WORKING IN LAS VEGAS: LABOR AND EMPLOYMENT LAW AT UNLV

The richness and attractions of Las Vegas, for those who visit as well as for those of us who make the city our home, depend on the hard work of thousands of employees in all sectors of our economy, from information technology and hospitality services to construction, manufacturing and education. In Nevada, employers and workers alike benefit from a legal infrastructure that is flexible enough to both predict and react to changes in our economy and in the needs of our workforce and business.

At a time when unions’ influence has waned nation-wide, the union movement is strong and vibrant in Las Vegas. The importance of the unions, coupled with the innovations of our business community and, of course, the 24/7 nature of life in Las Vegas, make the city an exceptionally interesting place to study workplace law. Since its inception, UNLV Boyd School of Law has been a center for the study of workplace law. Since its founding, UNLV Boyd School of Law has been a leader in workplace law, with several nationally- and internationally-known faculty members in the field. Professors Ann McGinley, Elaine Shoben, Ruben Garcia and Robert Correales form the core of our labor law faculty.

Employment & Labor Law Faculty

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Ann C. McGinley, William S. Boyd Professor of Law, is an internationally known employment and gender law scholar who has published nearly 50 law review articles and book chapters, as well as three books. She serves as a visiting foreign professor at Adolfo Ibañez University in Santiago, Chile, where she gives an annual lecture in Spanish called Sexual Harassment Law in the United States. Her latest book, Masculinity at Work: Employment Discrimination through a Different Lens, published by New York University Press, will be available in March 2016. The book argues that lawyers and judges should use multidimensional masculinities theory to arrive at new interpretations of Title VII law. It was recently reviewed in Jotwell: Journal of Things We Like Lots, http://worklaw.jotwell.com.

Professor McGinley is currently working on the sixth edition of her co-authored casebook, Disability Law: Cases, Materials, Problems, coming out in early 2017.

Elaine W. Shoben, the Judge Jack and Lulu Lehman Professor of Law, focuses on discrimination in employment on the basis of race, gender, national origin, religion and age. She also works in the area of noncompetition agreements, confidentiality agreements and other restrictions on an individual’s post-employment activities. She recently published the fifth edition of her co-authored Hornbook on Employment Law (West Academic Publishing, 2015), which covers a broad range of employment law topics for students. Last year she published the fifth edition of her co-authored treatise Employment Law, a two-volume treatise on all aspects of employment law for practitioners (Thomson Reuters, 2014).

Ruben Garcia, Professor of Law, is a former labor lawyer whose expertise fits well in Las Vegas. Professor Garcia’s scholarly work draws on the labor movement, here and nationally, to comment on labor law and policy. His work examines the lessons that workers in Nevada, a right-to-work state, can impart to the rest of the country. Moreover, his recent work has focused on the public sector labor law issues that have been so important nationally and in Nevada during the last legislative session. Besides publishing in several leading law reviews, Professor Garcia’s 2012 book, Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection (New York University Press), has received positive reviews in publications ranging from the Law and Society Review to the journal Work, Employment and Society.

Robert Correales, Professor of Law, has written about undocumented immigrants’
inadequate protection by workers’ compensation laws. Professor Correales is putting his employment knowledge to practice serving as the University Ombuds. In this capacity, Professor Correales engages in dispute resolution among students, faculty and staff, often in the field of employment law.

**Workplace Law Courses Taught at UNLV Boyd School of Law**

**Employment Discrimination**, taught by Professor McGinley, studies federal and state employment discrimination laws, with an emphasis on how to prosecute and defend against discrimination claims. The course includes visits from Las Vegas lawyers who teach students how to take and defend depositions in an employment discrimination case. Students also interview local employees and, based on those interviews, create anti-harassment policies and training programs for management and staff.

One-third of **Disability Law** deals with employment anti-discrimination laws under the Americans with Disabilities Act (ADA) and the Rehabilitation Act. Professor McGinley, a co-author of *Disability Law: Cases, Materials, Problems*, fifth edition (LexisNexis) (2010), teaches the course.

**Employment Law**, taught by Professor Garcia, covers statutory and common law claims for wrongful termination, retaliation and employee privacy. Federal and state laws regulating minimum wage and overtime pay are a major focus of the course, as that is currently a busy area of litigation in Nevada and nationally. Employer rights and responsibilities during the hiring and layoff process are also covered. Students can also undertake an in-depth research project that can result in a publishable paper.

**Labor Law**, taught by Professor Garcia, is the law of collective bargaining, employees organizing for better wages and working conditions, and employer responses to unions. While the course primarily deals with federal labor law governing private sector employees, students also gain exposure to some of the public sector labor and constitutional issues that have been part of the national dialogue recently. Students also engage in simulations of bargaining and grievance sessions.

**International Labor & Employment Law** is offered by Professor Garcia and covers the principles of collective bargaining and worker protections on the international stage. The course also encourages students to counsel multinational employers on legal requirements and best practices in global workplaces.

**Recent Student Accomplishments**


Mary Tran, a current 3L, recently won the Shannon Bybee Award given by the International Association of Gaming Advisors for her paper *Joint Employers: The Nevada Casino Operator’s Role in Regulating Labor Conditions of Venue Employees*.

**Workplace Law in the Future at UNLV Boyd School of Law**

We anticipate expanding our course offerings in workplace law within the next few years to include, among other things, courses on worker’s compensation and ERISA. We also look forward to continuing to interact with other scholars, practitioners and community members, in conferences and other outreach programs. And, at the law school itself, we expect our faculty’s teaching and scholarship to continue having a positive impact on this ever-changing, locally and nationally important area of law. **NL**