

EMPLOYMENT LAW
Winter 2014
Tuesdays 6:15 AM - 9:30 PM
Professor Nicole E. Thompson
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Office Hours: Available Upon Request
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SYLLABUS

Course Objectives:

Analysis of major issues in employment law, including laws protecting employees from race, sex, religion, disability, and age discrimination, as well as wage and hour laws and laws covering employee privacy, workers compensation, unemployment insurance, immigration and safety and health.

This course will help students to understand the basic framework of employment law in the United States and to develop the ability to think critically and to read, analyze and evaluate legal statutes and decisions. Students will learn to identify, understand, and explain conflicting views on legal and policy arguments.

Primary Text: *Employment Law: Private Ordering and its Limitations*, Glynn, Arnow-Richman, & Sullivan (2d Ed. 2011). ("Casebook")

Supplemental Text: *Principles of Employment Law* by Smith, Hodges, Stabile and Gely ("Supplement") Additional reading assignments from this text may be given as deemed essential by the professor for class discussions and assignments. It is highly recommended that you refer to this Supplement throughout the course for a deeper understanding of the concepts.

Additional supplemental readings may be distributed and/or available on TWEN throughout the semester as necessary and as the law evolves.

Read the assigned materials, including the "Problems" and the "Notes". Be prepared to discuss all assigned reading in class.

**This syllabus is subject to modification as deemed necessary by the professor.*

Grading Policy

Attendance/Participation/Assignments: 20% of final grade

Final Examination: 80% of final grade

Students are expected to attend all classes and to participate actively in all discussions and exercises. Participation includes contributions to discussions in class and full participation in

classroom exercises.

Attendance will be taken for each class. I expect that all reading assigned for each class will be completed BEFORE class. Any student who must miss a class for illness or other emergency is expected to follow the absence policy for AJMLS and to contact me via e-mail or telephone prior to class explaining the reason for the absence. All cellphones, beepers, PDA's, and other electronic devices (except for laptop computers or other devices used to take notes) shall be turned off and put away during class.

Students are expected to attend all classes and to participate actively in all discussions and exercises. Participation includes contributions to discussions in class and full participation in classroom exercises.

Periodically, students will be given assignments to complete outside of class. Failure to complete and turn in assignments ON TIME will result in a loss of credit for the Attendance/Participation/Assignments portion of the grade for that class. THERE WILL BE NO EXTENSIONS FOR ASSIGNMENTS.

Twenty (20%) Percent of the final grade will be based upon attendance, participation and assignments.

Final Examination:

Students will complete a final examination, which will account for 80% of the final grade.

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CLASS SCHEDULE AND ASSIGNMENTS

Week 1 - The Benefits and Burdens of Employment: What's at stake?

Who is an Employee? Who is an Employer?

1. Casebook Chapter 1 - pp. xxi-58
2. Write a brief essay explaining why you came to law school. The format should be approximately 250-500 words, font size 12, double-spaced. (This is not a graded assignment but is still required. Completion and submission will count toward the Attendance/Participation/Assignments portion of your final grade.)
3. Bring a copy of your resume to class. It should include your work experience. Be prepared to discuss your employment experience, specifically with regard to the issues addressed in the assigned reading.

Week 2 - Private Ordering

Casebook Chapter 2 - Part A - Job Security and the Principle of At-Will Employment pp. 59-86
Casebook Chapter 2 - Part B - Oral and Implied Contract Rights to Job Security pp. 86-124

Week 3 - Employment Contracts

Casebook Chapter 2 ACTIVITY (Discussion Groups)
Casebook Chapter 3 Part A - Job Security Terms (pp. 125-163)
Chapter 3 Part B - Compensation Terms (pp. 164-179)

Week 4 - Public Policy Exception to At-Will Employment

Casebook Chapter 4 Part A - Common Law Public Policy Exception (pp. 183-210)
Casebook Chapter 4 Part B - Statutes Creating Public Policy Causes of Action (pp. 211-241)

Week 5 - Traditional Employment Torts

Casebook Chapter 5 Part A - Intentional Interference (pp. 243-253)
Casebook Chapter 5 Part B - Defamation (pp. 253-269)
Casebook Chapter 5 Part C - Intentional Infliction of Emotional Distress (pp. 269-277)
Casebook Chapter 5 Part D - Fraud and Other Misrepresentation (pp. 277-281)
Casebook Chapter 5 Part E - Limitations on Tort Actions (pp. 281-286)

Week 6 - Workplace Privacy

Casebook Chapter 6 Part A - Sources of Privacy Protection (pp. 289-330)
Casebook Chapter 6 Part B - Balancing Employee and Employer Interests (pp. 330-357)
Casebook Chapter 6 Part C - Private Ordering: Consents and Limits (pp. 357-366)

Week 7 - Workplace Privacy

Supplement Chapter 3 (pp. 71-131)

Supplement Chapter 4 (pp. 132-151)

In-Class Small Groups Activity

Week 8 - Competition, Employee Loyalty, & Allocation of Workplace Property Interests

Casebook Chapter 8 Part A - Fiduciary Duties of Current Employees (pp. 429-438)

Casebook Chapter 8 Part B - Post-Employment Restraints on Competition (pp. 439-485)

Casebook Chapter 8 Part C - New Frontiers (pp. 485-502)

Week 9 - Antidiscrimination & Accommodating Workers Lives

Casebook Chapter 9 Part A - The Policy Bases for Antidiscrimination Law (pp. 505-509)

Casebook Chapter 9 Part B - Individual Disparate Treatment Discrimination

- Traditional Framework: McDonnell Douglas Corp. v. Green (pp. 509-542)

Casebook Chapter 9 Part B - Individual Disparate Treatment Discrimination

- Mixed Motive Analysis: Price Waterhouse v. Hopkins (pp. 542-569)

Week 10 - Antidiscrimination & Accommodating Workers Lives

Casebook Chapter 9 Part C - Systemic Discrimination (pp. 570-621)

Casebook Chapter 9 Part D - Sexual and Other Discriminatory Harassment (pp. 621-648)

Casebook Chapter 9 Part E - Retaliation (pp. 648-661)

Week 11 - Antidiscrimination & Accommodating Workers Lives

Casebook Chapter 9 Part F - Disability Discrimination (pp. 661-692)

Casebook Chapter 9 Part G - Procedures for Enforcing Antidiscrimination Laws (pp. 693-694)

Week 12 - Accommodating Workers' Lives

Casebook Chapter 10 Part A - Americans With Disabilities Act (pp. 695-720)

Casebook Chapter 10 Part B - Work-Family Balance (pp. 720-757)

Recap/In-Class Small Groups Activity

Week 13 - Managing the Risks and Costs of Liability in Employment Disputes

Casebook Chapter 13 (pp. 885-968)

Week 14 - REVIEW

In-Class Small Groups Activity

Review

FINAL EXAMINATION: Date and location to be determined