

DISCRIMINATION IN EMPLOYMENT: A SELECTIVE BIBLIOGRAPHY

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I

INTRODUCTION

This bibliography lists articles and books that discuss compliance with various employment discrimination laws by private industry. Included are selected items from both the legal and human resource fields published from 1980 through the first quarter of 1985. Entries are arranged under the following headings: Equal Employment Opportunity in General, Employee Selection Procedures, Race Discrimination Under Title VII of the Civil Rights Act of 1964, Affirmative Action Programs, Sex Discrimination Under Title VII of the Civil Rights Act of 1964, Other Types of Discrimination Under Title VII of the Civil Rights Act of 1964, Age Discrimination Under the Age Discrimination in Employment Act, Handicapped Discrimination Under the Rehabilitation Act of 1973, and Sex-Based Wage Discrimination Under Title VII of the Civil Rights Act of 1964 and the Equal Pay Act.

Emphasis has been placed on works providing practical advice and interpretation of laws that will aid in avoiding charges of discrimination. Some items dealing with discrimination in particular industries or the public sector have been included if they are applicable to private industry in general.

II

EQUAL EMPLOYMENT OPPORTUNITY IN GENERAL

A. Articles

Abramson, Gil A., and Steven D. Frenkil. "How Insurance Companies Can Avoid and Defend against Discrimination Complaints." *Forum* 17 (Spring 1982): 1060-80.

"Annual Survey of Labor Relations and Employment Discrimination Laws." *Boston College Law Review* 25 (December 1983): 73-257.

Babich, Dushica D. "Discriminatory Hiring Practices by Foreign Corporations in the United States—a Limited Right." *Fordham International Law Journal* 5 (Spring 1982): 509-31.

Belohlav, James A., and Eugene Ayton. "Equal Opportunity Laws: Some Common Problems." *Personnel Journal* 61 (April 1982): 282-85.

- "Civil Rights—Employment Discrimination—Japanese-Owned Corporations Incorporated under United States Law Must Provide Equal Employment Opportunity in Compliance with the Civil Rights Act of 1964." *Texas International Law Journal* 15 (Winter 1980): 187-202.
- Docan, Carol A. "Are Foreign Companies Doing Business in the United States Required to Comply with American Employment Discrimination Laws?" *Women Lawyers Journal* 70 (Summer 1984): 1-8.
- Dowd, Nancy E. "The Test of Employee Status: Economic Realities and Title VII." *William and Mary Law Review* 26 (Fall 1984): 75-114.
- Erickson, Myron L. "Personnel Discrimination: An Unavoidable By-Product of Decision Making." *Law Notes* 16 (Fall 1980): 119-27.
- "Foreign Subsidiaries Are Not Immune from Employment Discrimination Laws." *Washington University Law Quarterly* 60 (Summer 1982): 663-74.
- Geiger, Adrienne H. "Managing Effectively While Implementing EEO." *Training and Development Journal* 35 (May 1981): 87-90, 92-96.
- Hart, Ann Weaver. "Intent vs. Effect: Title VII [of the Civil Rights Act of 1964]: Case Law That Could Affect You." *Personnel Journal* 63 (March & April 1984): 31-32, 34, 36, 38, 40, 42, 44, 46-47; 50-52, 54-58.
- Jones, Crystal L. "Impact of *Texas Department of Community Affairs v. Burdine* on Employment Discrimination." *Houston Law Review* 19 (July 1982): 981-1001.
- Kandel, William L. "Maximizing Benefits of the Internal EEO Audit." *Employee Relations Law Journal* 6 (Spring 1981): 666-73.
- Kandel, William L., and Patricia J. Langer. "Performance Evaluation and EEO." *Employee Relations Law Journal* 6 (Autumn 1980): 294-303.
- Kirschner, Kenneth. "Extraterritorial Application of Title VII of the Civil Rights Act." *Labor Law Journal* 34 (July 1983): 394-407.
- Kohl, John P. "How to Avoid Discrimination Charges." *Cornell Hotel and Restaurant Administration Quarterly* 24 (November 1983): 86-92.
- Lansing, Paul, and Laura Palmer. "*Sumitomo Shoji v. Avagliano*: Sayonara to Japanese Employment Practices in Conflict with Title VII." *St. Louis University Law Journal* 28 (1984): 153-70.
- Leap, Terry L., William H. Holley, Jr., and Hubert S. Feild. "Equal Employment Opportunity and Its Implications for Personnel Practices in the 1980's." *Labor Law Journal* 31 (November 1980): 669-82.
- Lehr, Richard I. "An Equal Employment Primer for the General Practitioner." *The Practical Lawyer* 28 (March 1, 1982): 35-52.
- . "Equal Employment Primer for the Corporate Counsel and General Practitioner." *Alabama Lawyer* 42 (October 1981): 682-96.
- Lubben, Guy L., Duane E. Thompson, and Charles R. Klassen. "Performance Appraisal: The Legal Implications of Title VII." *Personnel* 57 (May-June 1980): 11-21.
- Rosner, Stacey M. "Beyond the FCN Treaty: Japanese Multinationals under Title VII." *Fordham Law Review* 51 (1983): 871-95.

- Rozmarin, George C. "Employment Discrimination Laws and Their Application." *Law Notes* 16 (Winter 1980): 25-29.
- Shattuck, Cathie. "Current Issues in EEOC Litigation." *New York University Conference on Labor* 36 (1983): 19-1 to -19.
- Shoben, Elaine W. "Compound Discrimination: The Interaction of Race and Sex in Employment Discrimination." *New York University Law Review* 55 (November 1980): 793-836.

B. Books

- American Bankers Association. *Affirmative Action Compliance Manual for Banks*. Washington, D.C.: ABA, 1980.
- Anderson, Howard J., comp. *Major Employment-Law Principles Established by the EEOC, the OFCCP and the Courts (Dec. 1964-Dec. 1980.)*. Rockville, Md.: BNA Educational Systems, 1981.
- Block, Walter E. and Michael A. Walker. *Discrimination, Affirmative Action, and Equal Employment*. Hillside, N.J.: Enslow, 1981.
- Commerce Clearing House. *Guidebook to Fair Employment Practices*. Chicago: Commerce Clearing House, 1984.
- Connolly, Walter B., Jr., and Michael J. Connolly. *A Practical Guide to Equal Employment Opportunity*. New York: Law Journal Seminars-Press, 1979.
- Copus, David A., and Linda E. Rosenzweig, eds. *OFCCP and Federal Contract Compliance*. New York: Practising Law Institute, 1981.
- Erickson, John, Katherine Savers McGovern, and Richard T. Sampson. *Equal Employment Practice Guide—1980*. Washington, D.C.: Bureau of National Affairs, 1980.
- Executive Enterprises. *Solving EEO Problems: A Guide to Equal Employment Law and Practice*. New York: Executive Enterprises Publications, 1980.
- Larson, Arthur, and Lex K. Larson. *Employment Discrimination*. 4 vols. New York: Matthew Bender, 1975.
- Ledvinka, James. *Federal Regulation of Personnel and Human Resource Management*. New York: Van Nostrand Reinhold Co., 1982.
- Levin-Epstein, Michael. *Primer of Equal Employment Opportunity*. 3d ed. Washington, D.C.: Bureau of National Affairs, 1984.
- Murphy, William P., Julius G. Getman, and James F. Jones, Jr. *Discrimination in Employment*. Washington, D.C.: Bureau of National Affairs, 1979.
- Northrup, James P. *Old Age, Handicapped, and Vietnam-Era Antidiscrimination Legislation*. rev. ed. Philadelphia, Pa.: Industrial Research Unit, Wharton School, University of Pennsylvania, 1980.
- Player, Mack A. *Federal Law of Employment Discrimination in a Nutshell*. 2d ed. St. Paul, Minn.: West Publishing Co., 1981.
- Ross, John J., chrm. *Institute on Employment Law*. New York: Practising Law Institute, 1983.
- Schlei, Barbara Lindemann, and Paul Grossman. *Employment Discrimination Law*. 2d ed. Washington, D.C.: Bureau of National Affairs, 1983.

- Shaeffer, Ruth Gilbert. *Nondiscrimination in Employment—and Beyond*. New York: Conference Board, 1980.
- Smith, Arthur B., Jr. *Employment Discrimination Law: Cases and Materials*. Indianapolis: Bobbs-Merrill Co., 1978.
- Stokes, Arch Y. *The Equal Opportunity Handbook for Hotels, Restaurants, and Institutions*. Boston: CBI Publishing Co., 1979.
- Sullivan, Charles A., Michael J. Zimmer, and Richard F. Richards. *Federal Statutory Law of Employment Discrimination*. Charlottesville, Va.: Michie Co., 1980.
- Thomas, Claire Sherman. *Sex Discrimination in a Nutshell*. St. Paul, Minn.: West Publishing Co., 1982.

