

**MGMT 3243
Employment Law
Course Syllabus, Fall 2023
Tuesday 2:30 – 5:15**

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Office Hours: Tuesday 1 – 2:15 & by appointment

Catalogue Description

Employment Law (3)

This course examines the legislation which impacts human resource management practices in union and non-union settings. Topics covered include fair employment practices, anti-discrimination law, representation elections, unfair labor practices, compensation and benefit legislation, privacy concerns and dispute settlement processes.

Course Overview and Objectives

The overall goal of this course is to provide students with an overview of the legal and regulatory environment of the modern American workplace, including an awareness of the legal, social, economic and political forces impacting the law, and responsive strategies for the business manager. The focus of the course will be on providing students with practical knowledge of legal issues and principles that often arise in the context of human resource management. It is hoped that this knowledge will facilitate students becoming more informed, sensitive, and effective managers.

It should be noted, however, that this course is not intended to be a substitute for professional legal advice. Rather, managers who know how to spot legal issues before they become legal problems will be better able to avoid these problems and to recognize when a lawyer is needed.

Topics to be covered in the course include:

- key federal employment legislation
- affirmative action
- safety and health regulation
- wage and benefit regulation
- labor relations statutes

Required Text:

- Fleischer, C.H., (2022). The SHRM Essential Guide to Employment Law (2nd edition). Alexandria, VA: SHRM. ISBN: 9781586445164/
- Guerin, L., & Clements, S. (2022). The Essential Guide to Federal Employment Laws (7th edition). Berkley, CA: NOLO Press. ISBN: 9781413329797
- CATME Student License. ISBN: 2818440092077

Course Requirements and Grading

Each student's performance will be evaluated using the following criteria:

- 20% Classroom Participation and Attendance
- 10% SCOTUS Case Summary
- 40% Exams
 - Midterm exam (20%)
 - Final exam (20%)
- 30% Presentations
 - Employment Topic Individual Presentation (10%)
 - Employment Legislation Group Presentation (20%)

Grading scale:

A	90 – 100
B	80 – 89
C	70 – 79
D	60 – 69
F	<60

Classroom Participation & Attendance:

Students are encouraged and expected to participate extensively in classroom discussions. Students are expected to complete the assigned readings and come to class prepared to discuss them in class each session. The quality, significance, and thoughtfulness of class participation will be considered in determining grading.

Students are expected to attend all classes. Students should notify the instructor if they plan to be absent from class so as to make-up any missed assignments.

Students are expected to arrive on time and sign-in for each class. Your attendance at class signals that you are prepared to fully participate.

The following 'assignments' will be included in the participation and attendance grade:

- ❖ Personal Bio Statement
- ❖ Individual Presentation Topic Choice
- ❖ SCOTUS Case Selection Notification
- ❖ CATME Surveys

- TeamMaker Survey
- Practice Peer Evaluation
- Final Peer Evaluation
- ❖ Misc. class exercises/assignments

Exams:

There will be a midterm and a final exam. Both exams will be administered in class. Each of the exams will be of mixed format. Item formats may include multiple choice, short answer, essay, or analysis of a “mini-case”. Exams must be taken when scheduled. The mid-term exam will only be administered during the designated class period (i.e., there will be no make-up exam); if the mid-term is not completed (*due to excused absence only*), the final exam will account for 40% of the course grade.

Employment Law Case Summary

Supreme Court employment law related case summary: One of the key components of human resource management is the legal and regulatory context in which it occurs. Given the nature of the US legal system, this context is continually changing and evolving. It is important to be familiar with key court decisions in this area. Thus, each of you will be required to select and review a US Supreme court decision relevant to employment discrimination or employment law. The objective is to briefly summarize the case, the decision, and implications. Each case summary should include a one to two-page written handout for class. A “prototype” example and word template are available on CANVAS. You may select a case from the list provided or you may select your own case (if you select your own case, you must clear it with me first).

