

# **LER 290 “Introduction to Employment Law”**

## **Fall 2013. Three Credits.**

### **Online Course. August 26 to December 11**

#### **INSTRUCTOR INFORMATION**

**Name:** Maggie Cohen, Visiting Lecturer, School of Labor and Employment Relations.

#### **ABOUT THE COURSE**

This course addresses and critiques the content, interpretation, and applications of the laws that govern employer-employee relations in the American workplace. It will explore the historical sources, underlying ideology, and current content of anti-discrimination and civil rights laws, of laws that seek to guarantee a safe and healthy workplace for all Americans, of laws that guarantee minimum wages and overtime pay, of legal protections of privacy on the job, of unemployment insurance and workers' compensation laws, and of laws that guarantee workers the right to collective action and collective bargaining.

This course will explore the legal protections and rights provided American workers. The course will also compare the protections afforded American workers by employment laws that establish individual rights, individually enforced, with those derived from collective bargaining relationships where workers are collectively represented by a union. Although it will not explore the historical role of labor unions in detail -- this is amply done in other LER courses -- the course will discuss and critique the view that workers today are sufficiently protected by federal and state employment laws thereby making labor unions redundant.

Upon completing this course, you will:

- Understand the underlying legal principles governing, and the terms defining, the employment relationship in America;
- Be able to compare the nature of the employment relationship under American law with standards and conventions under international codes and conventions;
- Be able to analyze the political and economic purpose and effects of the increasing use of contingent workers;
- Understand the diverse faces of employment discrimination, the elements of proof for the several forms of discrimination claims, the defenses available to employees, and be able to analyze the strengths and weaknesses of anti-discrimination laws and their enforcement;
- Understand occupational safety and health laws, and be able to analyze the strengths and weaknesses of those laws and their enforcement;

- Understand workers' compensation laws, and be able to analyze those laws' strengths and weaknesses;
- Understand the extent to which federal and state laws recognize and protect rights to minimum pay, overtime pay, and equal pay for equal work, and acknowledge the need to sustain workers when they are involuntarily unemployed, and be able to analyze the strengths and weaknesses of those laws and their enforcement;
- Understand federal law and be able to critique its limitations concerning employees' privacy rights and conduct outside the workplace;
- Analyze and compare the legal protections afforded workers through individually enforced employment laws, and the collectively enforced protections derived from agreements collectively bargained between employers and labor organizations.

There are no prerequisites for taking LER 290, although it is recommended that students first take LER 100 "Introduction to Labor Studies." Some of you have held jobs where you have experienced or observed some of the problems addressed by various employment laws. Regardless of background or major, anyone should be able to do well in this class. If you have questions, do not understand a term or an argument in the readings, or do not understand something that I or a student writes, please jump in boldly and ask what is meant. There are no foolish questions. If you're not sure about something, probably at least several other students are not sure about it either.

The course has eight segments:

<b>Segment</b>	<b>Days</b>	<b>Open</b>	<b>Close</b>	<b>Topic</b>
1	10	August 26	September 5	Introduction to the Course; Nature of the Employment Relationship
			- <i>September 2 is the Labor Day Holiday</i> -	
2	10	September 6	September 15	Independent Contractors or Employees? Preliminary Legal Issues; Contingent Workers
3	14	September 16	September 29	Anti-Discrimination Law: 1964 Civil Rights Act; Equal Pay Act.
4	10	September 30	October 9	Anti-Discrimination Law: Age Discrimination, Disabilities Discrimination
5	14	October 10	October 23	Wages, Overtime; Wage Theft
6	14	October 24	November 6	Health and Safety on the Job; Workers' Compensation
7	16	November 7	November 22	Privacy on the Job: Surveillance, Employer Access to personal information; Employer control of Off-Duty Activities; Workers Rights as Human Rights
		<i>November 23</i>	<i>December 1</i>	-- <i>Thanksgiving Break</i> --
8	10	December 2	December 11	Job Security, Outsourcing, Reflections

In each segment's lecture I highlight important material from the assigned reading, add new information, and introduce the discussion forums. Lectures are written in Microsoft Word so you can easily download them. After reading my lecture, do the assigned reading and post to the forums.

Everything you need to take this course is available on your Compass home page ("course content") as you enter the course. Click on any segment folder and you will find the Instructor's Lecture, a Compass Readings' folder (web-based readings), a Videos' folder, and Segment Deadlines. Discussion Forums, Assignments, and Exams, and "My Grades" can be found on the main left-hand menu.

Be sure to click on the folder "Welcome to LER 290" at the top of your course content page. It contains the syllabus, instructor's video and details on class logistics. To contact your instructor, click the "Email" link on the left-hand main menu. Please do not click "all instructors" but only your instructor's name, as other LER staff will otherwise receive your email.