III

EMPLOYEE SELECTION PROCEDURES

A. Articles

- Bassett-Stanford, Mary. "Genetic Testing in Employment: Employee Protection or Threat?" *Suffolk University Law Review* 15 (December 1981): 1187-217.
- Bersoff, Donald N. "Testing and the Law." *American Psychologist* 36 (October 1981): 1047-56.
- Blumrosen, Alfred W. "The Bottom Line Concept in Equal Employment Opportunity Law." *North Carolina Central Law Journal* 12 (Fall 1980): 1-20.
- . "Bottom Line in Equal Employment Guidelines: Administering a Polycentric Problem." *Administrative Law Review* 33 (Summer 1981): 323-49.
- Booth, Dean, and James L. Mackay. "Legal Constraints on Employment Testing and Evolving Trends in Law." *Emory Law Journal* 29 (Winter 1980): 121-94.
- "The Bottom Line Concept under Title VII: *Connecticut v. Teal*." *Boston College Law Review* 24 (July 1983): 1131-86.
- Cochran, Judie, and Roger Cochran. "Interviewing Job Applicants: Are You Violating the Law?" *Practical Accountant* 16 (December 1983): 78-83.
- "Constitutional Law—the Supreme Court Rejects the Bottom Line Analysis in Title VII Employment Selection Cases: *Connecticut v. Teal*, 457 U.S. 440 (1982)." *Cumberland Law Review* 13 (1982-1983): 639-74.
- Curry, Theodore H., II. "A Common-Sense Management Approach to Employee Selection and EEO Compliance for the Smaller Employer." *Personnel Administrator* 26 (April 1981): 35-38.
- "Employee Selection Procedures: The Bottom Line and the Search for Alternatives." *Employee Relations Law Journal* 8 (Spring 1983): 572-617.

- Evans, David H. "Height, Weight and Physical Agility Requirements—Title VII and Public Safety Employment." *Journal of Police Science and Administration* 8 (December 1980): 414-36.
- Gibson, Eunice. "Layoffs: Limits on the Employer's Discretion." *Wisconsin Bar Bulletin* 55 (February 1982): 45-46, 69.
- Greenlaw, Paul S., and John P. Kohl. "Selection Interviewing and the New Uniform Federal Guidelines." *Personnel Administrator* 25 (August 1980): 74-79.
- Haney, Craig. "Employment Tests and Employment Discrimination: A Dissenting Psychological Opinion." *Industrial Relations Law Journal* 5 (1982): 1-86.
- Homick, Kenneth M. "Employment Discrimination—Employer's Contention That Promotion Procedures Resulted in a 'Bottom Line' Impact Favorable to Minorities Does Not Negate a Prima Facie Case of Employment Discrimination under Title VII—*Connecticut v. Teal*, 102 S. Ct. 2525 (1982)." *Temple Law Quarterly* 56 (1983): 1045-72.
- Jablin, Fredric M. "Use of Discriminatory Questions in Screening Interviews." *Personnel Administrator* 27 (March 1982): 41-42, 44.
- Joyce, Arthur E. "The Bottom Line: A Management View." *New York University Conference on Labor* 36 (1983): 18-1 to -14.
- Klasson, Charles R., Duane E. Thompson, and Gary L. Luben. "How Defensible is Your Performance Appraisal System?" *Personnel Administrator* 25 (December 1980): 77-83.
- Klotchman, Janisse, and Linda L. Neider. "EEO Alert: Watch Out for Discrimination in Discharge Decisions." *Personnel* 60 (January-February 1983): 60-66.
- Koen, Clifford M., Jr. "Pre-employment Inquiry Guide." *Personnel Journal* 59 (October 1980): 825-29.
- Kohl, John Preston. "Legal Aspects of Bilingual Hiring Requirements." *Texas Business Review* 57 (July-August 1983): 188-91.
- Koral, Alan M. "Practical Application of the Uniform Guidelines: What to Do 'Til the Agency Comes." *Employee Relations Law Journal* 5 (Spring 1980): 473-92.
- Lowell, Richard S., and Jay A. DeLoach. "Equal Employment Opportunity: Are You Overlooking the Application Form?" *Personnel* 59 (July-August 1982): 49-55.
- McGarity, Thomas O., and Elinor P. Schroeder. "Risk-Oriented Employment Screening." *Texas Law Review* 59 (August 1981): 999-1076.
- Marr, Richard, and Joseph Schneider. "Self-Assessment Test for the 1978 Uniform Guidelines on Employee Selection Procedures." *Personnel Administrator* 26 (May 1981): 103-08.
- Matthewman, William. "Title VII and Genetic Testing: Can Your Genes Screen You Out of a Job?" *Howard Law Journal* 27 (1984): 1185-1220.

- Merritt-Haston, Ronni, and Kenneth N. Wexley. "Educational Requirements: Legality and Validity." *Personnel Psychology* 36 (Winter 1983): 743-53.
- Miller, Ernest C. "An EEOC Examination of Employment Applications." *Personnel Administrator* 25 (March 1980): 63-69, 81.
- Richards, Bob. "Is Your Performance-Appraisal Process Ready to Go to Court?" *Training* 21 (August 1984): 81-83.
- Rothschild, Michael, and Gregory J. Werden. "Title VII and the Use of Employment Tests: An Illustration of the Limits of the Judicial Process." *Journal of Legal Studies* 11 (June 1982): 261-80.
- Rubinfeld, Stephen A., and Michael D. Crino. "Uniform Guidelines: A Personnel Decision-making Perspective." *Employee Relations Law Journal* 7 (Summer 1981): 105-21.
- Schmidt, Frank L., and Kenneth Pearlman. "Validity and Fairness of Employment and Educational Tests for Hispanic Americans: A Review and Analysis." *Personnel Psychology* 33 (March 1980): 705-24.
- Senatore, Charles V. "Minimizing Employer Litigation Exposure to Disparate Impact Discrimination Claims in the Hiring Process." *Florida Bar Journal* 55 (June 1981): 489-94.
- Shemetulskis, Richard. "How to Hire and Fire Safely." *Management World* 10 (December 1981): 25-27.
- Siniscalco, Gary R. "Reductions in Force: Minimizing Exposure to Contract, Tort, and Discrimination Claims." *Employee Relations Law Journal* 9 (Autumn 1983): 203-19.
- Spieczny, Thomas A. "Employment Discrimination Law: Provisions Applicable to Testing as a Basis for Employee Selections." *Texas Bar Journal* 45 (February 1982): 169-75.
- Stevens, George E. "Evaluating Inquiries on the Employment Application." *Arizona Business* 28 (January 1981): 3-9.
- Stokes, Archy. "Avoid Asking Illegal Questions During Pre-employment Interviews." *Food Service Marketing* 43 (September 1981): 26-28.
- Zimmer, Michael J. "Basing Employment Decisions on Tests: Compliance with the New Uniform Guidelines." *Seton Hall Law Review* 10 (1980): 769-93.

B. Books

- Bureau of Law and Business. *Law for Personnel Managers: How to Hire the People You Need without Discriminating*. Stamford, Conn.: Bureau of Law & Business, 1982.
- Day, Virgil, Frank Erwin, and Alan Koral, eds. *Professional and Legal Analysis of the Uniform Guidelines on Employee Selection Procedures*. Alexandria, Va.: American Society for Personnel Administration, 1981.
- Koral, Alan M. *Conducting the Lawful Employment Interview: How to Avoid Charges of Discrimination When Interviewing Job Candidates*. New York: Executive Enterprises Publications, 1983.

- McCulloch, Kenneth J. *Selecting Employees Safely under the Law*. Englewood Cliffs, N.J.: Prentice Hall, 1981.
- Miner, Mary Green and John B. Miner. *Employee Selection within the Law*. Washington, D.C.: Bureau of National Affairs, 1978.
- Potter, Edward E. *Employee Selection: Legal and Practical Alternatives to Compliance and Litigation*. Washington, D.C.: Equal Employment Advisory Council, 1983.
- Siegel, Jerome. *Personnel Testing under EEO*. New York: American Management Association, 1980.

