

PEGGIE R. SMITH

Washington University School of Law
One Brookings Drive
Campus Box 1120
St. Louis, MO 63130

ACADEMIC APPOINTMENTS

Washington University School of Law, St. Louis, MO

Charles Nagel Professor of Employment & Labor Law (2011-present); Professor of Law (2010-11)

Vice Dean for Academic Affairs (January 2020-January 2025; 2015-16)

Vice Dean (2014-15)

Washington University, St. Louis, MO

Faculty Ombuds (Danforth Campus) (July 2017-present)

University of Iowa College of Law, Iowa City, IA

Murray Family Professor of Law (2008-10); Professor of Law (2003-08); Visiting Professor of Law (Fall 2002)

Research Scholar, University of Iowa, Obermann Center for Advanced Studies (Summer 2004; Fall 2005; 2007-08)

Faculty Affiliate, University of Iowa, Institute for Inequality Studies (2007-10)

Chicago-Kent College of Law, Chicago, IL

Associate Professor of Law (2002-03); Assistant Professor of Law (1996-2002)

University of Trento, Faculty of Jurisprudence, Trento, Italy

Visiting Professor of Law (Summer 2003)

COURSES & RESEARCH INTERESTS

Courses: Contracts, Employment Relationships, Employment Discrimination, Comparative Employment Discrimination, Gender, Work and the Law, Gender and the Law (other strong teaching interests include Labor Law, Family Law, and Aging and the Law)

Research Interests: Employment Law, Labor Law, Legal History, Family Law, Aging and the Law

EDUCATION

Harvard Law School, Cambridge, MA

Juris Doctor, *cum laude* (June 1993)

- Editor in Chief, *Harvard Women's Law Journal*
- Teaching Fellow, Harvard College

Yale University, New Haven, CT

Master of Arts, *with distinction*, in African American Studies (May 1990); Ph.D. Program in American Studies (in residence 1993-94)

- Edward A. Bouchet Prize for Most Outstanding Scholarship in African American Studies
- Teaching Fellow, Yale College

Yale University, New Haven, CT

Bachelor of Arts, Economics & Political Science (May 1987)

FELLOWSHIPS & CLERKSHIP

Harvard Law School, Cambridge, MA

Charles Hamilton Houston Fellow in Law Teaching (1995-96)

School of Industrial & Labor Relations, Cornell University, Ithaca, NY

Visiting Fellow (October 1995; March 1996)

The Honorable Michael Boudin, U.S. Court of Appeals for the First Circuit, Boston, MA
Law Clerk (1994-95)

PUBLICATIONS & OTHER WRITINGS

Articles & Essays

Woke-Washing at Work, 102 WASH. U. L. REV. 1509 (2024) (co-authored with Marion Crain)

Labor and Employment Decisions from the Supreme Court's 2018-19 Term, 35 A.B.A. J. LAB. & EMP. L. 383 (2021)

The Conservative Challenge to Caring for Compensated Caregivers Caregiver, 62 WASH. U. J. L. & POL'Y 131 (2020)

Who Will Care for the Elderly?: The Future of Home Care, 61 BUFFALO L. REV. 323 (2013)

The Future of Family Caregiving: The Value of Work-Family Strategies that Benefit Both Care Consumers and Paid Care Workers in WOMEN WHO OPT OUT: THE DEBATE OVER WORKING MOTHERS AND WORK-FAMILY BALANCE (New York University Press 2012)

The Pitfalls of Home: Protecting the Health and Safety of Paid Domestic Workers, 23 CANADIAN J. OF WOMEN & L. 309 (2011)

Work Like Any Other, Work Like No Other: Establishing Decent Work for Domestic Service Workers, 15 EMPLOYEE RIGHTS & EMPLOYMENT POLICY J. 159 (2011)

Union Representation of Child-Care Workers in the United States in COMPARATIVE PATRIARCHY & AMERICAN INSTITUTIONS (M. Francis McCollum Feeley, ed.) (Université de Savoie Press, 2009)

