

GEORGE MASON UNIVERSITY SCHOOL OF LAW
Federal Sector Employment Law, Spring 2024
Adjunct Professor Jeff Rosenblum

Contact Information:

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Class Information:

Mondays 6:05 – 8:05 p.m.

Class #: 23173

Room: TBA

Grading: 25% Class Participation; 25% Final Quiz; 50% Paper

READING: No text. See individual classes for reading assignments.

Class Topics and Reading Assignments (subject to change)

Monday, January 22 NO CLASS

Monday, January 29 Introduction/Overview of the Civil Service System/Forums

5 U.S.C. Chapter 75, Subchapters 1 and 2

29 C.F.R. Part 1614, Subpart C

Perry v. MSPB, 582 U.S. 420 (2017)

Monday, February 5 Employee Rights/Probationary Periods

Board of Education v. Loudermill, 470 U.S. 532 (1985)

McCormick v. Department of the Air Force, 307 F.3d 1339 (Fed. Cir. 2003)

Roy v. Merit Systems Protection Board, 672 F.3d 1378 (Fed. Cir. 2012)

Gardner v. Department of Defense, 98 M.S.P.R. 215 (2005)

Stewart v. Department of Transportation, 2023 MSPB 18 (May 16, 2023)

Kaszowski v. Department of the Air Force, 2023 MSPB 15 (Apr. 4, 2023)

Monday, February 12 Employee Misconduct/Discipline

5 U.S.C. Chapter 75; 5 C.F.R. Part 752

Gartner v. Department of the Army, 104 M.S.P.R. 463 (2007)

McCauley v. Department of the Interior, 116 M.S.P.R 484 (2011)

Stribling v. Department of Education, 2008 MSPB LEXIS 1384 (Mar. 4, 2008)

Ludlum v. Department of Justice, 278 F.3d 1280 (Fed. Cir. 2002)

Metz v. Department of the Treasury, 780 F.2d 1001 (Fed. Cir. 1986)

Miller v. FDIC, DC-0752-20-0790-I-1 (May 16, 2023)

Monday, February 19 GUEST SPEAKER - TBD

Monday, February 26 Penalties/Nexus

Ward v. United States Postal Service, 634 F.3d 1274 (Fed. Cir. 2011)

Pickett v. Department of Agriculture, 116 M.S.P.R. 439 (2011)

Douglas v. Department of Veterans Administration, 5 M.S.P.R. 280 (1981)

Lachance v. Devall, 178 F.3d 1246 (Fed. Cir. 1999)

Thomas v. Department of the Army, 2022 MSPB 35 (Oct. 20, 2022)

Chin v. Department of Defense, 2022 MSPB 34 (Oct. 7, 2022)

Woebecke v. Department of Homeland Security, 114 M.S.P.R. 100 (2010)

Doe v. Department of Justice, 565 F.3d 1575 (Fed. Cir. 2009)

Doe v. Department of Justice, 2012 MSPB LEXIS 7432 (2012)

Quillen v. Department of the Treasury, 96 M.S.P.R. 154 (2004)

Merritt v. Department of Justice, 6 M.S.P.R. 585 (1981)

Major v. Hampton, 413 F. Supp. 66 (E.D. La. 1976)

Monday, March 4 NO CLASS

Monday, March 11 Labor Issues

Department of Labor v. AFGE, 38 F.L.R.A. 899 (1990)

Department of Veterans Affairs v. FLRA, 3 F.3d 1386 (10th Cir. 1993)

Executive Orders 13836, 13837, 13839

SSA and AFGE, 19 F.S.I.P. 019 (2019)

Department of Transportation and AFGE, 19 F.S.I.P. 043 (2019)

NTEU and FEC, 2023 F.S.I.P. 037 (2023)

Monday, March 18 Federal Sector EEO Process/Discrimination

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)

Gabriele G. v. Social Security Administration, EEOC Appeal No. 0720180015 (Nov. 15, 2019)

Macy v. Department of Justice, EEOC Appeal No. 0120120821, 2012 WL 1435995 (Apr. 20, 2012)

Phyllis F. v. Department of Homeland Security, EEOC Appeal No. 0120150799 (Feb. 16, 2021)

Jess P. v. Department of Homeland Security, EEOC Appeal No. 0120132186 (Sept. 17, 2019)

Jazmine F. v. Department of Defense, DC-0752-14-0739-E-1 (2023)

Article - The Role of Agency Counsel in Federal Sector EEO Investigations (to be provided)

Annalee D. v. GSA, EEOC Appeal No. 0120170991 (Nov. 27, 2019)

Monday, March 25 Reasonable Accommodation/Disability Discrimination/Religious Discrimination

Requesting Reasonable Accommodations under the Americans with Disabilities Act, United States Attorneys' Bulletin, May 2007 (to be provided)

Americans with Disabilities Act Amendments Act of 2008

Thersa E. v. U.S. Postal Service, EEOC Appeal No. 0120182764 (June 23, 2021)

Latarsha A. v. Federal Energy Regulatory Commission, EEOC Appeal Nos. 0120123215 and 0120131079 (Mar. 15, 2016)

Lamar M. v. U.S. Postal Service, EEOC Appeal No. 2019005929 (June 15, 2021)

Babb v. Wilkie, 589 U.S. __ (2020)

Frances A. v. Department of Justice, EEOC Appeal No. 2019004187 (Nov. 30, 2020)

Monday, April 1

Whistleblower Protection Act/Settlement Agreements

Whistleblower Protection Enhancement Act

Turner v. Department of Agriculture, 2023 MSPB 25 (Aug. 30, 2023)

Covington v. Department of the Interior, 2023 MSPB 5 (Jan. 13, 2023)

Chambers v. Department of the Interior, 116 M.S.P.R. 17 (2011)

Whitmore v. Department of Labor, 680 F.3d 1353 (Fed. Cir. 2012)

Carvalho v. Department of Justice, 2016 MSPB LEXIS 2013 (Apr. 4, 2016)

Monday, March 18

Employee Performance/First Amendment Issues

5 C.F.R. Parts 430 and 432

Lee v. Department of Veterans Affairs, 2022 MSPB 11 (May 12, 2022)

Wiley v. Department of Justice, 2008 MSPB LEXIS 6751 (Jan. 12, 2008)

Gonzalez v. Department of Homeland Security, 114 M.S.P.R. 318 (2010)

Kaplan v. Conyers, 733 F.3d 1148 (2013)

Pickering v. Board of Education, 391 U.S. 563 (1968)

Mings v. Department of Justice, 813 F.2d 384 (Fed. Cir. 1987)

Jackson v. Small Business Association, 40 M.S.P.R. 137 (1989)

Monday, April 15

Catch-up

Monday, April 22

Wrap-up/Final Quiz