



ACADEMIC COURSE SYLLABUS

COURSE TITLE:	EMPLOYMENT LAW
COURSE NUMBER:	LAW E515
PROFESSOR(S) NAME:	Susan T. Daniel, MA, Esq.
PROFESSOR CONTACT INFO:	susan@erconsults.com or SDaniel@empirecollege.com Office: 707-538-0138
SCHEDULE:	Summer Semester 2015 Wednesdays, 6-9pm , Room #
UNITS:	3
COURSE TYPE:	Elective
PREREQUISITES:	Completion of first-year required coursework.
COREQUISITES:	None
TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.)	Employment Law, Cases & Materials , 8th Edition, Rothstein ISBN # 9781609304402, Publication Date: 2015 Additional reading material to be assigned by Professor during course. California law/cases as indicated in assignments.
COURSE DESCRIPTION:	This course surveys federal and California laws and cases in employment law and their interaction. Administrative issues concerning federal and state administrative agencies will also be addressed.
COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<ul style="list-style-type: none"> • Students will learn the distinctions between modern civil rights statutes (state and federal) and the common law relationship between employer and employee. • Students will learn the criteria for Constitutional causes of action. • Students will broadly understand different federal and state laws which affect the employment relationship such as Title VII, the Fair Employment and Housing Act, the Civil Rights Act of 1866- 42 USC § 1981, the Civil Rights Act of 1871- 42 USC § 1983, the Age Discrimination in Employment Act, the Americans with Disabilities Act, OSHA, The Fair Labor Standards Act, the Equal Pay Act and others. • Students will learn the differences and methods of proof between disparate treatment and disparate impact cases. • Students will learn the defenses to various employment claims. • Students will learn what relief is appropriate once a substantive violation is proven.

	<p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<ul style="list-style-type: none"> • Course material will be presented in a lecture-discussion format and as student-given presentations and papers. Interactive discussion will be encouraged. • Students are expected to come to class prepared to discuss the assigned readings (<u>including the first day's assignment</u>). All assigned cases must be read and briefed, and all problems must be read prior to class.
<p>EXAMS:</p>	<p>Your exam will be a proctored, essay-style exam.</p> <p>Exams begin promptly at 6 p.m. Take-home exams and papers must be submitted to the Law School office by 6 p.m. on the due date, unless otherwise noted. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. Any student taking delayed examinations <u>must have the prior written approval of the Dean</u>. No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, <u>a fee of \$75 will be charged for each such exam taken</u>. Failure to complete an exam is not sufficient reason for a late or retake exam.</p>
<p>GRADING / ASSESSMENT CRITERIA:</p>	<p>Empire College uses the following grading system for electives: <u>Pass/Fail:</u> 65 - 100 - P Pass/Credit 64 and Below - F Fail/No Credit (Only numeric grades in Required courses are used to calculate grade point average.)</p> <p>This is a Pass/Fail class, but grades will be given to enable students to evaluate how they performed. Normal school grading levels will be used. Your course grade will be determined by class participation including your class presentations and paper (weighted at 35%) and the final essay exam (weighted at 65%).</p>

ATTENDANCE:	Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. A minimum of 80 percent attendance is required. Roll will be taken at each class. Make-up classes will be scheduled if needed.		
ASSIGNMENTS:	Summer 2013 - Weekly assignments		
	TOPIC	TEXT	OTHER CASES/LAWS
WEEK - CLASS 1 1. <u>Work and Law</u> 2. <u>The Development of Employment Law</u> a. Employment at Will 3. <u>Sources of Modern Employment Law</u> a. Collective Bargaining b. Government Regulation c. Modification of the At-Will Rule d. Arbitration		Pp. 3 - 16 Pp. 19 (mid)- 26 Pp. 26-30 Pp. 30-42 Pp. 42-47 (mid) Pp. 52-53 Pp. 53-55 Pp. 55-61	California Labor Code Section 2922 (We will be referring to this handout in class - you do not need to read before class)
WEEK - CLASS 2 1. <u>The Hiring Process</u> a. The Labor Pool b. Applications c. Interviews d. References		Pp. 69-130	
WEEK - CLASS 3 1. <u>The Hiring Process (cont.)</u> a. Truth Detecting Devices b. Medical Screening c. Drug Testing and Other Laboratory Procedures d. Negligent Hiring		Pp. 131-189	
WEEK - CLASS 4 1. <u>Discrimination – Race & Sex</u> a. Sources of protection b. Disparate treatment c. Systemic Discrimination/Statistical Proof d. Harassment		Pp. 191 – 275 (bottom)	

