

Intb 320 Global Business Environment Spring 2014

Lewellen Book

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the law of sexual harassment is constantly evolving and the number of sexual harassment claims is dramatically on the rise sexual harassment in the workplace fourth edition is a comprehensive guide that provides all the information you need to successfully litigate a sexual harassment claim sexual harassment in the workplace guides you through the relevant administrative and legal proceedings from client interviews to attorney s fees it discusses state and federal remedies available to maximize recovery including the development and elements of the claim sample pleadings discovery documents reviews of actual cases special attention is given to important topics such as suits by alleged harassers insurance indemnification class actions and many others sexual harassment in the workplace brings you up to date on the latest case law developments including the following a new checklist of items to cover when representing an employer the u s

supreme court confirmed that retaliation is actionable under title ix where a girls high school basketball coach claimed that he suffered retaliation for complaining about sexual discrimination in the athletic program of the school even though he himself was not the direct victim *Jackson v Birmingham Board of Education* 544 U.S. 167 (2005) in order to increase opportunities for mediation the EEOC expanded the charges eligible for mediation and now mediation is available at the conciliation stage after a finding of discrimination has been issued in appropriate cases the U.S. Supreme Court has held that under the federal arbitration act where parties to an arbitration agreement include a provision that delegates to the arbitrator the threshold question of enforceability of the arbitration agreement if a party specifically challenges the enforceability of the entire agreement the arbitrator would consider the challenge if however the party only challenges the enforceability of the arbitration provision the challenge must be heard by a court *Rent a Center West Inc v Jackson* 130 S.Ct. 2772 (2010) the lack of timeliness in filing a discrimination action is an affirmative defense and the burden of proof is on the employer *Salas v Wisconsin Department of Corrections* 493 F.3d 913 (7th Cir. 2007) a federal employee's premature filing of a sexual harassment employment discrimination and retaliation complaint did not constitute a failure to exhaust administrative remedies so as to deprive the district court of subject matter jurisdiction *Brown v Snow* 440 F.3d 1259 (11th Cir. 2006) a majority of states impose a shorter period for filing with their agencies though so the filing deadline is not always extended when a state has its own agency the "single filing rule" under which a party who has not filed an EEOC charge or received a right to sue notice may "piggyback" his or her judicial action on the claim of a party who has satisfied those prerequisites has been described as a "carefully limited exception" to title VII's procedural requirements *Price v Choctaw Glove and Safety Co* 459 F.3d 595 (5th Cir. 2006) provided that an act contributing to the claim occurs within the filing period the court may consider the entire period of the hostile environment for purposes of determining liability *Jordan v City of Cleveland* 464 F.3d 584 (6th Cir. 2006) the supreme court has held that a plaintiff's timely filing of an EEOC intake questionnaire which was followed by an affidavit stating "please force federal express to end their age discrimination" constituted a charge cautioning however that its permissiveness

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this uniquely flexible book provides balanced in depth coverage of controversial topics in the areas of law and ethics within the business environment introduces issues via specific legal cases three new chapters have been added on downsizing ch 1 advertising ch 8 and products liability ch 9 expanded coverage of the global marketplace with an international section in every chapter

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