

HRIR 5252: Employment and Labor Law for the HR Professional

Section 060 - March 2018 (Spring B Term)

Room:

Carlson School of Management 1-127

Text:

Employment Law for Business by Dawn D. Bennett-Alexander and Laura P. Hartman (9th Edition)

Contact Information:

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Student Objectives:

1. Identify basic employment and labor law issues in business and industry.
2. Describe legal definitions of and distinctions in the employer-employee relationship.
3. Analyze major discrimination issues likely to be faced by human resource managers, including age, sex, religion, affinity orientation, disability and national origin.
4. Understand state and federal issues addressed by business and industry, including fair labor standards, occupational safety and health, retirement income security and employee right to privacy.
5. Spot issues and argue legal positions on human resources, labor and employment law subjects as well as identify the basic labor and employment law concepts and apply those concepts to actual and theoretical cases.

Grades:

Your grade in the course will be calculated in the following way: 1) Your oral presentation and the weekly written assignments of the cases and questions and posts in the discussion area will count approximately 50% of the course grade. 2) Your score on the first test will be approximately 20% of the course grade. 3) Your score on the second test, will count approximately 30% of the course grade. The written exams focus on the text.

Grades on written assignments are worth a total of nine points per assignment. An assignment that is done well, includes all questions (chapter end and case questions) and answers and cites one (or more, but at least one) **seminal case from the text** with a short explanation as to how it pertains.

The breakdown of the points is:

- A seminal case (one for the whole assignment) from the text is worth three points;
- An acceptable answer to the case question (or questions) is worth one point;
- A proper reference list (APA 6th) is worth one point;
- Proper citing overall is worth one point;
- An acceptable answer to the end -of- chapter questions is worth three points; and,
- An assignment submitted late will be penalized three points.

Assignments should be submitted by e-mail before class or in person at the beginning of class. The written assignments should be typed, proofed (for grammar and spelling) and in final form when submitted. The question (or a summary of the question) should be typed before the answer.

Students are asked to keep a record on the tent card for each case or chapter-end question reported on in class. For extraordinary performance in reporting when called on and for extraordinary volunteering to report in class, a grade may be moved up one-half a letter grade, e.g., B- to a B.

The best answer for weekly assignments will contain a position (e.g., "The employee wins...") with stated support of a seminal case from the text and a short explanation of how the case applies. Your opinion is important, but it must be supported by a case that shows me you know how to cite and reason. The case cited has to be a seminal case from the chapter (or in a prior chapter), not a case cited by the authors in the question you are answering or cited by the court in the case to which the questions pertain. You only need to cite a seminal case once per written assignment.

If there is no question but just a narrative in the chapter-end question, assume the question is, "What result and why?" Citing a case to support your position will demonstrate to me that you know the meaning of legal precedent. If there is no question or narrative for your number, select for this time only, another number and answer that question. It is very important that you use only primary sources, with the exception of the text. I want you to be able to read an actual case (or an excerpt of it) and analyze it. The discussion question is posted for the fourth class session. Post an initial response to the questions of no more than one paragraph. Respond to at least one other student with no more than one paragraph. Do these posts so that you are finished by the beginning of the fourth class session. The discussion is worth five points.

Academic Misconduct Carlson Policy:

The Carlson School defines academic misconduct as any act by a student that misrepresents the student's own academic work or that compromises the academic work of another. Scholastic misconduct includes (but is not limited to) cheating on assignments or examinations, plagiarizing, i.e., misrepresenting as one's own work any work done by another, submitting the same paper, or substantially similar papers, to meet the requirement of more than one course without the approval and consent of the instructors concerned, or sabotaging another's work. Within this general definition, however, instructors determine what constitutes academic misconduct in the courses they teach. Students found guilty of academic misconduct face penalties ranging from lowering of the course grade or awarding a grade of F or N for the entire course, to suspension from the University.

Accommodations for Students with Disabilities:

The University of Minnesota is committed to providing all students equal access to learning opportunities. Disability Services is the campus office that works with students who have disabilities to provide and/or arrange reasonable accommodations. Students registered with Disability Services, who have a letter requesting accommodations, are encouraged to contact the instructor early in the semester. Students who have, or think they may have, a disability (e.g. psychiatric, attentional,

learning, vision, hearing, physical, or systemic), are invited to contact Disability Services for a confidential discussion at 612-626-1333 (V/TTY) or at ds@umn.edu. Additional information is available at the DS website <http://ds.umn.edu> .

Practice Tests:

The web site for the text which is on the back cover of the text has a practice test bank. Don't pay for this.

Courtesy:

All electronic devices including laptops must be turned off during class. You may eat during class.

Individual Assignments:

You are each assigned a number. Your number determines what cases and what end-of-chapter question you do. This is not group work except you will all present together in class. **If you don't see your name, e-mail me at carol@carolbergotoole.com with the number you would like.**

For example, for the first class session, Student #1 is responsible for answers for the questions after the cases *Murray* on page 35, and an answer to chapter-end question number 1 in Chapters 1, 2 and 3. Student #1 should be prepared to present in class the case(s) and questions. Finally, Student #1 should have read Chapters 1, 2, and 3.

If there are no questions after the case, simply brief the case. That is: in one sentence state the facts; in another sentence, state the issue or question the court is asked to decide; and, in a third sentence, state the decision. Use plain language, not legalese. (We will discuss how to brief a case in the first session. In addition, I have posted a sample brief.) If there is no end-of-chapter number that matches yours, just pick a number with a question and answer it.

