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6HURZL - FITZGERALD RODERICK

This compilation of statutory law on equality in the workplace supplements the development of the body of law on employment discrimination. Explanatory materials on equality in the workplace accompany the selections.

"The U.S. civil court system consists of three levels: 1) District Courts ("Trial Courts"), 2) Circuit Courts of Appeal ("appellate courts") and 3) the Supreme Court (see Figure 1.1). The United States has a total of 94 districts, representing distinct geographic regions (see Table 1.1). The number of districts varies by

state. For instance, some states have only one district (e.g., Arizona, Colorado, Delaware), while others have multiple districts, such as California, Florida, and Michigan (e.g., Southern District of California, Central District of California)"--

This supplement updates the main casebook and the two spin-off volumes. This law school casebook presents updated materials on employment discrimination law. The book provides a text for a comprehensive course on substantive and procedural law, including in depth analysis of models of proof under Title VII, as well as of the special problems presented by the regulation of sex, age, disability, and retaliatory

discrimination. The book also highlights procedural systems under Title VII, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA), as well as issues of coordination between private arbitration and federal and state regulation.

A study of nonunion employment. Organized chronologically, the text explores the employment relationship from formation, through terms and conditions of employment, to termination. Topics include expert coverage of common law, national labor relations legislation, the Constitution and public employees, Equal Pay Act, Title VII of the Civil Rights Act of 1964, Age Discrimination in Employ-

ment Act, and Rehabilitation Act. Also reviews miscellaneous sources of protection.

Coauthored by two reporters from the recently released Restatement on Employment Law, this casebook provides considerable flexibility for an instructor teaching employment discrimination law, employment law, or a combination of both topics. It includes an in-depth treatment of Title VII, the ADA, and the ADEA, as well as a new chapter on discrimination against sexual minorities. It introduces the concept of employment-at-will, and contractual and tort-based exceptions. This casebook also provides an overview of laws relating to workplace injuries and employee benefits, as well as chapters on wage and hour law and employee classification or misclassification. It also includes a chapter on employee duties to the employer. A chapter on privacy reflects recent legislative initiatives at the state level, and an analysis of electronic intrusions by the employer. --From Publisher website.

The law of work has evolved as a patchwork of legal interventions in the labor market, sometimes

by statute, and sometimes through the common law of judicial decisions. Most law school curricula divide the law of work into three topical areas--Labor Law, Employment Law, and Employment Discrimination--and offer separate courses in each area. Labor law in the United States is understood to encompass the study of the National Labor Relations Act, the law governing union organizing and collective bargaining. It is the law of collective rights at work. Employment law refers to the statutes and common law governing individual rights at work. It ranges from minimum standards legislation to judicially created doctrines based in tort and contract law. Employment discrimination law deals with the statutes and interpretative case law advancing the antidiscrimination norm in the workplace. These statutes address the problem of status discrimination at work (e.g., discrimination on the basis of race, sex, national origin, ethnicity, religion, disability, or sexual orientation). A comprehensive study of the law of work also provides an opportunity to assess critically what form enforcement of rights should take. Should conflicts be-

tween employers and employees be channeled into private resolution systems such as collective bargaining or contractual arbitration, or is the public interest sufficient to justify committing administrative, judicial and legislative resources to it? What is the significance of casting employee rights as collective--and therefore entrusting their enforcement to an employee representative such as a union--versus conceptualizing them as individual? Must such a collective representative be independent of the employer, or do employer-initiated employee committees further worker voice just as effectively? Doesn't history also warn of the risks of subordinating individual interests to those of the collective, particularly in the context of a diverse workforce with minority groups characterized by race, ethnicity or gender? Accordingly, the casebook is called "Work Law" and it endeavors to present basic materials on each system of labor market regulation. The book identifies core themes of conflict and concern in the workplace, canvass the governing law, and offer a vantage point for assessment. Several themes furnish the organizing struc-

ture for the book. The book asks how law should mediate the perennial conflict between employer and employee rights; what difference it makes whether employee rights are conceptualized individually or collectively; what significance the increasing racial, ethnic, and gender diversity of the workforce should have for legal policy; whether dispute resolution systems should be privatized (via collective bargaining or individual contract) or remain in the public fora (courts and legislatures); and whether law is the most effective way to address interests of employers and employees (as contrasted, for example, with human resource practices, employer initiatives, or employee self-help measures). The book will be most useful in Employment Law courses that address the significance of conceptualizing rights at work individually as opposed to collectively. Its strength is its refusal to categorize the law of the workplace in doctrinal boxes that may be out-of-date by the time the book reaches maturity. The book adverts to Labor Law principles at a number of points throughout the book, but at a policy level rather than a doctrinal lev-

el, as a way of introducing and evaluating an alternative model of employee representation; the book does not assume any knowledge of Labor Law on the part of teacher or student and makes no effort to provide a satisfactory substitute for a Labor Law text. The book offers some detail in the law of Employment Discrimination but does so primarily with an eye toward surveying the field and assessing antidiscrimination regulation as a response to an increasingly diverse workforce, rather than providing an in-depth study of Employment Discrimination principles. The text surveys the existing legal landscape, but it does not stop there. Work Law is an exciting and intellectually stimulating practice area because it is of necessity in a constant state of flux, responding to labor market innovations. Flexibility in thinking is vital to this area of practice.