IV

RACE DISCRIMINATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT
OF 1964

- Bagby, Thomas R. "Supreme Court Reaffirms Broad Immunity for Seniority Systems." *Labor Law Journal* 33 (July 1982): 409-16.
- Bartholet, Elizabeth. "Application of Title VII to Jobs in High Places." *Harvard Law Review* 95 (March 1982): 945-1027.
- Britt, Louis P., III. "Affirmative Action: Is There Life after *Stotts*?" *Personnel Administrator* 29 (September 1984): 96-98, 100.
- Brodin, Mark S. "The Role of Fault and Motive in Defining Discrimination: The Seniority Question under Title VII." *North Carolina Law Review* 62 (June 1984): 943-97.
- Denis, Martin K. "Race Harassment Discrimination: A Problem That Won't Go Away?" *Employee Relations Law Journal* 10 (Winter 1984-1985): 415-36.
- Doyle, Donna Canina. "Employment Discrimination: How to Discriminate in Business Without Really Trying: *American Tobacco Co. v. Patterson*, 102 S. Ct. 1534 (1982)." *Stetson Law Review* 12 (Spring 1983): 814-35.
- Elkiss, Helen. "Modifying Seniority Systems Which Perpetuate Past Discrimination." *Labor Law Journal* 31 (January 1980): 37-45.
- Ellis, Judy Trent. "Sexual Harassment and Race: A Legal Analysis of Discrimination." *Journal of Legislation* 8 (Winter 1981): 30-45.
- Hanebutt, Pamela Reasor. "Employment Discrimination—*American Tobacco Co. v. Patterson*: Section 703(h) of the Civil Rights Act of 1964 Extends a 'Measure of Immunity' to Seniority Systems Adopted after the Enactment of Title VII." *Tulane Law Review* 58 (October 1983): 386-400.
- Kasold, Bruce E. "Toward Definition of the Bona Fide Seniority System." *University of Florida Law Review* 35 (Winter 1983): 41-55.
- Kilgore, Peter G. "Identifying Employees for Purposes of EEO Compliance: Opening Pandora's Box." *Federal Bar News and Journal* 30 (November 1983): 445-47.
- Marinelli, Arthur J. "Seniority Systems and Title VII." *Akron Law Review* 14 (Fall 1980): 253-66.

- Moelis, Ron. "Racial Discrimination." *Annual Survey of American Law* 2 (1981) 243-70.
- Schell, George K. H. "Bona Fide Seniority Systems: Guidelines for the Use of Disparate Impact in the Teamsters Analysis." *UCLA Law Review* 31 (April 1984): 886-920.
- Schnapper, Eric. "Two Categories of Discriminatory Intent." *Harvard Civil Rights-Civil Liberties Law Review* 17 (Spring 1982): 31-59.
- Seaver, Douglas F. "The Stotts Decision: Is It the Death Knell for Seniority Systems?" *Employee Relations Law Journal* 10 (Winter 1984-1985): 497-504.
- Teel, Kevin Edmund. "Employment Discrimination and the Seniority System Exception: *American Tobacco Co. v. Patterson*." *Southwestern Law Journal* 36 (November 1982): 1039-53.
- Weidert, Diane M. "Civil Rights—Seniority Systems—Bona Fide Seniority Systems Adopted before and after Civil Rights Act of 1964 Are Immune from Attack unless Result of Intention to Discriminate." *St. Mary's Law Journal* 14 (1982): 95-112.
- Williams, Louise Jackson. "'Last Hired, First Fired'—Rights without Remedies: *Firefighters v. Stotts*." *Detroit College of Law Review* 2 (Summer 1985) 215-46.
- Wolfson, Tamara. "Expanding Title VII's Exemption for Seniority Systems: *American Tobacco Company v. Patterson*." *Boston College Law Review* 25 (December 1983): 44-72.

V

AFFIRMATIVE ACTION PROGRAMS

A. Articles

- "Affirmative Action Symposium." *Wayne Law Review* 26 (July 1980): 1199-1393.
- Ballentine, Chris. "'Who is a Negro?' Revisited: Determining Individual Racial Status for Purposes of Affirmative Action." *University of Florida Law Review* 35 (Fall 1983): 683-700.
- Belton, Robert. "Discrimination and Affirmative Action: An Analysis of Competing Theories of Equality." *North Carolina Law Review* 59 (March 1981): 531-98.
- Bernstein, Neila. "Voluntary Affirmative Action after *United Steelworkers of America v. Weber*: Constructing a Peaceful Coexistence between Title VII and Executive Order 11,246." *UCLA Law Review* 27 (April-June 1980): 1159-90.
- Blumrosen, Alfred W. "Affirmative Action in Employment after *Weber*." *Rutgers Law Review* 34 (Fall 1981): 1-49.
- Brookmire, David A. "Designing and Implementing Your Company's Affirmative Action Program." *Personnel Journal* 58 (April 1979): 232-37.

- Choper, Jesse H. "The Constitutionality of Affirmative Action: Views from the Supreme Court." *Kentucky Law Journal* 70 (1981-1982): 1-22.
- Cleveland, A. Gus, and James H. Coil III. "Overview of Affirmative Action Requirements for Federal Contractors, Subcontractors, and Suppliers." *Georgia State Bar Journal* 17 (Fall 1981): 120-25.
- Finkle, Michael J. "Voluntary Affirmative Action under Title VII: Standards of Permissibility." *UCLA Law Review* 28 (December 1980): 291-334.
- Fry, Fred L. "Affirmative Action: How It Affects Small Business." *American Journal of Small Business* 5 (Fall 1980): 23-29.
- Glenn, Cordelia. "Affirmative Action after *Bakke*." *Cleveland State Law Review* 32 (1983-1984): 681-711.
- "Insights on *Weber*: Its Implications and Application in Public and Private Affirmative Action Programs, Labor Unions and Educational Institutions." *Howard Law Journal* 23 (1980): 521-39.
- Johnson, Ronald D. "Voluntary Affirmative Action in the Post-*Weber* Era: Issues and Answers." *Labor Law Journal* 32 (September 1981): 609-20.
- Kandel, William L. "*Weber* and the 'Multi-Employer' Company." *Employee Relations Law Journal* 5 (Spring 1980): 574-81.
- McFeeley, Neil D. "*Weber* Versus Affirmative Action?" *Personnel* 57 (January-February 1980): 38-51.
- Marino, Kenneth E. "Conducting an Internal Compliance Review of Affirmative Action." *Personnel* 57 (March-April 1980): 24-34.
- Mosk, Stanley. "Affirmative Action, Si—Quotas, No." *Employee Relations Law Journal* 9 (Summer 1983): 126-35.
- Nothmann, Jane. "Title VII Employment Discrimination: Criteria for the Judicious Use of Affirmative Action." *University of Florida Law Review* 32 (Summer 1980): 731-59.
- Panken, Peter M. "Obligation of Federal Contractors to Take Affirmative Action." *ALI-ABA Course Materials Journal* 3 (April 1979): 81-107.
- Panken, Peter M., and Denise M. Davin. "Model Affirmative Action Program (A Form)." *Practical Lawyer* 26 (April 1980): 11-40.
- Phillips, Michael J. "'Voluntary' Racial Employment Preferences under Title VII." *American Business Law Journal* 18 (Spring 1980): 94-105.
- Ruzicho, Andrew J. "The *Weber* Case: Its Impact on Affirmative Action." *Personnel Administrator* 25 (June 1980): 69-72.
- Sampson, Richard T., and Rachael E. Schwartz. "*Firestone Synthetic Rubber and Latex Co. and Koppers Company v. F. Ray Marshall, et al.*: Analysis of the Affirmative Action Requirements of Executive Order 11,246." *Federal Bar News and Journal* 28 (September 1981): 191-97.
- Schlosser, Charles W., Jr. "*United Steelworkers of America v. Weber*: Title VII Revisited." *Denver Law Journal* 57 (1980): 649-60.
- Simon, William A. "Voluntary Affirmative Action after *Weber*." *Labor Law Journal* 34 (March 1983): 138-43.

- Spataro, John F. "The Impact of *United Steelworkers of America v. Weber* on Affirmative Action Planning." *Ohio Northern Law Review* 7 (October 1980): 987-1004.
- Swanson, Stephen C. "Affirmative Action Goals: Acknowledging the Employer's Interest." *Personnel Journal* 62 (March 1983): 216-20.
- Vaughn, Dennis H. "Employment Quotas—Discrimination or Affirmative Action?" *Employee Relations Law Journal* 7 (Spring 1982): 552-66.

