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- Federal Legislation Update: July-September 1987*, Ray, James S. and Barbara A. Brown, vol. 4, no. 1, page 133.
- Federal Legislation Update: October-December 1987*, Ray, James S. and Barbara A. Brown, vol. 4, no. 2, page 331.
- Federal Legislation Update: January-July 1988*, Ray, James S. and Barbara Berish Brown, vol. 4, no. 4, page 817.
- Federal Legislation Update: January-October 1988*, Ray, James S. and Barbara Berish Brown, vol. 5, no. 1, page 135.
- Federal Legislation Update: January-March 1989*, Ray, James S. and Barbara Berish Brown, vol. 5, no. 2, page 275.
- Federal Legislation Update: January-March 1990*, Ray, James S. and Barbara Berish Brown, vol. 6, no. 2, page 479.
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## G

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## I

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## N

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## O

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## R

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*The Supreme Court Decisions of the 1985–86 Term*, Beck, Michael H., vol. 3, no. 1, page 55.

*The Supreme Court 1997–1998 Labor and Employment Law Term (Part I): The Sexual Harassment Decisions*, Weiss, Marley S., **vol. 14, no. 2**, page 261.

*The Supreme Court 1997–1998 Labor and Employment Law Term (Part II): The NLRA, Takings Clause, and ADA Cases*, Weiss, Marley S., **vol. 14, no. 3**, page 533.

*The Supreme Court and Labor Law in the Fiftieth Year of the NLRA*, Lesnick, Howard, vol. 1, no. 4, page 703.

*The Supreme Court's Application of "Ordinary Contract Principles" to the Issue of the Duration of Retiree Healthcare Benefits: Perpetuating the Interpretation/Gap-Filling Quagmire*, Hillman, Robert A., **Vol. 32, No. 3**, page 299.

*The Supreme Court's 1991–1992 Labor and Employment Law Term*, Hartley, Roger C., vol. 8, no. 4, page 757.

*The Supreme Court's 1992–1993 Term: A Review of Labor and Employment Law Cases*, Bellace, Janice R., vol. 9, no. 4, page 603.

*The Supreme Court's Labor and Employment Cases of the 2001–2002 Term*, Cynthia Estlund, **vol. 18, no. 2**, page 291.

*The Supreme Court's Labor and Employment Decisions: 2002-2003 Term*, O'Brien, Maria Hylton, **vol. 19, no. 2**, page 247.

*The Supreme Court's Rejection of Excluding "Ordinary Professional or Technical Judgment" as Independent Judgment When Directing Employees: Does Kentucky River Mean Lights Out for Mississippi Power?*, Dolin, Kenneth, **vol. 18, no. 3**, page 365.

*Supreme Court Review*, Murphy, William P., vol. 5, no. 4, page 679.

*Surface v. Hard Bargaining: Tilting Toward Nonintervention*, DiGiovanni, Nicholas, Jr., vol. 2, no. 4, page 771.

## T

*Tangible Employment Action: What Did the Supreme Court Really Mean in Faragher and Ellerth?*, Woodford, Kelly Collins and Harry A. Rissetto, **vol. 19, no. 1**, page 63.

*Tax Consequences of Court Awards and Settlement Payments Received in Employment Cases*, Ennis, Peter J. and Judee A. Smolarek, vol. 6, no. 2, page 395.

*Tears and Fears: The Illusory Ethical Issues Raised by Strengthening Enforcement of the LMRDA Persuader Reporting Rules*, Handelman, Gwen Thayer, **vol. 27, no. 3**, page 433.

*Tempest in a Bedpan? The Specialty Healthcare Controversy*, Haller, William H., **vol. 29, no. 3**, page 465.

*Temporary Workers May get "Two Bites" at Recovery Under the Employment Discrimination Laws*, Comisky, Hope A. and Natalie Abbot, **vol. 20, no. 1**, page 1.

