Employment Law

Employment Law

Cases and Materials

SIXTH EDITION

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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),
Auletta and Lincoln (a new generation for the 5th edition), and
Annie and Lucy (6th edition additions, different generations) — SJS

To Janet, Rebecca, John III, Scott, Nicole, and Quinn — JFB

To Eric and Grace and Rhys — GLLL

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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 2012 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 and internet citations, we have generally followed *The Bluebook: A Uniform System of Citation* (20th ed. 2015). We do not include internet addresses on the theory that they date quickly and we trust google.

We offer thanks to all who have helped us with this project. We began working on this book nearly three 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, Michael Duff, 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, Harold Oaklander, Russell Osgood, Ramona Paetzold, Robert Rabin, Randy Rabinowitz, Timothy Schmidle, Bob Schopp, Paul Secunda, Sidney Shapiro, Suzanne Simonetta, 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 Carly Bahramzad, 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, Kiel Sauerman, Rebecca Schonberg, Deborah Steiner, Rohini Tashima, Alexis Trout, Leo Tsao,

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