

# Hofstra Labor & Employment Law Journal

---

Volume 38 | Issue 1

Article 1

---

9-1-2020

## Front Matter

Follow this and additional works at: <https://scholarlycommons.law.hofstra.edu/hlelj>



Part of the [Labor and Employment Law Commons](#)

---

### Recommended Citation

(2020) "Front Matter," *Hofstra Labor & Employment Law Journal*: Vol. 38: Iss. 1, Article 1.

Available at: <https://scholarlycommons.law.hofstra.edu/hlelj/vol38/iss1/1>

This document is brought to you for free and open access by Scholarship @ Hofstra Law. It has been accepted for inclusion in Hofstra Labor & Employment Law Journal by an authorized administrator of Scholarship @ Hofstra Law. For more information, please contact [lawscholarlycommons@hofstra.edu](mailto:lawscholarlycommons@hofstra.edu).

# **HOFSTRA LABOR & EMPLOYMENT LAW JOURNAL**

**Volume 38, No. 1  
Fall 2020**

HEMPSTEAD, NEW YORK 11549

cite as 38 HOFSTRA LAB. & EMP. L.J.

THE *Hofstra Labor & Employment Law Journal* is pleased to consider unsolicited manuscripts for publication year round. Manuscripts should be addressed to: Managing Editor of Articles, Hofstra Labor & Employment Law Journal, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549 or sent via e-mail to laboremploymentlaw@hofstra.edu. The *Journal* does not accept Student Notes, with the exception of those written by Staff Members of the *Hofstra Labor & Employment Law Journal*. All manuscripts should be double-spaced in Microsoft Word format. Citations should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (21st ed. 2020).

---

Published two times per year by the *Hofstra Labor & Employment Law Journal*. The current subscription rate is twenty-five dollars per volume. Subscription renewals will be automatic unless notice to the contrary is received. All communications concerning subscriptions should be addressed to: Business Administrator, Hofstra Labor & Employment Law Journal, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549. Back issues can be obtained by contacting William S. Hein & Co. Inc., 2350 North Forest Road, Getzville, New York 14068, 800-828-7571, or in PDF format through HeinOnline (<http://heinonline.org>).

© Copyright 2020 by the *Hofstra Labor & Employment Law Journal*. All rights reserved.

# **HOFSTRA LABOR & EMPLOYMENT LAW JOURNAL 2019-2020**

**VOLUME 38**

*Editor-in-Chief*

VICTORIA SCAGLIONE

*Managing Editor of Articles*

JOSHUA VALENTINO

*Managing Editor of Staff*

KELLY BRESLAUER

*Business Administrator & Technology Editor & Alumni Affairs Coordinator*

DAVID BLESSINGTON

*Articles Editors*

REBECCA FALK  
BRIAN GORDON  
SCOTT MIESZALA  
ALEXANDRA MURRAY  
AARON SMALLETS  
VICTOR TARANTINO

*Research Editors*

RITA CINQUEMANI  
JAIRO CORONADO  
JONATHAN GOLDBIRSH  
NICOLE KELLY  
SASHA UNGER

*Notes and Comments Editors*

SABRINA BEKIOS  
KIERAN HALL  
MELISSA YURISAK

*Associate Editors*

FARRIS LEE FRANCIS  
LAUREN HOBLER-TREGERMAN

BRIDGET KELLY

*Junior Staff*

KIRAN AHMAD  
D'ANDRE CHAPMAN  
KELLY FITZGERALD  
MICHAEL GARAFALO  
VANESSA GIUNTA  
DARLING GUTIERREZ  
THOMAS JANNACE  
EMILI KILOM

STEVEN KRAMER  
SRINIDHI KRISHNAN  
THOMAS LEDDY  
JOHN MARGOLIES  
JOHN MARIOLIS  
ZACHARY MINER  
JARED NOSSEN  
LIZAURY RODRIGUEZ MARINE