B. Books

- Executive Enterprises. *Affirmative Action Compliance Kit*. New York: Executive Enterprises Publications, 1980.
- Fullinwider, Robert K. *The Reverse Discrimination Controversy*. Totowa, N.J.: Rowman and Littlefield, 1981.
- Greenawalt, R. Kent. *Discrimination and Reverse Discrimination*. New York: Alfred A. Knopf Inc., 1983.
- Norris, Jeffrey A. *Contract Compliance under the Reagan Administration: A Practitioner's Guide to Current Use of the OFCCP Compliance Manual*. Washington, D.C.: Equal Employment Advisory Council, 1982.
- U.S. Commission on Civil Rights. *Affirmative Action in the 1980s: Dismantling the Process of Discrimination*. Washington D.C.: U.S. Commission on Civil Rights, 1981.

VI

SEX DISCRIMINATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

A. Articles

- Allegretti, Joseph G. "Sexual Harassment by Nonemployees: The Limits of Employer Liability." *Employee Relations Law Journal* 9 (Summer 1983): 98-111.
- Andrade, Vibiana M. "The Toxic Work Place: Title VII Protection for the Potentially Pregnant Person." *Harvard Women's Law Journal* 4 (Spring 1981): 71-103.
- Andrews, Suzanne E. "The Legal and Economic Implications of Sexual Harassment." *North Carolina Central Law Journal* 14 (1983): 113-71.
- Baxter, Ralph H., Jr. "Judicial and Administrative Protections against Sexual Harassment in the Work Place." *Employee Relations Law Journal* 7 (Spring 1982): 587-93.
- Biles, George E. "A Program Guide for Preventing Sexual Harassment in the Work Place." *Personnel Administrator* 26 (June 1981): 49-56.
- Boyce, Michael T. "Sexual Harassment: Understanding the Guidelines." *Management World* 12 (June 1983): 14-15, 17-20.
- Brilmayer, Lea, Douglas Laycock, and Teresa A. Sullivan. "Sex Discrimination in Employer-Sponsored Insurance Plans: A Legal and

Demographic Analysis." *University of Chicago Law Review* 47 (Spring 1980): 505-60.

Burge, David J. "Employment Discrimination—Defining an Employer's Liability under Title VII for On-the-Job Sexual Harassment: Adoption of a Bifurcated Standard." *North Carolina Law Review* 62 (April 1984): 795-811.

Calton, David W. "Sex Discrimination—Pensions—the Court Takes a Stand: *Arizona v. Norris*." *Wayne Law Review* 30 (Summer 1984): 1329-51.

Chudacoff, Nancy Fisher. "New EEOC Guidelines on Discrimination Because of Sex: Employer Liability for Sexual Harassment under Title VII." *Boston University Law Review* 61 (March 1981): 535-62.

Coffin, Stephen D. "1978 Pregnancy Discrimination Act: A Problem of Interpretation." *Washington University Law Quarterly* 58 (1980): 607-38.

Cohen, Cynthia Fryer, and Joyce P. Vinclette. "Notice, Remedy and Employer Liability for Sexual Harassment." *Labor Law Journal* 35 (May 1984): 301-07.

"Constitutional Law—Title VII—Use of Sex-Based Actuarial Tables in Pension Plans to Determine Benefits is Constitutionally Impermissible—*Arizona Governing Committee for Tax Deferred Annuity & Deferred Compensation Plans v. Norris*, 103 S. Ct. 3565." *Cumberland Law Review* 14 (1983-1984): 223-35.

Demsky, Lauren M. "*Continental Can Co. v. Minnesota*: Sexual Harassment by Nonsupervisory Employees Makes Employer Liable." *Capital University Law Review* 10 (Spring 1981): 625-40.

Desmarais, Mark B., and Katherine Desmarais. "Advances vs. Advancements: Employer Liability for Sexual Advances under Equal Employment Opportunity Guidelines." *Gonzaga Law Review* 17 (1981): 1-22.

Dowler, April L. "Pregnancy and Hiring Discrimination." *West Virginia Law Review* 83 (Spring 1981): 537-63.

Edwards, Charles A. "No Harm in Asking: Employers' Liability for Supervisors' Sexual Conduct." *Business and Economic Review* 26 (March 1980): 16-23.

Finneran, Hugh M. "Title VII and Restrictions on Employment of Fertile Women." *Labor Law Journal* 31 (April 1980): 223-31.

Frankel, Gusti W. "Dependents' Pregnancy-Related Medical Benefits and the Pregnancy Discrimination Act." *Duke Law Journal* (February 1983): 134-52.

Freedman, Elizabeth I. "Parental Leaves of Absence for Men." *Buffalo Law Review* 31 (Winter 1982): 273-99.

Furnish, Hannah Arterian. "Prenatal Exposure to Fetally Toxic Work Environments: The Dilemma of the 1978 Pregnancy Amendment to Title VII of the Civil Rights Act of 1964." *Iowa Law Review* 66 (October 1980): 63-129.

- Greenbaum, Marcia L. "Sexual Harassment and Arbitration." *New York University Conference on Labor* 35 (1982): 379-99.
- Greenbaum, Marcia L., and Bruce Fraser. "Sexual Harassment in the Workplace." *Arbitration Journal* 36 (December 1981): 30-41.
- Greenlaw, Paul S., and John P. Kohl. "Avoiding Sex Discrimination in Retirement Plans." *The Cornell Hotel and Restaurant Administration Quarterly* (May 1984): 19-21.
- . "Sexual Harassment: Homosexuality, Bisexuality and Blackmail." *Personnel Administrator* 26 (June 1981): 59-62.
- Groeber, Ronald X. "A Survey of Sexual Harassment: A Wrong Redressable under Title VII Only When Discrimination Is Shown." *Northern Kentucky Law Review* 8 (1981): 395-410.
- Gross, James Crevelli, and Eric Steven Waxman. "Sexual Harassment in the Work Place: New Rules for an Old and Dirty Game." *University of California at Davis Law Review* 14 (Spring 1981): 711-29.
- Hager, William D., and Larry Zimbleman. "The Norris Decision, Its Implications and Applications." *Drake Law Review* 32 (1982-1983): 913-43.
- Harpool, M. Douglas. "Employment Discrimination—Sex Discrimination under Title VII Includes Differential Treatment of Pregnancy Disabilities." *Missouri Law Review* 45 (Winter 1980): 145-53.
- Hill, Marvin F., and Curtiss K. Behrens. "Love in the Office: A Guide for Dealing with Sexual Harassment under Title VII of the Civil Rights Act of 1964." *De Paul Law Review* 30 (Spring 1981): 581-622.
- Howard, Linda G. "Hazardous Substances in the Workplace: Implications for the Employment Rights of Women." *University of Pennsylvania Law Review* 129 (April 1981): 798-855.
- Hoyman, Michele, and Ronda Robinson. "Interpreting the New Sexual Harassment Guidelines." *Personnel Journal* 59 (December 1980): 996-1000.
- Jacobs, Roger B. "The *Manhart* Case: Sex-based Differentials and the Application of Title VII to Pensions." *Labor Law Journal* 31 (April 1980): 232-46.
- Johnson, Harold L., Jr. "Application of Title VII to Pregnancy-Based Discrimination." *School Law Bulletin* 12 (April 1981): 1-9.
- Johnson, Theresa. "The Legal Background and Implications of Pregnancy Benefits." *Labor Law Journal* 35 (June 1984): 352-59.
- Katz, Carole Supowitz. "Wage Discrimination Claims: Employee's Prior Salary Fails the 'Factor Other Than Sex' Test." *Columbia Human Rights Law Review* 15 (Spring 1984): 207-26.
- Katz, Lawrence A. "Sexual Harassment in the Work Place." *Practical Lawyer* 29 (April 1983): 29-34.