### **REQUIRED READING AND VIDEOS**

There are three required texts, which can be purchased at the Illini Union bookstore or at an online bookstore:

- Lisa Guerin J.D. and Amy DelPo, J.D., The Essential Guide to Federal Employment Laws (4th ed. 2013)
- Lewis Maltby, Can They Do That? Retaking Our Fundamental Rights in the Workplace (Penguin Books, 2009)
- Kim Bobo, Wage Theft in America (The New Press, 2009)
- James Gross, A Shameful Business: The Case for Human Rights in the American Workplace, (2010)

In addition to the texts, there are some web-based articles and electronic reserve reading that you will find on Compass. Look in the "Compass Reading" folder in each segment. There are also several web-based videos you are required to watch.

### **THE INSTRUCTOR & THE SCHOOL OF LABOR AND EMPLOYMENT RELATIONS**

My name is Maggie Cohen. My Bachelor's, Masters, and Doctorate degrees are in Philosophy, with specializations in Ethics, and Social and Political Philosophy. I hold a law degree and have practiced as a union-side labor lawyer. My teaching spans more than thirty years. I have taught for Indiana University, the University of Baltimore, and the University of Maryland University College, and in UMUC's European Division. I have also taught labor law and union ethics as an adjunct at the National Labor College in Silver Spring, Maryland. I have been teaching for UIUC's Global Labor Studies program since fall 2008.

I have been a labor activist for thirty years. I worked for U.S. Steel Duquesne Works as an electrician apprentice, and served as an assistant grievanceman. I served as General Counsel for the Overseas Education Association, the union representing teachers in the Department of Defense Dependent Schools on U.S. bases in Germany. I was a member of the Newspaper Guild/CWA serving as chair of internal organizing and mobilizing, shop steward, and member of the union's contract negotiating committee at my job. I also served as secretary of my local, the Washington-Baltimore Newspaper Guild, and as a member of its Executive Counsel.

My research interests are in union ethics. I have published two articles arguing for the importance of ethics training for union officers and activists, and led a workshop on building union democracy at the Communication Workers of America's 2006 Civil Rights and Equity Conference.

I am very much looking forward to teaching LER 290 Employment Law and to engaging in lively and penetrating discussions with all of you. Please do not hesitate to contact me, by email or cell phone, if you have any questions about the course, the assignments, or the subject matter generally.

I want to share with you a brief history of the program. The School of Labor and Employment Relations, until 2008 called the Institute of Labor and Industrial Relations, was formed in 1946. The School is dedicated to advancing theory, policy, and practice in all aspects of labor and employment relations. The School is one of the premier programs in the country teaching graduate students pursuing a [Master of Human Resources and Industrial Relations degree](#) or a [Ph.D. in Human Resources and Industrial Relations](#). Graduate students take HR/IR classes at the LER building at 504 E. Armory on the UIUC campus.

In addition, LER's labor studies faculty, located both on the UIUC campus and in a Chicago office, teach non-credit courses for workers and unionists across Illinois, and teach undergraduate, online courses in the Global Labor Studies program. Global Labor Studies courses analyze issues facing workers and the labor movement from a multi-disciplinary perspective, drawing on and synthesizing the fields of sociology, history, economics, political science, business, international studies, and industrial relations. LER offers a GLS minor for full-time UIUC students, and a Certificate in Global Labor Studies for nontraditional students. See details at the GLS website at <http://go.illinois.edu/laboronline> or email questions to [illinoislabored@illinois.edu](mailto:illinoislabored@illinois.edu).

### **THE PERSPECTIVE OF THIS CLASS**

The central theme in every LER Global Labor Studies course is to analyze issues from the perspective of their impact on working people, and to look at the ways that working people have organized themselves to achieve a more just society. We want students to experience the world through the eyes of working people. This means viewing our workplaces, our economy, our legal system, our society, and our culture in terms of how it looks to people who are trying to make a living by selling their labor.

Global Labor Studies classes takes as a basic assumption the idea that workers deserve to be treated with respect and dignity on the job, deserve a healthy and safe workplace, deserve to be well compensated in wages and benefits, and have a right to associate together in unions in order to exert pressure on employers and governments to protect and improve their labor standards. My lectures and the assigned reading will often have this pro-worker "tilt."

But having said that, I want to assure you that all views are embraced in this class. A class with lively discussions, disagreements, and debates is the best possible learning experience. I want to strongly encourage you to speak up (through your written posts) and respectfully challenge arguments or information with which you disagree. Unlike a classroom class, every student must regularly and frequently share their analysis (in at least three substantial posts per forum), so don't be shy about sharing your views.

## COURSE EXPECTATIONS

Online labor studies courses are entirely web-based. There are no required face-to-face meetings. In on-campus, three-credit courses students and instructor meet in a classroom for 2 hours and 40 minutes a week for fifteen weeks. Instructors take attendance and grade down if students do not attend. I will use the same method in this web-based course.

