C. Myers, *Disability Harassment: How Far Should the ADA Follow in the Footsteps of Title VII?*, 17 BYU J. PUB. L. 265 (2003).

Rebecca Pirus, "*Seniority Rules*": *Disabled Employees' Rights under the ADA Give Way to More Senior Employees—U.S. Airways, Inc. v. Barnett*, 29 WM. MITCHELL L. REV. 1481 (2003).

Joseph J. Shelton, *In the Wake of Garrett: State Law Alternatives to the Americans with Disabilities Act*, 52 CATH. U. L. REV. 837 (2003).

Amy Vandeloop & Justin Lannen, *Understanding the Effect of Arbitration Agreements on the EEOC's Right to Bring Claims for Victim-Specific Relief under the ADA*, 4 TEX. TECH J. TEX. ADMIN. L. 69 (2003).

### ***Collective Bargaining***

James T. Bennett & Bruce E. Kaufman, Richard P. Chaykowski, *Labor-Management Relations: The Future of Private Sector Unionism in the United States*, 56 IND. & LAB. REL. REV. 731 (2003) (book review).

Michael J. Borree, Comment, *Employer Solicitation Policies: Unions Versus Charity*, 1 DEPAUL BUS. L.J. 449 (2003).

### ***Discrimination***

Kristin M. Bovalino, Note, *How the Effeminate Male Can Maximize His Odds of Winning Title VII Litigation*, 53 SYRACUSE L. REV. 1117 (2003).

Diane Gentry, Essay, *Women at Work: Title VII Limitations—Keeping the Workplace Hostile*, 9 CARDOZO WOMEN'S L.J. 393 (2003).

John B. Moretta, *Just Who is an Applicant?: The Impact of Electronic Resumes and Job Search Engines on Employment Discrimination Law*, 2 HIGH TECH. L.J. 123 (2003).

David Benjamin Oppenheimer, Comment, *McDonnell Douglas Corp. v. Green Revisited: Why Non-Violent Civil Disobedience Should be Protected from Retaliation by Title VII*, 34 COLUM. HUM. RTS. L. REV. 635 (2003).

Keith Sealing, *The Current Legal Framework of Sex/Gender Discrimination Law: Sex, Allies and Bfoqs: The Case for not Allowing Foreign Corporations to Violate Title VII in the United States*, 55 ME. L. REV. 90 (2003).

Terry Smith, *Combating Subtle Discrimination in the Workplace: Feature Article: Everyday Indignities: Race, Retaliation and the Promise of Title VII*, 34 COLUM. HUM. RTS. L. REV. 529 (2003).

### ***Employment Benefits***

A. Mechele Dickerson, *Approving Employee Retention and Severance Programs: Judicial Discretion Run Amuck?*, 11 AM. BANKR. INST. L. REV. 93 (2003).

Dean J. Haas, *Falling Down on the Job: Workers' Compensation Shifts from a No-Fault to a Worker-Fault Paradigm*, 79 N.D. L. REV. 203 (2003).

### ***General Topics in Labor and Employment Law***

Elizabeth R. Baldwin, Note, *Damage Control: Staking Claim to Employment Law Remedies for Undocumented Immigrant Workers After Hoffman Plastic Compounds, Inc. v. NLRB*, 27 SEATTLE U. L. REV. 233 (2003).

Patricia Ball, Comment, *The New Traditional Employment Relationship: An Examination of Proposed Legal and Structural Reforms for Contingent Workers from the Perspectives of Involuntary Impermanent Workers and Those Who Employ Them*, 43 SANTA CLARA L. REV. 901 (2003).

Christopher Brackman, Note, *Hoffman v. NLRB, Creating More Harm Than Good: Why the Supreme Court Should Not Have Denied Illegal Workers a Backpay Remedy Under the National Labor Relations Act*, 71 UMKC L. REV. 717 (2003).

Dennise A. Calderon-Barrera, Note, *Hoffman v. NLRB: Leaving Undocumented Workers Unprotected under United States Labor Laws?*, 6 HARV. LATINO L. REV. 119 (2003).

Robert I. Correales, *Did Hoffman Plastic Compounds, Inc., Produce Disposable Workers?*, 14 LA RAZA L.J. 103 (2003).

Kevin J. Doyle, Comment, *The Shifting Legal Landscape of Contingent Employment: A Proposal to Reform Work*, 33 SETON HALL L. REV. 641 (2003).

Mary Ann MacLaughlan Weicher, Case Comment, *Administrative Law—No Chevron Deference for EEOC's Interpretation of "Disability" in Family and Medical Leave Act*, 36 SUFFOLK U. L. REV. 915 (2003).

Thomas J. Walsh, *Hoffman Plastic Compounds, Inc. v. NLRB: How the Supreme Court Eroded Labor Law and Workers Rights in the Name of Immigration Policy*, 21 LAW & INEQ. 313 (2003).

### ***Sexual Harassment***

Carrie G. Donald & John D. Ralston, *Arbitral Views of Sexual Harassment: An Analysis of Arbitration Cases, 1990-2000*, 20 HOFSTRA LAB. & EMP. L.J. 229 (2003).

Joanna L. Grossman, *The Culture of Compliance: The Final Triumph of Form Over Substance in Sexual Harassment Law*, 26 HARV. WOMEN'S L.J. 3 (2003).

Robert A. Kearney, *The Disparate Impact Hostile Environment Claim: Sexual Harassment Scholarship at a Crossroads*, 20 HOFSTRA LAB. & EMP. L.J. 185 (2003).

Tara-Ann Topputo, *In Opposition To Applying the Continuing Violation Doctrine to Hostile Work Environment Claims: National Railroad Passenger Corp. v. Morgan*, 28 U. DAYTON L. REV. 449 (2003).