- The Term That Almost Was: A Look Back at the Supreme Court's Work Law Docket in 2016–17*, Cameron, Christopher David Ruiz, **Vol. 33, No. 2**, page 127.
- Testing Accommodation: Is a "Level Playing Field" Unfair?*, Tukel, Daniel B., **vol. 23, no. 1**, page 1.
- The Tides Are Turning: EEOC Pattern or Practice Lawsuits Must Adhere to Title VII's 300-Day Limitation Period*, Maatman, Jr., Gerald L. and Lily M. Strumwasser, **vol. 29, no. 1**, page 71.
- Tightening the White-Collar Exemptions—The Courts Breathe New Life into the Fair Labor Standards Act*, Peikes, Lawrence, vol. 10, no. 1, page 121.
- Title VII at Twenty: The Counting Challenge*, Chambers, J. LeVonne and Barry Goldstein, vol. 1, no. 2, page 235.
- Title VII's National Anthem: Is There a Prima Facie Case for the Prima Facie Case?*, Smith, Stephen W., **vol. 12, no. 3**, page 371.
- To Bargain or Not To Bargain Should Not Be the Question: Deterring Section 8(a)(5) Violations in First-Time Bargaining Situations Through a Liberalized Standard for the Award of Litigation and Negotiation Costs*, Berul, Micah, **vol. 18, no. 1**, page 27.
- Toledo Blade and Colorado-Ute: When Is Bargaining to Impasse Not Enough?*, Costello, Joseph J. and Stacy K. Weinberg, vol. 9, no. 2, page 127.
- Too Many Arbitrators Do Spoil the Soup: NLRB Charges Filed by Non-Unionized Employees Should not be Subject to Mandatory Pre-Dispute Arbitration Agreements*, Perez, Nicole Cuda, **vol. 23, no. 3**, page 285.
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- Tracking the Path to Parity between Mental and Physical Health Benefits*, Weirich, C. Geoffrey and Ashoo K. Sharma, **vol. 17, no. 3**, page 469.
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- Transportation Labor Law and Policy for a Deregulated Industry*, Arouca, Dennis A. and Henry H. Perritt, Jr., vol. 1, no. 3, page 617.
- Traversing the Preemption Triangle: ERISA, ADA, and State Disability Discrimination Laws*, Lawrence, Thomas H. and Rhonda M. Taylor, **vol. 12, no. 1**, page 57.
- Truncating the Fair Labor Standards Act Limitations Period in Arbitration: A Prospective Waiver of Rights or a Procedural Tweak.*, McGillivray, Gregory K, **Volume 30, No. 3**, page 305.
- Truth and Consequences: The Impact of Arbitration in Employment Defamation Cases*, Moberly, Michael D., vol. 9, no. 4, page 577.
- Truth or Consequences: Varsity v. Howe and Beyond*, Muir, Dana M., **vol. 13, no. 3**, page 411.
- Twenty-Five Years of Developments in the Law Under the National Labor Relations Act*, Hexter, Christopher, Wesley Kennedy, Alexia Kulwicz, Peter Janus, Todd Sarver, and Steven Wheelless, **vol. 25, no. 3**, page 299.

## U

- The Uncertain Fate of Gissel Bargaining Orders in the Circuit Courts of Appeal*, Abramson, Gil A., **vol. 18, no. 1**, page 121.
- The Unconstitutionality of Section 8(b)(4)(ii)(B) and the Supreme Court's Unique Treatment of Union Speech*, Hayes, Ian, 2012 Student Writing Competition Winner, **vol. 28, no. 1**, page 129.
- Understanding How to Apply the DSM-IV to a Case under the ADA*, Smith, Jules L., **vol. 17, no. 3**, page 449.
- Undocumented Workers and the NLRA: Hoffman Plastic Compounds and Beyond*, Baird, Orrin, **vol. 19, no. 2**, page 153.
- The Undue Hardship Defense to the Reasonable Accommodation Requirement of the Americans With Disabilities Act of 1990*, Gardner, Russell H. and Carolyn J. Campanella, vol. 7, no. 1, page 37.
- Union Access: Developments Since Jean Country*, Collyer, Rosemary M., vol. 6, no. 4, page 839.
- Union Access to Employer Information in the Federal Sector*, Keene, David R., II, **vol. 15, no. 1**, page 47.
- Union Access to Migrant Farm Workers: The Mt. Olive Pickle Company, Cucumber Farmers and Farm Workers*, Kidd, Allison, 2004 Student Writing Competition Winner, **vol. 20, no. 3**, page 339.
- Union Discovery Privileges: Protecting Union Documents and Internal Information from Subpoena*, Goldman, David I., **vol. 17, no. 2**, page 241.
- Union Intervention in Title VII Consent Decree Negotiations: Separate Bargaining or Exclusive Representation?*, Connor, Mairead E., vol. 4, no. 2, page 293.
- The Union's Duty to Represent Conscientious Objectors*, Weinstock, Bonnie Siber, vol. 3, no. 1, page 163.
- Union's Gamble Pays Off: In San Manuel Indian Bingo & Casino, The NLRB Break the Nation's Promise and Reverses Decades-Old Precedent to Assert Jurisdiction Over Tribal Enterprises on Indian Reservations*, Wermuth, Anna, **vol. 21, no. 1**, page 81.
- Union Survival Strategies for the Twenty-first Century*, Hiatt, Jonathan P. and Lee W. Jackson, **vol. 12, no. 2**, page 165.
- Unipolar Panel Effects and Ideological Commitment: An Analysis of U.S. Courts of Appeals Free Speech Decisions Involving K-12 Public Education Employees*, Wasserman, Lewis M. and Connolly, John P., **Vol. 31, No. 3**, page 537.
- Unlawful Interference with Protected Rights under ERISA*, Martucci, William C. and John L. Utz, vol. 2, no. 2, page 251.
- The Unpaid Intern: Liability for the Uninformed Employer*, Mazurak, Stephen A., **vol. 29, no. 1**, page 101.
- Untested Assumptions in NLRB Proceedings*, Taurick, Phoebe, **vol. 27, no. 2**, page 307.
- Unusual Unanimity and the Ongoing Debate on the Meaning of Words: The Labor and Employment Decisions from the Supreme Court's 2013-14 Term*, Green, Michael Z., **vol. 30, no. 2**, page 175.
- Update on Employer E-mail Monitoring: The Ninth Circuit Joins the Mainstream*, Robinson, Eric P., **vol. 18, no. 3**, page 355.