- King, Robert L., Laura Sager, and Jeffrey N. Drummond. "Entry Level Testing and Sex Discrimination." *New York University Conference on Labor* 36 (1983): 17-1 to -28.
- Kistler, Linda H., and Richard C. Healy. "Sex Discrimination in Pension Plans since *Manhart*." *Labor Law Journal* 32 (April 1981): 229-37.
- Kohl, John P., and Paul S. Greenlaw. "The Pregnancy Discrimination Act and the Hospitality Manager." *Cornell Hotel and Restaurant Administration Quarterly* 23 (November 1982): 72-76.
- . "The Pregnancy Discrimination Act: Compliance Problems." *Personnel* 60 (November-December 1983): 65-71.
- Kohn, Roger S. "Can Men Be Discriminated Against on the Basis of Pregnancy?: The Pregnancy Discrimination Act of 1978 and Its Application in *Newport*." *Columbia Human Rights Law Review* 14 (Fall-Winter 1982-1983): 383-432.
- Kronenberger, George K., and David L. Bourke. "Effective Training and the Elimination of Sexual Harassment." *Personnel Journal* 60 (November 1981): 879-83.
- Leap, Terry L., and Edmund R. Gray. "Corporate Responsibility in Cases of Sexual Harassment." *Business Horizons* 23 (October 1980): 58-65.
- Ledgerwood, Donna E., and Sue Johnson-Dietz. "Sexual Harassment: Implications for Employer Liability." *Monthly Labor Review* 104 (April 1981): 45-47.
- . "The EEOC's Foray into Sexual Harassment: Interpreting the New Guidelines for Employer Liability." *Labor Law Journal* 31 (December 1980): 741-44.
- Leeds, Mark H. "Maternity Leave for Fathers." *New York State Bar Journal* 55 (February & April 1983): 32-35, 55; 15-17.
- Lenhoff, Donna. "Sexual Harassment: No More Business as Usual." *Trial* 17 (July 1981): 42-45.
- Linenberger, Patricia. "What Behavior Constitutes Sexual Harassment?" *Labor Law Journal* 34 (April 1983): 238-47.
- Livingston, Joy A. "Responses to Sexual Harassment on the Job: Legal, Organizational, and Individual Actions." *Journal of Social Issues* 38 (Winter 1982): 5-22.
- Loeb, Susan Hillary. "Disparate Dress Codes as Sex Discrimination in Violation of Title VII." *Chicago - Kent Law Review* 56 (Fall 1980): 1249-71.
- McCready, Kent John. "Employment Discrimination—Pregnancy Discrimination against Male Employees: Extending the Pregnancy Discrimination Act to Employees' Dependents." *North Carolina Law Review* 61 (April 1983): 733-44.
- McLain, Lynn. "EEOC Sexual Harassment Guidelines: Welcome Advances under Title VII?" *University of Baltimore Law Review* 10 (Winter 1981): 275-337.

- Mass, Michael. "The Pregnancy Discrimination Act: Protecting Men from Pregnancy-Based Discrimination." *Employee Relations Law Journal* 9 (Autumn 1983): 240-50.
- May, Bess Ritter. "What Every Supervisor Should Know about Women (and the Law)." *Supervision* 48 (December 1981): 5-7.
- Meier, Sara Beth. "Expanding Title VII to Prohibit a Sexually Harassing Work Environment." *Georgetown Law Journal* 70 (October 1981): 345-64.
- Nothstein, Gary Z., and Jeffrey P. Ayres. "Sex-based Considerations of Differentiation in the Workplace: Exploring the Biomedical Interface between OSHA and Title VII." *Villanova Law Review* 26 (January 1981): 239-321.
- Oneglia, Stewart B., and Susan French Cornelius. "Sexual Harassment in the Workplace: the Equal Employment Opportunity Commission's New Guidelines." *St. Louis University Law Journal* 26 (December 1981): 39-61.
- Ossian, Kathryn Linn. "Interpretation of the Pregnancy Discrimination Act and the EEOC Guidelines: Conflicting Federal Responses and Analogous Confusion at the State Level." *Detroit College of Law Review* (Spring 1984): 77-100.
- Panken, Peter M., and Denise M. Darin. "Law Partnership Decisions after *Hishon v. King & Spalding*." *The Practical Lawyer* 30 (July 15, 1984): 27-32.
- Phillips, Jimmie W., Jr. "Employment Discrimination—Fetal Vulnerability and the 1978 Pregnancy Amendments—*Wright v. Olin Corp.*" *Wake Forest Law Review* 19 (October 1983): 905-29.
- Picker, Jane M. "Sexual Harassment." *New York University Conference on Labor* 34 (1981): 211-28.
- "Pregnant Employee's Appearance as a BFOQ under the Pregnancy Discrimination Act." *Loyola University of Chicago Law Journal* 14 (Fall 1982): 195-227.
- Quinn, Eileen. "Avoiding Sex Discrimination Complaints." *Supervision* 44 (June 1982): 5-6, 26.
- Rappaport, Anna M. "Employee Benefits and Sex Discrimination." *Chartered Life Underwriters Journal* 34 (April 1980): 40-47.
- Renick, James C. "Sexual Harassment at Work: Why It Happens, What to Do About It." *Personnel Journal* 59 (August 1980): 658-62.
- Robbins-Ost, Harriet Beth. "*Newport News Shipbuilding & Dry Dock Co. v. EEOC*: The Family Unit Protected from Pregnancy Discrimination." *De Paul Law Review* 33 (Spring 1984): 545-74.
- Roesch, Ellen S. "Sex Discrimination in Employer-Sponsored Pension Plans Laid to Rest: *Arizona Governing Committee v. Norris*." *Ohio Northern University Law Review* 11 (1984): 203-16.
- Rothbaum, David, and Charlotte P. Armstrong. "Sex Discrimination in Pension Plans." *Journal of Pension Planning and Compliance* 6 (July 1980): 279-95.

- Ryan, T. Timothy, Jr., and Diane E. Burkley. "Nondiscrimination in Pension Plans." *Labor Law Journal* 34 (April 1983): 201-07.
- Saulino, John E. "An Additional Expense in the Quest for Equality: A Comment on *Arizona v. Norris*." *New England Law Review* 19 (1983-1984): 671-92.
- Schachter, Victor, and JoAnne Dellaverson. "Partnership Selection in the Wake of *Hishon v. King & Spalding*." *Employee Relations Law Journal* 10 (Winter 1984-1985): 400-14.
- Schupp, Robert W., Joyce Windham, and Scott Draughn. "Sexual Harassment under Title VII: The Legal Status." *Labor Law Journal* 32 (April 1981): 238-52.
- "Sexual Harassment: A Symposium." *Capital University Law Review* 10 (Spring 1981): 445-624.
- Sher, JoAnn G. "Sex Discrimination in Retirement Programs." *Forum* 16 (Summer 1981): 1174-82.
- Siegel, Reva B. "Employment Equality under the Pregnancy Discrimination Act of 1978." *Yale Law Journal* 94 (March 1985): 929-56.
- "Spousal Benefits under the Pregnancy Discrimination Act." *George Washington Law Review* 50 (August 1982): 827-47.
- Stanley, Mari. "Title VII—Spousal Pregnancy Benefits—Differential Treatment of Spousal Benefits Violates Title VII." *University of Baltimore Law Review* 14 (Fall 1984): 167-76.
- Taub, Nadine. "Keeping Women in Their Place: Stereotyping Per Se as a Form of Employment Discrimination." *Boston College Law Review* 21 (January 1980): 345-418.
- Tharnish, Deborah M. "Sex Discrimination in Prison Employment: The Bona Fide Occupational Qualification and Prisoners' Privacy Rights." *Iowa Law Review* 65 (January 1980): 428-45.
- Thomas, Maxine S. "Differential Treatment of Pregnancy in Employee Disability Benefit Programs: Title VII and Equal Protection Clause Analysis." *Oregon Law Review* 60 (Summer 1981): 249-72.
- "Toward a Redefinition of Sexual Equality." *Harvard Law Review* 95 (December 1981): 487-508.
- Trotter, Richard, Susan Rawson Zacur, and Wallace Greenwood. "The Pregnancy Disability Amendment: What the Law Provides." *Personnel Administrator* 27 (February & March 1982): 47-48, 50-54; 55-56, 58.
- Underwood, Michael J. "The Pregnancy Discrimination Act of 1978 and the EEOC Guidelines: A Return to 'Great Deference'?" *University of Pittsburgh Law Review* 41 (Summer 1980): 735-59.
- Vanderwaerdt, Lois. "Resolving the Conflict between Hazardous Substances in the Workplace and Equal Employment Opportunity." *American Business Law Journal* 21 (Summer 1983): 157-84.
- Waintroob, Andrea R., and Jeffrey D. Mamorsky. "Employee Benefits and Sex Discrimination." *Pension World* 17 (January 1981): 56-58.