You are required to post at least once to each of the 17 discussion forums, and to regularly read all forum posts. Absence from the forums will result in a low course grade. Classroom participation is a key part of the learning process and the course will involve extensive discussion. Discussions are based upon the reading, videos, and lectures. It is expected and required that you will have completed all the assigned reading each segment and that you will join the discussion forums prepared to thoughtfully read, write, and learn. Please note that this marks a significant difference from face-to-face courses, where you might be able to fall behind on reading and catch up before exams or papers are due without your grade being affected.

Staying on schedule by doing the reading will make the class more enjoyable for you, make for a better learning experience, make for livelier Discussion Forums, and improve your grade. Just as in a face-to-face class, participating in the class discussions does not mean only speaking when you are sure you know the right answer. Try to answer the questions I pose even if you're not sure of the answer. Ask questions. Assert your opinions. Respectfully challenge the viewpoints of the readings, the instructor, or other students. But, your posts cannot just be your viewpoints or questions; you must demonstrate you have done the reading. The course grader will not grade the "correctness" of your comments – that is, lively debate and critical reflection are encouraged -- but I will monitor the degree and quality of your participation.

In the forums students are to follow rules of good online etiquette. When you post your thoughts to the Discussion Forums there will naturally be a variety of perspectives. I expect to have some very lively discussions and debates, and I am counting on impassioned postings. That's a good thing! However, I expect you to disagree respectfully – to treat one another the way you would want to be treated. A general rule of thumb is that you should not say in forum posts anything you wouldn't say to a person in a face-to-face situation. For example, you might say, "I understand what you are saying Joe, but I wonder if you ever considered..." rather than "Are you nuts? What a stupid comment!" There will be no intimidating, insulting, or discriminatory remarks of any kind; no swearing or name-calling; and no shouting (as signified by the use of all capital letters).

I will usually log onto the course daily to read forum posts and emails. If you email me my response time is typically same-day, but might occasionally be 36 hours. If I am unavailable for a period of time, you will be notified.

Finally, here are my expectations of you as an online student:

- I expect that you will read the syllabus so you thoroughly understand the course requirements. And I expect you to read four articles, located in the "Welcome to LER 100" folder to learn how to successfully take an online course:
  - ✓ "Getting Started in your LER Online Class"
  - ✓ "Ten Things Every Student Needs to Know"

- ✓ “What is a Threaded Discussion?”
- ✓ “Grading Forum Posts for Content”
- To test your knowledge of the syllabus and these files, you are required to take the Syllabus Test during the first segment.
- I expect that you are the type of learner who does excellent work when you work independently. You are self-directed, self-motivated, and disciplined. You don’t procrastinate, and you possess excellent time management skills. The secret of getting the most from an online course is to understand that how much you learn and how much you enjoy the course depends entirely on you. I will do all that I can to help you have an excellent learning experience, but you must take the primary initiative for doing so.
- I expect that you will log onto the course several times a week to read student posts and my posts, and to participate yourself in the Discussion Forums. Students are required to read all posts in each segment.
- I expect that you will contact me when you’ve a question, concern, or problem with any aspect of the course, just as you would in a face-to-face setting. I expect that you will email me if you are unable to log on due to illness or a personal emergency.
- I expect that, if you have not already, you will quickly learn to navigate the Compass environment. Go the [CITES website](#) to learn the basics about Compass. Email, call, log onto a live help chat room, or go by the CITES “[Help Desk](#)” with your questions.
- I expect that you will regularly check your university email for communications from me.
- I expect that if your home computer crashes or Internet access fails, you will use a university computer or a friend’s computer to access course materials and to submit exams and papers, and to post to forums. “My computer or Internet crashed so I couldn’t do class assignments” is not an acceptable excuse.

## **GRADING**

There are 535 possible points in this course. The Syllabus Test is worth 5 points. Three exams have two parts and are worth 120 points (40 points each), the Midterm Exam is worth 60 points, the Final Exam is worth 100 points, and participation in the 17 Discussion Forums is worth 255 points (15 points per forum).

<b>Segment</b>	<b>Assignment</b>	<b>Date Opens</b>	<b>Date Closes</b>	<b>Points</b>
All	Discussion Forums	1 <sup>st</sup> day of segment	Last day of segment	255
1	Syllabus Test	August 26	September 5	5
1-2	Exam 1 Part A	September 14	September 16	15
1-2	Exam 1 Part B	September 14	September 16	25
3-4	Exam 2 Part A	October 8	October 10	15
3-4	Exam 2 Part B	October 8	October 10	25
	Campus labor forum	TBD	TBD	(5)
1-5	Midterm Exam	October 22	October 25	60
6-7	Exam 4 Part A	November 20	November 22	15
6-7	Exam 4 Part B	November 20	November 22	25
1-8	Final Exam	December 12	December 16	100
8	Extra Credit paper		December 12	(20)
TOTAL				540

The course grade scale is:

A+	98%	529-540	B+	88%	475-485	C+	78%	421-431	D+	68%	367-377
A	93%	502-528	B	83%	448-474	C	73%	394-420	D	63%	340-366
A-	90%	486-501	B-	80%	432-447	C-	70%	378-393	D-	60%	324-339
									F		000-323

You are required to take the Syllabus Test by 11:30 p.m. on Thursday, September 5. Study the syllabus and the “Ten Things Every Student Needs to Know” file. The exam covers forum participation and grading, cheating and plagiarism, and other course rules. Answer 20 multiple choice and true/false questions. The exam is worth 5 points. You may take the exam once.

