



David J. Goldstein

Shareholder

Co-Chair, Government Contractors Industry
Group and OFCCP Practice Group

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Focus Areas

Government Contractors
Litigation and Trials
Affirmative Action/OFCCP Compliance
Higher Education
Construction
Littler Affirmative Action 360

Overview

David J. Goldstein is co-chair of the firm's OFCCP Practice Group and Government Contractors Industry Group. David's practice is devoted to assisting employers with the implementation and maintenance of effective affirmative action programs and representing government contractors before the Office of Federal Contract Compliance Programs (OFCCP), as well as similar state and local agencies. In March 2014, David testified before the U.S. House Subcommittee on Workforce Protections providing insight on how healthcare employers are making strategic decisions based on possible OFCCP actions.

Because affirmative action programs implicate all employment related practices and policies as well as a wide array of laws and regulations, David's clients benefit from his more than 30 years of experience as a trial lawyer and counselor. He has worked with in-house counsel, business leadership, and HR professionals to proactively identify and implement creative solutions for complying with employment related legal and regulatory requirements, avoiding liability, and resolving internal and external disputes. His experience includes representing employers in trials before federal and state courts and administrative agencies, including class action litigation. David also frequently works with mediation and other dispute-resolution techniques in order to efficiently resolve disputes.

David's clients include health care providers, manufacturers, construction companies, colleges and universities, and professional sports organizations.

Professional and Community Affiliations

- Member, Board of Directors, Minnesota Twins Community Fund
- Member, Board of Directors, Twin Cities Rise!
- Member, Minnesota Affirmative Action Compliance Council
- Co-Chair, Minnesota Affirmative Action Compliance Council
- Member, National Association of College and University Attorneys
- Member, American Bar Association
- Member, Minnesota State Bar Association

Recognition

- Awarded, AV[®] Peer Review Rating, *Martindale-Hubbell*
- Named, Recommended Lawyer, Workplace and Employment Counseling, *Legal 500 United States*, 2016

Education

J.D., Harvard Law School, 1986

B.A., Haverford College, 1983, *With Honors in Economics, Phi Beta Kappa*

Bar Admissions

Minnesota

South Dakota

Courts

U.S. Supreme Court
U.S. Court of Appeals, 7th Circuit
U.S. Court of Appeals, 8th Circuit
Minnesota Supreme Court
South Dakota Supreme Court
Supreme Court of Ho-Chunk Nation
U.S. District Court, Central District of Illinois
U.S. District Court, District of Minnesota
U.S. District Court, District of South Dakota
U.S. District Court, Western District of Tennessee
U.S. District Court, Eastern District of Wisconsin
U.S. District Court, Western District of Wisconsin
U.S. District Court, District of Colorado
Trial Court of Ho-Chunk Nation
Court of Central Jurisdiction, Non-Removable Mille Lacs Band of Chippewa Indians
Leech Lake Band of Ojibwe Tribal Court

Publications & Press

Prospect of Affirmative Action Checks Worries U.S. Contractors

Bloomberg Law

April 8, 2021

Littler Launches Affirmative Action 360 Tool

Littler Press Release

February 23, 2021

Biden Aims to Tamp Down on Asian Bias Spike Fueled by Pandemic

Bloomberg Law

January 27, 2021

Biden Revokes Trump Executive Order on Diversity and Inclusion, Adopts Policies “Advancing Racial Equity” and Extending LGBT Protections

Littler ASAP

January 25, 2021

Federal Court Issues Nationwide Injunction of Executive Order on Diversity and Inclusion Training

Littler ASAP

December 23, 2020

California Provides Additional Guidance on Employee Pay Data Reporting

Littler ASAP

November 25, 2020

Trump's Diversity Executive Order Is Disruptive, But Not for Long

Bloomberg Law

November 20, 2020

OFCCP Issues Final Rule Outlining Procedures for Resolving Employment Discrimination

Littler Insight

November 11, 2020

Littler WPI's Election Report: How Voters Have Shaped Workplace Policy

Littler WPI Report

November 6, 2020

California Offers Limited Guidance on New Pay Data Reporting Requirements; Further Guidance Expected

Littler ASAP

November 3, 2020

Demystifying President Trump's Executive Order on Diversity Training

Littler Podcast

October 26, 2020

OFCCP Issues Voluntary Request for Information Regarding Diversity and Inclusion Programs