- Waks, Jay W., and Michael G. Starr. "Sexual Harassment in the Work Place: The Scope of Employer Liability." *Employee Relations Law Journal* 7 (Winter 1981-1982): 369-88.
- . "The 'Sexual Shakedown' in Perspective: Sexual Harassment in Its Social and Legal Contents." *Employee Relations Law Journal* 7 (Spring 1982): 567-86.
- Warren, Jerry K. "Sexual Harassment in the Employment Context: An Analysis of the New Title VII Cause of Action." *Baylor Law Review* 32 (Fall 1980): 605-15.
- Weatherby, Terri Lynne. "Maternity Leave and Employment: Compliance with Title VII Mandates." *Baylor Law Review* 33 (Winter 1981): 181-90.
- Weissmann, Andrew. "Sexual Equality under the Pregnancy Discrimination Act." *Columbia Law Review* 83 (April 1983): 690-726.
- Williams, Wendy W. "Firing the Woman to Protect the Fetus: The Reconciliation of Fetal Protection with Employment Opportunity Goals under Title VII." *Georgetown Law Journal* 69 (February 1981): 641-704.
- Wise, Donna L. "Challenging Sexual Preference Discrimination in Private Employment." *Ohio State Law Journal* 41 (1980): 501-31.
- Zarefsky, Paul. "How the *Hishon* Decision Will Affect Your Firm." *ABA Journal* 70 (September 1984): 58-61.

B. Books

- American Bankers Association. *Sexual Harassment: The Issues and the Law*. Washington, D.C.: American Bankers Association, 1982.
- Baxter, Ralph. *Sexual Harassment in the Workplace*. New York: Executive Enterprises Publications, 1980.
- Bureau of National Affairs Editorial Staff. *Sexual Harassment and Labor Relations*. Washington, D.C.: Bureau of National Affairs, 1981.
- Clarke, Elissa. *Stopping Sexual Harassment: A Handbook*. Detroit: Labor Education and Research Project, 1982.
- Farley, Robert. *Sexual Harassment: Critical Review of Legal Cases with General Principles and Preventive Measures*. West Lafayette, Ind.: Purdue University Press, 1982.
- Golden, Howard J. *The Norris Case and Benefit Planning*. New York: Practicing Law Institute, 1983.
- Mackinnon, Catherine A. *Sexual Harassment of Working Women: A Case of Sex Discrimination*. New Haven: Yale University Press 1979.
- Meyer, Mary Coeli. *Sexual Harassment*. New York: Petrocelli Books, 1981.
- Pepper, William F., and Florynce R. Kennedy. *Sex Discrimination in Employment: An Analysis and Guide for Practitioner and Student*. Charlottesville, Va.: Michie Co., 1982.
- United States Commission on Civil Rights. *Sexual Harassment on the Job: A Guide for Employers*. Washington, D.C.: Government Printing Office, 1984.

VII

OTHER TYPES OF DISCRIMINATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

- Allegretti, Joseph G., "National Origin Discrimination and the Ethnic Employee." *Employee Relations Law Journal* 6 (Spring 1981): 544-60.
- Aniol, John William. "Language Discrimination under Title VII: The Silent Right of National Origin Discrimination." *John Marshall Law Review* 15 (Summer 1982): 667-91.
- Beard, James L. "The Constitutionality of an Employer's Duty to Accommodate Religious Beliefs and Practices." *Chicago - Kent Law Review* 56 (Spring 1980): 635-69.
- Bierman, Leonard, and Cynthia D. Fisher. "Antinepotism Rules Applied to Spouses: Business and Legal Viewpoints." *Labor Law Journal* 35 (October 1984): 634-42.
- Boothby, Lee, and Robert W. Nixon. "Religious Accommodation: An Often Delicate Task." *Notre Dame Lawyer* 57 (June 1982): 797-808.
- Cassidy, Suzanne L. "Extent of Accommodation to Employees' Religious Practices under Title VII: Developments since *Trans World Airlines, Inc. v. Hardison*." *Mercer Law Review* 31 (Winter 1980): 595-601.
- Chew, Wayne B. "Title VII Rights of Homosexuals." *Golden Gate University Law Review* 10 (Fall 1980): 53-59.
- Davis, Dwight J. "*Garcia v. Glorr*: Mutable Characteristics Rationale Extended to National Origin Discrimination." *Mercer Law Review* 32 (Summer 1981): 1275-82.
- Forcier, Michael W. "Employment Discrimination Against Alcoholics and Drug Addicts: The Federal Response." *Contemporary Drug Problems* 11 (Spring 1982): 39-54.
- Genz, Michael. "Employers' Use of Criminal Records under Title VII." *Catholic University Law Review* 29 (Spring 1980): 597-623.
- Greenlaw, Paul S., and John P. Kohl. "National Origin Discrimination and the New EEOC Guidelines." *Personnel Journal* 60 (August 1981): 634-36.
- Hoffheimer, Daniel J. "Employment Discrimination Against Resident Aliens by Private Employers." *Labor Law Journal* 35 (March 1984): 142-47.
- Hollon, Charles J., and Thomas L. Bright. "Avoiding Religious Discrimination in the Workplace." *Personnel Journal* 61 (August 1982): 590-94.
- . "National Origin Harassment in the Work Place: Recent Guideline Developments from the EEOC." *Employee Relations Law Journal* 8 (Autumn 1982): 282-93.
- Ingram, John Dwight, and Ellen Domp. "An Employer's Duty to Accommodate the Religious Beliefs and Practices of an Employee." *Dickinson Law Review* 87 (Fall 1982): 21-62.
- Mason, Karol V. "Employment Discrimination against the Overweight." *University of Michigan Journal of Law Reform* 15 (Winter 1982): 337-62.

- Matusewitch, Eric. "Employment Discrimination against the Overweight." *Personnel Journal* 62 (June 1983): 446, 449-50.
- Mukamal, Stuart S. "Discrimination in Employment on the Basis of Arrest or Conviction Record." *Wisconsin Bar Bulletin* 56 (September 1983): 16-18, 74-75.
- Norwood, John M. "But I Can't Work on Saturdays [Religious Observance]." *Personnel Administrator* (January 1980): 25-30.
- Ornati, Oscar A., and Margaret J. Eisen. "Are You Complying with EEOC's New Rules on National Origin Discrimination?" *Personnel* 58 (March-April 1981): 12-20.
- Retter, David E. "The Rise and Fall of Title VII's Requirement of Reasonable Accommodation for Religious Employees." *Columbia Human Rights Law Review* 11 (Spring-Summer 1980): 63-86.
- Rieke, Betsy. "Title VII and Private Sector Employment Discrimination against Homosexuals." *Arizona Law Review* 22 (Spring 1980): 94-107.
- Weinlein, Craig. "Flight Attendant Weight Requirements and Title VII of the Civil Rights Act of 1964." *Journal of Air and Commerce* 45 (Winter 1980): 483-507.

VIII

AGE DISCRIMINATION UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT

A. Articles

- Baroni, Barry J. "Age Discrimination in Employment: Some Guidelines for Employers." *Personnel Administrator* 26 (May 1981): 97-101.
- Blackburn, John D. "Charting Compliance under the Age Discrimination in Employment Act." *Chicago - Kent Law Review* 57 (Summer 1981): 559-614.
- Buchman, Patti. "Title VII Limits on Discrimination Against Television Anchorwomen on the Basis of Age-related Appearance." *Columbia Law Review* 85 (January 1985): 190-215.
- Champion, Walter T. "The Age/Experience Dilemma and the ADEA." *Thurgood Marshall Law Review* 9 (Fall 1983-Spring 1984): 51-64.
- Cleveland, Michael G. "Problems in Age Discrimination." *New York University Conference on Labor* 33 (1980): 351-65.
- Cohen, Kenneth S. "Section 4(f)(2) of the Age Discrimination in Employment Act: Age Discrimination in Employee Benefit Plans." *Western New England Law Review* 2 (Winter 1980): 379-452.
- Curtis, John E., Jr., and William J. Veseley, Jr. "The Impact of the ADEA Amendments on Pension Plans: Can Anybody Here Play This Game?" *Journal of Pension Planning and Compliance* 7 (March 1981): 83-95.
- Gale, Benjamin W. "Right of the Older Worker to Accrue Pension Benefits: Problems of Federal Law Exceptions and State Law Preemption." *Hastings Law Journal* 32 (May 1981): 1319-45.