Publicization of Home-Based Care Work in State Labor Law, 92 MINN. L. REV. 1390 (2008)
Excerpted in Martin H. Malin; Ann C. Hodges; & Joseph E. Slater, PUBLIC SECTOR EMPLOYMENT CASES & MATERIALS (West Publishing, 2d ed. 2011); cited in HOUSE EDUCATION AND THE WORKFORCE SUBCOMMITTEE ON WORKFORCE PROTECTIONS HEARING; *Ensuring Regulations Protect Access to Affordable and Quality Companion Care* (testimony by Cathy Ruckelshaus, Legal Co-Director, National Employment Law Project Washington, DC) (March 2012)

Aging and Caring in the Home: Regulating Paid Domesticity in the Twenty-First Century, 92 IOWA L. REV. 1837 (2007)
Excerpted in Dolgin, Janet & Shepherd, Lois, BIOETHICS AND THE LAW (2nd ed.) (Aspen Publishing, 2009)

Home Sweet Home? Workplace Casualties of Consumer-Directed Home Care for the Elderly, 21 NOTRE DAME J. LAW, ETHICS & PUBLIC POLICY 537 (2007) (symposium)

Welfare, Child Care, and The People Who Care: Union Representation of Family Child Care Providers, 55 KAN. L. REV. 321 (2007)

Laboring for Child Care: A Consideration of New Approaches to Represent Low-Income Service Workers, 8 U. PA. J. LAB. & EMP. L. 583 (2006) (lead article)

Elder Care, Gender, and Work: The Work-Family Issue of the 21st Century, 25 BERKELEY J. EMP. & LAB. L. 351 (2004)
Excerpted in Douglas E. Abrams; Naomi R. Cahn; Catherine J. Ross; & David D. Meyer, CONTEMPORARY FAMILY LAW (West Publishing, 2007); Cited in *In re Guardianship of Jane E.P.*, 700 N.W.2d 863, 867 (Wis. 2005)

Caring for Caregivers: A Critical Missing Link in Work/Family Policies, 72 U. CIN. L. REV. 399 (2004) (symposium)

Parental-Status Employment Discrimination: A Wrong in Need of a Right?, 35 MICH. J. L. & REF. 569 (2002)
Cited in *Ackerman v. Quilcene Sch. Dist. No. 48*, 117 Wash. App. 1087 (Wash. Ct. App. 2003)

Accommodating Routine Parental Obligations in an Era of Work-Family Conflict: Lessons from Religious Accommodations, 2001 WISC. L. REV. 1443 (lead article)

Contingent Workers: Proceedings of the 2001 Annual Meeting of the Association of American Law Schools Section on Labor Relations and Employment Law, 5 EMPL. RTS. & EMPLOY. POL'Y J. 661 (2001)

Organizing the Unorganizable: Paid Household Workers and Approaches to Employee Representation, 78 NORTH CAROLINA L. REV. 45 (2000)

Regulating Paid Household Work: Class, Gender, Race and Agendas of Reform, 48 AMERICAN UNIV. L. REV. 851 (1999)

Cited in HOUSE EDUCATION AND LABOR SUBCOMMITTEE ON WORKFORCE PROTECTIONS HEARING; *From Excluded to Essential: Tracing the Racist Exclusion of Farmworkers, Domestic Workers, and Tipped Workers from the Fair Labor Standards Act* (Testimony by Rebecca Dixon, Executive Director, National Employment Law Center, Washington, DC) (May 2021)

Separate Identities: Black Women, Work, and Title VII, 14 HARV. WOMEN'S L. J. 21 (1991) (lead article)

Cited in *Jeffers v. Thompson*, 264 F. Supp. 2d 314, 326 (D. Md. 2003)

What Else Do Unions Do? Race and Gender in Local 35, 18 REV. BLACK POL. ECON. 59 (1990) (with Rhonda Williams)

Book

PRINCIPLES OF EMPLOYMENT LAW, with Rafael Gely, Ann Hodges & Susan Stabile (West Publishing, Concise Hornbook Series, 2009) (lead author)

***Amici Curiae* Brief in the United States Supreme Court**

Long Island Care at Home, Ltd. v. Coke, 551 U.S. 158 (2007), Brief of Law Professors and Historians as *Amici Curiae* in Support of the Respondent (author)

