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 (15th ed. 1991).

Published bi-annually by the Hofstra Labor Law Journal. The current subscription rate is fifteen dollars per volume. Subscription renewals will be automatic unless notice to the contrary is received. All communications should be addressed to: Managing Editor of Business, 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 1996 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 Communications Law
M. Patricia Adamski, B.A., J.D., Vice Dean and Adolf J. and Dorothy R. Eckhardt Distinguished Professor of Corporate Law
Yvonne V. Atkinson, A.A., Office Manager - Paralegal, Law School Clinical Program
Marjorie M. Daniels, B.A., Registrar
Amy L. Engle, B.A., M.B.A., Assistant Dean of Admissions
John Francis, B.A., J.D., Staff Attorney, Law Clinic
Laurie Gordon, B.S.M., Administrative Assistant for Law School Special Events
Ivy Leibowitz, B.A., M.A., P.D., J.D., Senior Assistant Dean for External Relations and Special Professor of Law
Marie Leuci, Administrative Assistant to the Dean
Nancy Modell, B.S., M.S., Assistant Dean for Financial Aid
Gary Moore, B.S., Director of Information Systems and Physical Plant
Nilda Morales Horowitz, B.A., J.D., Senior Assistant Dean
Barbara T. Pace, B.A., J.D., Senior Assistant Dean for Admissions and Student Affairs
Michael J. K. Schiumo, B.S., J.D., Senior Assistant Dean for Career Services
Diane Schwartzberg, Director of Career Services
Jo Anne Simon, B.A., M.A., J.D., Disability Clinic Staff Attorney
Eugene M. Wypyski, LL.B., M.L.S., Director of the Law Library and Andrew M. Boas and Mark L. Cluster Distinguished Professor of Law

FACULTY

Burton C. Agata, A.B., J.D., LL.M., Max Schmertz Distinguished Professor of Law
R. Glenn Bauer, B.S., J.D., Special Professor of Law
Robert A. Baruch Bush, B.A., J.D., Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law
Joel L. Carr, B.A., LL.B., Special Professor of Law
Linda K. Champlin, B.A., LL.B., Maurice A. Deane Distinguished Professor of Constitutional Law
Robin Charlow, A.B., J.D., Associate Professor of Law
Carl H. Coleman, B.S.F.S, A.M., J.D., Special Professor of Law
Mitchell J. Cooper, B.S., J.D., LL.M., Special Professor of Law
Doreen L. Costa, B.A., J.D., Special Professor of Law
Charles M. Davidson, M.I.A., LL.M., Special Professor of Law
David A. Diamond, A.B., LL.B., LL.M., Professor of Law
J. Herbie DiFonzo, B.S., J.D., M.A., Ph.D., Associate Professor of Law
Janet L. Dolgin, B.A., M.A., Ph.D., J.D., Professor of Law
Robert D. Ellis, B.A., J.D., Associate 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
Victor Futter, B.A., J.D., Special Professor of Law
Linda Galler, B.A., J.D., LL.M., Associate Professor of Law
Mitchell Gans, B.A., J.D., Professor of Law
Cecilia L. Gardner, B.A., J.D., Special Professor of Law

