

**MICHAEL J. YELNOSKY**

Roger Williams University School of Law  
10 Metacom Avenue, Bristol, RI 02809  
401 254-4607; myelnosky@law.rwu.edu

TEACHING and ADMINISTRATIVE EXPERIENCE

**Roger Williams University School of Law, 1993-Present**

Professor of Law – since 2002

Associate Dean for Academic Affairs (2004-2008)

**Seton Hall University School of Law**

Visiting Associate Professor, 1998-1999

**Chicago-Kent College of Law/IIT**

Visiting Assistant Professor, 1992-1993

**Villanova University School of Law**

Visiting Instructor, 1990-1992

FELLOWSHIPS

**New York University School of Law**

Research Fellow, Center for Labor and Employment Law, 2001-Present

Visiting Scholar, Center for Labor and Employment Law, 1997-1998

EDUCATION

**University of Pennsylvania Law School**

J.D., *cum laude*, 1987

Law Review Comment, *Business Inviters' Duty to Protect Invitees from Criminal Acts*, 134 U. PA. L. REV. 883 (1986)

Block Award Recipient -- Outstanding Work in Wills and Trusts; Distinguished Performance -- Wills and Trusts, Labor Arbitration, Employment Discrimination Independent Study

**University of Vermont**

B.S., *magna cum laude*, 1982

*Kappa Delta Pi* - National Honor Society in Education

## CLERKSHIP

**Honorable Edmund V. Ludwig**

**United States District Court for the Eastern District of Pennsylvania, 1987-1988**

## PUBLICATIONS

*Testers Revisited*, 62 NYU ANN. CONF. ON LAB. \_\_\_\_ (forthcoming)

*What Do Unions Do About Appearance Codes?*, 14 DUKE J. GENDER L. & POL'Y 521 (2007)  
(symposium on "Makeup, Identity Performance, and Discrimination")

3 NYU SELECTED ESSAYS ON LABOR AND EMPLOYMENT LAW: BEHAVIORAL ANALYSES OF WORKPLACE DISCRIMINATION (Mitu Gulati & Michael J. Yelnosky eds. 2007)

*Ten Years (or so) After Gilmer: Arbitration of Employment Law Claims under the Federal Arbitration Act and the Role of Rhode Island Law*, 9 ROGER WILLIAMS U.L. REV. 499 (2004) (10<sup>th</sup> Anniversary Edition)

*Mediation?*, 53 NYU ANN. CONF. ON LAB. 901 (2004)

*The Prevention Justification for Affirmative Action*, 64 OHIO ST. L.J. 1385 (2003)

2 NYU SELECTED ESSAYS ON LABOR AND EMPLOYMENT LAW (David Sherwyn & Michael J. Yelnosky eds., 2003)

NYU WORKING PAPERS ON LABOR AND EMPLOYMENT LAW: 1998-1999 (Michael J. Yelnosky ed., 2001)

*Title VII, Mediation, and Collective Action*, 1999 U. ILL. L. REV. 583

*What Does "Testing" Tell Us About the Incidence of Discrimination in Housing Markets?* 29 SETON HALL L. REV. 1488 (1999) (symposium on "Housing and Hope: An Agenda for Reform")

*The At-Will Rule and an Employer's Duty to Investigate and Remedy Workplace Harassment: A Reasonable Regulatory Approach?*, 51 NYU ANN. CONF. ON LAB. 467 (1999)

*Whither Weber?*, 4 ROGER WILLIAMS U.L. REV. 205 (1998) (symposium on *Board of Education v. Taxman*)

*If You Write It, (S)He Will Come: Judicial Opinions, Metaphors, Baseball, and "The Sex Stuff"*, 28 CONN. L. REV. 815 (1996)

*Rhode Island's Judicial Nominating Commission: Can "Reform" Become Reality?*, 1 ROGER WILLIAMS U.L. REV. 87 (1996)

*Using Mediation to Resolve Equal Employment Opportunity Commission Discrimination Charges*, 1995 WILEY EMPLOYMENT LAW UPDATE 21

*Salvaging the Opportunity: A Response to Professor Clark*, 28 U. MICH. J. L. REF. 151 (1994)

*Filling An Enforcement Void: Using Testers to Uncover Discrimination In Hiring for Lower-Skilled, Entry-Level Jobs*, 26 U. MICH. J.L. REF. 403 (1993)

## LECTURES AND PRESENTATIONS

“Testers Revisited,” 62nd Annual Conference on Labor, New York University School of Law (June 2009)