SELECT ACADEMIC PRESENTATIONS & COLLOQUIA

Moderator, Labor Law Group, Chicago-Kent College of Law ((June 2024)

Invited Presenter, *Exploring Contemporary Labor Struggles: Responses to Labor Law from Old School to New School and the Frontier to the Border*, UC Davis School of Law, Davis, CA (October 2023)

Keynote Speaker, *The Future of Care Work: Taking Care of Care Workers*, Cornell Industrial & Labor Relations Worker Institute, NY, NY (June 2023)

Invited Presenter, Health Inequities and Employment: The Continued Struggle for Justice, *COVID and the Care Crisis: Home Care Workers and the Ongoing Struggle for Justice*, St. Louis, MO (April 2022)

Invited Presenter, *Care as Labor, Care as Infrastructure*, Yale Law School (virtual) (November 2021)

Invited Speaker, *Pedagogy Series: Race in the IL Curriculum (Contracts)*, University of Miami School of Law (virtual) (March 2021)

Invited Presenter, *The Limits of Discrimination Law as Applied to Low-Wage Care Workers*, American Association of Law Schools Annual Meeting, Section on Employment Discrimination Law, Responses to Income Inequality: Can Employment Discrimination Law Help Close the Wage and Wealth Gaps?, Washington, DC (January 2020)

Invited Presenter, *Teaching an Inclusive, Critical and Collective Pedagogy*, Racial Bias, Disparities and Oppression in the 1L Curriculum: A Critical Approach to the Canonical First-Year Law School Subjects, Boston University School of Law, Boston, MA (February 2020)

Invited Speaker, *Supreme Court Review*, ABA Section of Labor and Employment Law, 13th Annual Labor and Employment Law Conference, New Orleans, LA (November 2019)

Invited Presenter, *Intimacy, Race & Personal Preferences in Home Care*, Labor Law Group, Denver, CO (June 2018)

Invited Speaker, *Regulating Care Work in an Aging Society: Past Trends & Present Challenges*, Chapman Dialogue Series, Chapman University School of Law, Orange, CA (March 2017)

Invited Presenter, *Managing Institutional Relationships*, American Association of Law Schools Workshop for New Law School Teachers, Washington, DC (June 2016)

Presenter, *Legal Initiatives in the U.S. to Support Community-Based Caregiving and Caregivers*, Older Adults in Community: Capacities and Engagement for Aging in Place, National University of Singapore, Singapore (February 2015)

Presenter, *Family Caregiving for Frail Older Adults: A Comparative Perspective on Social and Legal Supports*, Washington University McDonnell International Scholars Academy 5th International Symposium, St. Louis, MO (October 2014)

Rush McKnight Labor Law Lecturer, *The Regulation of Care Work in the US: Past Pitfalls, Present Trends, and Future Promises*, Case Western Reserve University School of Law, Cleveland, OH (September 2014)

Presenter, *Regulating Care Work in an Aging Society*, San Po Centre on Ageing, Department of Social Work and Social Administration, The University of Hong Kong, Hong Kong (July 2014)

Keynote Speaker, 2013 Lutie A. Lytle Black Women Law Faculty Writing Workshop, Boyd School of Law, Las Vegas, NV (June 2013)

Invited Presenter, *Regulating Care Work in the Baby Boom Generation*, IAGG World Congress of Gerontology and Geriatrics, Seoul, South Korea (June 2013)

Invited Presenter, *Love and Money: Compensating Family Members to Care for Elderly Relatives*, The 8th International Human Rights Researchers Workshop, Academic Center of Law and Business, Tel Aviv, Israel (January 2013)

Invited Presenter, *Misclassification and Exclusion of Domestic Workers*, Conference on Employed or Just Working? Rethinking Employment Relationships in the Global Economy, Northeastern University School of Law, Boston, MA (March 2013)

Presenter, *Promoting the Rights of Domestic Workers: Shared Lessons from the US and South Africa*, Access to Justice and Clinical Legal Education Conference to Honor Professor David McQuoid-Mason: School of Law, Howard College, Durban, South Africa (December 2012)

