Employment Law Policies and Syllabus Fall 2010

Professor David A. Larson Hamline University School of Law

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Meeting Schedule: Tuesday and Thursday 4:00 – 5:15 p.m.

Room: Law 4

***Required Reading*: 1)** Employment Law: Cases and Materials, Rothstein and Liebman, 6th Edition (Foundation Press 2007) ISBN: 1-59941-174-1

2) Employment Law: Cases and Materials Statutory Supplement, Rothstein and Leibman (Foundation Press 2007) ISBN: 978-1-59941-351-8

3) Students also must have the 2010 Supplement for Employment Law: Cases and Materials, ISBN: 978-1-59941-819-3

Syllabus revisions that are made during the semester will be posted on TWEN, so please always refer to TWEN for the most up-to-date copy of the syllabus.

***Goals and Objectives*:** This course surveys the numerous state and federal statutory and common law schemes that regulate the employment relationship in the United States. Students will be expected to understand: the employment at-will doctrine and the exceptions to that doctrine; how the torts of defamation, emotional distress and wrongful discharge apply in the workplace; the wage and hour, overtime, and child labor provisions of the federal and state fair labor standards acts; the limits of employee privacy rights in the workplace; and the protections provided by occupational safety and health acts. We may engage in a limited discussion of state and federal antidiscrimination legislation and also may examine a variety of fringe benefit regulations. An additional goal is to improve students' ability both to analyze and apply judicial opinions and to read legislative statutes closely and critically. Accordingly, students should expect that they will be called on to discuss the cases and statutes during the class sessions. Because students will be expected to use technology and multimedia in their professional careers, students will be assigned judicial decisions and asked to use multimedia tools (such as PowerPoint) to present their case summaries and analyses (essentially their case briefs). It is unlikely that any student will make more than two or three case presentations during the semester.

***Attendance Policy*:** Twenty-eight class sessions are scheduled. Four or more absences will be considered excessive. Attendance will be taken by circulating the Registrar's attendance sheet. If a student misses four classes, that student will be required to write and submit a 2,000 word paper that discusses one of the

issues covered in the classes from which the student was absent. The topic of that paper will be determined by Professor Larson. Six or more absences will be brought to the attention of the Associate Dean and may result in a course withdrawal (W) or a failing grade (F).

***Technology Policy*:** In order to facilitate focused interactive class discussion, there will be occasions when the class will be asked to close their notebook computers and/or turn off technology they have been using If a student uses classroom time to read or send e-mail messages, visit web sites that the class has not been instructed to visit at that particular time, or engage in any other online or technology based activities (including cellular telephones, text messaging, or social networks) not directly related to the current classroom discussion, then that student will reminded that his or her conduct is disruptive both to other students and to the classroom in general. If that student subsequently engages in such conduct in spite of the previous request to refrain from such conduct, then he or she will be asked to drop the course and thus will not receive academic credit for the course.

***Testing and Grading*:** Students will be given a three hour examination at the end of the semester (during the final examination period). It is anticipated that the examination will involve two or three essay questions. If this is not the case, then any change will be brought to the students' attention during class and also posted on TWEN. Class participation and presentations will be considered in assigning a final grade.

***Assignments*:** Always refer to the Statutory Supplement to read the statutes cited in the textbook pages assigned for that day. Additionally, always read the relevant updated cases in the Case Supplement.

Aug 24: pp. 2 – 40, Work and Law and the Development of Employment Law (Although the Supplement instructs you to substitute new material for the Studs Terkel excerpt in the textbook, please read both the new supplemental material and the brief Terkel piece with its three short notes and questions.)

August 26: pp. 40 – 77

August 31: pp. 80 – 93 (p. 82 Koch; p. 86 Consol. Serv. Sys.)

Sept. 2: pp. 114 – 129 (p. 114 Wardell; p. 118 Sullivan; p. 125 Lysak)

Sept. 7: pp. 129 – 142 (p. 129 Singer; p. 135 Lewis) Download and read article at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1461712

Sept. 9:142 – 175 (p. 155 Greenawalt; p. 162 Griffin; p. 168 Green)

Sept. 14: pp. 175 – 205 (p. 178 Von Raab) (As always, please read the relevant pages in our supplement)

Sept. 16: pp. 205 – 217, 388 – 410, read New Yorker article "Duped" (p. 205 Malorney; p. 14 supplement Kadlec; p. 388 Lochner; p. 401 Donovan)

Sept. 21: pp. 410 – 442 (p. 410 Dalheim, p. 423 IBP, p. 438 McLaughlin) (note p. 64 in the supplement)

Sept. 23: pp. 442 – 473 (p. 455 Corning, p. 465 Wernsing)

Sept. 28: pp. 473 – 491, 578 – 594 (p. 478 and 480 AFSCME, p. 579 Kelly, p. 586 Jespersen)

Sept. 30: pp. 594 – 616 (p. 596 Suders, p. 605 Harris, Oncale p. 611)

October 5: no new reading assignment

October 7: p. 616 – 634 (p.616, Bodewig, p. 622 Vega-Rodriguez, p. 628 Fraser)

October 12: pp. 634 – 663 (p. 635 Rankin, p. 643 Garcetti, p. 651 Curay-Cramer, p. 657 Washington Alum.)

October 14: pp. 663 – 686 (p. 663 Rulon-Miller, p. 669 Nelson, p. 677 Chambers)

October 19: To be announced

October 21: Fall Break

October 26: pp. 866 – 887 (p. 867 Bard, p. 871 Goetz, p. 878 Marcy, p. 884 Gordon)

October 28: pp. 887 – 910 (p. 887 Scribner, p. 892 – Pugh, p. 898 Woolley, p. 907 Russell)

November 2: pp. 910 – 935 (p. 910 Fortune, p. 916 Cleary, p. 918 Foley, p. 928 Guz)

November 4: pp. 935 – 955 (p. 936 Gantt, p. 942 Arres, p. 945 Hanson, p. 949 Gardner)

November 9: pp. 955 – 980 (p. 955 Lingle, p. 965 Wilson)

November 11: pp. 980 – 1005 (p. 988 Handicapped Children's Educ., p. 996 Mercer)

November 16: pp. 1005 – 1030 (p. 1005 Estee Lauder, p. 1014 KGB)

November 18: pp. 687 – 711 (p. 700 Frank Diehl, p. 705 Chao)

November 23: pp. 711 – 732 (p. 713 Usery, p. 719 Industrial Union)

November 25: Thanksgiving Break

November 30: pp. 732 – 754 (p. 733 Durez, p. 741 Pepperidge, p. 750 Brennan

December 2: pp. 754 – 780 (p. 755 Whirlpool, p. 761 Marshall, p. 770 Johnson Controls)