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# **CASES AND MATERIALS ON EMPLOYMENT DISCRIMINATION**

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**Second Edition**

**MICHAEL J. ZIMMER**

Professor of Law  
Seton Hall University

**CHARLES A. SULLIVAN**

Professor of Law  
Seton Hall University

**RICHARD F. RICHARDS**

Professor of Law  
University of Arkansas, Fayetteville



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EMPLOYMENT DISCRIMINATION**

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To Joyce, Suzanne, and Robert  
R. F. R.

## PREFACE

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Employment discrimination law has continued its rapid development since publication of the first edition in 1982. We have updated the cases and the structure of the book to reflect these changes and to better prepare students to analyze employment discrimination problems.

This book is divided into four parts. The first unit clarifies and illuminates the three major theories of liability in employment discrimination law—systemic disparate treatment, systemic disparate impact, and individual disparate treatment discrimination. The second part thoroughly examines Title VII and its applications, procedures, and remedies. Parts Three and Four address discrimination issues that arise under other laws, including equal pay, age discrimination, and government contractor obligations. Part Four concludes with a discussion of handicap discrimination.

Since the first edition, we have continued to explore employment discrimination law while preparing our new treatise, *Employment Discrimination* (Little, Brown & Co. 1988). Thus, our casebook includes a newly simplified yet sophisticated treatment of the use of statistical evidence to prove employment discrimination. In addition, authority has emerged that allows us to clarify the interrelationships among the three general theories of employment discrimination.

Several new “cutting-edge” issues also demand coverage. The rapid development of “employment law”—the attack on the traditional at-will characterization of the employment relation—has necessitated putting employment discrimination law more clearly into the context of those developments. We also treat the new proscription of employment discrimination against aliens who are lawfully present in the United States. Finally, we address the emerging workplace problem of AIDS.

A final word about our editing of excerpted material seems appropriate. All omissions from the cases and materials are indicated by ellipses, except that footnotes, internal cross-references, parallel citations, and repetitive citations are deleted with no indication. Where footnotes are used, the original footnote number is normally retained. Footnotes added by us are indicated by a dagger, an asterisk, or a double asterisk.

## ACKNOWLEDGMENTS

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We would like to acknowledge the insights and enthusiasms of the many teachers who have used the first edition and helped us keep going. The hard questions and persistent preparation of our students over the years have guided us on our trek toward understanding. At Little, Brown we thank Rick Heuser for his continuing support and Virginia Vitzthum, our manuscript editor, who kept us working on the details necessary to produce a quality product.

Our research assistants have kept us honest and the book accurate. Rosanne Maraziti, Esq., Linda Biancardi, Nancy Johnson, and Julie Murray, Seton Hall Law School Class of 1988, and Susan Farrell, Class of 1989, deserve our deepest thanks. They have been able to continue the momentum started by our all-star research assistants from the first edition, Laurie Fierro and Lorrie Van de Castle, Class of 1983. Linda Murph, word processing supervisor, Violet Pashman, faculty secretary, and Barbara Smith, our xeroxographer, all must be given credit for getting our manuscript together. While these individuals were critical to our work, without the dedication and unselfishness of Gwen Davis, this book would simply not have appeared. We cannot thank her too much—especially since she usually does not permit us to thank her at all. We thank Seton Hall for providing the support and assistance of these fine people.

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