Student Numbers:

#1 Alynda Her, Jennifer Veach, Jiao Xu

#2 Michelle Tran, Min Guo, Lance Langem

#3 Conner Poppke, Hannah Blakey, Cammy Klug, Nathan Petroski

#4 Jenna Callinan, Annelise Eeman, Paige Erickson, Amber Wen

#5 Gwen Gorres, Pellin Zhou, Carmen Nusbaum

#6 Alecia Prins, Guozhu Zhao, Jennifer Haines

#7 Chris Morrison, Holly Vesledahl, Laura Vo

#8 Devin Roll, Claire Melendez, Julia Meckes

#9 Maria Zelinsky, Jared Golde

#10 Miles Eggen, Chi-Ting Hsleh

Course Schedule:

1st Class Session: Wednesday, March 21, 2018

All students: Read Chapters 1, 2, and 3 (including all the cases) and answer the chapter-end questions and the case questions corresponding to your student number.

- *Murray* (35) Student #1
- *Juino* (37)#2
- *Palmateer* (87) #3
- *Herawi* (88) #4
- *Guz* (92) #5
- *Griggs* (96) #6
- *Petruska* (131) #7
- *McDonnell* (93) #8
- *Wilson* (95) #9
- *Patterson* (133) *Ali* (134) #10

2nd Class Session: Wednesday, March 28, 2018

All students: Read Chapter 4 and 5 and answer the case questions and the chapter-end questions corresponding to your number.

- *Local 28* (250)#1
- *Johnson* (252) #2
- *Ricci* (256) #3
- *EEOC* (195)#4
- *National Treasury* (197) #5
- *Local 28* (250) #6
- *Johnson* (252)#7
- *Ricci* (256) #8
- *EEOC* (195) #9
- *National Treasury* (197) #10

3rd Class Session: Wednesday, April 4, 2018

All students: Read Chapter 6, 7 and 8 and answer the case questions and the chapter-end questions corresponding to your student number.

- *Garcia* (333) #1
- *Alvarado-Santos* (335) *Price Waterhouse* (396) #2
- *Cortezano* (338) *Lynch* (397) #3
- *Bakke v. Regents of the University of California* (Not in your text. You can find it online by Googling it or going directly to LEXISNEXIS. There are no questions for this so just brief it.) #4
- *Wedow* (394) #5
- *Dothard* (395)#6
- *Alonzo* (298) *Espinoza* (341)#7
- *Jones* (299) #8
- *Vaugh* (301) #9
- *Chandler* (302), *Centeno-Bernuy, et al* (342) #10

**Exam on Chapters 1-8, pp. 1-386.

4th Class Session: Wednesday, April 11, 2018

All Students: Read chapters 9-10 and answer the case questions and the chapter-end questions corresponding to your student number.

In addition, in the forum area of the course room, make an initial response of no more than one paragraph to the discussion questions. Respond to one other student with a comment of no more than one paragraph.

Finally, all students will need to read online *Yunker v. Honeywell*. You can find it online by Googling it or going directly to LEXISNEXIS. There are no questions for this so just brief it.

- *Burlington* (436) #1
- *Nichols* (485) #2
- *Jane Doe* (486) #3
- *Meritor* (437) #4
- *Jane Doe* (486) #5
- *Weaver* (482) #6
- *Ellison* (438) #7
- *Buonanno* (489) #8
- *Oncale v. Sundowner Oil*, (Not in your text. You can find it online by Googling it or going directly to LEXISNEXIS.) There are no questions for this so just brief it. #9
- *Faragher* (441) #10

5th Class Session: Wednesday, April 18, 2018

There will be a short lecture on amendments to the ADA. All students read chapters 11-12 and answer the case questions and the chapter-end questions corresponding to your student number.

- *Gross* (579) #1
- *Western* (577) #2
- *Oubre* (582) #3
- *Hazen* (581) #4
- *Peterson* (522) #5
- *Peterson v. Hewlett-Packard Co.* (530) # 6
- *Trans World Airlines* (528) #7
- *Trans World Airlines* (528) #8
- *Chalmers* (524) #9
- *Gross* (579) #10

6th Class Session, Wednesday, April 25, 2018

Class and dinner at professor's home.

All Students: Read chapters 13-14 and answer the case questions and the chapter-end questions corresponding to your student number.

All students are also assigned to read the decision and the transcript of the oral argument of *EEOC v. Abercrombie and Fitch*. The decision can be found on LEXISNEXIS and the transcript of the oral argument on www.oyez.org . Make copies of both the decision and the transcript of the argument. You will need them for this class.

- *Wilson* (644) #1
- *Samper* (646) #2
- *Huber* (648) #3
- *EEOC* (650) #4
- *O'Connor* (722) #5
- *City of San Diego* (725) #6
- *Yoder* (724) #7
- *City of Ontario* (728) #8
- *City of Ontario* (728) #9
- *EEOC v. Abercrombie and Fitch* (Not in your text. You can find it online by Googling it or going directly to LEXISNEXIS.) There are no questions for this so just brief it. #10

7th Class Session: Wednesday, May 2, 2018

All Students: Read chapters 15-16 and answer the case questions and the chapter-end questions corresponding to your student number.

- *Commonwealth* (767) #1
- *Gimrock* (764) #2
- *Reich* (828) #3
- *Mullins* (828) #4
- *Columbia* (771) #5
- *Central Laborers' Pension Fund* (832) #6
- *Electromation* (772) #7
- *Local 825, Int'l. Union of Operating Engineers v. National Labor Relations Board*, 829 F. 2d 458 (3rd Cir. 1987). (There is a reference in your text, but not an excerpt of the case. You can find it online by Googling it or going directly to LEXISNEXIS.) There are no questions for this so just brief it. #8
- *National Football League Players Association v. Pro Football, Inc* (Just a small reference to this case in your text. You can find it online by Googling it or going directly to LEXISNEXIS.) There are no questions for this so just brief it. #9
- *Variety* (831) #10

** Exam Covering Chapters 9-16