

# 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 bibliographical data. Readers are encouraged to submit additional titles for possible inclusion in the future.

## ***Alternative Dispute Resolution***

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).

Brett A. Smith & Joshua L. Schwarz, *Keeping Lawyers Out of Court? A Survey of The Prevalence of Compulsory Arbitration Agreements in Law Firms*, 7 CHI.-KENT EMPL. RTS. & EMP. POL'Y J. 183 (2003).

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

Stephen F. Befort, *Reasonable Accommodation and Reassignment Under the Americans with Disabilities Act: Answers, Questions and Suggested Solutions After U.S. Airways, Inc. v. Barnett*, 45 ARIZ. L. REV. 931 (2003).

Peter Blanck et al., Symposium, *Development in Disability Rights: Calibrating the Impact of the ADA's Employment Provisions*, 14 STAN. L. & POL'Y REV. 267 (2003).

Tracey A. Cullen, Note, *Reverse Age Discrimination Suits and the Age Discrimination in Employment Act*, 18 ST. JOHN'S J. LEGAL COMMENT. 271 (2003).

Mark C. Weber, Symposium, *Development in Disability Rights: Workplace Harassment Claims Under the Americans with Disabilities Act: A New Interpretation*, 14 STAN. L. & POL'Y REV. 241 (2003).

### ***Collective Bargaining***

Kristin Jenkins Gerrick, Note and Comment, *An Inquiry into Unionizing Home Healthcare Workers: Benefits for Workers and Patients*, 29 AM. J. L. & MED. 117 (2003).

John Kaplan, Note, *Sprewell v. Golden State Warriors: National Basketball Association*, 266 F.3d 979 (9th Cir. 2001), *reh'g en banc denied*, 275 F.3d 1187 (9th Cir. 2001), 13 SETON HALL J. SPORT L. 117 (2003).

Jeffrey M. Smith, Note, *The Prospects for Continued Protection for Professionals Under the NLRA: Reaction to the Kentucky River Decision and the Expanding Notion of the Supervisor*, 2003 U. ILL. L. REV. 571 (2003).

John W. Teeter, Jr., *Dueling Democracies: Protecting Labor Representation Elections from Governmental Interference*, 106 W. VA. L. REV. 121 (2003).

G. Micah Wissinger, *Informing Workers of the Right to Workplace Representation: Reasonably Moving from the Middle of the Highway to the Information Superhighway*, 78 CHI.-KENT. L. REV. 331 (2003).

### ***Discrimination***

Daniel K. Brough, Note and Comment, *Adams v. Florida Power Corp. and the Trend of Lowering an Employer's Burden of Proof to Rebut Age Discrimination Claims*, 3 BYU L. REV. 1097 (2003).

Claudia Center & Andrew J. Imparato, Symposium, *Development in Disability Rights: Redefining "Disability" Discrimination: A Proposal to Restore Civil Rights Protections for All Workers*, 14 STAN. L. & POL'Y REV. 321 (2003).

Howard F. Chang, *Immigration and the Workplace: Immigration Restrictions as Employment Discrimination*, 78 CHI.-KENT. L. REV. 291 (2003).

Ashley M. Ellis, Comment, *Genetic Justice: Discrimination by Employers and Insurance Companies Based on Predictive Genetic Information*, 34 TEX. TECH L. REV. 1071 (2003).

Sharon Rabin-Margalioth, *Anti-Discrimination, Accommodation and Universal Mandates—Aren't They All the Same?*, 1 BERKELEY J. EMP. & LAB. L. 111 (2003).

Michael R. Sarno, *Issues in the Third Circuit: Employers Who Implement Pre-Employment Tests to Screen Their Applicants, Beware (or Not?): An Analysis of Lanning v. Southeastern Pennsylvania Transportation Authority and the Business Necessity Defense as Applied in Third Circuit Employment Discrimination Cases*, 48 VILL. L. REV. 1403 (2003).

Sabine Schoenbach, *Making the Most of Moorpark: Delineating Protections Against Discrimination for Injured Workers After the Prudence K. Poppink Act*, 24 BERKELEY J. EMP. & LAB. L. 43 (2003).

Stephen D. Sugarman, *"Lifestyle" Discrimination in Employment*, 24 BERKELEY J. EMP. & LAB. L. 377 (2003).

Michelle A. Travis, *Equality in the Virtual Workplace*, 24 BERKELEY J. EMP. & LAB. L. 283 (2003).

### ***Employee Benefits***

Enzio Cassinis, *Employment Law: The Tenth Circuit's Stance on the Evidentiary Scope of a "De Novo" Review in ERISA Benefits Suits*, 80 DENV. U. L. REV. 529 (2003).

Cedric Hu, Comment, *From Splitting Circuits to Splitting Hairs: Employer Standing in Federal Court Under ERISA*, 33 SW. U. L. REV. 75 (2003).

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

George A. Bibikos, *Labor and Employment: O'Rourke v. Commonwealth, Department of Corrections: Defining the Pennsylvania Whistleblower Law*, 12 WIDENER L.J. 321 (2003).

- Paul S. Gutman, *Say What?: Blogging and Employment Law in Conflict*, 27 COLUM. J. L. & ARTS 145 (2003).
- Daniel Halperin, *Employer-Based Retirement Income—The Ideal, the Possible, and the Reality*, 11 ELDER L.J. 37 (2003).
- L. Camille Hebert, Symposium, *The Fair Labor Standards Act: Foreward*, 7 CHI- KENT. EMPL. RTS. & EMP. POL'Y J. 1 (2003).
- Peter S. Jenkins, *Leafleting and Picketing on the "Cydewalk"—Four Models of the Role of the Internet in Labour Disputes*, 2003 UCLA J. L. & TECH. 1 (2003).
- Julie Jones, Comment, *Give a Little Whistle: The Need for a More Broad Interpretation of the Whistleblower Exception to the Employment-At-Will Doctrine*, 34 TEX. TECH L. REV. 1133 (2003).
- Nathan Newman, *The Conflict of the Courts: RICO, Labor, and Legal Preemption in Union Comprehensive Campaigns*, 51 DRAKE L. REV. 307 (2003).
- Kyle Riley, *Employer TROs Are All the Rage: A New Approach to Workplace Violence*, 4 NEV. L.J. 1 (2003).
- Gabriela Robin, *Hoffman Plastic Compounds Inc. v. National Labor Relations Board: A Step Backwards for All Workers in the United States*, 9 NEW ENG. J. INT'L & COMP. L. 679 (2003).
- Christine Dana Smith, *Give us Your Tired, Your Poor: Hoffman and the Future of Immigrants' Workplace Rights*, 72 U. CIN. L. REV. 363 (2003).
- Jennifer Wriggins, Symposium, *Law, Labor, and Gender*, 55 ME. L. REV. 1 (2003).
- Tara A. Zimmerman, *Labor and Employment: Burger v. Unemployment Compensation Board of Review: The Supreme Court of Pennsylvania Clarifies That an Employee's Off-Duty Illegal Activity Does Not Warrant Suspension of Unemployment Compensation Benefits for Willful Misconduct Without Evidence of Interference with Work Performance*, 12 WIDENER L.J. 341 (2003).

***Sexual Harassment***

Gregory A. Bullman, *Abuse of Female Sweatshop Laborers: Another Form of Sexual Harassment That Does Not Fit Neatly into the Judiciary's Current Understanding of Discrimination Because of Sex*, 78 IND. L.J. 1019 (2003).

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).