http://scholarlycommons.law.hofstra.edu/hlelj/vol13/iss2/8
et al.: End Matter

William R. Ginsberg, B.A., J.D., Rivkin, Radler, & Kremer Distinguished Professor of Environmental Law
John DeWitt Gregory, B.A., J.D., Sidney and Walter Siben Distinguished Professor of Family Law
Grant Hanessian, B.A., J.D., LL.M., Special Professor of Law
Richard Herzbach, B.A., J.D., Special Professor of Law
James E. Hickey, Jr., B.S., J.D., Ph.D., Professor of Law
Bernard E. Jacob, B.A., J.D., M.A., Ph.D., Professor of Law
Samuel M. Kaynard, B.A., J.D., LL.M., Professor of Law Emeritus
Lawrence W. Kessler, B.A., J.D., Richard J. Cardali Distinguished Professor of Trial Advocacy
Stefan Krieger, B.A., J.D., Associate Professor of Law
Lawrence G. Kurland, B.E.E., J.D., Special Professor of Law
Alan Lambert, M.D., J.D., Special Professor of Law
Eric Lane, B.A., M.A., J.D., LL.M., Eric J. Schmertz Distinguished Professor of Public Law and Public Service
Richard Leland, B.S., J.D., Special 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
Linda C. McClain, A.B., A.M., J.D., LL.M., Associate Professor of Law
Patrick L. McCloskey, B.A., J.D., Special Professor of Law
Katherine McManus, B.A., J.D., Special Professor of Law
Richard S. Missan, B.A., LL.B., Special Professor of Law
Mark L. Movsesian, A.B., J.D., Associate Professor of Law
Matthew Muraskin, B.A., J.D., M.A., Special Professor of Law
Richard K. Neumann, Jr., B.A., J.D., LL.M., Professor of Law and Coordinator of Legal Writing
Beatty B. Page, B.A., J.D., Special Professor of Law
Neal R. Platt, B.S., J.D., LL.M, Special Professor of Law
Honorable C. Raymond Radigan, B.A., J.D., Special Professor of 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
Ben B. Rubinowitz, B.A., J.D., Special Professor of Law
Andrew Schepard, B.A., M.A., J.D., 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. Carlow F. Distinguished Professor of Labor Law
Joel Segal, B.A., J.D., Special Professor of 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
Roy D. Simon, Jr., B.A., J.D., Professor of Law
Terence E. Smolov, B.B.A., J.D., L.L.M., Special Professor of Law
Peter J. Spiro, B.A., J.D., Associate Professor of Law
Susan W. Tiefenbrun, B.A., M.S., Ph.D., J.D., Special Professor of Law
Marshall E. Tracht, B.A., J.D., M.B.A., Associate Professor of Law
Cheryl L. Wade, B.A., M.A., J.D., Associate Professor of Law
Vern R. Walker, B.A., M.A., Ph.D., J.D., Professor of Law
Bennet J. Wasserman, B.A., M.A., J.D., Special Professor of Law
David N. Yellen, B.A., J.D., Assistant Professor of Law
Peter Zablotsky, B.A., J.D., Special Professor of Law
Kathleen M. Beckett, B.A., J.D., Legal Writing Instructor
Pamela Edwards, B.A., J.D., Legal Writing Instructor
Peter M. Falkenstein, B.A., J.D., Legal Writing Instructor
Donna L. Hill, B.A., J.D., Legal Writing Instructor
Florence Kerner, B.A., J.D., Legal Writing Instructor
Lisa Eggert Litvin, B.A., J.D., Legal Writing Instructor

Published by Scholarly Commons at Hofstra Law, 1996
AUTHOR INDEX OF CONTRIBUTED ARTICLES

Reginald Alleyne, Statutory Discrimination Claims: Rights “Waived” and Lost in the Arbitration Forum ............ 381

Deborah A. Ballam, The Development of the Employment At Will Rule Revisited: A Challenge to Its Origins as Based in the Development of Advanced Capitalism............. 75

Charles J. Coleman and Gerald C. Coleman, Toward a New Paradigm of Labor Arbitration in the Federal Courts ..... 1

David Culp, Whistleblowers: Corporate Anarchists or Heroes? Towards a Judicial Perspective ......................... 109

Matthew I. Kozinets, The Americans With Disabilities Act: Does the ADA Protect a Person With The Chronic Fatigue Syndrome From Employment Discrimination ............ 139

Mary Ellen Maatman, Listening to Deaf Culture: A Reconceptualization of Difference Analysis Under Title VII .................................................. 269

Michael D. Moberly, Perception or Reality?: Some Reflections on the Interpretation of Disability Discrimination Statutes .................................................. 345

# TITLE INDEX OF CONTRIBUTED ARTICLES

<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Innovations in Collective Bargaining: NUMMI—Driven to Excellence</td>
<td>Marley S. Weiss</td>
<td>433</td>
</tr>
<tr>
<td>Listening to Deaf Culture: A Reconceptualization of Difference</td>
<td>Mary Ellen Maatman</td>
<td>269</td>
</tr>
<tr>
<td>Perception or Reality?: Some Reflections on the Interpretation of</td>
<td>Michael D. Moberly</td>
<td>345</td>
</tr>
<tr>
<td>Statutory Discrimination Claims: Rights “Waived” and Lost in the</td>
<td>Reginald Alleyne</td>
<td>381</td>
</tr>
<tr>
<td>The Americans With Disabilities Act: Does the ADA Protect a Person</td>
<td>Matthew I. Kozinets</td>
<td>139</td>
</tr>
<tr>
<td>The Development of the Employment At Will Rule Revisited: A</td>
<td>Deborah A. Ballam</td>
<td>75</td>
</tr>
<tr>
<td>Toward a New Paradigm of Labor Arbitration in the Federal Courts</td>
<td>Charles J. Coleman and Gerald C. Coleman</td>
<td>1</td>
</tr>
<tr>
<td>Whistleblowers: Corporate Anarchists or Heroes? Towards a Judicial</td>
<td>David Culp</td>
<td>109</td>
</tr>
<tr>
<td>“Sex Plus” Discrimination: A Discussion of Fisher v. Vassar College</td>
<td></td>
<td>239</td>
</tr>
</tbody>
</table>