Named Lecturer, Mitchell Lecture Series, *When Caring is Work: Home, Health, and the Invisible Workforce*, State University of New York at Buffalo Law School, Buffalo, NY (October 2012)

Invited Presenter, *Regulating Care Work in the Aftermath of the ILO Standards on Domestic Work*, Symposium, *Whither Social Equality?*, Sponsored by the Indiana Journal of Law and Social Equality, Indiana University Maurer School of Law. Bloomington, IN (March 2012)

Invited Presenter, *Labor Law and Domestic Servitude*, Symposium, Justice at the Door: Ending Domestic Servitude, St. Thomas University School of Law in Miami, Miami, FL (January 2012)

Invited Presenter, *Caring for Care Workers in the 21st Century*, Aging in the US: The Next Civil Rights Movement?, Temple Law School, Philadelphia, PA (October 2011)

Keynote Speaker, *Legal Challenges to Regulating Paid Domestic Work*, International Conference on Excellence in the Home, Sustainable Living: Professional Approaches to Housework, London, UK (March 2011)

Presenter, *The Pitfalls of Home: Protecting the Health and Safety of Paid Domestic Workers*, Faculty Colloquium Series, University of Colorado School of Law. Boulder, CO (February 2011)

Presenter, *Mammies, Mary Poppins and Today's Home-based Child Care Workers: For Love, Money or Both?*, Challenging Norms in Work and Family, Third National People of Color Conference, Seton Hall Law School, Newark, NJ (September 2010)

Presenter, *The Dichotomy between Love and Work and Its Influence on the Legal Treatment of Home-Based Care Workers*, Law and Society Conference, Chicago, IL (May 2010)

Invited Presenter, *The Pitfalls of Home: Protecting the Health and Safety of Paid Domestic Workers*, Regulating Decent Work for Domestic Workers: International and Comparative Dialogue, Faculty of Law, McGill University, Montreal, Quebec Canada (March 2010)

Invited Presenter, *It's All About the Industry: How Sectors Shape Organizing and Policy Strategies*, Reclaiming Our Wages: A Conference on Organizing, Public Policy and Workers' Rights, National Employment Law Project, Washington, DC (November 2009)

Invited Presenter, *Promoting the Rights of Home-Based Care Workers in State Labor Law*, Conference on Regulating for Decent Work, International Labour Office, Geneva, Switzerland (July 2009)

Presenter, *Advocacy on Behalf of Home-Based Care Workers: Recent Developments*, Low-Wage Work Panel, American Association of Law Schools Mid-Year Meeting, Long Beach, CA (June 2009)

Lead Panelist, *Looking to the Future: Women and Care Work*, Women and Work: Choices and Constraints Conference, University of Massachusetts, Amherst, MA (October 2008)

Chair and Moderator, *Organizing Domestic Labor in the US: From Servants to the Service Industry*, 14th Berkshire Conference on the History of Women, University of Minnesota, Minneapolis, MN (June 2008)

Presenter, *The Legal Origins of Corrosive Work-Care Tensions in Home Care*, Work and Care Panel, Section on Women in Legal Education, AALS Annual Meeting, New York, NY (January 2008)

Presenter, *Consumer Choice with Workplace Protections: The Case of Home Care for the Elderly*, Low-Wage Workers: Legal Rights—Legal Realities Conference, University of Minnesota School of Law, Minneapolis, MN (November 2007)

Presenter, *Workplace Casualties of Consumer-Directed Home Care for the Elderly*, Law and Society Conference, Berlin, Germany (July 2007)

Invited Presenter, *Care Work and the American Labor Movement*, Conference on Patriarchy and American Institutions, University of Savoie, Chambéry, France (April 2007)

Presenter, *Aging and Caring in the Home*, Faculty Colloquia Series, Emory Law School, Atlanta, GA (February 2007)

Presenter, *Aging in the Twenty-First Century: Caring for Formal and Informal Caregivers*, Symposium on Long-Term Care For America's Elderly: Who is Responsible and How Will It be Achieved?, Notre Dame School of Law, Notre Dame, IN (November 2006)