Deliverables include:

- Notification of case selected – **no later than Sept. 5th**
- 1-2 page summary – **due by Sept. 19th**

Presentations/Assignments:

You will be responsible for two presentations. The first will be a group project in which your group will be required to present and lead class on a key piece of federal employment legislation. The second will be an individual presentation on a separate HR related topic. More information on these assignments will be presented in class.

Federal Legislation Group Project

The primary objective of this assignment is for your group to generate a presentation focusing on a specific federal employment statute (this will be assigned by the instructor). Here you will be responsible for leading the class and presenting material related to the legislation assigned to your group. **In essence your group will be teaching the class with respect to this material. Your presentation should include information in the text but should also go beyond and add to that information.** You should plan on approximately 45 minutes for your presentation. In your presentation you should include:

- Presentation/ Review of the statute with a specific focus on the 6 dimensions of EEO laws
- Key principles/concepts of the statute
- Key cases/precedents with respect to the statute

- Relevant North Carolina State statutes and enforcement provisions
- Recent Cases/Case Study
- Implications for Employers
- Relevant videos, etc.
- Discussion Questions/Topics/Exercise for the class.

As part of this assignment, your group should provide me with a draft presentation and also meet with me for feedback **Oct. 17th**. I will provide more information in class.

Deliverables include:

- PowerPoint presentation
- Class case exercise with completed discussion questions
- In class presentation

Your presentation will be evaluated on the following criteria:

1. *This presentation was clear and well organized*
2. *This presentation added to my understanding of regulation pertaining to this statute.*
3. *Each group member participated in the presentation.*
4. *This presentation was well prepared and researched.*
5. *This presentation added information that was not in the text.*
6. *Overall, this was a good presentation.*

Employment Law Related Topic Presentation

The primary objective of this project is for each of you to research and present a brief report on a workplace related topic. Potential topics are located at the bottom of the syllabus. You should select one of these topics and email me with your choice as soon as possible (topics will be assigned on a first-come, first-served basis). Your report should include:

- an overview of the topic as it relates to employers/employees,
- key statutes relevant to the topic (both federal and NC)
- recommendations for practice

Deliverables include:

- Powerpoint presentation,
- In class presentation (aprox. 10 – 15 minutes).

Course Policies:

This syllabus contains the policies and expectations I have established for this course. Please read the entire syllabus carefully before continuing in this course. These policies and expectations are intended to create a productive learning atmosphere for all students. Unless you

are prepared to abide by these policies and expectations, you risk losing the opportunity to participate further in the course.

The standards and requirements set forth in this syllabus may be modified at any time by the course instructor. Notice of such changes will be by announcement in class and/or by changes to this syllabus posted on the course website.

All students and the instructor are expected to engage with each other respectfully. Unwelcome conduct directed toward another person based upon that person's actual or perceived race, actual or perceived gender, color, religion, age, national origin, ethnicity, disability, or veteran status, or for any other reason, may constitute a violation of University Policy 406, The Code of Student Responsibility. Any student suspected of engaging in such conduct will be referred to the Office of Student Conduct.

E-mail and Canvas

I will send you e-mail to the e-mail account listed on Canvas. Please be sure that you can receive e-mail sent to your UNCC account. You may review your grades on Canvas. You may download the syllabus, assigned readings, lecture notes, and project instructions from Canvas.

Electronic devices in class

The use of laptops for personal use, cell phones, smart phones, or other mobile communication devices is disruptive, and is therefore prohibited during class. Recordings or photos of any kind are not permitted – this includes powerpoint slides. If there is some type of emergency that requires you to keep a cell phone turned on, it should be kept in a backpack and not used for recording or photo purposes, please discuss this with me before the class begins. Any student who violates this policy will receive a failing grade (F) in the course.

The UNCC Code of Student Academic Integrity:

Academic dishonesty will not be tolerated. Any academic integrity issues will be dealt with in accordance with University policies and procedures. Students are reminded of the code of academic integrity stated in the college catalog and are expected to follow it. It reads as follows:

The UNC Charlotte Code of Student Academic Integrity governs the responsibility of students to maintain integrity in academic work, defines violations of the standards, describes procedures for handling alleged violations of the standards, describes procedures for handling alleged violations of the standards, and lists applicable penalties. The following conduct is prohibited in that Code as violating those standards:

A. Cheating. Intentionally using or attempting to use unauthorized materials, information, notes, study aids, or other devices in any academic exercise. This definition includes unauthorized communication of information during an academic exercise.