KAYLA SCHMIDT  
ANDREW SCHUMAN  
ALEXANDRIA SEDLAK  
MADELINE SZODFRIDT  
SANTIAGO URIBE  
BRICE WILKERSON  
ALEXIA WILLIS  
PETER WILMS

*National Advisory Board*

ALLAN BLOOM  
ALLAN DINKOFF  
DANIEL DRISCOLL  
SAMUEL ESTREICHER  
ALAN M. KORAL  
PAUL SECUNDA  
PEARL ZUCHLEWSKI

*Faculty Advisory Board*

J. SCOTT COLESANTI  
KAREN FERNBACH

*Alumni Advisory Board*

DAVID B. FELDMAN, CHAIR  
HON. STEPHEN L. UKEILEY  
ROBERT T. SZYBA  
MERYL R. KAYNARD\*  
HOLLY E. RICH  
MATTHEW H. WOODARD

\* Honorary Member



# HOFSTRA UNIVERSITY SCHOOL OF LAW

## 2019 - 2020

### ADMINISTRATIVE OFFICERS

Honorable A. Gail Prudenti, B.A., LL.B., *Dean and Executive Director of the Center for Children, Families and the Law*  
Julian Ku, B.A., J.D., *Senior Associate Dean for Academic Affairs, Maurice A. Deane Distinguished Professor of Constitutional Law and Faculty Director of International Programs*  
Tobie-Lynn Accardi, B.F.A., *Senior Creative Director*  
Adams, Errol, B.A., J.D., M.L.S., *Reference and Scholarly Services Librarian*  
Joseph Amandola, B.S., *Director of Facilities*  
Adonza S. Anderson, *Senior Director of Enrollment Management*  
Yvonne V. Atkinson, B.S., M.S., *Office Manager/Paralegal, Law School Clinical Program*  
Andrew E. Berman, B.A., M.B.A., *Assistant Dean for Communications*  
Lisa Berman, B.A., *Associate Dean for External Relations*  
Judith N. Black, B.S., *Senior Director of Event Management and CLE Director*  
Amy Brown, B.A., J.D., *Special Projects Coordinator and Director of Special Projects for the Capital Campaign*  
Cara Caporale, B.A., J.D., *Visiting Assistant Professor of Academic Success and Assistant Director of Academic Support*  
Christopher Caruso, B.A., J.D., *Senior Associate Dean for Career Services and Compliance and Executive Director of Strategic Initiatives*  
Robert Caserta, B.A., J.D., *Federal Tax Clinic Fellow*  
Wendy Chaite, B.S., J.D., *Director of Career and Professional Development*  
Czerwonka, Christopher, B.A., J.D., *Senior Fellow, Gitenstein Institute for Health Law and Policy and Senior Practitioner - Immigration and Public Health Benefits Law, Hofstra-Northwell Medical Legal Partnership*  
Janet Dolgin, B.A., M.A., Ph.D., J.D., *Jack and Freda Dicker Distinguished Professor of Health Care Law; Professor of Science Education, Hofstra Northwell School of Medicine; Co-director, Hofstra Bioethics Center; Director, Gitenstein Institute for Health Law and Policy; Faculty Director of On-Line Health Law and Policy Degree Programs and John DeWitt Gregory Jr. Research Scholar*  
Kerlann Flowers, B.A., J.D., *Legal Director and Senior Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*  
Scott Glick, B.A., J.D., *Director of the DC Externship Program*  
Celia Gordon, B.A., J.D., *Director of Career and Professional Development*  
Deborah Grattan, B.A., *Monroe H. Freedman Institute for the Study of Legal Ethics Coordinator*  
Robert Harrison, B.A., J.D., *Associate Dean for Enrollment Management*  
Charles Hill, B.A., J.D., *Director of Career and Professional Development*  
Vernadette Horne, B.A., J.D., *Senior Director of Career Services and Diversity Initiatives*  
Heather Johnson, B.A., M.A., *Assistant Director of International Programs and Student Affairs Coordinator*  
Adam Kahn, B.A., J.D., *Senior Fellow, Gitenstein Institute for Health Law and Policy*  
Brian T. Kaspar, B.S., M.B.A., *Associate Dean for Academic Records and Registrar - Law*  
Melissa Kessler, B.A., M.A., *Associate Director of Grants Management and Program Director, Wilbur F. Breslin Center for Real Estate Studies*  
Laura Lanzillotta, *Director, Administrative Services*  
Ryan Larson, B.A., J.D., *Associate Director of Enrollment Management*  
Wendy Lattibeaudiere, B.A., J.D., *Senior Fellow, Gitenstein Institute for Health Law and Policy*  
Nicole Lefton, B.A., J.D., *Director of Academic Support and Bar Exam Preparation and Assistant Professor of Academic Support and Bar Preparation*  
Allyson Taylor Schwartz Lehrer, B.A., M.A., *Director of Alumni Relations and Annual Giving*  
Rou-Chia P. Lin, B.A., M.L.S., *Access and Collection Services - Law Library*  
Michele LoFaso B.A., J.D., *Senior Director of Student Affairs*  
C. Benjie Louis, B.A., J.D., *Visiting Assistant Professor of Academic Support and Bar Preparation Programs*  
Maricia McCoy, *Enrollment Counselor/Recruiter*  
Megan Meighan, B. S., J.D., *Associate Director of Enrollment Management*  
Shazam Mohammed, B.A., M.B.A., *Assistant Director of Information Technology Services*  
Lisa Monticciolo, B.A., J.D., *Dean of Students and Diversity and Inclusion Officer*  
Carlos Mulles, B.A., J.D., *Public Assistance Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*  
Jacob Nunnally, B.A., M.A., M.L.S., *Assistant Director of Access and Collection Services*  
Lisa Petrocelli, B.A., J.D., *Managing Attorney and Project Director, Center for Children, Families and the Law*  
Bonita Ricks, A.A.S., *Executive Assistant to the Dean*  
Joel Roselin, B.A., M.A., *Assistant Director of the Gitenstein Institute for Health Law and Policy and Bioethics Center Coordinator*