- Greenlaw, Paul S., and John P. Kohl. "Age Discrimination in Employment Guidelines." *Personnel Journal* 61 (March 1982): 224-28.
- Hill, Marvin F., Jr., and Terry Bishop. "Aging and Employment: The BFOQ under the ADEA." *Labor Law Journal* 34 (December 1983): 763-75.
- Kandel, William L. "Executive Exemption under ADEA." *Employee Relations Law Journal* 9 (Spring 1984): 672-80.
- Kaufman, Barry Bennett. "Preferential Hiring Policies for Older Workers under the Age Discrimination in Employment Act." *Southern California Law Review* 56 (March 1983): 825-61.
- King, Bernard T. "The ADEA and Employee Benefit Plans." *New York State Bar Journal* 56 (October & November 1984): 19-23; 29-32, 39.
- Krop, Pamela S. "Age Discrimination and the Disparate Impact Doctrine." *Stanford Law Review* 34 (April 1982): 837-55.
- Kruchko, John G., and Jay R. Fries. "TEFRA Mandates Health Benefits for Workers over 65." *Personnel Journal* 63 (July 1984): 34, 36.
- Mamorsky, Jeffrey D., and Eva A. Rasmussen. "A New Look at the Age Discrimination in Employment Act." *Pension World* 19 (February 1983): 32-33.
- Mamorsky, Jeffrey D., and Michael G. Cleveland. "Impact of Recent EEO Legislation on Employee Benefit Plans." *Pension World* 15 (November 1979).
- Mannino, Edward F., and Marguerite S. Walsh. "How to Defend Age Discrimination Claims Through Personnel Practices and Litigation Strategies." *Practical Lawyer* 28 (September 1982): 35-47, 50-51.
- Mathys, Nicholas J., Helen LaVan, and Frederick Schwerdtner. "Learning the Lessons of Age Discrimination Cases." *Personnel Journal* 63 (June 1984): 30, 32.
- "National Conference on Constitutional and Legal Issues Relating to Age Discrimination and the Age Discrimination Act." *Chicago - Kent Law Review* 57 (Fall 1981): 805-1116.
- Needham, William T., and Joan C. Walt. "The Effect of the Age Discrimination in Employment Act Benefit Plan Exception on Small Businesses." *University of California at Davis Law Review* 13 (Summer 1980): 969-99.
- Peter, Bernard G. "A Review of the 1978 Amendments to the Age Discrimination in Employment Act of 1967." *Illinois Bar Journal* 69 (January 1981): 280-87.
- Reed, Belinda. "Age Discrimination of Airline Pilots: Effects of the Bona Fide Occupational Qualification." *Journal of Air Law and Commerce* 48 (Winter 1983): 383-405.
- Rosenblum, Marc. "Age Discrimination in Employment and the Permissibility of Occupational Age Restrictions." *Hastings Law Journal* 32 (May 1981): 1261-83.

- Rosenblum, Marc, and George Biles. "Aging of Age Discrimination-Evolving ADEA Interpretations and Employee Relations Policies." *Employee Relations Law Journal* 8 (Summer 1982): 22-36.
- Ryan, Charles J., Jr. "The Scope of the Bona Fide Occupational Qualification Exemption under the Age Discrimination in Employment Act." *Chicago - Kent Law Review* 57 (Fall 1981): 1145-78.
- Schachter, Victor, and JoAnne Dellaverson. "Cleaning Out the Deadwood." *Across the Board* 22 (January 1985): 51-55.
- Schuck, Peter H. "The Graying of Civil Rights Law." *Public Interest* (Summer 1980): 69-93.
- Schuster, Michael H., and Christopher S. Miller. "Performance Appraisal and the Age Discrimination in Employment Act." *Personnel Administrator* 29 (March 1984): 48-50, 52, 54-58.
- Shaiken, Mark A. "Will You Still Need Me . . . When I'm Sixty-Four?: Forced Retirement for Executives under the ADEA." *University of Baltimore Law Review* 11 (Winter 1981): 256-71.
- Stacy, Donald R. "A Case against Extending the Adverse Impact Doctrine to ADEA." *Employee Relations Law Journal* 10 (Winter 1984-1985): 437-55.
- Stillman, Nina G., and Edward C. Jepson. "Age Discrimination in Employment Act: A Banker's Primer." *Banking Law Journal* 100 (July 1983): 519-44.
- . "Compliance with the Age Discrimination in Employment Act: Special Problems." *Chicago Bar Record* 64 (March-April 1984): 284-92, 294-98, 300-304.
- Stone, Julia E. "Age Discrimination in Employment Act: A Review of Recent Changes." *Monthly Labor Review* 103 (March 1980): 32-36.
- Streitz, Mary J. "Age Discrimination in Employment." *Annual Survey of American Law* 3 (1983) 303-43.
- Virtue, Melodie A. "New Interpretation of the BFOQ Exception under the ADEA: A Remedy for the Exception that Swallowed the Rule." *American University Law Review* 31 (Winter 1982): 391-430.
- Ziegler, Maria. "Disparate Age Analysis and the Age Discrimination in Employment Act." *Minnesota Law Review* 68 (May 1984): 1038-76.

B. Books

- Commission on Legal Problems of the Elderly, and the National Council on Aging. *Age Discrimination in Employment Act: A Symposium Handbook for Lawyers and Personnel Practitioners*. Washington, D.C.: American Bar Association, 1983.
- Edelman, Charles D., and Ilene C. Siegler. *Federal Age Discrimination in Employment Law: Slowing Down the Gold Watch*. Charlottesville, Va.: Michie Co., 1978.
- Eglit, Howard C. *Age Discrimination*. 2 vols. Colorado Springs: Shepard's/McGraw-Hill, 1983.

- Finger, Joel L., chrm. *Age Discrimination Problems in the Context of a Reduction in Work Force*. New York: Practising Law Institute, 1983.
- Friedman, Lawrence M. *Your Time Will Come: The Law of Age Discrimination and Mandatory Retirement*. New York: Russell Sage Foundation, 1985.
- Lake, Monte, ed. *Age Discrimination in Employment Act: A Compliance and Litigation Manual for Lawyers and Personnel Practitioners*. Washington, D.C.: Equal Employment Advisory Council, 1982.

IX

HANDICAPPED DISCRIMINATION UNDER THE REHABILITATION ACT OF 1973

A. Articles

- Alexander, James S. "The Appropriate Standard: Disparate Impact under Section 504 of the Rehabilitation Act of 1973." *Minnesota Law Review* 68 (May 1984): 1019-37.
- Baker, Jane Osborne. "The Rehabilitation Act of 1973: Protection for Victims of Weight Discrimination?" *UCLA Law Review* 29 (April 1982): 947-71.
- Baldwin, James J. "Avoiding Discrimination against the Handicapped in the Employment Setting." *Economic Review* 29 (June 1983): 11-13.
- Bernstein, Bruce. "Overview of Section 503: Affirmative Action in Employment for the Handicapped." *Colorado Lawyer* 9 (March 1980): 505-08.
- Cook, Timothy M., and Daniel P. Butler. "Coverage of Employment Discrimination Pursuant to Section 504 of the Rehabilitation Act of 1973." *Wake Forest Law Review* 19 (August 1983): 581-603.
- DuBow, Sy. "Employment Discrimination: Challenging Barriers to Disabled Americans." *Trial* 19 (December 1983): 39-43.
- Emer, William H., and Catherine B. Frink. "*E.E. Black* and Beyond: Update on Hiring the Handicapped." *Labor Law Journal* 34 (October 1983): 643-53.
- "From Wanderers to Workers: A Survey of Federal and State Employment Rights of the Mentally Ill." *Law and Contemporary Problems* 45 (Summer 1982): 41-65.
- Haines, Andrew W. "*E.E. Black Ltd. v. Marshall*: A Penetrating Interpretation of 'Handicapped Individual' for Sections 503 and 504 of the Rehabilitation Act of 1973 and for Various State Equal Employment Opportunity Statutes." *Loyola of Los Angeles Law Review* 16 (1983): 527-66.
- Jacobs, Roger B. "Employment Discrimination and the Handicapped: Some New Teeth for a 'Paper Tiger'—The Rehabilitation Act of 1973." *Howard Law Journal* 23 (1980): 481-519.
- Johnson, William G., and James Lambrinos. "Employment Discrimination." *Society* 20 (March-April 1983): 47-50.