Exam 1, worth 40 points, is accessible in Assessments. It covers segments 1 and 2 and is in two parts. Part A has 15 multiple-choice and true-false questions taken from a larger pool of questions. Each question is worth 1 point. Part B requires you to answer 5 short essay answers taken from a larger pool of questions. Each answer is worth 5 points. Each answer should be 250 to 350 words. Exam 1 parts A and B are accessible for 48 hours, from 1:00 p.m. on Saturday, September 14 to 1:00 p.m. on Monday, September 16. You may only take each part of the exam one time. If you do not submit the exam before the deadline, you will receive zero points. Part A is open for 25 minutes. Part B is open for 100 minutes or an average of 20 minutes to answer each short essay question.

Exam 2, worth 40 points, is accessible in Assessments. It covers segments 3 and 4 and is in two parts. Part A has 15 multiple-choice and true-false questions taken from a larger pool of questions. Each question is worth 1 point. Part B requires you to answer 5 short essay answers taken from a larger pool of questions. Each answer is worth 5 points. Each answer should be 250 to 350 words. Exam 2 parts A and B are accessible for 48 hours, from 1:00 p.m. on Tuesday, October 8 to 1:00 p.m. on Thursday, October 10. You may only take each exam one time. If you do not submit the exam before the deadline, you will receive zero points. Part A is open for 25 minutes. Part B is open for 100 minutes or an average of 20 minutes to answer each short essay question.

The Midterm Exam, worth 60 points, is accessible in Assignments. The exam covers material in Segments 1 through 5. Open the exam, write your answers, and submit it as an MS Word file in

Assignments. The exam is accessible for four days, from Tuesday, October 22 until 11:30 p.m. on Friday, October 25. Late papers are graded down one full grade for each day late, and not accepted after three days late. The exam requires you to answer two questions. Each answer should be two to three double-spaced pages or about 600 to 800 words.

Exam 4, worth 40 points, is accessible in Assessments. It covers segments 6 and 7 and is in two parts. Part A has 15 multiple-choice and true-false questions taken from a larger pool of questions. Each question is worth 1 point. Part B requires you to answer 5 short essay answers taken from a larger pool of questions. Each answer is worth 5 points. Each answer should be 250 to 350 words. Exam 4 parts A and B are accessible for 48 hours, from 1:00 p.m. on Wednesday, November 20 to 1:00 p.m. on Friday, November 22. You may only take each exam one time. If you do not submit the exam before the deadline, you will receive zero points. Part A is open for 25 minutes. Part B is open for 100 minutes or an average of 20 minutes to answer each short essay question.

The Final Exam, worth 100 points, covers all course material and is accessible in Assignments. Open the exam, write your answers, and submit it as an MS Word file in Assignments. The exam is accessible for four days, from Thursday, December 12 until 11:30 p.m. on Monday, December 16. Late papers are graded down one full grade for each day late, and not accepted after three days late. The exam requires you to answer two questions. Each answer should be three to four double-spaced pages or about 900 to 1,200 words.

Following are more details on Part A of Exams 1, 2, and 4: These exams are 15 multiple choice questions randomly taken from a larger pool of questions. This means different students will receive different questions on the exam. You may take each exam only one time. You have 25 minutes to take each exam. You must submit the exam within the time limit or it will not be accepted. You may not keep the exam open past 25 minutes. One question at a time will appear on your computer screen; at any time you can go back to revisit a question. After you complete the exam, Compass will automatically grade the multiple choice section, and that grade will appear in the gradebook.

#### Grading Participation in the Forums

The 17 Discussion Forums are each worth 15 participation points. Participation is therefore 255 out of 540 points in the course, or about 47% of your course grade. Forum grading is designed to create an atmosphere in the forums similar to a classroom seminar. The goal is to engage you in a lively discussion about the reading, lectures, and the instructors' and students' posts. Your participation in each forum is graded on content, number, and timing. Please be sure to read "Ten Things Every Student Needs to Know."

#### Forum Grading Matrix

	<u>No Posts</u>	<u>F</u>	<u>D</u>	<u>C</u>	<u>B</u>	<u>A</u>
Content	0	5	6	7	8	9
Number	0	0	0	1	2	3
Timing	0	0	0	1	2	3

Content is worth up to 9 points. As explained in the "Grading Forum Posts for Content" file, to earn an "A" for content your posts must demonstrate that you have read and analyzed the readings

and videos; and you must engage the instructor and other students in the discussion. When grading for content we look at all your posts together.