## NOTES

<table>
<thead>
<tr>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Swan Song For Live Music?:: Problems Facing the American Federation of Musicians in the Technological Age</td>
<td>557</td>
</tr>
<tr>
<td>Crossing the Line: The Second, Sixth, Ninth, and Eleventh Circuits’ Misapplication of the Equal Pay Act’s “Any Other Factor Other Than Sex” Defense</td>
<td>181</td>
</tr>
<tr>
<td>Going Beyond the Judicially Prescribed Boundaries of the Americans With Disabilities Act</td>
<td>493</td>
</tr>
<tr>
<td>Multiemployer Bargaining and Withdrawing From the Association After Bargaining Has Begun: 38 Years of “Unusual Circumstances” Under Retail Associates</td>
<td>519</td>
</tr>
</tbody>
</table>
Weight-Based Discrimination and the Americans With Disabilities Act: Is There an End in Sight? ............... 209
TABLE OF CASES

<table>
<thead>
<tr>
<th>Case</th>
<th>Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.T. &amp; T. Technologies v. Communications Workers of America</td>
<td>17-18</td>
</tr>
<tr>
<td>Accord Civil Service Comm'n, 233</td>
<td></td>
</tr>
<tr>
<td>Ackerman v. Western Elec. Co., 156, 159, 175</td>
<td></td>
</tr>
<tr>
<td>Adams v. Fitzpatrick, 85, 92-93, 103</td>
<td></td>
</tr>
<tr>
<td>Adler v. American Standard Corp., 374</td>
<td></td>
</tr>
<tr>
<td>Adrand Constructors, Inc. v. Pena</td>
<td></td>
</tr>
<tr>
<td>Air Line Pilots Ass'n v. O'Neill, 475</td>
<td></td>
</tr>
<tr>
<td>Albemarle Paper Co. v. Moody, 270</td>
<td></td>
</tr>
<tr>
<td>Albertson's Inc. v. Washington State Human Rights Comm'n, 287</td>
<td></td>
</tr>
<tr>
<td>Aldrich v. New York Life Ins. Co., 103</td>
<td></td>
</tr>
<tr>
<td>Aldrich v. Randolph Cent. Sch. Dist., 182-84, 188, 191, 194-95, 205-06</td>
<td></td>
</tr>
<tr>
<td>Alexander v. Choate 500</td>
<td></td>
</tr>
<tr>
<td>Alford v. Dean Witter Reynolds, Inc., 55, 383</td>
<td></td>
</tr>
<tr>
<td>Alford v. General Motors Corp., 34</td>
<td></td>
</tr>
<tr>
<td>Alger v. New York Post Graduate Medical Sch. and Hosp., 103-04</td>
<td></td>
</tr>
<tr>
<td>Allen v. Heckler, 345, 364</td>
<td></td>
</tr>
<tr>
<td>Allen v. Lovejoy, 275</td>
<td></td>
</tr>
<tr>
<td>Allied-Bruce Terminix Co. v. Dobson, 423</td>
<td></td>
</tr>
<tr>
<td>Allied Chemical &amp; Alkali Workers Local 1 v. Pittsburgh Plate Glass Co., 486</td>
<td></td>
</tr>
<tr>
<td>American Bank Note Co. 542</td>
<td></td>
</tr>
<tr>
<td>American Motors Corp. v. Labor &amp; Indus. Review Comm'n, 364, 370</td>
<td></td>
</tr>
<tr>
<td>American Postal Workers Union v. United States Postal Service, 20, 22-23, 27, 69</td>
<td></td>
</tr>
<tr>
<td>American Fed'n of Gov't Employees, Local 51 v. Baker, 141, 161</td>
<td></td>
</tr>
<tr>
<td>American Newspaper Publishers Assoc. v. NLRB 568, 569</td>
<td></td>
</tr>
<tr>
<td>In re American Provision Co. 533</td>
<td></td>
</tr>
<tr>
<td>Amos v. Oakdale Knitting Co., 374</td>
<td></td>
</tr>
<tr>
<td>Andrews v. Jones Truck Lines, 361</td>
<td></td>
</tr>
<tr>
<td>Annear v. Iowa, 354, 355, 356, 357, 358</td>
<td></td>
</tr>
<tr>
<td>Armstrong v. Flowers Hosp., Inc., 293, 313, 316</td>
<td></td>
</tr>
<tr>
<td>Arizona Laborers, Teamsters and Cement Masons v. Hanlin 556</td>
<td></td>
</tr>
<tr>
<td>Aros v. McDonnel Douglas Corp., 275, 284</td>
<td></td>
</tr>
<tr>
<td>Association of Flight Attendants v. Ozark Air Lines, 286</td>
<td></td>
</tr>
<tr>
<td>Atkinson v. Superior Court 565</td>
<td></td>
</tr>
<tr>
<td>Atlas Electric Service Co. 531, 540, 541, 550</td>
<td></td>
</tr>
<tr>
<td>Atlas Transit Mix 526, 527</td>
<td></td>
</tr>
<tr>
<td>August A. Busch &amp; Co., 28, 32</td>
<td></td>
</tr>
<tr>
<td>Austin v. Owens-Brockway Glass Container, Inc., 69-70</td>
<td></td>
</tr>
<tr>
<td>Avigliano v. Sumitomo Shoji Am., Inc., 351</td>
<td></td>
</tr>
<tr>
<td>Bailey v. Menzie, 369, 370</td>
<td></td>
</tr>
<tr>
<td>Baker v. City of St. Petersburg, 393</td>
<td></td>
</tr>
<tr>
<td>Baker v. D. Appleton &amp; Co., 103</td>
<td></td>
</tr>
<tr>
<td>Baker v. Delta Airlines, 392</td>
<td></td>
</tr>
<tr>
<td>Barash v. Bowen 313</td>
<td></td>
</tr>
<tr>
<td>Barker v. Taft Broadcasting Co., 252, 286</td>
<td></td>
</tr>
<tr>
<td>Barnes v. Hewlett-Packard, 293</td>
<td></td>
</tr>
<tr>
<td>Barraclough v. ADP Automotive Claims Servs., Inc., 376, 377</td>
<td></td>
</tr>
<tr>
<td>Barth v. Gelb 507</td>
<td></td>
</tr>
<tr>
<td>Bartz v. Bowles Distribution, Inc., 132</td>
<td></td>
</tr>
<tr>
<td>Bausch &amp; Lomb Optical Co., 477</td>
<td></td>
</tr>
<tr>
<td>Baxter v. Nurse, 91</td>
<td></td>
</tr>
<tr>
<td>Bay City Fire Dept v. Department of Civil Rights, 363, 364, 365</td>
<td></td>
</tr>
<tr>
<td>In re Beatrice/Hunt-Wesson, Inc., 417</td>
<td></td>
</tr>
<tr>
<td>Bedker v. Domino's Pizza, 287</td>
<td></td>
</tr>
<tr>
<td>Bender v. A.G. Edwards &amp; Sons, Inc., 383</td>
<td></td>
</tr>
<tr>
<td>Benecke v. Lockheed Corp., 132</td>
<td></td>
</tr>
<tr>
<td>Benefits Communications Corp. v. Kliefforth, 383</td>
<td></td>
</tr>
<tr>
<td>Bennet v. Mahler, 103</td>
<td></td>
</tr>
<tr>
<td>Bento v. I.T.O. Corp., 231</td>
<td></td>
</tr>
<tr>
<td>Bergin v. Wemple, 90, 94-96</td>
<td></td>
</tr>
<tr>
<td>Bernhardt v. Polygraphic Co. of Am., 421</td>
<td></td>
</tr>
<tr>
<td>Besade v. Interstate Sec. Serv., 148</td>
<td></td>
</tr>
<tr>
<td>Big V. Supermarkets 539</td>
<td></td>
</tr>
<tr>
<td>Blanchard v. Bergeron, 189</td>
<td></td>
</tr>
<tr>
<td>Blodgett v. Board of Trustees, 222</td>
<td></td>
</tr>
<tr>
<td>Bob Jones University v. United States, 383</td>
<td></td>
</tr>
<tr>
<td>Bohren v. City of East Chicago, 48</td>
<td></td>
</tr>
</tbody>
</table>
INDEX

