

EMPLOYMENT LAW:
CASES AND MATERIALS

Fifth Edition

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EMPLOYMENT LAW: CASES AND MATERIALS

Fifth Edition

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MATTHEW  BENDER

To Ted St. Antoine and Clyde Summers,
inspirational leaders in the field of employment law

and

To Mom and Dad,
my first and best teachers
—SLW

To Norma and
Justin, Whitney, Weatherly, Zachary, and Quintin (1st edition)
Soren and Lehman (2nd edition additions)
Harris (3rd edition addition)
Juliet (4th edition addition),
and Auletta and Lincoln (a new generation for the 5th edition)
—SJS

To Janet
—JFB

To Eric and Grace and Rhys
—GLLL

PREFACE

Our primary goal in this edition has been to update and enhance the materials. Much has happened since we last revised the materials in 2007 and it was time to bring the materials up to date. At the same time, however, we used a general presumption against change. We tried to retain as many of the cases and as much of the structure of the book as possible, both to ease the transition for teachers and for substantive reasons. The cases, for the most part, work well as teaching tools and the structure of the book provides flexibility for the many different types of courses professors offer as “employment law.”

As with our prior editions, we have attempted to edit the materials unobtrusively. We did not indicate when we deleted footnotes and citations to authority, but when we deleted anything other than footnotes or citations, we used ellipses. Citations in cases were often revised without indication (for example, by removing parallel citations). Footnotes that remain have retained their original numbers. For our own citations, except for headings for principal materials, we have followed *The Bluebook: A Uniform System of Citation* (19th ed. 2010).

We offer thanks to all who have helped us with this project. We began working on this book nearly two decades ago, so some of these people may have helped us so long ago that they have forgotten the precise nature of their assistance. While we inevitably will overlook some colleagues, we want to single out for thanks Rick Bales, Todd Brown, Bill Corbett, Charles Craver, Avi Cutler, Ellen Dannin, Rob Denicola, Cynthia Farina, Catherine Fisk, Dan Foote, Marshall Huebner, Alan Hyde, Sam Issacharoff, Pauline Kim, Barbara Lee, William Lyons, Deborah Malamud, Peter Martin, Colleen Medill, Richard Moberly, Alison Morantz, Andrew Morriss, Russell Osgood, Ramona Paetzold, Randy Rabinowitz, Timothy Schmidle, Bob Schopp, Paul Secunda, Sidney Shapiro, Emily Spieler, Katherine Stone, Kent Syverud, Lach Taylor, David Torrey, John True, Rip Verkerke, Mark Webb, Saul Weiss, Charles Wolfram, Bob Works, Julius Young, and William Zachary. Research assistants who have helped us include Melissa Barber, Rebecca Burton, Catherine Cano, Michael Casas, Katherine Cheng, Chad Doornink, Mark Grimes, Kristina Hon, Shin Jung Hwang, Ann Juliano, Sohyun Kim, Jonah Lalas, Andrea Loux, Joshua Mahoney, Joshua Mayes, Katherine McMahon, Audra Mitchell, Rafael Morell, Dan Muffly, Michael Nolan, Mark Pilotin, Anne Marie Pisano, Gregory Porter, J. Michael Roebuck, Michael Rosen-Prinz, Rebecca Schonberg, Deborah Steiner, Leo Tsao, Andrew Verriere, and Xunze Xiu. David Michaels at the Occupational Safety and Health Administration provided valuable information. Librarians who have helped us significantly include Mitch Fontenot, Anna Kurtz, Kris Lauber, Eugene McElroy, Donna Schulman, and Beth McWilliams.

PREFACE

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December 2011

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