Number is worth up to 3 points. If you post three or more times, and at least two posts are responses to the instructor or students, you will receive 3 number points. If you post twice, and at least one post is a response, you will receive 2 number points. If you post once, you will receive one number point. To receive number points your posts must be substantive. That is, brief posts along the lines of “I agree with you, you made good points” do not count toward your three required posts. Your posts in each forum must be on three separate days. (And posting at 11:00 p.m. and two hours later at 1:00 a.m., although technically two different days, will not earn number points.)

Timing is worth up to 3 points. You must post a substantive post in the first half of a segment or timing points will be deducted.

Timing Deadlines for Grading Segments 1, 2, 4 and 8 (10 day segments)

First post days 1-5:	3 of 3 possible timing points
First post on days 6:	2 of 3 possible timing points
First post on days 7-8:	1 of 3 possible timing points
First post on days 9-10:	0 of 3 possible timing points

Timing Deadlines for Grading Segment 3, 5 and 6 (12-14 day segments)

First post days 1-7:	3 of 3 possible timing points
First post on days 8:	2 of 3 possible timing points
First post on day 9-10:	1 of 3 possible timing points
First post on day 11-14:	0 of 3 possible timing points

Timing Deadlines for Grading Segment 7 (16 day segment)

First post days 1 to 8:	3 of 3 possible timing points
First post on days 9 or 10:	2 of 3 possible timing points
First post on days 11, 12, or 13:	1 of 3 possible timing points
First post on days 14 to 16	0 of 3 possible timing points

Extra Credit

Students also have the option of writing an extra credit paper. Details are located in Assignments. The paper is worth up to 20 points. Email me by Thursday, December 5 (one week before the Thursday, December 12 paper deadline) with a proposed research topic related to the course material, and we’ll talk about it. You cannot submit a paper without prior approval. Late paper proposals will not be accepted. Your Extra Credit Paper should be at least 6 double-spaced pages and no more than 10 pages. The paper must be on a topic related to LER 290 course topics. Concentrate on the employment relationship in America, either historically or in the form it currently takes, and on the role of law in governing that relationship. You cannot re-use a paper you have turned in for another course, as this is a violation of the Student Code. Extra credit points cannot be used to raise a course grade to an A+.

Every semester, Global Labor Studies invites a labor leader to campus to discuss contemporary events. This year's speaker is \_\_\_\_\_. The event is \_\_\_\_\_, 6:30 - 8:00 pm in the Wohler Hall

auditorium (room 141). Students can earn up to 5 extra credit points by attending and writing a two double-spaced page paper by \_\_\_\_\_ at 11:30 p.m. All GLS students can attend and it will be open to the public. Students taking more than one GLS class can submit a paper to only one class.

### DRES Accommodation

The University of Illinois and the School of Labor and Employment Relations seek to meet the needs of all students. If you have a disability, please contact the **DRES** (Disability Resources Educational Services) office for assistance. They will also issue you a letter to email to your instructor outlining accommodations to meet your needs.

### Late Papers and Incompletes

If you miss an exam you will receive zero points for that exam. There are no extensions on exams. If you miss assigned course work (exams, forum posts, papers) and have documentation of a medical or personal emergency from the Emergency Dean, it is the discretion of the instructor to assign additional essay papers to replace missed work. You must immediately contact your instructor or this option will not be considered. This option is not available for students who forget to do an assignment. If students miss large amounts of course work and it is past the drop deadline, they should contact their school to get permission for a late drop.

A grade of “Incomplete” may be given only in *extraordinary* circumstances, and is the discretion of your college which will consult with your instructor. To request permission to get an incomplete you must go to your college office to seek authorization and to have a form signed. Incompletes are not automatically issued; there must be a valid reason such as a medical emergency; and generally the student must have completed a large majority of the coursework.

LER instructors do not approve incompletes, late drops, or withdrawals. If you seek one of these options, get the form from your college, email it to me on Compass so I can fill out the pertinent sections answering questions about your class progress, and I will email the form to you. Then you will submit it to your college which will make the determination.

### Plagiarism and Cheating

Plagiarism and other forms of academic misconduct will be dealt with under the strictest terms provided for under university policy. Every semester students have received course grades of “D”s and “F”s for plagiarism and cheating, and LER sends a letter to their Dean.

*Read this section carefully! You should familiarize yourself with the “Academic Integrity” section of the University of Illinois [Student Code](#). The Syllabus Sign Off Test that you must take during the first segment includes eight questions on plagiarism and cheating.*

- ✓ It is a violation of academic integrity and the Student Code that will result in severe punishment to copy material from the web and falsely submit it as your own work in a forum post, paper, or final exam.
- ✓ It is a violation of academic integrity and the Student Code that will result in severe punishment to read another student’s forum post and falsely submit that post, or a rephrased version of that post, as your own work in the forums.