Invited Presenter, *Eldercare and Work-Family Policies in the United States*, Balancing Career and Family: A Work/Life Symposium, Pepperdine Law School, Malibu, CA (April 2006)
Presenter, *Emerging Legal Issues for Elder Caregivers in the United States: Addressing the Work-Family Conflict*, First Canadian Conference on Elder Law, Canadian Elder Law Institute, Vancouver, Canada (October 2005)

Presenter, *The Value of Unionization to Paid Child Care*, Gender, Work, and Organization Conference, Keele University, Keele, England (June 2005)

Presenter, *Caring for Careworkers: The Limited Solution of Increased Public Funding for Child Care*, Caring Labor Conference, Harry Bridges Center for Labor Studies, University of Washington, Seattle, WA (May 2005)

Invited Presenter, *Paid and Unpaid Caregiving Work*, The Yale Women's Faculty Forum: Structures of Work and of Families, Yale University, New Haven, CT (January 2004)

Invited Presenter & Moderator, Organizing Paid Household Workers, *The Border Crossed Us: Current Issues in Immigration Labor*, Colloquium presented by NYU Review of Law & Social Change, New York University School of Law, New York, NY (March 2003)

Invited Presenter, *The Problematic Pragmatism of Compulsory Arbitration Proponents*, Fourth Annual Public Law Conference, Duke University School of Law, Durham, NC (December 2002)

Invited Presenter, *Paid Household Workers: Strategic Concerns and Organizational Approaches*, Valuing Workers: Low-Wage Workers, Workfare, and Legal Strategies for Change Colloquium, Yale Law School, New Haven, CT (March 1999)

Presenter, Domestic Service Workshop, Work, Workers & Law in the 21st Century, American Association of Law Schools Annual Meeting, New Orleans, LA (January 1999)

Presenter, *The Privatization of Dirty Work*, Bodies, Boundaries, and Beyond: The Impact of the Law on Women, Cornell Law School, Ithaca, NY (April 1997)

Presenter, *In the Name of the Private Family: Regulating Paid Household Work*, Faculty Workshop, Chicago Law School, Chicago, IL (November 1996)

Invited Presenter, *Housework for Pay: Lessons on Legal Exclusions*, Challenging Boundaries Conference, Yale Law School, New Haven, CT (November 1996)

MEDIA INTERVIEWS & COMMENTARY

KMOV, *Law Expert Says Colleges and Universities Could Require COVID-19 Vaccine* (April 2021)

ST. LOUIS PUBLIC RADIO, *Employers Can Require Workers To Get Vaccinated, But Wash U Labor Law Expert Says To "Tread Carefully"* (February 2021)

ST. LOUIS PUBLIC RADIO, *Missouri LGBTQ Workers Prepare For "Terrifying" Supreme Court Rulings In 2020* (October 2019)

MONEY, *"There Is a Real Crisis:" Domestic Workers Are In High Demand, but the Jobs Have Few Protections and Little Pay* (April 2019)

ST. LOUIS BUSINESS JOURNAL, *St. Louis Character: Peggie Smith Fights for Women in Domestic Industries* (February 2018)

FORTUNE, *The Worst Paying Fastest-growing Job in America* (September 2014)

MARYLAND MORNING, *Bargaining Rights for Home Care Workers?* (February 2011)

NATIONAL PUBLIC RADIO (ALL THINGS CONSIDERED), *Home Health Aides Seek Labor Protections* (2007)

KCJJ-AM 1630, *Commentary on Long Island Care at Home & Osborne v. Coke* (2007)

RADIOIOWA.COM, *Iowa's "Invisible" Workers Lacking in Pay, Health Care, Safety* (2007)

CRAINSNEWYORK.COM, *Supreme Court Rules Against L.I. Worker* (2007)