“Unconscious Discrimination: The Evidence,” Employment Law Program for Federal Judges, NYU School of Law (March 2009)

“Unconscious Discrimination: The Evidence,” Employment Law Program for Federal Judges, NYU School of Law (March 2008)

“What Do Unions Do About Appearance Codes?,” Symposium on Makeup, Identity Performance, and Discrimination, Duke Law School (October 2006)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2006)

“Arbitration of Statutory Employment Claims,” Annual Meeting, Rhode Island Bar Association (June 2005)

“Affirmative Action,” First Circuit Judicial Conference (June 2005)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2004)

“The Prevention Justification for Affirmative Action,” Harvard Law School Corporate Misconduct Colloquium (March 2004)

“Civil Rights Update: The University Of Michigan Affirmative Action Cases,” Annual Meeting, Rhode Island Bar Association (June 2003)

“Mediation v. Arbitration: How Should Parties Resolve Discrimination Claims?,” Labor and Employment Law Roundtable, Cornell University School of Hotel Administration, Center for Hospitality Research (May 2003)

“The Prevention Justification for Affirmative Action,” NYU School of Law Center for Labor and Employment Law Workshop (Feb. 2003)

“Arbitration of Discrimination Claims: Is It Possible to Arbitrate Discrimination Claims in the Union Environment?,” The 5<sup>th</sup> Annual Hospitality Law Institute (Oct. 2002) (program moderator)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2002)

“The Prevention Justification for Affirmative Action,” NYU School of Law Center for Labor and Employment Law Conference on Behavioral Analyses of Workplace Discrimination (April 2002) (presenter and conference organizer)

“Recent Developments Under the Americans with Disabilities Act,” Continuing Legal Education Program, Roger Williams University (February 2002)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2001)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2000)

“Mediation?,” 53<sup>rd</sup> Annual Conference on Labor, New York University School of Law (May 2000)

“The At-Will Rule and Sexual Harassment Investigations,” 11<sup>th</sup> Annual Conference, Labor Research Center, University of Rhode Island (April 2000)

“What Does “Testing” Tell Us About the Incidence of Discrimination in Housing Markets?,” First Monday, Feinstein Institute for Legal Service, Roger Williams University School of Law (October 1999)

“A Debate on Affirmative Action with Roger Pilon of the CATO Institute,” Federalist Society, Roger Williams University School of Law (September 1999)

“Justifications for Affirmative Action and Title VII Doctrine,” Cornell University School of Hotel Administration (September 1999)

“Survey of the Current Law of Individual Employee Rights: Square Pegs in Round Holes?,” 52nd Annual Conference on Labor, New York University School of Law (May 1999) (moderator)

“Title VII, Mediation, and Collective Action,” Legal Theory Workshop, Seton Hall University School of Law (March 1999)

“Developing Issues in the Use of Testers in Employment Discrimination Research and Litigation,” New York University School of Law, Center for Labor and Employment Law (February 1999) (program organizer and moderator)

“What Does “Testing” Tell Us About the Incidence of Discrimination in Housing Markets?,” Seton Hall University Law Review Symposium – “Housing and Hope: An Agenda for Reform” (November 1998)

“The At-Will Rule and an Employer’s Duty to Investigate and Remedy Workplace Harassment: A Reasonable Regulatory Approach?,” 51<sup>st</sup> Annual Conference on Labor, New York University School of Law (May 1998)

“Affirmative Action: The Diversity Justification,” 8th Annual Meeting, Labor Research Center, University of Rhode Island (April 1997)

“Recent Developments in EEO Law,” Annual Meeting, Rhode Island Bar Association (June 1997)

“Recent Developments in EEO Law,” Annual Meeting, Rhode Island Bar Association (June 1995)

## LAW PRACTICE

Morgan, Lewis & Bockius, Philadelphia, Pennsylvania  
Associate: 1989-1990

Mellon, Webster & Mellon, Doylestown, Pennsylvania  
Associate: 1988-1989

## COMMUNITY SERVICE

Common Cause of Rhode Island  
Governing Board: 1994-1996  
Chair, Judicial Selection Committee: 1994-1997

Industrial Relations Research Association/  
Labor and Employment Relations Association of Rhode Island  
President, 2008-2010

## ARBITRATION CASES

Rhode Island Brotherhood of Correctional Officers and State of Rhode Island  
Interest Arbitration, Contract Period July 1, 2003-June 30, 2006  
Panel Chair, Neutral Arbitrator  
Findings and Opinion Issued June 30, 2008