Littler ASAP

October 22, 2020

OFCCP Releases FAQs on Diversity and Inclusion Executive Order

Littler ASAP

October 7, 2020

New Executive Order Seeks to Regulate Diversity Training by Federal Contractors and Grant Recipients

Littler Insight

September 23, 2020

OFCCP Issues Final Rule on TRICARE Participation and Covered Health Care Providers

Littler Insight

July 6, 2020

EEOC Will Not Collect EEO-1 Data This Year

Littler ASAP

May 7, 2020

OFCCP's Coronavirus Exemption Has Supporters and Critics

SHRM Online

April 15, 2020

EEOC Closes EEO-1 "Component 2" Pay Data Collection; Upcoming Filing Requirements Not Yet Clear

Littler ASAP

February 11, 2020

Leadership Changes in OFCCP's Future?

Littler ASAP

February 3, 2020

EEOC Announces It Will Not Collect Compensation Data Next Year

Littler ASAP

September 11, 2019

WPI Labor Day Report 2019

Littler WPI Report

September 3, 2019

EEOC Provides Guidance on EEO-1 Filing for Non-Binary Employees

Littler ASAP

August 15, 2019

OFCCP Will Cooperate with Federal Contractors Ahead of Pay Audits

SHRM Online

July 29, 2019

Labor and Employment Issues Facing the Healthcare Industry

Littler Report

July 11, 2019

EEOC Provides Additional Guidance on EEO-1 Component 2 Information

Littler ASAP

July 2, 2019

OFCCP Issues Opinion Letter on Whether Pell Grants Trigger Federal Contractor Status for Colleges

Littler ASAP

June 5, 2019

Court Orders EEOC to Collect Compensation Data by September 30, 2019

Littler ASAP

April 25, 2019

EEOC Files Plan to Require EEO-1 Compensation Data Reporting by September 30, 2019

Littler ASAP

April 4, 2019

Hiring Benchmark for Veteran Affirmative Action Plans Lowered to 5.9%

Littler ASAP

March 27, 2019

OFCCP Continues Efforts to Maximize Efficiency and Increase Transparency with Three New Directives

Littler ASAP

December 3, 2018

How Companies Are Grappling With Pay-Data Disclosures, Audits

Corporate Counsel

October 1, 2018

A More Modern Approach to OFCCP's Functional Affirmative Action Programs?

Littler ASAP

September 17, 2018

Federal Contractors Face Closer Scrutiny

IndustryWeek

September 17, 2018

Littler's WPI Labor Day Report 2018

Littler WPI Report

August 30, 2018

OFCCP Reins in Compensation Analysis by Rescinding Directive 307 and Issuing New Guidance

Littler ASAP

August 28, 2018

Something Old, Something New: Contractor Recognition and AAP Verification on the Horizon at OFCCP

Littler ASAP

August 28, 2018

DOL's New Pay Guidance Is 'Optics Shift,' But Maybe Not Much More

The National Law Journal

August 28, 2018

2018 VETS-4212 Filing Season is Here; Deadline is September 30

Littler ASAP

August 22, 2018

OFCCP Orders Staff to Respect Contractors' Religious Freedoms

Littler ASAP

August 14, 2018

OFCCP Focused Reviews Coming in FY 2019

Littler ASAP

August 14, 2018

OFCCP Acting Director Promises Clear Guidance and Consistency While Laying out a Program of Carrots and Sticks

Littler ASAP

August 6, 2018

OFCCP Extends Moratorium on TRICARE Enforcement for Two More Years

Littler ASAP

May 21, 2018

Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference

Bloomberg Law

May 4, 2018

OFCCP Clarifies Methodology for Contractor Audit Selection

Littler Insight

April 19, 2018

New OFCCP Directive on Predetermination Notices Makes it Easier for Contractors to Understand and Address OFCCP Audit Concerns

Littler ASAP

March 14, 2018

EEO-1 Forms: Everything You Need to Know About the Latest Version

BenefitsPRO

January 8, 2018

New EEO-1 Report Suspended Indefinitely

Littler ASAP

August 29, 2017

Alert for Minnesota State Government Contractors Filing Pay Equity Certifications

Littler ASAP

August 9, 2017

Revised EEO-1 Pay Reporting Presents HR with Dilemma: Comply Now or Wait?

