

Employment Law, 9e

Bennett/Hartman

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ISBN: 1259722333

Detailed List of New Features

Throughout the text, we have, as necessary, updated statistics and replaced in-text examples, end-of-chapter questions, and cases with the most current ones available. However, where a case represents the seminal case on a matter, we have chosen to leave that case since it is vital for students to be well-versed in the legal precedent. The same is true of chapter-end questions. If they were the best to illustrate a point, we left them in.

Chapter by Chapter Changes

Chapter 1: Discusses

- In connection with the definition of employee, the financial and other implications of the U.S. Department of Labor's major Misclassification Initiative, which was launched in cooperation with the Internal Revenue Service, to reduce the incidence of employee misclassification and to improve compliance with federal labor laws.
- The impact of technology on the application process.
- The requirement to track applicants on the basis of race, gender, and ethnicity.
- The Seventh Circuit's seminal decision in *PepsiCo, Inc. v. Redmond* that illustrates how the advance of technology has caused the Uniform Trade Secrets Act to evolve.

Chapter 2: Includes a new information on retaliation.

Chapter 3: Contains updated information throughout, including

- Impact of 2016 election the work of the EEOC.
- The EEOC's new Strategic Enforcement Plan for 2017–2022.
- The EEOC extension of the Title VII gender category to include discrimination on the basis of sexual

orientation and an update on its inclusion of gender as a basis for gender identity claims; and the EEOC's new emphasis on maintaining employee access to Title VII claims.

Chapter 4: Contains

- The latest data relating to the use of social media and technology in recruitment, selection, and related activities.
- The most recent statistics on testing and drug and alcohol usage and abuse, along with their case implications.
- A discussion of myriad assessment tools used by employers as part of the hiring process.
- A new section on criticisms surrounding drug testing.

Chapter 5: Modifications include

- Clarification of, and more background on, the connection between affirmative action background and present-day vestiges.
- Update of the Dodd–Frank Wall Street Reform and Consumer Protection Act of requirement of Offices of Minority and Women's inclusion in the agencies it covers and the businesses they regulate.
- The NFL's informal extension of the Rooney Rule to cover some vacancies for offensive and defensive coordinator jobs.

Chapter 6: Includes discussion of the

- Impact of the latest presidential election and other recent events on workplace issues.
- Increase in Asian-American discrimination.
- Increase in workplace harassment claims.

Chapter 7: Updated data includes

- The evolving law relating to English-only rules, presented in a comprehensive manner.
- Additional discussion and clarification on discrimination based on alienage or citizenship status.
- Increasing national origin discrimination claims since September 11, 2001.

Chapter 8: Contains new information on

- Increasing gender discrimination claims interpretation.
- 2015 U.S. Supreme Court pregnancy case, *Young v. UPS*.
- Discussion of 1/21/2017 and 3/8/2017 demonstrations regarding gender issues and concerns in the country.
- Updated gender statistics.
- The new Shriver report on gender issues.
- Claims by women terminated because they were "too hot" and new concerted individual regional Walmart gender discrimination cases.
- New EEOC guidance on domestic violence and stalking victims and on family caretakers.
- Addition of glass cliffs, glass escalators, 2012 repeal of Wisconsin's Equal Pay Enforcement Act, and additional Pregnancy Discrimination Act and lactation information.

Chapter 9: Contains

- Current cases such as *Ball State v. Vance*.
- Claims involving Red Lobster, Merchant Management Resources, Inc., Lakemont Homes Las Vegas real estate developer, International Profit Associates, Inc., Delta Airlines, Best Buy's Geek Squad, film producer Jon Peters, and New York "kingmaker" Assemblyman Vito Lopez.
- A discussion of the new Anita Hill documentary, *Anita*.

Chapter 10: Contains updated discussions on sexual orientation and gender identity, including

- Information on the recent legislative, executive, and judicial LGBT issues including gay marriage and workplace inclusion and benefit policies.
- Extension of federal benefits to LGBTs.
- 2017 Executive Order revoking federal protection for LGBT employees of federal contractors.
- 2015 U.S. Supreme Court Obergefell decisions prohibiting states from banning gay marriage.
- Expansion of the EEOC's Macy decision extending to transgenders protection of Title VII based on gender, to lesbians, gays, and bisexuals as well.
- Recent polls on LGBT issues and the latest HRC Corporate Equality Index figures for corporate adoption of workplace protections and benefits for LGBT employees.
- Introduction in Congress of the Equality Act of 2015.
- More information on understanding transgenders and their workplace issues.

Chapter 11: Contains

- New information on increasingly different manifestations of religious discrimination in the workplace, especially in light of the new religious liberty executive order of May 4, 2017.
- Discussion of U.S. Supreme Court decision in the *Abrcrombie & Fitch* Muslim hijab case.
- New NYPD policy permitting Sikh officers to wear their religiously dictated beards and turbans.

Chapter 12: Examines

- The perception of Silicon Valley and, in fact, the entire tech world as catering to and seeking a younger demographic of employees.
- On a circuit-by-circuit basis, the yet-to-be-settled question of whether state employees with age discrimination grievances have alternative claims to those provided by the ADEA.
- The EEOC's "Final Rule on Disparate Impact and Reasonable Factors Other than Age (RFOA)" and explores the yet-to-be-enacted Protecting Older Workers Against Discrimination Act (POWADA), which was introduced first in 2012 and reintroduced in 2013.
- The impact of the *Gross* decision in recent case law, where courts have ruled that the "but for" causation standard applies not only to adverse employment actions in ADEA cases but also to Title VII retaliation plaintiffs, as well.

Chapter 13: Examines

- The impact of the ADAAA.
- The question of the "bootstrap" theory of ADA coverage with regard to the definition of a "major life activity."
- The expansion of the definition of "substantial limitation" under the ADA to include a lower degree of impairment and the partial invalidation of the "mitigating measures" rule.
- Obesity discrimination, including references to new case law.

Chapter 14: Contains

- Extensive updates based on significant advances in technology, information gathering, social media, monitoring, privacy, and the law that have impacted our world, in general, and the workplace, specifically.
- New case law, examples, and end-of-chapter questions that allow the reader to have a current understanding of the environment and implications for the employment context.

Chapter 15: Discusses various labor issues such as

- Impact of new presidential administration on labor issues.
- Outcome of student movement to unionize college athletics
- New state passage of right-to-work laws.

Chapter 16: Discusses wage and benefit issues such as

- The ongoing issue of employee misclassification violations to avoid paying minimum wages and overtime pay.
- The growing concern over unpaid internships.
- Increased enforcement and clarification of lactation time for nursing mothers.
- Increasing FMLA leave challenges.
- Proposed parental leave under the Trump administration.

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