Hardbound - New, hardbound print book.

Gerry Handley faced years of blatant race-based harassment before he filed a complaint against his employer: racist jokes, signs reading "KKK" in his work area, and even questions from coworkers as to whether

he had sex with his daughter as slaves supposedly did. He had an unusually strong case, with copious documentation and coworkers' support, and he settled for \$50,000, even winning back his job. But victory came at a high cost. Legal fees cut into Mr. Handley's winnings, and tensions surrounding the lawsuit poisoned the workplace. A year later, he lost his job due to downsizing by his company. Mr. Handley exemplifies the burden plaintiffs bear in contemporary civil rights litigation. In the decades since the civil rights movement, we've made progress, but not nearly as much as it might seem. On the surface, America's commitment to equal opportunity in the workplace has never been clearer. Virtually every company has antidiscrimination policies in place, and there are laws designed to protect these rights across a range of marginalized groups. But, as Ellen Berrey, Robert L. Nelson, and Laura Beth Nielsen compellingly show, this progressive vision of the law falls far short in practice. When aggrieved individuals turn to the law, the adversarial character of litigation imposes considerable personal and financial costs that

make plaintiffs feel like they've lost regardless of the outcome of the case. Employer defendants also are dissatisfied with the system, often feeling "held up" by what they see as frivolous cases. And even when the case is resolved in the plaintiff's favor, the conditions that gave rise to the lawsuit rarely change. In fact, the contemporary approach to workplace discrimination law perversely comes to reinforce the very hierarchies that antidiscrimination laws were created to redress. Based on rich interviews with plaintiffs, attorneys, and representatives of defendants and an original national dataset on case outcomes, *Rights on Trial* reveals the fundamental flaws of workplace discrimination law and offers practical recommendations for how we might better respond to persistent patterns of discrimination. Changes in the area of employment discrimination law, since publication of earlier editions of this book, have refined many of the substantive doctrines and continued to clarify procedural issues. A number of relevant decisions have explored the scope of protection provided by the ADA, while others have focused on

the extent to which Title VII proscribes sexually harassing behavior. The new Seventh Edition of *Employment Discrimination Law: Cases and Materials* includes updated analyses and recent studies of labor market discrimination as well as cover recent judicial developments and the following main decisions issued since the Sixth Edition was published in 2006: • *Ricci v. DeStefano* (Sup. Ct. 2009) concerning the right of an employer to postpone promotions based upon test results having a disparate impact and *Lewis v. City of Chicago* (Sup. Ct. 2010) dealing with the timeliness of challenges to the use of previously administered test scores which have a disparate impact on protected groups. • *Ledbetter v. Goodyear Tire & Rubber Co.* (Sup. Ct. 2007) pertaining to the timeliness of challenges to gender-based pay differentials and the 2009 Lilly Ledbetter Fair Pay Act reversing the impact of the prior Supreme Court decision. • *In re Union Pacific RR Employment Practices Litigation* (8th Cir. 2007) regarding the duty of employers to cover the cost of prescription contraceptives under the Pregnancy

Discrimination Act amendments. • *Crawford v. Metropolitan Government of Nashville* (Sup. Ct. 2009) and *Thompson v. North American Stainless* (Sup. Ct. 2011) both dealing with the scope of the Title VII anti-retaliation proscription.

The purchase of this ebook edition does not entitle you to receive access to the Connected eBook on CasebookConnect. You will need to purchase a new print book to get access to the full experience including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Buy a new version of this textbook and receive access to the Connected eBook on CasebookConnect, including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. This streamlined, straightforward casebook offers a fresh perspective on employment discrimination law, presenting a procedural-based approach (lacking in other texts) with in-

teractive materials. While still providing traditional coverage, this text emphasizes the importance of procedural issues in workplace cases. It includes a unique “best practices” chapter which discusses the most effective ways to address workplace discrimination, from both a theoretical and legal perspective. Numerous exercises and problems foster classroom discussion. Practice tips situate students in the role of a practicing lawyer. Modern, cutting-edge cases demonstrate the importance of employment discrimination law. Chapter-in-review sections, summary charts, and graphs are used throughout to further student comprehension. Text boxes within cases, historical notes, and news events effectively help bring the material to life. New to the 3rd Edition: Comprehensive treatment of the Supreme Court’s controversial and groundbreaking decision in *Bostock v. Clayton County* recognizing sexual orientation and transgender status as protected under Title VII’s employment discrimination provisions. An examination of the rise of virtual work in the modern economy and the potential employment discrimination implications. A