SHRM Online

August 7, 2017

Revised EEO-1 Report – Where Does it Stand?

Littler Insight

July 31, 2017

President Signs Resolution to Undo "Blacklisting" Rule

Littler ASAP

March 27, 2017

Federal Contractors Must Update Disability Self-Identification Forms on February 1, 2017

Littler ASAP

January 31, 2017

A Win for Federal Contractors, Court Temporarily Enjoins Enforcement of Key "Blacklisting" Rule Provisions

Littler ASAP

October 25, 2016

The Fair Pay and Safe Workplaces Executive Order: The Final Rules, Implementation and Compliance

Westlaw Journal Government Contract

October 24, 2016

11th-Hour Attempt to Block the 'Blacklisting Rule' Filed

SHRM Online

October 17, 2016

Take Steps to Comply with Pay Discussion Rule

SHRM Online

October 14, 2016

Q&A: Littler's David Goldstein on New EEOC Reporting Requirements

Reuters Legal

October 3, 2016

Skeptics Say EEOC Pay Data Rule Too Broad To Achieve Goal

Law360

September 29, 2016

EEOC Finalizes Employer Pay Data Requirement

Bloomberg BNA Daily Labor Report

September 29, 2016

Taking a Closer Look at the New Federal Contractor "Blacklisting" Obligations

Littler Insight

September 1, 2016

Labor Dept. 'Blacklisting Rule' Finalized

HR Dive

August 25, 2016

Staffing Firms, Federal Contractors Must Beware Pitfalls

Bloomberg BNA Daily Labor Report

August 24, 2016

Agencies Release Final Rule on "Fair Pay and Safe Workplaces" Executive Order

Littler ASAP

August 24, 2016

EEO-1 Reports: Time for Employers to Get in Formation

Littler Insight

August 23, 2016

Striking a Blow for Diversity?

Human Resource Executive Online

July 21, 2016

What Contractors Need to Know About New Sex Discrimination Rules

Government Executive

July 15, 2016

Gender and Pay: New Study Illuminates Old Concerns

American Law Institute Continuing Legal Education Blog

July 15, 2016

HR's Role in Pay Analyses

HR Magazine

July 1, 2016

Supreme Court Upholds Consideration of Race in a College Admissions Program – What Does This Mean for Employer Diversity Efforts?

Littler Insight

June 24, 2016

Affirmative Action Isn't Dead

SHRM Online

June 24, 2016

Supreme Court Upholds Constitutionality Of Affirmative Action

Forbes

June 23, 2016

Attys React To High Court's Affirmative Action Ruling

Law360

June 23, 2016

Affirmative Action Upheld by Divided Supreme Court

Bloomberg BNA The U.S. Law Week

June 23, 2016

OFCCP Issues Final Regulations on Sex Discrimination for Government Contractors

Littler Insight

June 21, 2016

Littler Ranks in The Legal 500 United States Guide

Littler Press Release

June 20, 2016

New DOL Rule Gives Agency Broader License to Sue for Pay Discrimination

SHRM

June 17, 2016

3 Tips For Dealing With New OFCCP Sex Bias Regs

Law360

June 14, 2016

Labor & Employment Issues Facing the Healthcare Industry

Littler Report

April 12, 2016

Employment Legislation and Regulation To Watch In 2016

Law360

December 24, 2015

Details Still Uncertain on Contractor Paid Sick Leave

Bloomberg BNA Pension & Benefits Daily

November 4, 2015

Retargeting is a Great Technique for Hiring the Right People

Inc.

June 8, 2015

Littler Names Three Co-chairs to Government Contractors Industry Group

Littler Press Release

October 13, 2014

New equal-pay obligations for Minnesota government contractors

Westlaw Journal Government Contract

June 23, 2014

New pay-equity requirements for Minnesota state contractors

Minnesota Lawyer

June 19, 2014

Minnesota Imposes New Obligations on State Government Contractors

Littler Insight

May 19, 2014

Minnesota Women's Economic Security Act Becomes Law

Littler Insight

May 16, 2014

Does OFCCP Have Jurisdiction Over TRICARE Participants? Stay Tuned. The Answer Lies Years In The Future