*An Update on the FTC's Vail Letter and Application of the FCRA to Investigations of Employee Wrongdoing*, Stivarious, Teresa Butler, **vol. 19, no. 1**, page 83.

*U.S. and Canadian Labour Law: Significant Distinctions*, Sack, Jeffrey, **vol. 25, no. 2**, page 241.

*U.S.-Based Multinational Employers and the Social Contract Outside the United States*, Dowling, Donald C., Jr., **vol. 26, no. 1**, page 77.

*The U.S. International Labor Relations Act*, Charnovitz, Steve, **vol. 26, no. 2**, page 311.

*U.S. Labor Law and the Future of Labor-Management Cooperation*, Schlossberg, Stephen I. and Steven M. Fetter, vol. 3, no. 1, page 11.

*U.S. Trade and Economic Policy: American Workers Need More Than Strong Labor Chapters*, Drake, Celeste, **vol. 27, no. 3**, page 455.

*Use and Abuse of Performance Appraisals under the Civil Service Reform Act*, Laponsky, Mark D., vol. 3, no. 2, page 287.

*Use of After-Acquired Evidence in Employment Discrimination Cases: Should the Guilty Employer Go Free?*, Gregory, Robert J., vol. 9, no. 1, page 43.

## V

*Validity and Effect of Will-Not-Reapply Covenants in Employment Discrimination Settlement Agreements*, Fleischer, Charles H., **vol. 23, no. 2**, page 151.

*Video Games in Job Interviews: Using Algorithms to Minimize Discrimination and Unconscious Bias*, Savage, David D. and Bales, Richard, **Vol. 32, No. 2**, page 211.

*A View from the Circuit: A Federal Circuit Judge Views the NLRA Appellate Scene*, Vance, Robert S., vol. 1, no. 1, page 39.

*Voluntary Corporate Codes of Conduct: What's Missing?* Hernstadt, Owen E., **vol. 16, no. 3**, page 349.

## W

*A WARN Act Road Map*, Lipsig, Ethan and Keith R. Fentonmiller, vol. 11, no. 3, page 273.

*We Never Talk Anymore: Evaluating Confidentiality Rules and No-Fraternalization Policies – Exactly Who are the Carthusian Monks?* Cintas Corp. v. NLRB and Guardsmark, LLC v. NLRB, Meltzer, Mary Theresa, **vol. 24, no. 2**, page 175.

*Weingarten: Time for Reconsideration*, Bernstein, Neil N., vol. 6, no. 4, page 1005.

*What 14 Penn Plaza LLC v. Pyett Means for Employers: Balancing Interests in a Landscape of Uncertainty*, Mathison, Mark S. and Bryan M. Seiler, **vol. 25, no. 2**, page 173.

*What Can We Learn from the NLRA to Create Labor Law for the Twenty-First Century?*, Freeman, Richard B., **vol. 26, no. 2**, page 327.

*What Hath Patterson Wrought? A Study in the Failure to Understand the Employment Contract*, Player, Mack A., vol. 6, no. 1, page 183.

*What the Supreme Court's Diversity Doctrine Means for Workplace Diversity Efforts*, Hawkins, Stacy, **Vol. 33, No. 2**, page 139.

*What's the Relationship Between Labor Arbitrators' Backgrounds and Outcomes of Discipline and Discharge Awards? An Empirical Analysis*, Cooper, Laura J., Bognanno, Mario F. and Befort, Stephen F., **Vol. 31, No. 3**, page 433.

