Front Matter
The Hofstra Labor Law Journal is pleased to consider unsolicited manuscripts for publication. Manuscripts should be addressed to: Articles Editor—Solicitations, Hofstra Labor Law Journal, Hofstra University School of Law, Hempstead, New York 11550. All manuscripts should be triple spaced. Citations should follow the form prescribed in *A Uniform System of Citation* (14th ed. 1986).

Published bi-annually by the Hofstra Labor Law Journal. The current subscription rate is twelve dollars per volume. Subscription renewals will be automatic unless notice to the contrary is received. All communications should be addressed to: Business Manager, Hofstra Labor Law Journal, Hofstra University School of Law, Hempstead, New York 11550. All back issues can be ordered by contacting William S. Hein & Co., 1285 Main Street, Buffalo, New York 14209, 800-828-7571.

© Copyright 1991 by the Hofstra Labor Law Journal
All rights reserved.
HOFSTRA UNIVERSITY SCHOOL OF LAW
ADMINISTRATIVE OFFICERS

Stuart Rabinowitz, B.A., J.D., Dean and Alexander M. Bickel Distinguished Professor of Communication Law
M. Patricia Adamski, B.A., J.D., Vice Dean and Professor of Law
Robert L. Douglas, B.S., J.D., LL.M., Senior Assistant Dean and Special Professor of Law
Suzanne Baer, Assistant Dean for Career Services and Alumni Relations
Nancy E. Modell, B.S., M.S., Assistant Dean for Financial Aid
Denise W. Purdie, B.A., M.S., J.D., Assistant Dean for Admissions
Eugene M. Wypyski, LL.B., M.L.S., Director of the Law Library and Andrew M. Boas and Mark L. Claster Distinguished Professor of Law

C. Peter Chao, B.A., M.A., M.L.S., Catalog Librarian
Patricia Ann Kasting, A.B., M.L.S., J.D., Reference Librarian
Rou Chia Lin, B.A., M.L.S., Acquisitions/Serials Librarian
Daniel L. May, B.A., J.D., M.L.S., Assistant Director for Public Services
Mena B. Sieber, B.S., M.A., M.L.S., Documents/Microform Librarian
Diane Schwartzberg, Placement Coordinator
Charlotte Z. Hoffer, B.S., M.S., Law School Registrar
Betty Presti, Administrative Assistant to the Dean
Keri A. Gould, B.S., J.D., Staff Attorney to Neighborhood Law Office
Camille deJorna, Senior Assistant Dean for Student Affairs

FACULTY

Burton C. Agata, A.B., J.D., LL.M., Max Schmertz Distinguished Professor of Law
Marsha S. Brooks, B.A., J.D., Special Professor of Law
Mark A. Buckstein, B.S., J.D., Special Professor of Law
Robert A. Baruch Bush, B.A., J.D., Associate Professor of Law
Linda K. Champlin, B.A., LL.B., Maurice A. Deane Distinguished Professor of Constitutional Law
Robin D. Charlow, A.B., J.D., Assistant Professor of Law
Howard I. Cohen, B.S., M.A., LL.B., Special Professor of Law
Douglas L. Colbert, B.A., J.D., Associate Professor of Law
Mitchell J. Cooper, B.S., J.D., LL.M., Special Professor of Law
Michael Davis, B.A., J.D., LL.M., Visiting Professor of Law
David A. Diamond, A.B., LL.B., LL.M., Professor of Law
Janet L. Dolgin, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Neil Richard Ellis, A.B., J.D., Assistant Professor of Law
Eric M. Freedman, B.A., J.D., M.A., Assistant Professor of Law
Monroe H. Freedman, A.B., LL.B., LL.M., Howard Lichtenstein Distinguished Professor of Legal Ethics
Leon Friedman, A.B., LL.B., Joseph Kushner Distinguished Professor of Civil Liberties Law
Linda Galler, B.A., J.D., LL.M., Assistant Professor of Law
Mitchell Gans, B.B.A., J.D., Associate Professor of Law
William R. Ginsberg, B.A., J.D., Rivkin Radler Bayh Hart & Kremer Distinguished Professor of Environmental Law
Dwight L. Greene, B.A., J.D., Associate Professor of Law
John DeWitt Gregory, B.A., J.D., Siben and Siben Distinguished Professor of Family Law
Robert H. Hammel, B.A., M.A., J.D., Visiting Associate Professor of Law
James E. Hickey, Jr., B.S., J.D., Ph.D., Associate Professor of Law
Bernard E. Jacob, B.A., J.D., M.A., Professor of Law
David K. Kadane, B.A., LL.B., Harry H. Rains Distinguished Professor of Law, Emeritus
Samuel M. Kaynard, B.A., J.D., LL.M., Professor of Law
Lawrence W. Kessler, B.A., J.D., Richard J. Cardall Distinguished Professor of Trial Advocacy
Eric Lane, B.A., M.A., J.D., LL.M., Professor of Law
et al.: Front Matter