Littler Insight

May 13, 2014

Supreme Court Upholds Michigan Voters' Ban on Race Conscious Admissions

Littler ASAP

April 23, 2014

Agency Proposes Changes to VEVRAA Federal Contractor Reporting

Littler ASAP

February 25, 2014

Obama Signs Executive Order Creating Higher Minimum Wage for Employees of Government Contractors

Littler ASAP

February 12, 2014

A Practical Guide to Compliance with OFCCP's New Regulations on Affirmative Action for Veterans and Those with Disabilities

Contract Management

February 1, 2014

OMB Approves OFCCP Self-Identification Form for Federal Contractors

Littler ASAP

January 24, 2014

The OFCCP's final regulations on affirmative action for veterans and the disabled

Thomson Reuters Westlaw Journal Employment

November 11, 2013

Define the Job, Before Defining the Person – A Commonsense Idea for Hiring

LinkedIn

October 14, 2013

OFCCP Scores Surprising Victory in its Continuing Battle for Jurisdiction Over Healthcare Providers Based on TRICARE Participation

Littler ASAP

July 29, 2013

OFCCP Scores Surprising Victory in its Continuing Battle for Jurisdiction Over Healthcare Providers Based on TRICARE Participation

Littler Insight

July 29, 2013

SCOTUS Upholds Affirmative Action

Forbes

June 24, 2013

When Differences Matter: Employers' Rights and Risks

Society for Human Resource Management (SHRM)

April 17, 2013

Casting a Wider Net

Human Resource Executive

March 26, 2013

After Another Loss, OFCCP Vows to Continue Its Pursuit of Jurisdiction Over TRICARE Providers

Bloomberg BNA Health Law Reporter

December 20, 2012

Who's the Boss? High Court to Define 'Supervisor'

The Wall Street Journal

November 26, 2012

Another Blow To OFCCP's Grab For Health Care Providers

Law360.com

November 2, 2012

Florida Hospital Is Not a Covered Subcontractor under TRICARE

Littler ASAP

October 25, 2012

ARB Rejects OFCCP's Claim of Jurisdiction based on Florida Hospital's TRICARE Participation

Littler Insight

October 24, 2012

ARB Dismisses OFCCP Complaint Against Florida Hospital Participating in TRICARE

BNA Daily Labor Report

October 23, 2012

Federal Court Holds State Hospitals Immune from Whistleblower Retaliation Claims Under False Claims Act

Littler ASAP

September 24, 2012

Affirmative action: High court may rewrite med school admission policies

American Medical News

September 24, 2012

Employers weigh in on U.S. Supreme Court's affirmative action case

Lawyers USA

August 30, 2012

OFCCP Confirms Intention to Continue Pursuing TRICARE Providers

Littler ASAP

April 26, 2012

You Screen, I Screen, EEOC Screams when we Screen: Avoiding EEOC Scrutiny of Pre-Employment Screening Practices

Spring 2012 Newsletter

Spring 2012

OFCCP Webinar on Pending Compliance Audits of TRICARE Participants Cancelled

Littler ASAP

March 27, 2012

Despite Congressional Action OFCCP Signals Intent to Continue Litigating TRICARE

Littler ASAP

March 14, 2012

Hospital's Post-Offer Medical Questions May Violate ADA, Title VII, and Employee Privacy Rights

Littler ASAP

December 12, 2011

Another District Court Dismisses FLSA, ERISA and RICO Claims in Hospital Class Action

Littler ASAP

September 21, 2011

OFCCP Looks to Overhaul Audit Procedures Through Revisions to Scheduling Letter and Itemized Listing

Littler Insight

May 12, 2011

Minnesota Supreme Court Ruling is a Reminder to Think Twice Before Taking Deductions from Wages

Littler Insight

September 15, 2010

DOL Issues Final Rule on Notification by Federal Contractors of Employee Labor Law Rights

Littler Insight

June 3, 2010

Companies Seeking Stimulus Funds Should Expect a More Aggressive OFCCP

Littler Insight

July 21, 2009

Littler Strengthens Employment Law Practice with Addition of David J. Goldstein and Holly M. Robbins to the Firm's Minneapolis Office

Littler Press Release

March 20, 2009

Affirmative Action, Its Future in the Balance

Hennepin Lawyer

1997

Speaking Engagements

Moving Diversity, Equity, and Inclusion Programs Forward

2021 TCSHRM Legal Summit

February 4, 2021

EEO-1 Reporting: Get Ready for Double Filing

November 13, 2020

Federal Contractor Affirmative Action and EEO-1 Component 2 Compensation Data: Are You Up to Date?

