COURSE OBJECTIVES

• To acquaint students with the state and Federal framework of employment relations regulation (with the exception of collective bargaining);

• To familiarize students with the legal process, both judicial and administrative;

• To familiarize students with legal reasoning and methods of statutory interpretation;

• To instill in students an approach to employment relations which emphasizes good professional practice and preventive law;

• To provide students with the tools for further study of employment regulation.

COURSE REQUIREMENTS

Although this is an introductory graduate course in employment law, it emphasizes student participation and group discussion. Students will be held responsible for reading and understanding all assigned materials, as well as participating fully in all class discussions.
COURSE GRADING

Course grading is based on two examinations and class participation. The breakdown is as follows:

1. Midterm: 40% of your overall final grade
2. Final: 45% of your overall final grade
3. Class Participation: 15% of your overall final grade

The specific format of the examinations will be discussed at the appropriate time but I generally give a Fact Pattern and Definitions-styled Midterm and Final.

Please be advised that I require my students to vigorously participate in class discussions - This means that students must read their assigned materials and must be ready to discuss any of those cases. Very simply, 15% of your final grade is determined by whether you show up to class AND whether you participate in class discussions AND know your materials when I call on you.

COURSE MATERIALS

The required text is the 5th Edition of the Wilborn, Schwab, Burton & Lester’s Employment Law: Cases & Materials. Please do not get the 4th edition – there are new cases and it will just annoy you and me.

Also, we will be using SAKAI for handouts – I highly recommend that you print out ALL handouts at once. If you do not know what SAKAI is, please contact the appropriate staff at the Department or speak with a classmate.
Class 1 (9/1/15)

General Introductions/Opening Remarks

Introduction to the Legal System
Introduction to Regulation of Employment Relations
Handout: How to Brief a Case
Handout: Definitions of some widely used legal terms

The Employment At Will Doctrine - A General Introduction & Discussion

No class on 9/8/15 (Monday classes scheduled today)

Class 2 - (9/15/15)

The Contract Exception to the At Will Doctrine

Pages 58-74, 83-116

Skagerberg v. Blandin
Chiodo v. General
Hetes v. Schiffman
Grouse v. Group
Veno v. Meredith
Pugh v. Sees Candies
Woolley v. Hoffman-La Roche
Demasse v. ITT

Class 3 - (9/22/15)

The Tort Exception to the At Will Doctrine

Pages 117- 132; 142-146

Nees v. Hocks
Wright v. Shriners
Johnston v. Del Mar
Agis v. Howard Johnson
Bodewig v. KMART
Fortune v. NCR
Murphy v. America Home Products

Handouts: Pierce v. Ortho
New Jersey Conscientious Employee Protection Act (CEPA)
**Class 4 - (9/29/15)**

*Employee Privacy in the Workplace*

Pages 205-273; 278-282; 291-298; 305-308.

**Rutan v. Republican Party**
**Garcetti v. Ceballos**
**Novosel v. Nationwide**
**Timekeeping Systems Inc.**
**Ontario v. Quon**
**K MART v. Trotti**
**Pure Power v. Warrior Fitness**
**Konop v. Hawaiian Airlines**
**Brunner v. Al Attar**
**Rulon Miller v. IBM**
**Sims v. NCI**
**Soroka v. Dayton Hudson**
**Thatcher v. Brennan**

**Handout:** Hennessey v. Coastal Eagle

**Class 5 - (10/6/15)**

*Defamation, Trade Secrets, Covenants Not to Compete & Employee Inventions*

Pages 311-329, 333-365; 377-392

**Elbeshbeshy v. Franklin**
**Zinda v. Louisiana**
**Sigal v. Stansbury**
**Jet v. Mulei**
**Dicks v. Jensen**
**PepsiCo v. Redmund**
**REM Metals v. Logan**
**Karpinski v. Ingraschi**
**Francklyn v. Guilford**
**Ingersoll-Rand v. Ciavatta**
Class 6 - (10/13/15)

Status Discrimination - Disparate Treatment, BFOQ, Disparate Impact, Reasonable Accommodation; NOTE: REVIEW OF MATERIAL TESTED IN MIDTERM TO BE DONE AT THIS CLASS

Pages 395 – 416; 426-488;

McDonnell Douglas v Green
Price Waterhouse v. Hopkins
Desert Place v. Costa
Jesperson v. Harrah
Hazelwood v. U.S.
Meacham v. Knolls
Ricci v. DeStefano
Griggs v. Duke

CLASS WILL RECEIVE A IN CLASS EXAMINATION IN THE NEXT CLASS. THE MIDTERM WILL COVER CLASSES 2 THROUGH 5.

Class 7 - (10/20/15)

IN CLASS EXAMINATION

Class 8 - (10/27/15)

Sexual Harassment, Affirmative Action

Pages 488 - 528, 546-554

Harris v. Forklift Systems
Oncale v. Sundowner
Lyle v. Warner Brothers
Faragher v. City of Boca Raton
Gil v. Vortex
Hoffman v. Carefirst
Johnson v. Transportation Agency
Taxman v. Board of Education

Handouts: Lehman v. Toys R’Us
Taylor v. Metzger
Class 9 - (11/3/15)

Regulation of Compensation & Unemployment Compensation, WARN, FMLA

Pages 607- 635; 655 – 676;  681- 686; 697-708

Bright v. Houston
Marshall v. Sam Dell
Dunlop v. Gray Goto
Morgan v. Family Dollar
Beckwith v. UPS
Knox v. Board
Wimberly v. Commission
MacGregor v. Appeals Board
Jones v. Review Board
McCourtney v. Imprimis
Roquet v. Arthur Andersen
Whitaker v. Bosch
Byrne v. Avon

Class 10 - (11/10/15)

Workers Compensation

Pages 882 - 961

Millison v. Du Pont
Livitsanos v. Superior Court
Ezzy v. Appeals Board
Prows v. Industrial Commission
Santa Rosa College v. Appeals Board
Donahue v. Maryland
Katz v. Kadans
Hanson v. Reichelt
Nippert v. Shinn Farm
Technical Tape v. Industrial Commission
Mathews v. R.T. Allen
TISCO v. Industrial Commission
Chicago BOE v. Industrial Commission
Class 11 - (11/17/15)

*Occupational Safety & Health Act*

Pages 1003 - 1114

AFL-CIO v. Brennan
American Textile v. Donovan
AFL-CIO v. OSHA
National v. OSHRC
Marshall v. Barlow’s Inc.
Stevedores v. OSHA
Whirpool v. Marshall
Secretary v. Summit
National v. OSHA
Gade v. National
People v. Chicago Magnet

Class 12 - (11/24/15)

*Employee Benefits - ERISA*

Pages 726-787; 802-836

Nemeth v. Clark
Donovan v. Bierwirth
LaRue v. Dewolff
Lorenzen v. Retirement
Beach v. Commonwealth
Metropolitan v. Glenn
Pension Benefit v. LTV
Metlife v. Massachusetts
Retail v. Fielder
Corcoran v. United Healthcare

Class 13 - (12/1/15)

- REVIEW FOR FINAL EXAMINATION/CATCH-UP

Class 14 - (12/8/15)

- IN CLASS EXAM