AGING & ELDER HEALTH WEEK, *Law Professor Finds Home Health Care Workers Have Few Legal Protections* (2007)

reprinted in HOSPITAL BUSINESS WEEK, NURSING HOME & ELDER BUSINESS WEEK, LAW & HEALTH WEEKLY, HEALTH BUSINESS WEEK, HOSPITAL LAW WEEKLY, MEDICINE & LAW WEEKLY, ELDER LAW WEEKLY, PHYSICIAN LAW WEEKLY, HEALTHCARE FINANCE, TAX & LAW WEEKLY, LIFE SCIENCE WEEKLY, MD WEEK, PHYSICIAN BUSINESS WEEK, SCIENCE LETTER, WORLD DISEASE WEEKLY, HEALTH & MEDICINE WEEK, MANAGED CARE WEEKLY DIGEST, BIO.MEDICINE.ORG, SOCIALWORKTODAY.COM, MEDICALNEWS TODAY.COM

IOWA CITY PRESS-CITIZEN, *Having a Say in Child Care* (2006)

DES MOINES REGISTER, *U of I Law Professor Looks Back at Brown* (2004)

THE VILLAGE VOICE, *The Heart of the Work: Professionals Navigating a Personal World* (2002)

THE CLIFF KELLEY SHOW, WVON-AM, *Commentary on the Nomination of Linda Chavez for Secretary of Labor* (2001)

NATIONAL PUBLIC RADIO (THE LAW SHOW), *The Rights of Private Paid Household Workers* (2001)

SELECT PROFESSIONAL & INSTITUTIONAL ACTIVITIES

Board Member and Treasurer, Lutie Lytle Society (2022-present)

ABA Section on Labor and Employment Law (2020-24; Secretary, 2020)

Advisory Planning Committee, Cornell Future of Care Work (2024)

American Law Institute (elected 2017-present)

Labor Law Group (elected 2007-present; Executive Committee, 2010-16; Secretary, 2011, 2012-13)

Editorial Board, Employee Rights and Employment Policy Journal (2010-present)

Executive Committee, Section on Labor Relations and Employment Law, American Association of Law Schools (Chair, 2013-14; Executive Committee, 2012-15)

Member, Consulting Group, Direct Care Alliance/Russell Sage Foundation Working Group on Care (2010-11)

Washington University School of Law & Washington University

University Faculty Ombuds (Danforth Campus) (2017-present)

University, Danforth Task Force on Climate and Culture (2023-24); Danforth Campus Climate and Culture Implementation Task Force (2024)

Law School, Promotion and Tenure Committee (2012-13; 2021-present, *ex officio*)

Law School, Curriculum Committee (2029-present, *ex officio*)

University Strategic Planning Committee, Steering Committee (2021-22)

University, COVID Academic Planning Committee (2020-22)

Law School, Website Task Force (2019-20, chair)

Law School, Alumni Relations and Outreach Committee (2019-20)

Law School, Faculty Advisory Board, Whitney R. Harris World Law Institute (2014-19)

University, Ferguson Seed Fund Committee (2015-16)

Leadership, Diversity, and Inclusion Committee (Spring 2016, chair)

Law School, Faculty Appointments Committee (2010-11; 2011-12, chair; 2013-14, chair; 2017-18; 2018-19)

Law School, Dean Search Committee (2013-14)

University, Faculty Senate Council (2011-14; Executive Committee, 2012-14)

Law School, Advisory Council, Center for the Interdisciplinary Study of Work and Social Capital (2011-14)

University of Iowa College of Law

Secretary, Iowa Law School Foundation Board (2009-10)

Dean Search Committee (2009-10)

Promotion and Tenure Committee (2009-10)

Faculty Appointments Committee (2006-08; co-chair, 2007-08)

Curriculum Policy Committee (2005-06, chair)

Faculty Advisor, Black Law Students Association (2003-06)

Faculty Advisor, Journal of Gender, Race and Justice (2004-07)

Office of the General Counsel Review Committee (2004-05)

Chicago-Kent College of Law

Appointments Committee (1996-97, 1998-99, 2001-02)

Faculty Advisor, Black Law Students Association (1996-2002)

Downtown Faculty Council (1999-2002)

University Faculty Council (2000-02)

Academic Freedom & Tenure Committee, University Faculty Council (2001-02, chair)

Sexual Harassment Policy Committee, University Faculty Council (2001-02, chair)

Women's Resource and Outreach Committee (2001-02)

Law & the Workplace Institute (1996-2003)