

Employment Law

Employment Law

Cases and Materials

SEVENTH EDITION

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To John F. Burton, Jr., 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)

Annie and Lucy (6th edition additions, different generations)

Julie, Kameron, Sadie, and Marlowe (7th edition additions, different generations)

—SJS

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 2017 and it was time to bring the materials up to date. At the same time, however, we kept our 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 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* (21st ed. 2020). We do not include internet addresses on the theory that they date quickly and you can navigate google.

We offer thanks to all who have helped us with this project, both for this edition and through the years. Most importantly, we want to thank John F. Burton, Jr., who has been a co-author with us from the beginning through six editions, until earning a well-deserved retirement. We have added John to our dedication as one of the inspirational leaders in the field of employment law. His name belongs there right alongside Professors St. Antoine and Summers. We feel fortunate to have been able to work with him, learn from him, and laugh with him for so many years. John’s work is still very present in this edition even though his name is no longer on the cover; Part VIII on workplace injuries and diseases especially still benefits from his insights and still contains several instances of his dry humor. We cannot thank John enough for his wise counsel and contributions to this work for more than 30 years, and for his generosity, kindness, and friendship.

Many others have also contributed to this project over the years. We began working on this book 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, Justin Schwab, Paul Secunda, Sidney Shapiro, Suzanne Simonetta, Emily Spieler, Katherine Stone, Kent Syverud, Lach Taylor, David Torrey, John True, Rip Verkerke, Mark Webb, Saul Weiss, Chuck 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, Annie Gilligan, Mark Grimes, Kristina Hon, Shin Jung Hwang, Ann Juliano, Sohyun Kim, Jonah Lalas, Andrea Loux, Joshua Mahoney, Joshua Mayes, Katherine McMahan, Audra Mitchell, Lanay Mitchell, Rafael Morell, Dan Muffly, Michael Nolan, Mark Pilotin, Anne Marie Pisano, Gregory Porter, J. Michael Roebuck, Michael Rosen-Prinz, Kiel Sauerman, Rebecca Schonberg, Julie Slama, Deborah Steiner, Spencer Talbot, Rohini Tashima, Alexis Trout, 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, Julie Peters, Donna Schulman, and Beth McWilliams.

A special thanks to Carolyn Singleton and Kerry Acker who provided us with considerable secretarial assistance on the first edition and fourth editions, respectively, and Kara Conklin and Bambi King, who helped so ably with the 6th edition. And, finally, thanks to Fran Warren who was our initial contact with the publisher so many years ago and to Elisabeth Ebben who was our principal editor for this edition.

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