

Kati L. Griffith

Curriculum Vitae

ACADEMIC APPOINTMENTS:

CORNELL UNIVERSITY, ILR SCHOOL, Ithaca, New York

Associate Professor of Labor & Employment Law, July 2013-present

Chair, Department of Labor Relations, Law, and History, January 2018-present

Proskauer Assistant Professor of Employment & Labor Law, November 2010-July 2013

Assistant Professor of Employment & Labor Law, August 2007-November 2010

CORNELL UNIVERSITY, LAW SCHOOL, Ithaca, New York

Associate Member of the Faculty, July 2018-present

EDUCATION:

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, New York

J.D., *Cum Laude*, May 2004

2003-2004 Editor-in-Chief, *N.Y.U. Review of Law and Social Change*

2004 NYU Sol D. Kapelsohn Prize for highest excellence in writing in the field of labor law

COLLEGE OF THE HOLY CROSS, Worcester, MA

B.A., *Magna Cum Laude*, Sociology and Spanish, minor in Latin American Studies, May 1997

JUDICIAL CLERKSHIP:

UNITED STATES COURT OF APPEALS, SECOND CIRCUIT, THE HONORABLE ROSEMARY S. POOLER

Law Clerk, Fall 2004-Fall 2005

TEACHING AWARDS:

2018 Stephen H. Weiss Junior Fellow Award for Exemplary Teaching

2016 Faculty member who had the most positive influence on Merrill Presidential Scholar

2015 MacIntyre Award for Exemplary Teaching, Cornell ILR

2010 Faculty member who had the most positive influence on Merrill Presidential Scholar

2010 MacIntyre Award for Exemplary Teaching, Cornell ILR

FELLOWSHIPS/SCHOLARSHIPS:

2014-present Research Fellow, NYU Center for Labor & Employment Law, NYU Law School

2015-2018 Faculty Fellow, Deportation Relief Project, Cornell Institute for the Social Sciences

2010-2013 Faculty Fellow, Immigration Project, Cornell Institute for the Social Sciences

2005-2007 Skadden Fellow (with Workers' Rights Law Center of NY)

2001-2004 Root-Tilden Public Interest Law Scholar, NYU Law School

1999-2000 Rotary International Scholar, Mexico City, Mexico

1998-1999 Fulbright Scholar, San Salvador, El Salvador

1995-1996 National Security Education Program Scholar, Santiago, Chile

RESEARCH GRANTS:

Russell Sage Foundation, *Temporary Immigration Status, Race, & Workplace Precarity*, 2018 (\$30,242)
(Co-PIs: Shannon Gleeson & Kati Griffith)

Cornell Population Center, *Grant Development Award*, 2016-2017 (\$15,000)
(Co-recipients: Shannon Gleeson, Kati Griffith & Matthew Hall)

Cornell Institute for the Social Sciences, *Deportation Relief*, 2015-2018 (\$150,000)
(Co-recipients: Steven Alvarado, Shannon Gleeson, Kati Griffith, Matthew Hall, Jordan Matsudaira)

Russell Sage Foundation, *Franchising & Low Wage Work*, 2015-2018 (\$137,000)
(Co-PIs: Rosemary Batt & Wilma Liebman)

EDITED BOOKS & SPECIAL JOURNAL ISSUES:

Janice Fine, Linda Burnam, Kati Griffith, Minsun Ji, Victor Narro, Steven Pitts, & Teo Reyes, *NO ONE SIZE FITS ALL: WORKER ORGANIZATION, POLICY AND MOVEMENT FOR A NEW ECONOMIC AGE*, (LERA Research Volume Series, distributed by ILR Press) (forthcoming 2018).

Maria Cook, Shannon Gleeson, Kati Griffith & Lawrence Kahn, *Special Issue on the Impact of Immigrant Legalization Initiatives: International Perspectives on Immigration and the World of Work*, 71 *ILR REVIEW* 807 (2018).

Kati Griffith, *WHO IS AN EMPLOYEE AND WHO IS THE EMPLOYER?: PROCEEDINGS OF THE NEW YORK UNIVERSITY 68TH ANNUAL CONFERENCE ON LABOR* (Matthew Bender 2016).

Michael Harper, Samuel Estreicher & Kati Griffith, *LABOR LAW: CASES, MATERIALS, AND PROBLEMS*, 8th Edition (Walters Kluwer 2015).