- ✓ It is a violation of academic integrity and the Student Code that will result in severe punishment to read another student's exam answer and falsely submit an exam answer, or a rephrased version of that answer, as your own work in an exam.
- ✓ It is a violation of academic integrity and the Student Code that will result in severe punishment to facilitate cheating or plagiarism by sharing your forum posts with a student in another class, or sharing exam questions or your exam answers.
- ✓ It is a violation of academic integrity and the Student Code that will result in severe punishment to submit a paper that has similar or paraphrased material from another paper. This applies equally to assigned papers and to extra credit papers.
- ✓ It is a violation of academic integrity and the Student Code that will result in severe punishment to submit an extra credit paper that you have submitted to another class.
- ✓ Student can, of course, study together. But it is a violation of academic integrity and the Student Code that will result in severe punishment to submit similarly worded essay exams, forum posts, or papers as those of other students.

### Grade Appeal

If, at the end of the semester, you feel you did not get the grade you deserve, and you have discussed the matter with your instructor, you may appeal your grade to the Director of the LER Labor Education Program, Prof. Robert Bruno at [bbruno@illinois.edu](mailto:bbruno@illinois.edu).

## **COURSE SCHEDULE AND READING**

### **SEGMENT 1: Introduction to the Course; Nature of the Employment Relationship; Sources of Employment Law**

**Monday, August 26 to Thursday, September 5 (10 days)**

*Monday, September 2 is the Labor Day holiday*

#### Reading:

- Electronic reserves: The Big Squeeze: Tough Times for the American Worker, Steven Greenhouse (2009)
  - Chapter 3, "The Vise Tightens," pp. 35-48
  - Chapter 4, "Downright Dickensonian," pp. 49-70
  - Chapter 6, "Leaner and Meaner," pp. 98-116
- "Here Today, Gone Tomorrow: Legal Protections," Workplace Fairness website
- "The employment-at-will doctrine: three major exceptions," Bureau of Labor Statistics
- Text: Can They Do That?:
  - Introduction, pp. 1-4
  - Chapter 5, "Wrongful Discharge and Employment at Will," pp. 57-67
- Electronic Reserves: "Law and the Employment Relationship, A Historical Sketch," pp. 3-4, in Legal Rights and Interests in the Workplace, Clyde Summers, et al (2007)
- "Ten Things Every Student Needs to Know"
- "What is a threaded discussion?"
- "Grading Forum Posts for Content"

Assignments:

- Take the Syllabus test by 11:30 p.m. on Thursday, September 5

Discussion Forums:

- 1A: Introductions and Nature of the Employment Relationship
- 1B: Employment At Will

**SEGMENT 2: Independent Contractors or Employees: Preliminary Legal Concerns; Contingent Workers**

**Friday, September 6 to Sunday, September 15 (10 days)**

Reading:

- Electronic Reserves: Chapter 7, “Here Today, Gone Tomorrow,” pp. 117-134 in The Big Squeeze
- “Labor Proposal Targets Builders,” February 9, 2009 Washington Post
- “Fed Up With Fed Ex: How Fed Ex Ground Tramples Workers Rights and Civil Rights,” American Rights at Work website
- “Confronting the Rise of Contingent Work in California”
- “Temp Work Raises Long-term Questions for Economy”
- Electronic Reserves: “Employment in the New Age of Trade and Technology: Implications for Labor and Employment Law,” pp. 52-57, in Legal Rights and Interests in the Workplace

Video:

- Independent Contractor Factoids (An ad from a company called ICON, concentrating on IRS liabilities)

Assignment:

- Exam 1 covers segments 1 and 2 and is in two parts. Parts A and B are accessible for 48 hours, from 1:00 p.m. on Saturday, September 14 to 1:00 p.m. on Monday, September 16.

Discussion Forums:

- 2A: Case Studies: Independent Contractor or Employee
- 2B: Contingent Workers

**SEGMENT 3: Anti-Discrimination Law: 1964 Civil Rights Act; Equal Pay Act**  
**Monday, September 16 to Sunday, September 29 (14 days)**

Reading:

- Text: The Essential Guide to Federal Employment Laws:
  - Chapter 18, “Title VII of the Civil Rights Act of 1964 (Title VII)”
  - Chapter 15, “Pregnancy Discrimination Act”
  - Chapter 5, “Equal Pay Act (EPA)”
- Text: A Shameful Business: The Case for Human Rights in the American Workplace: Chapter 2, “Without Distinction of Any Kind, Race and Human Rights in the United States.”
- Dothard v. Rawlinson, [http://www.oyez.org/cases/1970-1979/1976/1976\\_76\\_422](http://www.oyez.org/cases/1970-1979/1976/1976_76_422) Oyez Project (Click on Opinion Announcement)
- Harris v. Forklift Systems, Inc., [http://www.oyez.org/cases/1990-1999/1993/1993\\_92\\_1168](http://www.oyez.org/cases/1990-1999/1993/1993_92_1168) Oyez Project (Click on Opinion Announcement)