- Kurshan, Rachael. "Employment Discrimination under Section 504 of the Rehabilitation Act: *Trageser v. Libbie Rehabilitation Center, Inc.*" *Boston College Law Review* 21 (July 1980): 1178-96.
- Miller, Lee. "Hiring the Handicapped: An Analysis of Laws Prohibiting Discrimination against the Handicapped." *Gonzaga Law Review* 16 (1980): 23-55.
- O'Dea, Kevin. "Protecting the Handicapped from Employment Discrimination in Private Sector Employment: A Critical Analysis of Section 503 of the Rehabilitation Act of 1973." *Tulane Law Review* 54 (April 1980): 717-64.
- Pati, Gopal C., and Edward F. Hilton, Jr. "Comprehensive Model for a Handicapped Affirmative Action Program." *Personnel Journal* 59 (February 1980): 99-100, 103-8.
- Schapiro, Julie Annette, and Florence Berger. "Responsibilities and Benefits in Hiring the Handicapped." *Cornell Hotel and Restaurant Administration Quarterly* 24 (February 1984): 58-67.
- "Section 504 of the Rehabilitation Act: Analyzing Employment Discrimination Claims." *University of Pennsylvania Law Review* 132 (April 1984): 867-99.
- "Symposium on Employment Rights of the Handicapped." *De Paul Law Review* 27 (Summer 1978): 943-1133.
- Yuckman, David A. "Employment Discrimination and the Visually Impaired." *Washington and Lee Law Review* 39 (Winter 1982): 69-98.

B. Books

- Grossman, Vigdor. *Employing Handicapped Persons: Meeting EEO Obligations*. Washington, D.C.: Bureau of National Affairs, 1980.
- President's Commission on Employment of the Handicapped. *Selected State and Federal Laws Affecting Employment and Certain Rights of People with Disabilities*. Washington, D.C.: Government Printing Office, 1980.
- Zimmer, Arno B. *Employing the Handicapped: A Practical Compliance Manual*. New York: AMACOM, 1981.

X

SEX-BASED WAGE DISCRIMINATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT AND THE EQUAL PAY ACT

A. Articles

- Becker, Mary E. "Comparable Worth in Antidiscrimination: A Reply to Freed and Polsby." *University of Chicago Law Review* 51 (Fall 1984): 1112-34.
- "Bennett Amendment—Title VII and Gender-Based Discrimination." *Georgetown Law Journal* 68 (June 1980): 1169-90.

- "County of Washington: A Restricted Ticket for Sex Based Wage Discrimination Claims?" *Arkansas Law Review* 35 (1981): 563-74.
- Diehl, Les E. "Civil Rights: Relationship of Title VII and the Equal Pay Act—New Muscle for the Struggle Against Sex Discrimination." *Washburn Law Journal* 19 (Spring 1980): 554-64.
- Feldstein, Hydee R. "Sex-based Wage Discrimination Claims After *County of Washington v. Gunther*." *Columbia Law Review* 81 (October 1981): 1333-47.
- Floros, George T. "Comparable Worth Theory of Title VII Sex Discrimination in Compensation." *Missouri Law Review* 47 (Summer 1982): 495-518.
- Fogel, Walter. "Job Access and Job Equality Under the Equal Pay Act." *Labor Law Journal* 35 (October 1984): 651-59.
- Freed, Mayer G., and Daniel D. Polsby. "Comparable Worth in the Equal Pay Act." *University of Chicago Law Review* 51 (Fall 1984): 1078-111.
- Fulghum, Judy B. "The Employer's Liabilities Under Comparable Worth." *Personnel Journal* 62 (May 1983): 400-404, 406, 408, 410, 412.
- Gatlin, Michael G. "Increasing Protection for Women in the Area of Gender-Based Wage Discrimination: *County of Washington v. Gunther*." *New England Law Review* 17 (1981-1982): 549-68.
- Golper, John B. "The Current Legal Status of 'Comparable Worth' in the Federal Courts." *Labor Law Journal* 34 (September 1983): 563-80.
- Greenlaw, Paul S., and John P. Kohl. "The EEOC's New Equal Pay Act Guidelines." *Personnel Journal* 61 (July 1982): 517-21.
- Headley, K.J. "Title VII Comparable Worth Claims: Analysis of Liability, Proof, Defenses, and Remedies for Sex-Based Wage Discrimination." *San Diego Law Review* 18 (July-August 1981): 685-719.
- Hicks, David G. "Employment Discrimination—Title VII and the Equal Pay Act: The Supreme Court Clarifies the Bennett Amendment—*County of Washington v. Gunther*, 101 S. Ct. 2242 (1981)." *Creighton Law Review* 15 (1981-1982): 579-93.
- Hogler, Raymond L. "Equal Pay, Equal Work, and the United States Supreme Court." *Labor Law Journal* 32 (November 1981): 737-44.
- . "Sex Discrimination and Equal Pay Litigation." *Colorado Lawyer* 10 (Spring 1981): 480-86.
- Jacobs, Roger B. "Comparable Worth." *Case and Comment* 90 (March-April 1985): 12-18.
- Johnson, Mark P. "Developments in Equal Pay Since *Gunther*." *Journal of the Missouri Bar* 40 (October-November 1984): 461-69.
- Kandel, William L. "*Gunther* and Comparable Worth: A One-Day or One-Way Ticket?" *Employee Relations Law Journal* 7 (Autumn 1981): 269-80.
- Kobil, Daniel T. "The Expansion of Title VII Protection Against Sex-based Wage Discrimination: *County of Washington v. Gunther*." *University of Toledo Law Review* 13 (Fall 1981): 189-213.

- Kovachich, Jennifer. "County of Washington v. Gunther: Wage Discrimination Suits Under Title VII." *Ohio Northern Law Review* 8 (July 1981): 543-56.
- Lipsig, Jolie. "Equal Pay for Comparable Worth." *Golden Gate University Law Review* 11 (Summer 1981): 801-45.
- Lorber, Lawrence. "Job Segregation and Wage Discrimination Under Title VII and the Equal Pay Act." *Personnel Administrator* 25 (May 1980): 31-34.
- Nelson, Bruce A., Edward M. Opton, Jr., and Thomas E. Wilson. "Wage Discrimination and Title VII in the 1980s: The Case against 'Comparable Worth.'" *Employee Relations Law Journal* 6 (Winter 1980-1981): 380-405.
- Pekelis, Rosselle. "Equal Pay: Comparability vs. Identical Work." *New York University Conference on Labor* 33 (1980): 367-82.
- Ruderfer, Faith D. "Sex-Based Wage Discrimination Under Title VII: Equal Pay for Equal Work or Equal Pay for Comparable Work?" *William and Mary Law Review* 22 (Spring 1981): 421-85.
- Saltoun, Julie A. "County of Washington v. Gunther: Sex-Based Wage Discrimination Extends Beyond the Equal Pay Act." *Loyola of Los Angeles Law Review* 16 (1983): 151-71.
- Seidenfeld, Mark B. "Sex-Based Wage Discrimination under the Title VII Disparate Impact Doctrine." *Stanford Law Review* 34 (May 1982): 1083-103.
- Varady, Carl M. "Title VII—the Effect of the Bennett Amendment on Sex-Based Wage Discrimination Claims." *Wayne Law Review* 28 (Fall 1982): 405-38.
- "Wage Discrimination under Title VII after *IUE v. Westinghouse Electric Corp.*" *Virginia Law Review* 67 (April 1981): 589-613.
- Wolbe, Donna Berry. "The 'Comparable Worth Debate' in Title VII Sex Discrimination Cases." *Florida Bar Journal* 55 (December 1981): 825-29.
- Worman, George R. "Civil Rights—Sex Discrimination—the Equal Pay Act and Wage Disparity Claims Under Title VII." *Tennessee Law Review* 49 (Fall 1981): 161-78.

B. Books

- Bureau of National Affairs. *Pay Equity and Comparable Worth*. Washington, D.C.: Bureau of National Affairs, 1984.
- Fogel, Walter. *The Equal Pay Act: Implications for Comparable Worth*. New York: Praeger Publishers, 1984.
- Gold, Michael. *A Dialogue on Comparable Worth*. Ithaca, N.Y.: I.L.R. Press, 1983.
- Livernash, G. Robert. *Comparable Worth: Issues and Alternatives*. 2d ed. Washington, D.C.: Equal Employment Advisory Council, 1984.
- Remick, Helen. *Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities*. Philadelphia: Temple University Press, 1984.

Treiman, Donald J., and Heidi I. Hartmann, eds. *Women, Work, and Wages: Equal Pay for Jobs of Equal Value*. Washington, D.C.: National Academy Press, 1981.

U.S. Commission on Civil Rights. *Comparable Worth: Issue for the 80's*. vol. 2. Proceedings of June 6-7, 1984, Washington, D.C.: U.S. Commission on Civil Rights, 1984.