Boriss v. Addison Farmers Ins. Co, 204, 207
Bowe v. Colgate-Palmolive Co., 241, 254
Browney v. United States Postal Service, 34
Boys Market, Inc. v. Retail Clerks Local 770, 12-14
Bradley v. Pizzaco, 287, 341
Brennan v. City Stores, Inc., 182
Broomsfield v. Lundell, 376
Brown v. D.C. Transit Sys., Inc., 286
Buffalo Forge v. United Steelworkers, 13
Bundy v. Jackson, 48
Burnett v. Noble, 92
Byrne v. Weir, 103
California Fed. Sav. and Loan Ass'n v. Guerra, 273
Caminetti v. United States, 184, 190-92, 198, 205
Capitano v. Arizona, 347, 362, 363, 372
Carey v. Westinghouse Corp. 573
Carino v. University of Okla. Bd. of Regents, 304
Carney v. Wadhaums, 92
Carney v. Martin Luther Home, Inc., 294
Carroll v. Talman Fed. Sav. & Loan Ass'n of Chicago, 252, 253, 277, 283, 286
Carino v. University of Okla. Bd. of Regents, 304
Carswell v. Peachford Hosp., 275, 295
Casteel v. Consolidation Coal Co., 353
Catchpole v. Brannon, 429
Caterpillar v. Williams, 473
Central States Pension Fund v. Tank Transp., Inc., 69
In re Champlin Refining Co., 398
Chandler v. Schlumberger, 365
Cheatwood v. South Cent. Bell Tel. & Tel. Co., 281
Chel LaCort 522
Chevron Corp. v. Redmond, 359, 369
Chicago, Milwaukee & St. Paul Ry. Co. v. Minnesota, 75-76
Chrysler Motors Corp. v. International Union, Allied Industrial Workers, 48-49, 51
City of Los Angeles v. Marhart, 245, 246
Clanton v. Cain-Sloan Co., 376
Clark v. Modern Group Ltd., 134
Colin v. Sullivan, 143-44, 152
Collyer Insulated Wire, 5, 31, 32, 51, 70
Colorado Civil Rights Comm'n v. Travelers Ins. Co., 373
Commercial Automotive Corp. 539
Communications Workers of America v. Western Electric Co., 18
Complete Auto Transit v. Reis, 12
Connecticut v. Teal, 270, 277
Connell Typesetting Co. 549, 550, 553
Cooke v. Rhode Island, 214, 218, 224-228, 231, 348, 364
Cooper v. Delta Air Lines, Inc., 277
Copp v. Colorado Coal & Iron Co., 103-04
Cornelius v. Nutt, 21, 25-27
Corning Glass Works v. Brennan, 181-82, 185-87, 198, 201, 203, 205-08
Costa v. Markey, 246
Costigan v. Mohawk & Hudson R.R., 89, 94, 97
Cota v. Tuscon Police Dep't, 304
County of Washington v. Gunther, 183-84, 203-04, 207-08
Covington v. Southern Ill. Univ., 182, 185, 193, 201-05
Craft v. Metromedia, Inc., 287
Crotty v. Erie R.R. Co., 303, 305, 341
Cunningham v. Central Beverage, Inc., 379
Darr v. NLRB, 30-31
Davis v. Gorton, 85, 87, 90-91, 94
Davis v. Pioneer Screw & Nut Co., 350
Delta Air Lines, Inc. v. Air Line Pilots Ass'n Int'l, 43-45, 50
Delta Queen Steamboat Co. v. District 2 Marine Eng'r Beneficial Ass'n, 20, 24, 27
Detroit Local Joint Executive Bd v. Howard Johnson Co., 15
Devine v. Pastore, 21, 25-27
Dey v. Colt. Constr. & Dev. Co., 204
Dimarian v. Pona Valley Hosp. Medical Ctr., 305