Kansas City, MO

August 27, 2019

Government Contractor Update | An Energized OFCCP Changes Compliance Requirements and Enforcement Standards

Tysons Corner, VA

August 20, 2019

EEO-1 Component 2 Reporting: What You Need to Know and How to Get It Done

July 19, 2019

Help Wanted: How Artificial Intelligence and Technology Are Changing Talent Acquisition Compliance

2019 Executive Employer Conference, Phoenix, AZ

May 9, 2019

Federal Contractor Affirmative Action: Are You Up to Date?

Anchorage, AK

May 2, 2019

Preparing for an Increase in OFCCP Audit Activity: CSALs, Focused Reviews, VERPs, and More

March 20, 2019

Toward Equal Pay: A Guide for Federal Contractors Dealing with Federal, State, and Local Requirements

September 24, 2018

OFCCP Update: New Developments Impacting Federal Contractors

Cleveland, OH

June 28, 2018

OFCCP Update: New Developments Impacting Federal Contractors

Pittsburgh, PA

June 27, 2018

Help (Really) Wanted: How to Use New Technology and Big Data Lawfully to Find and Hire the Right Employees

Littler Executive Employer, Phoenix, AZ

May 3, 2018

Connecting the Dots in Federal Contract Compliance: Moving from Burden to Benefit

Littler Executive Employer, Phoenix, AZ

May 3, 2018

OFCCP Update: Compliance in a Time of Change

May 11, 2017

Healthcare Industry Roundtable

May 10, 2017

OFCCP Update: New Developments Impacting Federal Contractors

Minneapolis, MN

December 7, 2016

Equal Pay: What Do the Changes to the EEO-1 Report and State Pay Equity Legislation Mean for Employers?

November 17, 2016

Equal Pay: What do the Changes to the EEO-1 Report and State Pay Equity Legislation Mean for Employers?

October 27, 2016

OFCCP Update: New Developments Impacting Federal Contractors

Boston, MA

September 20, 2016

The Fair Pay and Safe Workplaces Final Rule

September 8, 2016

A Guide to Compliance for Government Contractors Working with Temp Agencies and Staffing Firms

2016 ILG National Conference, Charlotte, NC

August 3, 2016

Government Contractors Industry Roundtable

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 6, 2016

Government Contracting: The Frontlines of Future Employment Policy

May 4, 2016

Equal Pay and Retaliation – What's on the EEOC's Agenda and How Can Employers Get Involved?

February 17, 2016

OFCCP Update: New Developments Impacting Federal Contractors in 2016

January 20, 2016

Developing and Implementing an Affirmative Action Program for Women and Minorities

American Association for Access, Equity and Diversity's Professional Development and Training Institute, Philadelphia, PA

November 11-12, 2015

Executive Order 13706: New Mandatory Paid Sick Leave Requirements for Federal Contractors

November 4, 2015

Overview of Federal Labor Laws for Government Contractors (SCA, DBA, FLSA, OFCCP and related Executive Orders)

Public Contracting Institute: HR and Labor Compliance for Federal Contractors

September 15, 2015

Littler Global Puerto Rico Conference

San Juan, PR
August 20, 2015

Workplace 3.0: Top Employment Law Trends Changing the Workplace

Healthcare Law and Compliance Institute - International Performance Management Institute (IPMI), Ft. Lauderdale, FL
March 2, 2015

New Year, New Focus: Our Suggested Top HR Resolutions for 2015 (including a few targeting government contractors)

Tysons Corner, VA
December 16, 2014

Construction Contractor Best Practices

32nd Annual National Conference – ILG, Washington, DC
August 5, 2014

Tribal Employment Rights & Law: Critical Legal Issues in Employment Law in Indian Country

Minneapolis, MN
April 28, 2014

OFCCP's Final Regulations for Veterans and Individuals with Disabilities

March 18, 2014

OFCCP Final Veterans and Disabilities Regulations

October 17, 2013

OFCCP Final Veterans and Disabilities Regulations

October 8, 2013

The Fisher v. University of Texas Case: What it Means for Educators and Employers

