

Syllabus

Employment Law
William J. Voska, J.D.

Golden Gate University
Winter/Spring 2011
6:30 p.m. – 9:30 p.m.

Course Objectives

To provide the student with a better understanding of the relationship between state and federal legislation and court decisions on the activities of the human resources/labor management function. The course is designed to familiarize students with legislation and court decisions impacting different areas of employment law, in addition to providing an appreciation of issues related to employee right and the sensitive nature of the employer's role in addressing evolving issues affecting the workplace.

Students will also be exposed to policy issues affecting the workplace. These include alcohol and drugs, privacy rights, sexual harassment, workplace investigations, negligent employment practices, and other employment law matters. California state and federal legislation will be addressed including wage and hour, disability, and harassment laws.

Significant court decisions will be reviewed that affect the areas of employment law being addressed. Case studies will be used to provide the student with a greater sensitivity to legal issues impacting human resources/labor management relations activities.

Required Classroom Material

2004 California Labor Law Digest, California Chamber of Commerce

Employment Law Reader, William J. Voska

Contacting the Professor

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Requirements and Grading

1. Assignments – Two points deducted from final examination score for each week delinquent.
2. Midterm examination – 35% of final grade.
3. Final examination – 65% of final grade.
4. Extra credit – two points added to final examination score:
 - a. Attendance – all sessions..
 - b. Submit brief: *Griggs v. Duke Power Co.*, Equal Employment Opportunity section of Reader. To be submitted April 7.
 - c. Team competition winners.

Teaching Methods

Course presentation includes extensive use of audio visual resources (slides and video cassettes) to supplement lecture, group discussions, and case studies. Team competition will also be included in the presentation.

Knowledges, Skills, and Abilities

Upon completion of the course, students should acquire:

1. Knowledge of federal legislation impacting employment law.
2. Knowledge of California legislation impacting employment law.
3. Knowledge of pertinent employment law cases decided by the United States Supreme Court.
4. Knowledge of pertinent employment law cases decided by the California Supreme Court.
5. Knowledge of different areas of employment law.
6. Ability to identify employment law issues from case studies.
7. Sensitivity and skill in addressing workplace employment law situations.

Class Sessions and Assignments

<u>Week</u>	<u>Date</u>	<u>Topic</u>
1	February 18	Overview of course. Introduction to the Law Fair Labor Standards Act. Chapter 11 – Wages and Hours, pp. 319 – 362.. Chapter 14 – Overtime, pp. 439 – 470. Chapter 15 – Alternative Workweek Scheduling, pp. 471 – 492. Chapter 16 – Exempt and Non-Exempt, pp. 493 – 532. Assignment #1 (prepare brief): <i>Skinner v. Railway Labor Executives' Assn.</i> , 489 U.S. 602 (1989) To be submitted February 25.
2	February 25	Chapter 29 – Employment Termination and Employment at Will, pp. 1017 – 1052. Case Study #1 Chapter 9 – Drug Free Workplace and Drug Testing, pp. 281 – 306.. Alcohol and drugs, drug testing practices, court decisions, private sector v. public sector issues.
3	March 3	Chapter 27 – Sexual Harassment, pp. 945 – 984. Hostile environment, quid pro quo, same sex harassment, court decisions, case studies. Case Study #5

<u>Week</u>	<u>Date</u>	<u>Topic</u>
4	March 10	<p>Team Competition .#1</p> <p>Chapter 28, Americans with Disabilities Act, pp. 985 – 1016.</p> <p>ADA Case Studies</p> <p>Position Description Defense</p> <p><i>Sutton et al v. United Air Lines, Inc</i>, 119 S.Ct. 2139 (1999)</p> <p>Assignment #2 – (prepare brief): <i>Cotran v. Rollins Hudig Hall, International, Inc.</i>, 17 Cal.4th 93 (1998). To be submitted March 17.</p>
5	March 17	<p>Workplace Investigations – an examination of issues and guidelines.</p> <p>Midterm Examination.</p>
6	March 24	<p>No class.</p>
7	March 31	<p>Chapter 6 - Employee Handbooks, pp. 143 - 160.</p> <p><i>Scholz v. Montgomery Ward & Co., Inc.</i>, 468 N.W.2d 845 (1991) (answer questions in Reader)</p> <p>Case Study #11</p> <p>Negligent Employment Practices - Article in Reader.</p> <p>Hiring, retention, supervision, training, etc.</p> <p>Reference Checking – court decisions, defamation, release statements, guidelines.</p> <p>Assignment #3 (prepare brief): <i>Johnson v. Transportation Agency, Santa Clara Co., Cal.</i>, 480 U.S. 616 (1987) To be submitted April 7.</p>

<u>Week</u>	<u>Date</u>	<u>Topic</u>
7	April 7	Chapter 24 – Workplace Violence, pp. 815 - 832. How to assess the risk; prevention methods; developing policies and procedures; zero tolerance; training. Case Study #10 Chapter 26, Employment Discrimination, pp. 879 - 944. <i>Griggs v. Duke Power Co.</i> , 401 U.S. 424 (1971) (Extra credit assignment)
8	April 14	Chapter 31, Labor-Management Relations, pp. 1079 –1135. Chapter 10, Alternative Dispute Resolution, pp. 307 – 318. Team Competition #2
9	April 21	Chapters 8 – Employee privacy and the individuals statutory rights, pp. 201 - 280. Case Study #4 Review.
10	April 28	Final examination.