Published by Scholarly Commons at Hofstra Law, 1996
Dodge v. Giant Foods, 252
Doe v. Centinela Hosp., 231
Doe v. New York Univ., 211, 231
Dolter v. Wahlert High Sch., 240
Donoghue v. City of Yonkers, 103-04
Donoghue v. Shoe Corp., 284
Dorsey v. Rawlinson, 214, 230, 270
Douglass v. Merchants' Ins. Co., 89, 94, 99, 101-02
Drake Bakeries, Inc. v. American Bakery & Confectionery Workers International Local 50, 12
Drake v. Seaman, 101
Dripps v. UPS, 214
Dubo Manufacturing Corp., 5
Dutton v. Board of County Comm'rs, 375
Dwen v. Berry, 286
D'Agostino v. Johnson & Johnson, Inc., 375
D'Amico v. N.Y. State Bd. Of Law Examiners, 163, 167-68, 170
D'Amato v. Wisconsin Gas Co., 345
Eakin v. Magic Tilt Trailers, 376
Earwood v. Continental Southeastern Lines, Inc., 252, 286
E.E. Black, Ltd. v. Marshall, 214, 345, 363
E.I. DuPont de Nemours & Co. v.
Grasselli Employees Indep. Ass'n, 46
EEOC v. AIC Sec. Investigations, Ltd., 71
EEOC v. Delta Airlines, 246, 247
EEOC v. Greyhound Lines, Inc., 275
EEOC v. J.C. Penney Co., 182-84, 191, 194-95, 197, 205
EEOC v. New Jersey, 221
EEOC v. Sage Realty Corp., 252, 254, 286
EEOC v. Trailways Inc., 275
Electronic Reprod. Serv., 30
Ellie v. K-Mart Corp., 293
Emerson v. Powers, 89
Emmons v. Elderton, 93
Ende v. Board of Regents of Regency Univ., 202-03
Enterprise Wheel & Car Corp., 412
Environmental Consultants, 28
Estate of Latimer v. Filtronetics, Inc., 364
Estate of Reynolds v. Dole, 142, 167, 170-71
Fagan v. National Cash Register Co., 341, 343
Fahn v. Cowlitz County, 360
Fairmont Foods v. NLRB 523
Fall River Dyeing and Finishing Corp. v. NLRB, 15
Fallon v. Illinois, 182-83, 185, 193, 201-05
Fawcett v. Cash, 93
Federal-Mogul Corp. v. NLRB, 473
Feiber v. Home Silk Mills, 103
Fergerstrom v. Datapoint Corp., 374
Fibreboard Paper Product Corp. v. NLRB 537, 570
Fink v. Kitzman, 346, 347, 351, 356, 357, 363
First National Maintenance Corp. v. NLRB 537, 571
Fitzgerald v. Green Valley Area Education Project, 166
Fitzpatrick v. City of Atlanta, 275, 287
Ford Motor Co. v. Huffman, 475, 476, 477
Foreman v. Goldberg, 103
Frank v. American Freight Sys. 355
Frank v. Manhattan Maternity & Dispensary, 103
Fragante v. City and County of Honolulu, 304
Fresno v. Fair Empl. and Hous. Comm'n, 174
Gamble v. Levitz Furniture Co. of the Midwest Inc., 367, 374
Garcia v. Gloor, 276, 302, 303, 304, 305, 307, 313
Garcia v. Zenith Electronics Corp., 407
Gardner v. Morris 501
In re Gardner, 89, 92, 94
Geary v. Untied States Steel Corp, 117-19, 128, 133
Geduldig v. Aiello, 287, 311
Geller v. Markham, 408
General American Transportation Corp., 32
Gilbey v. National Jewelers' Bd. of Trade, 102-03
Gifford v. Waters, 89, 94, 101
Gilmer v. Interstate/Johnson Lane Corp., 51-54, 65-74, 381-386, 392, 394, 395-396, 397, 406, 407, 411, 413-414, 415, 418,
<table>
<thead>
<tr>
<th>INDEX</th>
<th>1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gimello v. Agency Rent-A-Car Sys., Inc., 215, 224, 229, 234</td>
<td>Howard v. Daly, 89</td>
</tr>
<tr>
<td>Glenn v. General Motors, 182-84, 188, 191, 194, 196-97, 205-06</td>
<td>Howard Johnson Co. v. Detroit Local Joint Executive Board, 15</td>
</tr>
<tr>
<td>Greed v. People's Tel. &amp; Tel. Co., 93</td>
<td>Hughes v. Matthews, 71</td>
</tr>
<tr>
<td>Greer v. Peoples Tel. &amp; Tel. Co., 84</td>
<td>Hunt v. Dark Hill Enters., 372</td>
</tr>
<tr>
<td>Greer v. People's Tel. Co., 87</td>
<td>Huntingdon v. Claffin, 90, 93-94, 103</td>
</tr>
<tr>
<td>Gressing v. Musical Instrument Sales Co., 102, 104</td>
<td>Hutchinson v. West 502, 503</td>
</tr>
<tr>
<td>Gully v. First Nat'l Bank in Meridian, 377</td>
<td>In re National Airlines, 287</td>
</tr>
<tr>
<td>Hall v. United States Postal Service 503</td>
<td>International Ass'n of Machinists v. Cutter-Hammer, 4</td>
</tr>
<tr>
<td>Hammonds v. Aetna Casualty &amp; Surety Co., 61</td>
<td>International Bhd. of Teamsters v. United States, 200</td>
</tr>
<tr>
<td>Hammondtree v. NLRB, 32</td>
<td>International Harvester Co. 573</td>
</tr>
<tr>
<td>Harding v. United States Postal Service, 42</td>
<td>Interstate Material Corp., 28</td>
</tr>
<tr>
<td>Hayes v. Shelby Memorial Hosp., 291, 292</td>
<td>Jackson v. Veterans Administration 504</td>
</tr>
<tr>
<td>Haywood v. Miller, 89, 94, 96</td>