2013 National Conference - Industry Liaison Group
August 1, 2013

Implementing an Affirmative Action Program for Women and Minorities

American Association for Affirmative Action Professional Development and Training Institute, Chicago, IL
July 18-19, 2013

Recruiting For a Diverse Student Body and Faculty in a Post-Fisher World

Annual Meeting - National Association of College and University Business Officers, IN
July 14, 2013

An OFCCP Update – The Latest Guidance and Regulations

Upper Midwest Employment Law Institute
July 10, 2013

Employment Law Update for College and University HR Professionals

Spring Conference - CUPA-HR, Minnesota Chapter, White Bear Lake, MN
June 6, 2013

Complying with OFCCP Requirements when working with Staffing Agencies

National Industry Liaison Group, Midwestern Region
March 21, 2013

The 10 Ways Employers Are – Inadvertently – Violating IRC 409A

Littler Mendelson, Minneapolis, MN
November 13, 2012

Agencies Gone Wild: An EEOC, OFCCP, and OSHA Update

Littler Mendelson, Minneapolis, MN
October 11, 2012

OFCCP's Scheduling Letter Revisions: Anticipating the New Desk Audit Submission

2012 Industry Liaison Group National Conference
August 30, 2012

The Supreme Court Takes Fisher v. University of Texas: What Does This Portend for Affirmative Action in Higher Education

2012 National Conference and Annual Meeting - American Association for Affirmative Action
June 15, 2012

Update on OFCCP's Aggressive Regulatory and Enforcement Agenda

Upper Midwest Employment Law Institute
May 21, 2012

OFCCP Update

Littler Mendelson, Scottsdale, AZ
May 11, 2012

OFCCP Update: Dealing with an Aggressive Regulatory and Enforcement Agenda

Littler Mendelson, Scottsdale, AZ
May 11, 2012

Employee Discipline and Discharge

Webcredenza Professional Education
April 10, 2012

Government Contractor Update: OFCCP Continues to Pursue Major Changes in Regulations and Enforcement

Upper Midwest Employment Law Institute
2011

The Employment Compliance Costs of Doing Business with the Federal Government

Milwaukee, WI
November 5, 2010

The Employment Compliance Costs of Doing Business with the Federal Government

Minneapolis, MN
October 14, 2010

The Employment Compliance Costs of Doing Business with the Federal Government

Des Moines, IA
October 13, 2010

Executive Order 13496: Employee Rights Poster in Government Contractor Workplaces

June 22, 2010

Executive Order 13496: Employee Rights Poster in Government Contractor Workplaces

June 10, 2010

Ten Best Practices to Ensure OFCCP Compliance Under the New Administration

Pittsburgh, PA
May 19, 2010

A Littler OFCCP Webinar Series

March 2, 2010

Legal Update On The OFCCP Regs: Recruiters - Will Your Company Be a Target in 2011

Minnesota Technical Recruiters Network
2010

EEO Tune-Up for Federal Contractors: Preparing for Increased Enforcement

Upper Midwest Employment Law Institute
2010

Prevailing Wage Law in Minnesota

Lorman Education Services
2010

WARNIng WILL ROBINSON! Hidden Hazards for the Unwary Under WARN

Upper Midwest Employment Law Institute
2009

What's New for Federal Contractors under the Obama Administration?

Corporate Counsel Luncheon - Hennepin County Bar Association
2009

Affirmative Action 101

Upper Midwest Employment Law Institute
2008

Affirmative Action: Developments for Employment and Business Practitioners

Bar Association / WebCredenza Teleseminar Series
2005

A Practical Guide to the Developing Law: ADA and FMLA

Faegre & Benson
2004

Conceal and Carry

Minnesota CLE
2003

Statistical evidence: When, How and Why to Use It

Minnesota Continuing Legal Education
2001

HR Challenges in the Electronic Age

Faegre & Benson
2001

Alternative Dispute Resolution of ADA Claims

Minnesota Institute of Legal Education
1998

Developing and Trying Complex Employment Cases: A Defense Perspective

Labor and Employment Law Institute

1997

Testimony before the Minnesota Advisory Committee

U.S. Commission on Civil Rights

1987