Videos:

- John F. Kennedy Address on Civil Rights (6 minutes, Miller Center For Public Affairs, University of Virginia)

- I Am A Man: Dr. King & the Memphis Sanitation Strike (10 minutes, AFSCME produced documentary on the 40<sup>th</sup> anniversary of King Assassination)
- Lou Dobbs Attacks EEOC Stand on “English Only” Rules (14 minutes, CNN)

Discussion Forums:

- 3A: Race and Sex Discrimination
- 3B: Religious and National Origin Discrimination

**SEGMENT 4: Anti-Discrimination Law: Age Discrimination in Employment Act, Americans with Disabilities Act**

**Monday, September 30 to Wednesday, October 9 (10 days)**

Reading:

- Text: The Essential Guide to Federal Employment Laws:
  - Chapter 1, “Age Discrimination in Employment Act (ADEA)”
  - Chapter 13, “Older Workers Benefit Protection Act (OWBPA)”
  - Chapter 2, “Americans With Disabilities Act (ADA)”
- Sutton v. United Air Lines [http://www.oyez.org/cases/1990-1999/1998/1998\\_97\\_1943/](http://www.oyez.org/cases/1990-1999/1998/1998_97_1943/)  
Oyez Project (Click on Opinion Announcement)
- Optional Reading: “Disability Rights Law—Roots, Present Challenges, and Future Collaboration”

Video:

- ADEA: Too Old to Work--Phrases Used (1 minute, Channel 4 TV news, England)

Assignment:

- Exam 2 covers segments 3 and 4 and is in two parts. Parts A and B are accessible for 48 hours, from 1:00 p.m. on Tuesday, October 8 to 1:00 p.m. on Thursday, October 10.

Discussion Forums:

- 4A: Age Discrimination
- 4B: Disability Discrimination

**SEGMENT 5: FLSA: Wages, Overtime, Wage Theft**

**Thursday, October 10 to Wednesday, October 23 (14 days)**

Reading:

- Text: The Essential Guide to Federal Employment Laws:
  - Chapter 7, “Fair Labor Standards Act (FLSA),” pp. 172-215
- Text: Wage Theft in America:
  - Chapter 1, “The Crisis of Wage Theft,” pp. 3-22
  - Chapter 2, “How Employers Steal Wages,” pp.23-41
  - Chapter 3, “Why Employers Steal Wages,” pp. 42-54
  - Chapter 4, “How U.S. Labor Laws Fail Workers,” pp. 55-72
  - Optional: Appendix A, Dept. of Labor Wage and Hour Settlements, pp. 225-258
  - Optional: Appendix B, Private Wage and Hour Lawsuits, pp. 259-265
- “Wage and Hour Division’s Complaint Intake and Investigative Processes Leave Low Wage Workers Vulnerable to Wage Theft,” GAO Report
- Steven Greenhouse:
  - “Wal-Mart Settles 63 Lawsuits Over Wages”
  - “A Study of Home Help Finds Low Worker Pay”
  - “‘Charlie Rose’ Show Agrees to Pay Up to \$250,000 to Settle Interns’ Lawsuit”

- “A Move to Protect Low-Wage Workers”
- “Out of Work and Challenged on Benefits Too,” February 12, 2009 *Washington Post*
- Department of Labor “We Can Help” campaign website

Videos:

- H.R. 1406: More Work, Less Pay
- Secretary Hilda L. Solis: You Have the Right to Be Paid Fairly Whether Documented or Not (1/2 minute, DOL ad)
- WAGE THEFT: The Crime Wave No One Talks About

Assignment:

- The Midterm Exam covers material in Segments 1 through 5. The exam is accessible for four days, from Tuesday, October 22 until 11:30 p.m. on Friday, October 25.

Discussion Forums:

- 5A: Fair Labor Standards Act: Who is Covered?
- 5B: Wage Theft

**SEGMENT 6: Health and Safety on the Job; Workers’ Compensation  
Thursday, October 24 to Wednesday, November 6 (14 days)**

Reading:

- Text: The Essential Guide to Federal Employment Laws:
  - Chapter 12, “The Occupational Safety and Health Act (OSH Act),” pp. 316-333
- Enforcement of Safety and Health Requirements under the Bush Administration’s “Worker Safety Program”
- Workers Threatened by Decline in OSHA Budget, Enforcement Activity, OMB website
- Obama administration brings more OSHA enforcement
- AFL-CIO 2013 Death on the Job report
- Safe Jobs Now, AFSCME
- Hard Labor [Public Integrity Series]
- Protecting America's Workers Act (HR 2067)
- Text: A Shameful Business: Chapter 6, “Violations of the Human Right to Life and Limb, Safety and Health in the U.S. Workforce,” pp.104-126
- At the Company’s Mercy: Protecting Contingent Workers from Unsafe Working Conditions
- Electronic Reserves: A Job to Die For: Why So Many Americans are Killed, Injured, or Made Ill at Work and What We Can Do About It, Lisa Cullen (2002)
  - Chapter 1, “Preventable Losses”, pp.1-11
  - Chapter 3, “Non Discriminating Risk,” pp. 37-51
  - Chapter 5, “Toxic Politics and Negotiable Exposure,” 72-89
- The Myth of Workers’ Compensation Fraud