<td>Jacobs v. Martin Sweets Co., 250</td>
</tr>
<tr>
<td>Hazen Paper Co. v. Biggins, 318, 320</td>
<td>Jaga v. Goetz, 92, 99</td>
</tr>
<tr>
<td>Helen L. v. DiDario, 347</td>
<td>James Luterbach Construction 526, 527</td>
</tr>
<tr>
<td>Helvering v. Davis 509</td>
<td>Jasany v. United States Postal Service, 501</td>
</tr>
<tr>
<td>Henkel Corp. v. Iowa Civil Rights Comm'n, 356, 357</td>
<td>Jennings v. Marrale, 375</td>
</tr>
<tr>
<td>Henn v. National Geographic Soc'y, 408</td>
<td>J.I. Case Co. v. NLRB, 473</td>
</tr>
<tr>
<td>Hewger v. Board of Civil Serv. Comm'ts, 222</td>
<td>Jirak v. Federal Express Corp., 287, 294</td>
</tr>
<tr>
<td>Hines v. Local 377, Int'l Bhd. of Teamsters, 33-34</td>
<td>John Deklewa &amp; Sons 526, 527</td>
</tr>
<tr>
<td>Holder v. Old Ben Coal Co., 355</td>
<td>Joseph Schlitz Brewing Co., 32</td>
</tr>
<tr>
<td></td>
<td>Kelley v. City of Mesa, 374, 375</td>
</tr>
<tr>
<td></td>
<td>Kern v. Dynlectron Corp., 306</td>
</tr>
<tr>
<td></td>
<td>Kerns v. Bucklew, 373</td>
</tr>
<tr>
<td></td>
<td>Kerrigan v. Magnum Entertainment, Inc., 375</td>
</tr>
<tr>
<td></td>
<td>Kimbro v. Atlantic Richfield Co., 171, 173</td>
</tr>
<tr>
<td></td>
<td>Knight v. Nassau County Civil Serv. Comm'n, 392-393</td>
</tr>
</tbody>
</table>
Mitsubishi Motors v. Soler Chrysler-Plymouth, 54, 384, 394, 396, 397
MMG Arena Productions, Inc. 588
Monell v. Burns, 89-90, 94-96
Monge v. Beebe Rubber Co., 117
Monroe Auto Equip. Co. v. United Automobile Workers Local 878, 64
Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 394
Mowat v. Transportation Unlimited, 356
Muschany v. United States, 39-40
National Radio Co., 32
National Woodworkers Manufacturers Association v. NLRB 572, 574, 575
Nashville Gas Co. v. Satty 288, 289
Nelson v. Thornburgh 503, 504
Ness v. Hocks, 117
Newspaper Printing Corp. v. NLRB 570
New York City Transit Authority v. Transport Workers Local 100, 50
New Hampshire Iron Factory Co., v. Richardson, 93
Newport News Shipbuilding & Drydock Co. v. EEOC, 290
Newsday, Inc. v. Long Island Typographical Union, 48, 51, 412
Niblo v. Parr Mfg., 376
Nicholl v. Larking, 92
Nicholson v. CPC Int'l, 383
NLRB v. Acme Iron Works 542
NLRB v. American Nat'l Ins. Co., 17
NLRB v. Associated Shower Door Co. 523, 547
NLRB v. Beck Engraving Co. 523
NLRB v. Bell Aerospace Co., 484
NLRB v. Bildisco & Bildisco 532, 533
NLRB v. Borg Warner Corp. 572
NLRB v. Burns Int'l Sec. Serv., Inc., 15
NLRB v. Cabot Carbon Co., 480
NLRB v. Callier 553, 554
NLRB v. Charles D. Bonanno Linen Service 523, 530, 543, 545, 547,
NLRB v. Custom Sheet Metal & Serv. 542, 543, 544, 545
NLRB v. Custom Wood Specialties 551
NLRB v. El Cerrito Mill & Lumber Co. 546
NLRB v. Electromation, Inc., 483
NLRB v. Enterprise Ass'n of Steam and Pipe Fitters Local 638 572
NLRB v. Gamble 567, 568, 569
NLRB v. Hartman 548, 552
NLRB v. Health Care & Retirement Corp., 484
NLRB v. Hi-Way Billboards 523, 530, 531, 539, 545
NLRB v. Independent Association of Steel Fabricators 523, 546
NLRB v. L.B. Priester & Sons 536, 540
NLRB v. Litton Financial Printing Div., 17
NLRB v. Metal Pros. Co., 474
NLRB v. Miranda Fuel Co. 529
NLRB v. Newport News, Shipbuilding and Dry Dock Co., 483
NLRB v. Peninsula Gen. Hosp. Medical Ctr, 481
NLRB v. Siebler Heating & Air Conditioning 522, 523, 524, 525,
NLRB v. Tulsa Sheet Metal Works 544
NLRB v. Unelko 527, 528, 529
NLRB v. Yeshiva University, 484
Nolde Bros. v. Bakery & Confectionery Workers Local 358, 16-17, 20
North American Refractories 537, 538, 539, 540
Northrup v. Farmland Indus. Inc., 374
Northwest Airlines, Inc. v. Airline Pilots Ass'n Int'l, 43-45, 50, 61
Norwood v. Dale Maintenance Sys., Inc., 270
Oak v. Fairhope, 287
O'Connell v. Hove, 55
O'Hare v. General Marine Trans. Corp. 555
Ohio ex rel. Sayre v. Industrial Comm'n of Ohio, 372
Olin Corp., 30, 32-33
Olson v. American Arbitration Association, 66
Orion Pictures Corp. v. Writers Guild of Am., Inc., 19
Ortega v. IBP Inc., 138
Osborn v. E.J. Brach Inc. 511
Otis Elevator Co. 571, 575
Outerbridge v. Campbell, 103
Paine v. Howells, 89, 101
Palamatea v. International Harvester Co., 116
Palmer v. Brown, 125-26
Palmore v. Sidoti, 306
Paolillo v. Dresser, 408
Parolisi v. Board of Examiners, 220-21
Parry v. Dickerson, 89, 94
INDEX