*When Are Employers' Unilateral Changes Prohibited? A Look at E.I. Du*

- Pont, Minteq, and Graymont: *A Management Perspective on the Need for a Uniform Standard*, Adams, Jamie R., **Vol. 32, No. 3**, page 407.
- When Is a Multiemployer Bargaining Unit a “Multiemployer Bargaining Unit”?* Tollen, Robert W., **vol. 17, no. 1**, page 183.
- When Is “No” Really “No”—The NLRB’s Current Position on the Freedom of Contract, Management Rights, and Waiver*, Carron, Reid and Angela Broughton, **vol. 13, no. 2**, page 299.
- When Is the Union “Gone”?*, Hoffhaus, Charles E., vol. 10, no. 1, page 41.
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- Where Have All the Supervisors Gone?—The Board’s Misdiagnosis of Health Care and Retirement Corp.*, King, G. Roger, **vol. 13, no. 2**, page 343.
- Whistleblowers and Safety at Work: An Analysis of Section 11(c) of the Occupational Safety and Health Act*, Spieler, Emily A., **Vol. 32, No. 1**, page 1.
- Who’s an Independent Contractor? Who’s an Employee?*, Barron, Myra H., **vol. 14, no. 3**, page 457.
- Whose Privilege Is It Anyway: How the Fiduciary Exception to the Attorney-Client Privilege Protects ERISA Participants and Beneficiaries*, Crawford, Tyrone, **vol. 30, no. 1**, page 121.
- Who’s the Boss? Employee Leasing and the Joint Employer Relationship*, Axelrod, Jonathan G., vol. 3, no. 4, page 853.
- Why Some Unions Hesitate to Participate in Labor-Management Cooperation Programs*, Hernstadt, Owen E., vol. 8, no. 1, page 71.
- Win-Win Labor Law Reform*, Estreicher, Samuel, vol. 10, no. 4, page 667.
- The Wisconsin Public-Sector Labor Dispute of 2011*, Secunda, Paul M., **vol. 27, no. 2**, page 293.
- Withdrawal of Recognition: The Impact of Allentown Mack and Lee Lumber*, Ferber, James M.L. and R. Scott Ferber, **vol. 14, no. 2**, page 339.
- Withdrawal Pains: Should an Employer Be Privileged to Unilaterally Act to Oust a Union?*, Gottlieb, Ira L., **vol. 14, no. 2**, page 415.
- Work Force 2000*, Fraser, Douglas A., vol. 7, no. 2, page 265.
- Work Force 2000*, Lambert, Jack, vol. 7, no. 2, page 221.
- Work Force 2000 – How Are America’s Industries Preparing?*, Flora, Mark R., vol. 7, no. 2, page 277.
- Workers’ Compensation: The Hazard of Adopting the Increased-Risk Doctrine When Interpreting “Arising out of”*, Haughton, Paige, **Vol. 32, No. 2**, page 277.
- Working to Rule and Other Alternate Job Actions*, Bloch, Marc J. and Scott A. Moorman, vol. 9, no. 2, page 169.
- Workplace Closures and Company Reorganizations: Enforcing NLRB Contract and Noncontract Claims and Obligations*, Boltuch, Burton F., vol. 7, no. 1, page 53.
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- Workplace Rumors About Women’s Sexual Promiscuity as Gender-Based Insults under Title VII*, Hess, Wendy N., **Vol. 31, No. 3**, page 447.
- Workplace Stress Claims Resulting from September 11th*, Slusarz, Frances Codd, **vol. 18, no. 2**, page 137.

*Workplace Violence: Navigating Through the Minefield of Legal Liability*, Levin, Robert L., vol. 11, no. 2, page 171.

*Writing the Law of Work on Nero's Pillars: The 1998–99 Term of the U.S. Supreme Court*, Tepker, Harry F., Jr., **vol. 15, no. 2**, page 181.

*Wrongful Discharge: A Panel Discussion*, Robein, Louis L., Jr., Joseph A. Golden and Jay S. Siegal, vol. 6, no. 2, page 319.

*Wrongful Discharge Suits by In-House Counsel: Refining the General Dynamics Standard*, Webb, John R. and J. Chris Kinsman, vol. 11, no. 1, page 35.

## **Y**

*“Yes, No, and Maybe:” The Implications of a Federal Circuit Split Over Union-Friendly State and Local “Neutrality” Laws*, Garrison, Brian R. and Joseph C. Pettygrove, **vol. 23, no. 2**, page 121.