Michael Harper, Samuel Estreicher & Kati Griffith, *LABOR LAW: SELECTED STATUTES, FORMS AND AGREEMENTS*, 8th Edition (Walters Kluwer 2015).

ARTICLES (* Indicates Peer Review):

The Fair Labor Standards Act at 80: Everything Old is New Again, 104 *CORNELL LAW REVIEW* (forthcoming 2019).

An Empirical Study of Fast Food Franchising Contracts: Towards a New "Intermediary" Theory of Joint Employment, 94 *WASHINGTON LAW REVIEW* (forthcoming 2019).

* (with Cook, Gleeson & Kahn), *Introduction to a Special Issue on the Impact of Immigrant Legalization Initiatives: International Perspectives on Immigration and the World of Work*, 71 *ILR REVIEW* 807 (2018).

*(with Shannon Gleeson), *The Precarity of Temporality: How Law Inhibits Immigrant Worker Claims*, 39 *COMPARATIVE LABOR LAW & POLICY JOURNAL* 111 (2017).

ARTICLES CONTINUED (* Indicates Peer Review):

The Power of a Presumption: California as a Laboratory for Unauthorized Immigrant Workers' Rights, 50 UC DAVIS LAW REVIEW 1279 (2017).

Adapted version published as a column in SAN FRANCISCO DAILY JOURNAL (March 30, 2017).

Worker Centers and Labor Law Protections: Why Aren't They Having Their Cake?, 36 BERKELEY JOURNAL OF EMPLOYMENT & LABOR LAW 331 (2015).

Reprinted in WHO IS AN EMPLOYEE AND WHO IS THE EMPLOYER? (Matthew Bender 2016).

When Federal Immigration Exclusion Meets Subfederal Workplace Inclusion: A 'Forensic' Approach to Legislative History, 17 NYU JOURNAL OF LEGISLATION AND PUBLIC POLICY 881 (2014).

Undocumented Workers: Crossing the Borders of Immigration and Workplace Law, 21 CORNELL JOURNAL OF LAW & PUBLIC POLICY 611 (2012).

Reprinted in 33 IMMIGRATION & NATIONALITY ACT REVIEW 307 (2012).

(with Tamara L. Lee), *Immigration Advocacy as Labor Advocacy*, 33 BERKELEY JOURNAL OF EMPLOYMENT & LABOR LAW 73 (2012).

Discovering 'Immployment' Law: The Constitutionality of Subfederal Immigration Regulation at Work, 29 YALE LAW & POLICY REVIEW 389 (2011).

Reprinted in 32 IMMIGRATION & NATIONALITY ACT REVIEW 301 (2011).

ICE Was Not Meant To Be Cold: The Case For Civil Rights Monitoring of Immigration Enforcement at the Workplace, 53 ARIZONA LAW REVIEW 1137 (2011).

The NLRA's Defamation Defense: Doomed Dinosaur or Diamond in the Rough?, 59 AMERICAN UNIVERSITY LAW REVIEW 1 (2009).

**U.S. Migrant Worker Law: The Interstices of Immigration Law and Labor and Employment Law*, 31 COMPARATIVE LABOR LAW & POLICY JOURNAL 125 (2009).

Reprinted in 30 IMMIGRATION & NATIONALITY ACT REVIEW 783 (2009).

**Globalizing U.S. Employment Statutes through Foreign Law Influence: Mexico's Foreign Employer Provision and Recruited Mexican Workers*, 29 COMPARATIVE LABOR LAW & POLICY JOURNAL 383 (2008).

Reprinted in NORTH AMERICAN FREE TRADE AGREEMENTS (Holbein & Musch Eds.) (2009).

A Supreme Stretch: The Supremacy Clause in the Wake of IRCA and Hoffman Plastic Compounds, 41 CORNELL INTERNATIONAL LAW JOURNAL 115 (2008).

ARTICLES CONTINUED (* Indicates Peer Review):

Perfecting Public Immigration Legislation: Private Immigration Bills and Deportable Lawful Permanent Residents, 18 GEORGETOWN IMMIGRATION LAW JOURNAL 273 (2004).

*(with Leslie C. Gates), *Colonels Build Alliance with Industrial Workers in El Salvador, 1944-1972: Seeking Societal Support through Gendered Labor Reforms* in COMMUNITY, POLITICS AND THE NATION-STATE IN TWENTIETH-CENTURY EL SALVADOR (2003).