Sprogis v. United Airlines, 221, 246, 247, 248, 249, 277, 280, 281, 283-84, 285
Spun Jee Corp., 535, 536, 537, 538, 539
St. Mary's Honor Ctr. v. Hicks, 270, 263, 342
Stead Motors v. Automotive Machinists Lodge No. 1173, 43-44, 46-47, 51
Steele v. Louisville & Nashville R.R. Co., 33, 475, 476, 477
Steelworkers v. Asarco, Inc., 19
Steelworkers v. Lukens Steel Co., 19
Stein v. Kooperstein, 103
Sterling Drug Inc. v. Oxford, 116
Sterling Transit Co. v. Fair Employment Practice Comm'n, 220
Strecker v. Grand Forks County Social Serv. Bd., 182, 185, 201-02, 204-05
Stroehmann Bakeries v. International Brotherhood of Teamsters, 49-50, 73, 412-413
Stroehmann Bakeries, Inc., v. Local 776, International Bhd. of Teamsters, 429
Stuart v. Beech Aircraft Corp., 125, 127
Suburban Motor Freight, 30
Summers v. Phenix Ins. Co., 103
Susie v. Apple Tree Preschool & Child Care Ctr., 363
Sussman v. Salem, Saxon & Neilson, 313
Swift v. City of New York, 90, 94, 102
Tahoe Regional Planning Agency v. McKay, 368
Tamimi V. Howard Johnson Co., 283
Taylor v. NLRB, 30, 33
Taylor v. United States Postal Serv., 231
Teamsters Local 174 v. Lucas Flour, 12
Teamsters Union Local No. 378, 521
Tennessee Valley Auth. v. Hill, 192-93
Tenney Engineering v. United Elec., Radio & Machine Workers, 52
In re Teyn, 92
Texas Dept. of Community Affairs v. Burdine, 199-200, 270, 342
Textile Workers v. Lincoln Mills, 5-6, 8, 71, 385, 388
Textile Workers v. American Thread Co., 20-21, 27, 73
Textron Lycoming, 28
Thomas v. Firestone Tire & Rubber Co., 286
Thompson v. Thompson, 189
Thorpe v. White, 89, 94
Tobey Fine Papers of Kansas City, 549, 550, 551
Torrington Co. v. Metal Production Workers Local 1645, 20-22, 27
Trans World Airlines v. Hardison, 164-65
Trautz v. Weisman, 345, 346
Treadwell v. Alexander 501
Troupe v. May Dep't Stores, 293, 294, 313, 316, 317
Trustees of Dartmouth College v. Woodward, 75
Tuck v. HCA Health Service 503
Tucker v. Philadelphia & Reading Coal & Iron Co., 84
Tudyman v. United Airlines, 216-18, 221, 227-28, 233, 363
Turner v. City of Monroe, 348, 368
Turner v. Kouwenhoven, 89, 94, 96
Turner v. Martin, 92
Typographic Service Co. 551, 552
UAW v. Johnson Controls, Inc., 290, 291, 318
United Elec., Radio & Machine Workers v. Miller Metal Products, 52
United Food and Commercial Workers v. NLRB 537
United Paperworkers v. International Paper Co., 55
United States Bulk Carriers, Inc. v. Arguelles, 391
United States v. Stauffer Chem. Co., 368
United States Postal Service v. National Ass'n of Letter Carriers, 44-45, 47
United States v. American Fed'n of Musicians 561, 566, 568
United States v. Petriello 563, 564
United Steelworkers v. Warrior and Gulf Navigation Co., 5-6, 8-11, 14, 18-19, 385, 388, 404, 421
United Steelworkers v. Enterprise Wheel & Car Corp., 5-6, 10-11, 14, 20-21, 24, 27-28, 385, 388, 389, 404, 411, 421-422
United Steelworkers v. American Manufacturing Co., 5-6, 8-9, 14, 27, 64, 385, 388, 404
United Technologies Corp., 32
Universal Enterprises 521, 555
U.S. Lingerie Corp. 531, 532, 534, 535
Vaca v. Sipes, 407, 474, 477, 528, 535
Vakharia v. Swedish Covenant Hosp., 377