Alan Levine, B.A., LL.B., Associate Professor of Law
Malachy T. Mahon, B.A., J.D., Siggi B. Wilzig Distinguished Professor of Banking Law
Lewis R. Mandel, A.B., J.D., LL.M., Special Professor of Law
James J. Mavne, B.S., M.S., J.D., Special Professor of Law
Carl J. Mayer, B.A., J.D., LL.M., Assistant Professor of Law
Patrick L. McCloskey, B.A., J.D., Special Professor of Law
Marjorie Heyman Mintzer, B.A., J.D., Special Professor of Law
Richard S. Missan, B.A., LL.B., Special Professor of Law
Richard K. Neumann, Jr., B.A., J.D., LL.M., Associate Professor of Law and Director of Legal Writing
Eric D. Offner, B.B.A., J.D., Special Professor of Law
Neal R. Platt, B.S., J.D., Special Professor of Law
Bertrand B. Pogrebin, A.B., LL.B., Special Professor of Law
Honorable George C. Pratt, B.A., LL.B., Distinguished Visiting Professor of Law
Stephen Rachlin, B.A., M.D., Special Professor of Law
Honorable C. Raymond Radigan, B.A., J.D., Special Professor of Law
John J. Regan, B.A., M.A., J.D., LL.M., J.S.D., Jack and Freda Dicker Distinguished Professor of Health Care Law
Alan N. Resnick, B.S., J.D., LL.M., Benjamin Weintraub Distinguished Professor of Bankruptcy Law
Wendy M. Rogovin, B.A., J.D., Assistant Professor of Law
Andrew Schepard, B.A., M.A., J.D., Associate Professor of Law
Stephen W. Schlissel, B.A., J.D., Special Professor of Law
Eric J. Schmertz, B.A., J.D., LL.D., Edward F. Carlough Distinguished Professor of Labor Law
Norman I. Silber, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Ronald H. Silverman, B.A., J.D., Peter S. Kalikow Distinguished Professor of Real Estate Law
Vern R. Walker, B.A., M.A., Ph.D., J.D., Associate Professor of Law
David N. Yellen, B.A., J.D., Assistant Professor of Law
Douglas W. Baker, B.A., J.D., Legal Writing Instructor
Janet A. Budine, B.A., J.D., Legal Writing Instructor
Renaire Frierson-Davis, B.B.A., J.D., Legal Writing Instructor
Donna L. Hill, B.A., J.D., Legal Writing Instructor
Ivy Leibowitz, B.A., M.A., J.D., Legal Writing Instructor
A. Juliet Neisser, B.A., J.D., Legal Writing Instructor
Susan E. Schulman, B.A., J.D., Legal Writing Instructor

Published by Scholarly Commons at Hofstra Law, 1991
CONTENTS

ARTICLES
Inherently Discriminatory Conduct Revisited: Do We Know It When We See It? ................. Barbara J. Fick 275
The Employee/Independent Contractor Dichotomy: A Rose Is Not Always A Rose ................. John Bruntz 337

RESPONSE
A Reply to Women Denied Partnerships Revisited .............................................. Christine Neylon O'Brien 379

NOTES
Employer Supported Child Care As A Mandatory Subject of Collective Bargaining ....................... 385
The Retroactive Application of Deklewa: Inequitable and Unjust Results For Construction Industry Employers ...... 417

COMMENT
Nuclear Employers No Longer Shielded From Whistleblower State Tort Claims: Fallout From English v. General Electric Company .............................................. 493
DEDICATION

This issue of the Hofstra Labor Law Journal is dedicated with appreciation to the men and women of the United States Armed Forces who have served in Operation Desert Storm. There is no greater labor than in the service of our Nation, in the defense of Liberty and Justice.

Staff Members
1990-1991
Hofstra Labor and Employment Law Journal, Vol. 8, Iss. 2 [1991], Art. 9

http://scholarlycommons.law.hofstra.edu/hlelj/vol8/iss2/9