*(with Leslie C. Gates), *A State's Gendered Response to Political Instability: Gendering Labor Policy In Semi-Authoritarian El Salvador (1944-72)*, 9 SOCIAL POLITICS: INTERNATIONAL STUDIES IN GENDER, STATE & SOCIETY (2002).

Industrial Workers, Gender and Labor Policies of the Salvadoran State 1944-1972, EL SALVADOR PROCESO NO. 912, July 26, 2000. (In Spanish)

*(with Luis Armando González), *Notes on State Autonomy. The Case of El Salvador*, ESTUDIOS CENTROAMERICANOS, Nov. 1999. (In Spanish)

BOOK CHAPTERS:

(with Leslie C. Gates et al.), *Sizing Up Worker-Center Income (2008-2014): A Study of Revenue Size, Stability and Streams*, in NO ONE SIZE FITS ALL: WORKER ORGANIZATION, POLICY AND MOVEMENT FOR A NEW ECONOMIC AGE (LERA Research Volume Series, distributed by ILR Press) (forthcoming 2018).

(with co-editors), *Introduction to NO ONE SIZE FITS ALL: WORKER ORGANIZATION, POLICY AND MOVEMENT FOR A NEW ECONOMIC AGE* (LERA Research Volume Series, distributed by ILR Press) (forthcoming 2018).

Introduction to WHO IS AN EMPLOYEE AND WHO IS THE EMPLOYER?: PROCEEDINGS OF THE NEW YORK UNIVERSITY 68TH ANNUAL CONFERENCE ON LABOR (Matthew Bender 2016).

Labor Law and Immigration, in LABOR LAW: CASES, MATERIALS, AND PROBLEMS, 8th Edition (Walters Kluwer 2015).

Cross-Border Labor Law, in LABOR LAW: CASES, MATERIALS, AND PROBLEMS, 8th Edition (Walters Kluwer 2015).

Laborers or Criminals?: The Impact of Crimmigration on Labor Standards Enforcement, in THE CRIMINALIZATION OF IMMIGRATION: CONTEXTS AND CONSEQUENCES (Carolina Academic Press 2014).

OTHER PUBLICATIONS:

TEACHERS' MANUAL, for LABOR LAW: CASES, MATERIALS, AND PROBLEMS, 8th Edition (Walters Kluwer 2015).

OTHER PUBLICATIONS CONTINUED:

Review of *CONFLICTING COMMITMENTS: THE POLITICS OF ENFORCING IMMIGRANT WORKER RIGHTS IN SAN JOSE AND HOUSTON*, by Shannon Gleeson, *NEW LABOR FORUM* (2014).

Immemployment: The Hybrid Area at the Intersection of Immigration and Employment, *NEW JERSEY LAW JOURNAL*, Nov. 30, 2011.

Federal Appellate Practice, The Do's and Don'ts, *NEW YORK STATE BAR ASSOCIATION LABOR & EMPLOYMENT LAW COURSE BOOK, NYSBA Labor & Employment Law Section Conference*, September 28-30, 2007.

COURSES TAUGHT:

INTRODUCTION TO LABOR & EMPLOYMENT LAW

SEMINAR ON PRECARIOUS WORK

EMPLOYMENT DISCRIMINATION LAW

LOW-WAGE WORKERS & THE LAW

WORK, LABOR AND CAPITAL IN THE GLOBAL ECONOMY (MIGRATION MODULE)

FRESHMAN COLLOQUIUM

CREDIT INTERNSHIP & HONORS' PROGRAM

SELECTED RECENT SERVICE:

Committees

- Cornell Worker Institute Research Fellows (Co-founder/coordinator) (Spring 2014-present)
- Cornell ILR Curriculum Review Committee (Spring 2017-present)
- Cornell Worker Institute, Executive Committee (Spring 2013-present)
- Cornell ILR Theme Project Grant Committee (Fall 2017-Spring 2018)
- Cornell ILR Undergraduate Admissions Committee (Fall 2012-Spring 2018)
- Cornell U. Farmworker Program Executive Committee (Spring 2013-Spring 2016)
- Cornell ILR Strategic Planning Outreach Committee (Co-chair) (Fall 2015-Fall 2016)
- Cornell Worker Institute, Faculty Chair, Precarious Workers Initiative (Spring 2013-2016)