Published by Scholarly Commons at Hofstra Law, 1996
Vande Zande v. Wisconsin Department of Administration 507, 514
Velger v. Williams, 220, 229
Wagenseller v. Scottsdale Memorial Hosp., 374
Walders v. Garrett, 140-41, 143, 146-54, 156-58, 163, 172-76
In re Walker Turner Co. Inc., 398
Wallace b. Pyro Mining Co., 293, 294, 314, 317
Walton v. Runyon 504
Wamsganz v. Missouri Pac. R.R. Co., 286
Ward's Cove Packing Co. v. Antonio, 270
Watson v. Fort Worth Bank & Trust, 270, 318
Weed v. Burt, 90, 94
Weeks v. Southern Bell Tel. & Tel Co., 241, 255
Western Pacific Roofing Co. v. NLRB 531, 543
Wheeling Pittsburgh Steel Corp. v. United Steelworkers 534
Whitemarsh v. Hall, 90, 94
Wilko v. Swan, 394
William Chason Co. 521, 551
Williams v. Katten, Muchin & Zavis, 55
Willis v. Dean Witter Reynolds, Inc., 55, 69, 383
Willy v. Coastal Corp., 377
Wilson v. Southwest Airlines Co., 341
Woerth v. City of Flagstaff, 374
Wofford v. Safeway Stores, 286
Wolf v. Howes, 89, 94
Wood v. Miller, 103
Woodson v. AMF Leisiorland Centers, Inc., 71
Woodward v. Washburn, 90, 94