Mary T. Ruggilo, B.A., J.D., *Senior Associate Dean for Finance*  
Franca Sachs, B.A., J.D., *Assistant Dean for Experiential Programs*  
Isaac Samuels, B.A., J.D., M.L.S., *Reference Librarian*  
Schaefer, Jessica, B.A., *Help Desk Manager*  
Kenneth J. Selvester, B.A., M.A., *Associate Director of Communications*  
Kevin Shelton, B.A., M.A., J.D., M.S.L.I.S., *Reference and Government Documents Librarian*  
Jackson Snellings, B.A., M.P.S., *Interim Senior Director of Information Technology Services*  
Lisa A. Spar, B.A., J.D., M.S., *Interim Director of the Law Library and Assistant Director for Reference and Instructional Services*  
Regina Stuart, B.A., J.D., *Director of Public Service Career Planning*  
Daphne Telfeyan, B.A., J.D., *Assistant Dean for Career Development and Employer Relations*  
John Tsiforas, B.A., J.D., *Director of Distance Education, Director of Law and Technology, Director of Analytics and Visiting Assistant Professor of Law*  
Dana Vitale, B.A., M.B.A., *Assistant Director of Financial Aid*  
Michael G. Wagner, B.S., *Senior Web Developer*  
Ka Fei Wong, B.A., J.D., *Attorney-in-Charge, Pro Se Clinic*  
Ellen Yaroshesky, B.A., J.D., *Howard Lichtenstein Distinguished Professor of Legal Ethics and Executive Director of the Monroe H. Freedman Institute for the Study of Legal Ethics*  
Ronald Zinner, B.A., J.D., *Immigration & Public Assistance Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*