Videos:

- Why OSHA was created (1 minute, from “The Story of OSHA” made by OSHA in 1980 but later destroyed; preserved and digitized by Marc Caitlin)
- History of Mine Health and Safety (9 minutes, excerpted from the 2002 MSHA video “Reflections on Mining History”)
- Massey Energy Mine cited for 1300+ safety violations (10 minutes, Democracy.org)
- Can’t Take No More (29 minutes; history of Worker Safety efforts)

Assignments:

- The Campus Labor Forum takes place on \_\_\_\_\_. Extra Credit Papers are due in Assignments by 11:30 p.m. on \_\_\_\_\_.

Discussion Forums:

- 6A: OSHA: Provisions and Enforcement; Workers' Compensation
- 6B: Alternative Enforcement: Union Safety Committees, Refusal of Unsafe Work

**SEGMENT 7: Privacy on the Job, Surveillance, Access to Personal Information; Employer Control of Off-Duty Activities; Workers Rights as Human Rights? Thursday, November 7 to Friday, November 22 (16 days)**

Reading:

- Text: Can They Do That?
  - Chapter 2, "Smile, You're on Candid Camera: Privacy in the Workplace," pp. 16-43
  - Chapter 3, "Whose Life Is it Anyway?: Employer Control of Personal Lives," pp. 57-67
  - Chapter 6, "A Penny For Your Thoughts: Psychological Testing by Employers," pp. 80-91
  - Chapter 7, "Drug Testing," pp. 92-107
  - Chapter 8, "Brave New Workplace: Genetic Discrimination." pp. 108-132
- Text: The Essential Guide to Federal Employment Laws:
  - Chapter 4, "Employee Polygraph Protection Act (EPPA)"
  - Chapter 9, "Genetic Information Nondiscrimination Act (GINA)"
- Text: A Shameful Business
  - Introduction, pp. 1-7
  - Chapter 1, "Justice and Human Rights," pp. 8-23
- The Genetic Information Nondiscrimination Act
- National Treasury Union, et al v. Von Raab, Commissioner United States Customs Service
- City of Ontario v. Quon (decided June 17, 2010) [Listen to announcement of opinion]
- Illinois Right to Privacy in the Workplace Act
- Greenhouse, "Even if It Enrages Your Boss, Social Net Speech Is Protected"

Videos:

- Background discussion of *City of Ontario v. Quon* (decided June 17, 2010) (4 minutes, attorney speaking at a meeting of the San Luis Obispo Chamber of Commerce)
- Facebook Exposure (3 minutes, CBS News piece)
- Employment Lawyer advising employers on "How to Set Up a Facebook Account for Applicant Screening" (6 minutes, Delaware attorneys advise HR professionals)

Assignments:

- Exam 4 covers segments 6 and 7 and is in two parts. Parts A and B are accessible for 48 hours, from 1:00 p.m. on Wednesday, November 20 to 1:00 p.m. on Friday, November 22.

Discussion Forums:

- 7A: Physical Privacy, Informational Privacy, and Surveillance
- 7B: Employer Control of Off-Duty Behavior

*Thanksgiving Break is Saturday, November 23 to Sunday, December 1*

**SEGMENT 8: Job Security, Outsourcing; Individual versus Collective Protection, Conclusions**

## Monday, December 2 to Wednesday, December 11 (10 days)

### Reading:

Text: Can They Do That?:

- Chapter 9, "Plant Closings," pp. 133-141
- Chapter 10, "There's Strength in Numbers: The Right to Organize" 142-164
- Electronic Reserves: Chapter 5, "Rights Consciousness in the Workplace," pp. 178-211, in State of the Union: A Century of American Labor, Nelson Lichtenstein (2003)
- Steven Greenhouse, [IBM Explores Shift of White-Collar Jobs Overseas](#)
- Steven Greenhouse, [As Factory Jobs Disappear, Workers Have Few Options](#)
- Steven Greenhouse, [Tracking Corporate Outsourcing of Jobs](#)

### Assignments:

- The Extra Credit paper is due by 11:30 p.m. on Thursday, December 12. Information is at Assignments.
- The Final Exam covers all course material. The exam is accessible for four days, from Thursday, December 12 until 11:30 p.m. on Monday, December 16.

### Discussion Forums:

- 8A: Job Security
- 8B: Individual versus Collective Protection of Rights on the Job
- 8C: Reflections

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