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Book Review - Hiring and Firing

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also be very helpful for general counsel to use in advising corporate clients of the importance of internal controls. The language is very clear, concise and omits legalese in the body of the text.

—Lauri Flynn,
Library Manager, Gunderson Dettmer LLP,
Silicon Valley, CA

EMPLOYMENT LAW

Hiring and Firing. Frances Kulka Browne & Lauren Reiter Brody. 2009. American Lawyer Media/Law Journal Press. Looseleaf. approximately 600p. ISBN: 978-1-58852-159-0. \$259.

This book, in looseleaf format, is part of the Employment Law Series from Law Journal Press. Frances Kulka Browne is a member of the Bars of New York and New Jersey. Co-author Lauren Reiter Brody is a member of the Bar of New York.

The book's title may sound uncomplicated, but the subject matter is anything but cut and dried. The chapter titles describe the many stages in the hiring, employment and termination process: Job Postings and Advertisements, Employment Applications, Interviewing, Background Checks and Other Pre-Employment Inquiries, Pre-Employment Examinations, Job Offers and Rejections, Employment Agreements, Termination for Cause, Reductions in Force and Mass Layoffs, Separation Agreements and Releases, Exit Procedures and Post-Termination Issues, and Employee Benefits. The authors introduce the major topics and then present commentary and analysis, including vignettes that illustrate the issues and sub-issues associated with the topic.

The vignettes are drawn from actual lawsuits, and the issues presented are interesting and, in more than a few cases, surprising.

How could a job advertisement generate a lawsuit from a person who didn't even apply? Could an unsolicited job application lead to a lawsuit against an employer? How could inquiry into an applicant's ability to satisfy staffing and scheduling needs give rise to a religious discrimination claim? Could withdrawal of an offer of at-will employment create a cause of action by the applicant? What is the difference between substance addiction and substance abuse in context of the ADA? When is fluency in English a permissible consideration for employment or promotion? Do terminated employees retain the right to access their personnel files? These and many other interesting and unusual issues are drawn from actions that played out in court, as verified in the meticulous footnotes, which also reference relevant statutory and regulatory law. The authors explore this complicated subject matter with a great deal of detail and thoroughness, but their writing style is direct,

uncluttered and easy to follow.

This book is not a recruitment and termination tool that will teach readers how to hire and retain the best and most productive candidates while gracefully jettisoning problem employees. It is a stay-out-of-trouble manual and is a richly-textured collection of preventive measures for a true Pandora's Box of "gotchas" that could arise in the context of employment law. Lay readers and others who are unfamiliar with the practice area might be intimidated by the descriptions of the unexpected ways in which the employment process can go wrong. However, legal

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practitioners and human resources officers will welcome this roadmap through the startlingly diverse claims and counterclaims for actions that might never occur to those without the breadth and depth of the authors' experiences.

The authors present the content from a variety of angles, including state and federal issues, veterans' issues, small business issues, planning to avoid litigation, and damage control for circumstances already in play. Various chapters include discussion of strategy, timing issues, employers' liability issues, employers' defenses, and practical tips. The book features a useful index and an extremely well-done table of contents.

This book is appropriate for academic collections, especially those supporting coursework in employment law and related issues. However, it is a tremendously valuable resource for employment law practices and human resources departments in entities of all types.

— Rebekah K. Maxwell,
Associate Director for Library Operations,
Coleman Karesh Law Library,
University of South Carolina, Columbia

INFORMATION TECHNOLOGY

Going Beyond Google: The Invisible Web in Learning and Teaching. Jane Devine & Francine Egger-Sider. 2009. Neal-Schuman Publishers, Inc. Softcover. 200p. ISBN: 978-1-55570-633-3. \$65.

This short book is aimed at teachers, faculty and librarians, encouraging them to teach students about the invisible web, not just general search engines, as an important part of the research process. For many

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