

PREFACE

This third Supplement continues the new approach to updating *Employment Discrimination Law* begun with the first Supplement to the Fourth Edition. This approach focuses on published decisions by the federal courts of appeals and decisions by the U.S. Supreme Court. As a result, this supplement does not include district court decisions, unless they speak to an area in which there is little or no appellate law, as the volume of district court decisions does not permit coverage of them if a supplement is to be published in any kind of timely fashion. Unpublished appellate decisions likewise are not included unless they are in an area of law in which there is no prior precedent or are the subject of subsequent action by the Supreme Court. At the end of the analysis in each chapter, a collection of updates to Main Volume footnotes is provided.

The Supplement is cumulative; the material from the first and second Supplements is included except where an intervening development (e.g., an order vacating a decision) has made it inappropriate.

Our goal throughout has been to retain the comprehensive and fundamentally neutral tone of the Fourth Edition and its predecessors. Updates to all chapters were drafted by the executive editors based on chapter monitor case summaries unless otherwise noted in the Board of Editors and below. The chapters were then reviewed by the associate editors—representatives of the plaintiff, defense, and union stakeholders—and modified as appropriate following those reviews.

This Supplement is current through June 2009 for courts of appeals decisions and June 2010 for Supreme Court decisions. In some cases appellate court decisions within the coverage period were discussed in the Main Volume; those are not repeated in this Supplement. Chapter 1 provides an overview of the major updates in most chapters.

The following changes to the Fourth Edition made in the first two Supplements are continued in this third Supplement:

- A new chapter on genetic nondiscrimination (Chapter 13A).
- A discussion of the American with Disabilities Act Amendments Act of 2008, signed into law in September 2008, also is included as an appendix to Chapter 13 (Disability) updated in this third Supplement with a summary of EEOC's proposed interpretive regulations.
- Chapter 25 (EEOC Administrative Process) is completely revised and replaces the chapter in the Main Volume, to take account of the revisions to the EEOC Compliance Manual since the Main Volume was published.
- Chapter 38 (Federal Contractor Affirmative Action Compliance) likewise has been completely revised, chiefly to reflect new regulations promulgated by the Office of Federal Contract Compliance Programs since the Main Volume was published.

Beginning with the second Supplement we have instituted a number of changes to the Supplement preparation process:

- Instead of having executive editors and volunteers drafting chapter updates from scratch, the executive editors have drafted nearly all chapters utilizing case summaries provided by volunteer chapter monitors. Chapter monitors are listed in the Board of Editors under the chapter on which each provided information. We would like to express our appreciation for all their work.
- We have greatly expanded the number of associate editors (chapter reviewers) among the stakeholders (management, plaintiff, and union) in order to avoid overburdening any one individual. All of the associate editors are noted on the title page and listed in the Board of Editors under each of the chapters they reviewed. We would like to acknowledge their efforts with gratitude; they had considerable work to do, and provided many excellent comments and suggestions for improving the analysis of new cases, not to mention spirited debate over the meaning of some less-than-clear decisions that shall remain nameless here.
- We have instituted the position of Supplement coordinator in order to keep track of the many chapters in circulation among the many associate editor reviewers and to provide ongoing coordination of recruiting and writing by the case summary

contributors for the next Supplement. Erika Leonard ably filled that post and we thank her for keeping us focused and at least reasonably well organized.

As noted above, updates for all of the chapters in the second Supplement with one exception were written by one of the executive editors based on the case summaries provided by chapter monitors and reviewed by another executive editor before undergoing stakeholder review. We want to express special thanks to Jeremy Glenn for overseeing preparation of Chapter 12 (Age).

Paul Mollica and C. Geoffrey Weirich provided us with an extraordinary level of help in interpreting particularly difficult points of law and we thank them for their time, their mastery of the caselaw, and their exceptional insight.

We would also like to thank Anne Scott at BNA Books for all the work she has overseen in the copyediting and typesetting process for this Supplement.

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