## FACULTY

Miriam Albert, B.A., J.D., M.B.A., LL.M., *Professor of Skills, Faculty Advisor for Joint Programs and Faculty Director of Summer Skills Programs*  
Barbara S. Barron, B.A., M.A., J.D., *Professor of Skills, Faculty Advisor to Moot Court Board, Director of the Trial Techniques Program, and Director of Student Advocacy Programs*  
Alafair S. Burke, B.A., J.D., *Professor of Law*  
Robert A. Baruch Bush, B.A., J.D., *Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law*  
Allison Caffarone, B.A., J.D., *Visiting Associate Professor of Law*  
Julianna Campagna, B.A., M.A., J.D., LL.M., *Professor of Legal Writing and Associate Faculty Director of International Programs*  
Robin Charlow, A.B., J.D., *Professor of Law*  
J. Scott Colesanti, B.A., J.D., LL.M., *Professor of Legal Writing and Faculty Director of the J.D./M.B.A. Program*  
Ronald J. Colombo, B.S., J.D., *Professor of Law, Associate Dean for Distance Education, Faculty Director of the American Legal Studies MA and LL.M. Degree Programs and Hofstra Research Scholar*  
Janet L. Dolgin, B.A., M.A., Ph.D., J.D., *Jack and Freda Dicker Distinguished Professor of Health Care Law; Professor of Science Education, Hofstra-Northwell School of Medicine; Co-director, Hofstra University Bioethics Center; Director of Gitenstein Institute for Health Law and Policy; Faculty Director of On-Line Health Law and Policy Degree Programs and John DeWitt Gregory Jr. Research Scholar*  
Karen Fernbach, B.A., J.D., *Visiting Assistant Professor of Law*  
Judge Fern Fisher, B.A., J.D., *Visiting Associate Professor of Law*  
Brenner Fissell, B.A., M.Phil., J.D., *Associate Professor of Law*  
Kerlann Flowers, B.A., J.D., *Legal Director and Senior Attorney for the Law School Hofstra-Northwell Medical Legal Partnership, Senior Fellow for the Gitenstein Institute for Health Law and Policy and Visiting Assistant Professor of Law*  
Akilah N. Folami, B.A., J.D., *Professor of Law*  
Maryam Franzella, B.A., J.D., *Assistant Professor of Legal Writing*  
Eric M. Freedman, B.A., J.D., M.A., *Siggi B. Wilzig Distinguished Professor in Constitutional Rights*  
Leon Friedman, A.B., LL.B., *Joseph Kushner Distinguished Professor of Civil Liberties Law*  
Linda Galler, B.A., J.D., LL.M., *Max Schmertz Distinguished Professor of Law*  
Mitchell Gans, B.B.A., J.D., *Rivkin Radler Distinguished Professor of Law*  
Daniel J. H. Greenwood, A.B., J.D., *Professor of Law and Hofstra Research Scholar*  
John DeWitt Gregory, B.A., J.D., *Distinguished Professor Emeritus of Law*  
Jennifer A. Gundlach, B.A., J.D., *Stephen and Emily Mendel Distinguished Professor of Access to Justice and Clinical Professor of Law*  
Michael Haber, B.A., M.A., J.D., *Associate Clinical Professor of Law and Attorney-in-Charge, Community and Economic Development Clinic*  
James Edward Hickey, Jr., B.S., J.D., Ph.D., *Professor of Law*  
Alexander Holtzman, B.A., M.A., J.D., *Visiting Associate Clinical Professor of Law, Deportation Defense Clinic*  
Fred Klein, B.A., J.D., *Visiting Assistant Professor of Law*  
Stefan Krieger, B.A., J.D., *Richard J. Cardali Distinguished Professor of Trial Advocacy, Director of the Center for Legal Reasoning and Director Emeritus of Hofstra Clinical Programs*

