

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.

Americans with Disabilities Act

John R. Autry, *Reasonable Accommodation under the ADA: Are Employers Required to Participate in the Interactive Process? The Courts Say "Yes" but the Law Says "No"*, 79 CHI.-KENT. L. REV. 665 (2004).

Michael Ashley Stein, *Same Struggle, Different Difference: ADA Accommodations as Antidiscrimination*, 153 U. PA. L. REV. 579 (2004).

Arbitration

Richard A. Bales, *The Laissez-Faire Arbitration Market and the Need for a Uniform Federal Standard Governing Employment and Consumer Arbitration*, 52 KAN. L. REV. 583 (2004).

Matthew T. Bodie, *Questions About the Efficiency of Employment Arbitration Agreements*, 39 GA. L. REV. 1 (2004).

Bryant G. Garth, *Commentary: Noblesse Oblige as an Alternative Career Strategy*, 41 HOUS. L. REV. 93 (2004).

Mara Kent, *"Forced" vs. Compulsory Arbitration of Civil Rights Claims*, 23 LAW & INEQ. 95 (2005).

Laurie Leader & Melissa Burger, *Let's Get a Vision: Drafting Effective Arbitration Agreements in Employment and Effecting Other Safeguards to Insure Equal Access to Justice*, 8 EMPL. RTS. & EMPLOY. POL'Y J. 87 (2004).

Michael H. LeRoy & Peter Feuille, *The Revolving Door of Justice: Arbitration Agreements that Expand Court Review of an Award*, 19 OHIO ST. J. ON DISP. RESOL. 861 (2004).

Employment Discrimination

Adam W. Aston, "*Fair and Full Employment*": *Forty Years of Unfulfilled Promises*, 15 WASH. U. J.L. & POL'Y 285 (2004).

Rebecca L. Ennis, *General Dynamics Land Systems, Inc. v. Cline: Shrinking the Realm of Possibility for Reverse Age Discrimination Suits*, 39 U. RICH. L. REV. 753 (2005).

Michael Z. Green, *Finding Lawyers for Employees in Discrimination Disputes as a Critical Prescription for Unions to Embrace Racial Justice*, 7 U. PA. J. LAB. & EMP. L. 55 (2004).

Julienne James, Note, *The Equal Pay Act in the Courts: A De Facto White-Collar Exemption*, 79 N.Y.U. L. REV. 1873 (2004).

Robert A. Kearney, *The Unintended Hostile Environment: Mapping the Limits of Sexual Harassment Law*, 25 BERKELEY J. EMP. & LAB. L. 87 (2004).

T.L. Nagy, *The Fall of the False Dichotomy: The Effect of Desert Palace v. Costa on Summary Judgment in Title VII Discrimination Cases*, 46 S. TEX. L. REV. 137 (2004).

Christine Neylon O'Brien & Jonathan J. Darrow, *The Question Remains After Raytheon Co. v. Hernandez: Whether No-Rehire Rules Disparately Impact Alcoholics and Former Drug Abusers?*, 7 U. PA. J. LAB. & EMP. L. 157 (2004).

Reuel E. Schiller, *The Emporium Capwell Case: Race, Labor Law, and the Crisis of Post-War Liberalism*, 25 BERKELEY J. EMP. & LAB. L. 129 (2004).

Jeffrey A. Van Detta, *Requiem for a Heavyweight: Costa as Countermonument to McDonnell-Douglas – A Countermemory Reply to Instrumentalism*, 67 ALB. L. REV. 965 (2004).

Employment Retaliation

Miriam A. Cherry, *Whistling in the Dark? Corporate Fraud, Whistleblowers, and the Implications of the Sarbanes-Oxley Act for Employment Law*, 79 WASH. L. REV. 1029 (2004).

Paul More, *Protections Against Retaliatory Employer Lawsuits After BE&K Construction v. NLRB*, 25 BERKELEY J. EMP. & LAB. L. 205 (2004).

ERISA

Michael Cavadel, Comment, *Burke v. Kodak and the SPD Circuit Split*, 7 U. PA. J. LAB. & EMP. L. 139 (2004).

Dana Muir, *Reform of Qualified Retirement Plans: ERISA and Investment Issues*, 65 OHIO ST. L.J. 199 (2004).

General

Leonard Bierman & Rafael Gely, *“Love, Sex and Politics? Sure. Salary? No Way”*: *Workplace Social Norms and the Law*, 25 BERKELEY J. EMP. & LAB. L. 167 (2004).

Marion Crain, *The Transformation of the Professional Workforce*, 79 CHI.-KENT. L. REV. 543 (2004).

Nancy E. Dowd, *The Family and Medical Leave Act of 1993: Ten Years of Experience: Race, Gender, and Work/Family Policy*, 15 WASH. U. J.L. & POL'Y 219 (2004).

David L. Gregory, *19th Century Local Unemployment Compensation Insurance Law in the 21st Century Global Economy*, 44 SANTA CLARA L. REV. 1113 (2004).

Maria O'Brien Hylton, *The Changing World of Employee Benefits*, 79 CHI.-KENT. L. REV. 625 (2004).

Peggie R. Smith, *Elder Care, Gender, and Work: The Work-Family Issue of the 21st Century*, 25 BERKELEY J. EMP. & LAB. L. 351 (2004).

Steven L. Willborn, *Workers in Troubled Firms: When Are (Should) They Be Protected?*, 7 U. PA. J. LAB. & EMP. L. 35 (2004).

Labor

Beth Lyon, *The Inter-American Court of Human Rights Defines Unauthorized Migrant Workers' Rights for the Hemisphere: A Comment on Advisory Opinion 18*, 28 N.Y.U. REV. L. & SOC. CHANGE 547 (2004).

Julie Yates Rivchin, *Building Power Among Low-Wage Immigrant Workers: Some Legal Considerations for Organizing Structures and Strategies*, 28 N.Y.U. REV. L. & SOC. CHANGE 397 (2004).

Regan C. Rowan, Comment, *Solving the Bluish Collar Problem: An Analysis of the DOL's Modernization of the Exemptions to the Fair Labor Standards Act*, 7 U. PA. J. LAB. & EMP. L. 119 (2004).

Paul M. Secunda, *Politics not as Usual: Inherently Destructive Conduct, Institutional Collegiality, and the National Labor Relations Board*, 32 FLA. ST. U.L. REV. 51 (2004).

Rebecca Smith *et al.*, *Low Pay, High Risk: State Models for Advancing Immigrant Workers' Rights*, 28 N.Y.U. REV. L. & SOC. CHANGE 597 (2004).

Michael J. Wishnie, *The Border Crossed US: Current Issues in Immigrant Labor*, 28 N.Y.U. REV. L. & SOC. CHANGE 389 (2004).

Privacy

Christopher Pearson Fazekas, *1984 is Still Fiction: Electronic Monitoring in the Workplace and U.S. Privacy Law*, 2004 DUKE L. & TECH. REV. 15 (2004).

Bryan R. Lemons, *Public Privacy: Warrantless Workplace Searches of Public Employees*, 7 U. PA. J. LAB. & EMP. L. 1 (2004).