

Employment Law Syllabus

Fall 2023

Contact Information:

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Class Information:

Mondays
4:00 p.m. to 6:00 p.m.
Law 365-001

Casebook:

Employment Law: Cases and Materials by Willborn, Schwab, and Lester (7th ed. 2022)
(ISBN: 978-1-5310-2247-1) (eISBN: 978-1-5310-2248-8)

Employment Law Case Supplement, prepared by me (to be emailed to students)

* Rather than order supplementary materials, I have prepared a statutory and regulatory supplement for you to use. When a statute or regulation is mentioned in your reading, you should consult the supplement and read that material as well. These references should be read prior to class.

Learning Outcomes:

By the end of the course, students should:

- Have an understanding of the basic principles of employment law;
- Be familiar with the at-will employment relationship and the related federal and state statutory responses to it; and
- Be able to analyze the complex situations inherent in employment and identify and understand the major laws that are involved.

Attendance:

Each class I will send a sign-in sheet around the class. Please sign in or you will be marked absent. If you arrive late, please let me know either during a break in the class or at the end of class. If you will miss a class, please contact me via email before class begins.

Grading:

A take-home final exam will be the basis for a student's grade. I reserve the right to bump a grade up or down as a result of a student's class participation during the semester.

Special Note on Class Participation

Beginning on our third class, I will be assigning students to be the discussion leaders each week. These students, to whom advance notice will be given, should expect to volunteer to participate in class, so please prepare accordingly. Also, this participation is based on the class day, not the reading assignments in the syllabus, so please prepare for the actual class to the best of your ability.

Of course, I encourage and *expect* every student to be fully prepared to participate in class discussions as well—do not come to class unprepared or leave the discussion just to the day's leaders.

Reading Assignments:

Below is a proposed reading assignment schedule. As the course progresses, I may modify the assignments as needed.

Please keep in mind that each student will be responsible for reading **any statute or regulation** mentioned in your casebook or case readings, as well as those listed in the assignments below. Also, although we may not cover certain information in the assigned reading during class (such as certain notes after cases), students are still responsible for understanding that material.

Note About Offensive Language:

The Employment Law field is, in many ways, an examination of the ways that human beings behave in the workplace. Occasionally, we will be reading cases where offensive language and conduct are used, including stereotypes and crude and vulgar language. I may occasionally use such language in class in an effort to explore this subject properly (such as in hypothetical problems). Students must be willing to both read and listen to this material and discuss the offensive language in an academic and respectful setting.

Academic Policies & Honor Code

Unless students have been otherwise specifically informed in class, this course follows the standard policies adopted by the Law School, as they are amended from time to time. You can find more information about those policies here:

<http://www.law.gmu.edu/academics/regulations>

http://www.law.gmu.edu/academics/honor_code

Class	General Subject of Class	Assignment
Class 1 21 Aug	INTRODUCTION Why study employment law? Employees vs. Independent Contractors	p. 3-33 Case Supplement Pages 1-7
Class 2 28 Aug	CHANGES TO AT-WILL EMPLOYMENT Employment At-Will Foundations	p. 73; 78-82 n4; 84-89 n1; 93-97 n1; 98 n5-99 n5; 100-01; 103-10
Class 3 11 Sep	CHANGES TO AT-WILL EMPLOYMENT (CONT.) Implied In-Fact Manuals	p. 112-24 n2; 127-33 n2; 138-144; 145 n2-146
Class 4 18 Sep	EMPLOYMENT TORTS Wrongful Discharge IIED	p. 147-53 n4; 156-61; 163- 72 n4; 173-75; 185-95 n4
Class 5 25 Sep	EMPLOYMENT TORTS (CONT.) Duty of Good Faith & Fair Dealing Defamation	p. 199-205 n3; 206-12; 315-18 n3; 320-33 n2
Class 6 02 Oct	PERFORMANCE Duty of Loyalty Trade Secrets Non-competition	p. 339-46; 347-60 n3; 363- 73 n3; 374 n5; 375-85 n6
Class 7 10 Oct	EMPLOYMENT DISCRIMINATION Individual Disparate Treatment <i>McDonnell Douglas</i> Scheme Causation BFOQ Defense	Case Supplement pages 8- 34
Class 8 16 Oct	EMPLOYMENT DISCRIMINATION (CONT.) Orientation & Identity Harassment & HWE Supervisors & Co-Employees Retaliation	Case Supplement pages 34-63

<u>Class</u>	<u>General Subject of Class</u>	<u>Assignment</u>
Class 9 23 Oct	WAGES & HOURS (FLSA) Minimum Wage Overtime & On-Call Wages & Tips, Exemptions UNEMPLOYMENT Work Search Disqualification	p. 593-606 n4; 608-13; 685-92; 697-700; 702-08 29 U.S.C. §§ 203 & 206 29 C.F.R. §§ 541.100, .102, .200, .300, &.600
Class 10 30 Oct	UNEMPLOYMENT (CONT.) Misconduct WARN Act WORKERS' COMPENSATION Exclusivity Covered Injuries	p. 708-19; 724-30; 875-76; 881-90 n3;
Class 11 06 Nov	WORKERS' COMPENSATION (CONT.) Compensable Injuries Test Exceptions	p. 891-919
Class 12 13 Nov	WORKERS' COMPENSATION (CONT.) Exceptions EMPLOYEE PRIVACY Freedom of Speech <i>Garcetti v. Ceballos</i>	p. 922-23; 215-42; 244-49
Class 13 20 Nov	EMPLOYEE PRIVACY (CONT.) Concerted Activity Searches	p. 251-71; 277-80 n6