Julian Ku, B.A., J.D., *Senior Associate Dean for Academic Affairs, Faculty Director of International Programs and Maurice A. Deane Distinguished Professor of Constitutional Law*,  
 Eric Lane, B.A., M.A., J.D., LL.M., *Eric J. Schmertz Distinguished Professor of Public Law and Public Service*  
 Nicole Lefton, B.A., J.D., *Director of Academic Support and Bar Preparation, and Assistant Professor of Academic Support and Bar Preparation*  
 Theo Liebmann, B.A., J.D., *Clinical Professor of Law and Managing Attorney of the Community Legal Assistance Corporation*  
 Claude (Benjie) Louis, B.A., J.D., *Visiting Assistant Professor of Academic Support and Bar Preparation Programs*  
 Malachy T. Mahon, B.A., J.D., *Founding Dean Emeritus*  
 Irina D. Manta, B.A., J.D., *Professor of Law and Director of the Center for Intellectual Property Law*  
 Kevin McElroy, B.A., J.D., *Professor of Legal Writing*  
 Carlos Mulles, B.A., J.D., *Public Assistance Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*  
 Richard K. Neumann, Jr., B.A., Dipl., J.D., LL.M., *Alexander Bickel Distinguished Professor of Law*  
 Elizabeth Nevins, B.A., J.D., *Clinical Professor of Law and Attorney-in-Charge, Criminal Justice Clinic*  
 Mark Niles, B.A., J.D., *Professor of Law*  
 Ashira Ostrow, B.A., J.D., *Peter S. Kalikow Distinguished Professor of Real Estate and Land Use, Executive Director of the Wilbur F. Breslin Center for Real Estate Studies and Hofstra Research Scholar*  
 James Sample, B.A., J.D., *Professor of Law*  
 Andrew Schepard, B.A., M.A., J.D., *Sidney and Walter Siben Distinguished Professor of Family Law and Director of the Center for Children, Families, and the Law*  
 Matthew A. Shapiro, A.B., M.Phil., D.Phil., J.D., *Associate Professor of Law*  
 Norman I. Silber, B.A., M.A., Ph.D., J.D., *Professor of Law and Associate Dean for Research and Faculty Development*  
 Ronald H. Silverman, B.A., J.D., *Distinguished Professor Emeritus of Law*  
 Roy D. Simon, B.A., J.D., *Distinguished Professor Emeritus of Law*  
 Barbara Stark, B.A., J.D., LL.M., *Professor of Law*  
 Amy R. Stein, B.A., J.D., *Professor of Legal Writing, Assistant Dean for Legal Writing and Adjunct Instruction*  
 Emily Stoltzenberg, A.B., M.Phil., J.D., *Visiting Assistant Professor of Law and Center for Children, Families and the Law Research Fellow*  
 Blair Thompson, B.A., J.D., *Visiting Clinical Professor of Law for the Robert W. Entenmann Veterans Law Clinic*  
 Vern R. Walker, B.A., M.A., Ph.D., J.D., *Distinguished Professor Emeritus of Law y*  
 Lauris Wren, B.A., J.D., *Clinical Professor of Law and Director for the LGBT Fellowship*  
 Ellen Yaroshefsky, B.A., J.D., *Howard Lichtenstein Distinguished Professor of Legal Ethics, Executive Director of the Monroe H. Freedman Institute for the Study of Legal Ethics and Associate Dean for Research and Faculty Development*



MANDATED REPORTER PROTECTIONS:	
MISSING IN GEORGIA .....	<i>Micah Barry</i> 1
REMOTE WORK AS AN ACCOMMODATION	
FOR EMPLOYEES WITH DISABILITIES .....	<i>Stacy A. Hickox</i> 25
	<i>&amp; Chenwei Liao</i>
WEASELING OUT OF WEINGARTEN:	
WHY OUTSOURCING INVESTIGATORY	
EXAMINATIONS DOES NOT OBTAIN	
REPRESENTATIONAL RIGHTS UNDER	
THE FSLMRS .....	<i>Craig Westergard</i> 93

WEBSITE COMPLIANCE WITH THE ADA: THE DEMAND FOR LEGISLATION AND DEFENSES FOR DEFENDANTS .....	<i>Victoria Scaglione</i>	129
SETTING THE FRAMEWORK FOR BIOMETRIC PRIVACY LEGISLATION AFTER THE “BIG BANG” OF BIOMETRICS IN THE WORKPLACE .....	<i>Joshua Valentino</i>	167