<ul style="list-style-type: none"> e. Because of Race f. Because of Sex 		
<p>WEEK - CLASS 5</p> <ul style="list-style-type: none"> 1. <u>Discrimination – Race & Sex (cont.)</u> <ul style="list-style-type: none"> a. Caregiver Discrimination b. Disparate impact/Adverse Impact c. BFOQ d. Procedure and Proof of Discrimination e. Retaliation 	<p>Pp. 275 -348</p>	
<p>WEEK - CLASS 6</p> <ul style="list-style-type: none"> 1. <u>(Discrimination – Race & Sex (cont.))</u> <ul style="list-style-type: none"> a. Affirmative Action & Reverse Discrimination b. Discrimination based on Factors Other than Race & Sex <ul style="list-style-type: none"> i. Religion ii. National origin iii. Age iv. Disability v. Sexual orientation 	<p>Pp. 348 - 363</p> <p>Pp. 363 - 427</p>	
<p>WEEK - CLASS 7</p> <ul style="list-style-type: none"> 1. <u>Wages & Hours</u> <ul style="list-style-type: none"> a. Federal & State Wage and Hour Regulation b. The Fair Labor Standards Act c. Child Labor d. The Equal Pay Act e. Wage Equity under Title VII f. The Lilly Ledbetter Fair Pay Act 	<p>Pp. 431 (top)</p> <p>Pp. 436 – 486 (mid)</p> <p>Pp. 493 (bottom) - 509</p> <p>Pp. 513 – 525 (mid)</p> <p>Pp. 528 (mid) – 533</p>	
<p>WEEK - CLASS 8</p> <ul style="list-style-type: none"> 1. <u>Health Benefits</u> <ul style="list-style-type: none"> a. ERISA b. Family and Medical Leave c. Nondiscrimination in Benefits 	<p>Pp. 535 – 599</p>	<p>Review California Family Rights Act (handout)</p>

WEEK - CLASS 9 1. <u>Employee Liberty</u>	Pp. 601 – 669 Pp. 674 -696	
WEEK - CLASS 10 1. <u>Occupational Safety and Health Act</u> 2. <u>Non-OSHA Safety and Health Laws</u> 3. <u>Disability Injury and Illness</u> a. Tort Actions and Exclusivity b. Social Security Disability Benefits	Pp. 697 – 768 P. 769 Pp. 774 - 784 Pp. 812 (bottom) - 828 Pp. 831-841	
WEEK - CLASS 11 4. <u>Terminating the Employment Relationship</u> a. <u>Discharge</u>	Pp. 845 - 915	
WEEK - CLASS 12 1. <u>Terminating the Employment Relationship</u> 2. <u>Employees’ Duties to the Employer</u>	Pp. 915 - 969 Pp. 971-985 Pp. 996-1016	
WEEK - CLASS 13 1. <u>Unemployment</u> 2. <u>Retirement</u>	Pp. 1017-1044 (top) Pp.1048-1064 Pp.1071-1099 (mid) Pp. 1104 (mid) – 1112 (bottom Pp. 1123-1134 (bottom)	
Week 14: 1. <u>Retirement (Cont.)</u>	Pp. 1134 - 1202 REVIEW FOR EXAM	
Week 15: Exam date TBA	Final Exam Date will be published by Law School Office –be sure to check published Exam Schedule.	

Syllabus subject to change.