look at how the pandemic has reconfigured the meaning of work in our society and the ways in which employment discrimination law may be impacted. An examination of the contours of the ministerial exception in light of recent Supreme Court case law. A more streamlined and accessible text. Benefits for instructors and students: Focus on procedure (with theoretical underpinnings) to stimulate practical learning. Comprehensive coverage, encompassing topics traditionally included in the course (statutory, regulatory, and administrative issues), but with a timely procedural focus integrated throughout. Recent, topical cases which bring the issues to life for students and allow them to see how procedural issues are demonstrated in the employment discrimination context. A unique chapter on best practices, which examines the proper training and complaint procedures that employers should have in place; explores policies and procedures for responding to employee reference requests; looks at emerging trends in the workplace, such as social media policies; and covers employee bullying. Streamlined and straightforward pre-

sentation. Interactive features (discussion problems, practice/procedural tips, class exercises, notes and questions, graphs/charts, etc.), to foster class discussion and student engagement. Chapter-in-review

This is a companion volume to *Employment Discrimination Law: Cases and Materials, Seventh Edition, 2011*

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Book Description: Integrating cases, theory, and commentary, this up-to-date book provides readers with a detailed discussion of the important issues in employment discrimination law. It gives learners at all levels access to the key cases and statutes in this area, to useful hypothetical, and to some of the latest thinking on these topics. Chapter topics focus on the issues that matter most in the field today---tracking the birth of modern employment discrimination law, its development, state employment discrimination laws, and the transformative or non-transformative effect of employment discrimination law. For lawyers, paralegals, corporate human resource departments, government agen-

cies, and other government officials.

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in the Stories collection, this book provides students with a three-dimensional picture of the most important cases that are addressed in nearly every employment discrimination casebook and course. These stories give the students and faculty members a deeper understanding of the historical and cultural background of the cases and an insight into their long term impact on the development of employment discrimination law.

This supplement brings the principal text current with recent developments in the law.

This casebook covers all major aspects of employment discrimination law, including benchmark legislative, administrative, and judicial developments. Due in part to frequent updates and revisions, it has received accolades as one of the most comprehensive and frequently updated texts on the market. The 13th Edition continues this tradition by seamlessly incorporating all major legislative and judicial developments through July 2020, including all relevant decisions rendered by the Supreme Court in its 2019-2020 term. In its most significant ruling, *Bostock v.*

Clayton Country Georgia, the Court brought closure and clarity to an issue that the federal courts had struggled with for decades; holding that Title VII's ban on sex-based discrimination extends to claims of discrimination on the basis of sexual orientation, transgender status, and all other forms of gender identity. It resolved another circuit conflict in *Comcast Corp. v. National Ass'n of African American-Owned Media*, by ruling that mixed motive analysis is not available in suits brought under §1981. In *Our Lady of Guadalupe School v. Morrissey-Berru*, the Court expanded upon its prior articulation of the standard to be applied in determining whether a religious entity's employee constituted a "minister" for purposes of invoking the "church-minister" exception. And in *Babb v. Wilkie*, the Court held that federal employees, unlike private sector and nonfederal public employees, could assert a mixed motive claim to establish liability under the ADEA, but were required to prove that age was the "but for" cause of the alleged discriminatory act in order to obtain affirmative relief. Finally, among the lower court decisions added in this edi-

tion is *Rizo v. Yovino*, an important Equal Pay Act opinion by the Ninth Circuit sitting en banc which examines whether the use of market forces as a basis for setting salaries is a nondiscriminatory factor other than sex.

It is no secret that since the 1980s, American workers have lost power vis-à-vis employers through the well-chronicled steep decline in private sector unionization. American workers have also lost power in other ways. Those alleging employment discrimination have fared increasingly poorly in the courts. In recent years, judges have dismissed scores of cases in which workers presented evidence that supervisors referred to them using racial or gender slurs. In one federal district court, judges dismissed more than 80 percent of the race discrimination cases

filed over a year. And when juries return verdicts in favor of employees, judges often second guess those verdicts, finding ways to nullify the jury's verdict and rule in favor of the employer. Most Americans assume that that an employee alleging workplace discrimination faces the same legal system as other litigants. After all, we do not usually think that legal rules vary depending upon the type of claim brought. The employment law scholars Sandra A. Sperino and Sujata A. Thomas show in *Unequal* that our assumptions are wrong. Over the course of the last half century, employment discrimination claims have come to operate in a fundamentally different legal system than other claims. It is in many respects a parallel universe, one in which the legal system systematically favors em-

ployers over employees. A host of procedural, evidentiary, and substantive mechanisms serve as barriers for employees, making it extremely difficult for them to access the courts. Moreover, these mechanisms make it fairly easy for judges to dismiss a case prior to trial. Americans are unaware of how the system operates partly because they think that race and gender discrimination are in the process of fading away. But such discrimination still happens in the workplace, and workers now have little recourse to fight it legally. By tracing the modern history of employment discrimination, Sperino and Thomas provide an authoritative account of how our legal system evolved into an institution that is inherently biased against workers making rights claims.

Description Coming Soon!