Reviewer/Volunteer Consultancies

Russell Sage Foundation; *Comparative Labor Law & Policy Journal*; *ILR Review*; *Regulation & Governance*; WEST ACADEMIC PUBLISHING; ILR PRESS; Oxfam America, Decent Work Program; Centro de los Derechos del Migrante (Center for the Rights of Migrants); Ford Foundation; Global Workers Justice Alliance (GWJA); Make the Road New York; MFY Legal Services; Workplace Justice Project; New Orleans Workers' Center for Racial Justice; NYU Review of Law & Social Change; Southern Poverty Law Center Immigrant Justice Project; Workers' Rights Law Center of New York; Yale Law School Worker and Immigrant Rights Advocacy Clinic

PRESENTATIONS:

- 2018 “Sizing Up Worker-Center Income (2008-2014): A Study of Revenue Size, Stability and Streams,” Labor and Employment Relations Association, Baltimore, MD, June 15, 2018.
- 2018 “Temporary Immigration Status and Worker Precarity,” Cornell Institute for the Social Sciences, Ithaca, NY, April 12, 2018.
- 2018 “Workers with Temporary Status: The Value and Limits of Delinking Immigration Status and Employment Status,” UC Davis School of Law, Davis, CA, March 15, 2018.
- 2017 Author meets Reader Session: PRECARIOUS CLAIMS: THE PROMISE AND FAILURE OF WORKPLACE PROTECTIONS IN THE UNITED STATES, chaired panel and served as reader at Law & Society conference, Mexico City, Mexico, June 23, 2017.
- 2016 “NAALC: The Scope and Challenges of Bilateral Agreements to Protect Low Wage Migrant Workers,” discussant at Enforcing Rights Across Borders: The Case of Mexican Migrants, Ithaca, NY, December 2, 2016.
- 2016 “Remedies for Unauthorized Workers,” presented at California Agriculture conference, UC Davis School of Law, Davis, CA, April 15, 2016.
- 2016 “Friend or Foe? Labor Law and Non-Union Workers,” presented at Alternative Labor Organizing conference, NYU School of Law, New York, NY, March 25, 2016.
- 2015 “New Forms of Worker Organization,” presented at NYU 68th Annual Conference on Labor, New York, NY, June 5, 2015.
- 2015 “The State of Joint Employer Law,” presented at Russell Sage Working Group on Franchising and Low Wage Work, New York, NY, April 24, 2015.
- 2015 “Pushing the Boundaries,” presented at Advancing Worker Rights: A Major Conference Marking the 80th Anniversary of the NLRA, New York, NY, April 17, 2015.
- 2015 “How Does Franchising Correspond to Existing Labor and Employment Law Doctrines?,” presented at Russell Sage Working Group on Franchising and Low Wage Work, New York, NY, March 27, 2015.
- 2015 “Crossing the Borders of Immigration and Employment Regulation,” presented at Worker Institute at Cornell, Ithaca, NY, February 13, 2015.
- 2015 Immigrant Worker Rights and Organizing: Historical and Contemporary Perspectives, organized and moderated Worker Institute colloquium, Ithaca, NY, February 13, 2015.
- 2014 “Worker Centers: A New Form of Worker Organization?,” presented at NYU School of Law, Center for Labor & Employment Law, New York, NY, November 6, 2014.

PRESENTATIONS CONTINUED:

- 2014 “U.S. Workers on the Move: With or Without Unions,” moderated panel, Union Leadership Institute, Cornell University, Ithaca, NY, July 23, 2014.
- 2014 “From Exclusion to Power: Labor Law and the Right to Organize Among Domestic and Farm Workers,” presented at the Labor Studies Working Group Colloquium, Maxwell School, Syracuse, NY, February 28, 2014.
- 2014 “After I Pick the Fruit: Film Screening & Discussion,” moderated panel, Cornell Law School, Ithaca, NY, February 11, 2014.
- 2013 “Crossing the Borders of Immigration and Workplace Law,” presented at Labor Relations in Changing Times conference sponsored by LERA Syracuse-Rochester-Buffalo Chapters, Rochester, NY, October 25, 2013.
- 2013 “Labor Standards Enforcement in an Era of Restrictive Immigration Regulation,” presented at the Law & Society Conference, Boston, MA, May 30, 2013.
- 2013 “An Agenda for Workplace Protection,” chaired panel and served as discussant at Law & Society conference, Boston, MA, May 30, 2013.
- 2012 “IRCA Preemption of Subfederal Laws Affecting Undocumented Workers,” presented at the Immigration Law Conference, Hempstead, NY, June 1, 2012.
- 2012 “Migrants & Labor,” co-moderated panel at *ISS Fellows* Workshop, Institute for Social Sciences, Cornell, Ithaca, NY, April 18, 2012.
- 2012 “IRCA Preemption of Subfederal Laws Affecting Undocumented Workers,” presented at the Immigration Law Conference, Hempstead, NY, June 1, 2012.
- 2011 “Undocumented Workers: Crossing the Borders of Immigration and Workplace Law,” presented at the Cornell Institute for the Social Sciences Workshop, Ithaca, NY, October 17, 2011.
- 2011 “*Immloyment* Law: Crossing the Borders of Immigration and Employment Law,” presented at Proskauer LLP, New York, NY, September 12, 2011.
- 2011 “Immigration Advocacy as Labor Advocacy,” presented at the Emerging Immigration Law Scholars Conference, Chevy Chase, MD, May 20, 2011.
- 2010 “Federal Employment Laws and Local Immigration Regulation at Work: Too Close for Comfort?” presented at the Immigration Law Teachers Conference, Works-In-Progress Session, Chicago, IL, May 25, 2010.
- 2009 “The Myth of Comprehensive Immigration Reform,” presented at the Sociology Mini-Conference, Immigration Politics and Policy Panel, University of California-Merced, Merced, CA, October 30, 2009.

PRESENTATIONS CONTINUED:

- 2009 “Power to the Workers? Emerging Legislation in the Obama Administration and in the States,” presented at the Cornell Law Reunion, Ithaca, NY, June 5, 2009.
- 2009 “The NLRA and Partial Protection from State Defamation Lawsuits,” presented at the United Association for Labor Education Conference, Strategies for Making Labor Rights Real Rights panel, Silver Spring, MD April 17, 2009.
- 2009 “Rediscovering the NLRA’s Speech Defense: Freedom to Defame?,” presented at the Cornell ILRIC/CB 980 Workshop series, Ithaca, NY, March 3, 2009.
- 2009 “Strategies for Enforcing Labor Rights,” presented at the Labor and Employment Relations Association (LERA) Meeting, San Francisco, CA, January 3, 2009.
- 2008 “Undocumented Immigrants in the U.S.,” presented at the LERA Central New York Chapter Meeting, Syracuse, NY, September 18, 2008.
- 2008 “The Supremacy Clause in the Wake of IRCA and Hoffman Plastic Compounds,” presented at ILR Alumni Board Meeting, Ithaca, NY, September 13, 2008.
- 2007 “Legal Issues affecting immigrant workers in the U.S.,” presented at the Local Struggles: Immigrants, Latinos & Rights in New Jersey, New York and Pennsylvania Conference, Rutgers University, Piscataway, NJ, November 9, 2007.
- 2007 “Appellate Advocacy in Labor & Employment Law”, co-presented with Hon. Rosemary S. Pooler, U.S. Court of Appeals for the Second Circuit at NYSBA Labor & Employment Law Section Conference, Ithaca, NY, September 29, 2007.
- 2007 “A Supreme Stretch: The Supremacy Clause in the Wake of IRCA and Hoffman Plastic Compounds,” presented at Immigration Policy: Who Belongs?, CILJ Symposium, Cornell Law School, Ithaca, NY, February 24, 2007.
- 2006 “Labor Rights and Law,” presented at Re-envisioning el campo: Justice for Farmworkers, ECCSF Conference, Cornell University, Ithaca, NY, April 8, 2006.
- 2002 “A Woman’s World: The disproportionate impact of sub-standard work environments on women,” panel at *Labor Conditions and Latina Women in the Global Market Place*, Law Women Symposium, NYU School of Law, New York, NY, March 20, 2002.
- 2000 “Labor Law, Gender and Industrial Workers in El Salvador,” presented at the 5th Central American History Conference, San Salvador, El Salvador, July 18, 2000.
- 2000 “Labor Law Changes and the Decline in Male Industrial Labor Force Participation 1890-1990” presented at Social Anthropology Center, Guadalajara Mexico, June 6, 2000.
- 2000 “The Gendering of Salvadoran State-Labor Policy,” presented at the Annual Meeting of the Latin American Studies Association, Miami, FL, March 17, 2000.

MEMBERSHIPS:

International Society for Labor and Social Security Law
Labor and Employment Relations Association
Law and Society Association
New York State Bar
New York State Bar, Labor & Employment Law Section