B. Fabrication and Falsification. Intentional and unauthorized alteration or invention of any information or citation in any academic exercise. Falsification is a matter of altering information, while fabrication is a matter of inventing or counterfeiting information for use in any academic exercise.

C. Multiple Submission. The submission of substantial portions of the same academic work (including oral reports) for credit more than once without authorization.

D. Plagiarism. Intentionally or knowingly presenting the work or another as one's own (i.e., without proper acknowledgment of the source). The sole exception to the requirement of acknowledging is when the ideas, information, etc. is common knowledge.

E. Abuse of Academic Materials. Intentionally or knowingly destroying, stealing, or making inaccessible library or other academic resource material.

F. Complicity in Academic Dishonesty. Intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.

Disability and Impairment Accommodation:

If you require course adaptations or accommodations because of a disability, or if you have emergency medical information about which I should be informed, please speak with me as soon as possible. Students who require accommodations must work with the Office of Disability Services (704.687.4355). Students are responsible for notifying me of any conditions that may impair their academic performance for which reasonable accommodation can be made.

Diversity Statement

The Belk College of Business strives to create an inclusive academic climate in which the dignity of all individuals is respected and maintained. Therefore, we celebrate diversity that includes, but is not limited to ability/disability, age, culture, ethnicity, gender, language, race, religion, sexual orientation, and socio-economic status.

Absenteeism and Covid

Students are expected to attend every class and remain in class for the duration of the session when it is safe to do so in accordance with university guidance regarding COVID-19. Failure to attend class or arriving late may impact your ability to achieve course objectives which could affect your course grade. An absence, excused or unexcused, does not relieve a student of any course requirement. Regular class attendance is a student's obligation, as is a responsibility for all the work of class meetings, including tests and written tasks. Any unexcused absence or excessive tardiness may result in a loss of participation points.

Students are encouraged to work directly with their instructors regarding their absence(s). For absences related to COVID-19, please adhere to the following:

- **Do not come to class if you are sick.** Please protect your health and the health of others by staying home. Contact your healthcare provider if you believe you are ill.
- **If you are sick:** If you test positive or are evaluated by a healthcare provider for [symptoms of COVID-19](#), indicate so on your [Niner Health Check](#) to alert the University. Submit a copy of your Niner Health Check notification email to your instructors. Upon learning that you have tested positive or have been diagnosed for symptoms of COVID-19, either from your reporting or from Student health Center testing or diagnosis, representatives from Emergency Management and/or the

Student Health Center will follow up with you, and your instructors will be notified of the need for accommodations, as necessary.

- **If you have been exposed** to COVID-19 positive individuals and/or have been notified to self-quarantine due to exposure, indicate so on your [Niner Health Check](#) to alert the University. Representatives from Emergency Management and/or the Student Health Center will follow up with you as necessary. Submit a copy of your Niner Health Check notification email to your instructors. If you need any additional support verifying your absence after you have communicated with your professors, contact [Student Assistance and Support Services](#).

To return to class after being absent due to a period of **self-quarantine**, students should submit a copy of their Niner Health Check clearance email to their instructor(s). To return to class after being absent due to a COVID-19 **diagnosis**, students should submit an [online request form](#) to Student Assistance and Support Services (SASS). Supporting documentation can be attached directly to the request form and should be from a student's health care provider or the Student Health Center, clearly indicating the dates of absences and the date the student is able to return to class. Instructors will be notified of such absences.

If you are absent from class as a result of a COVID-19 diagnosis or quarantine, as instructor I will work with you to help you continue to make progress in the course. The final decision for approval of all absences and missed work is determined by the instructor.

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Employment Law**

Tentative Topic Outline and Schedule

Date	Topic	Reading
August 22	Introduction to Employment Law and the Legal/Regulatory Context of Work <ul style="list-style-type: none"> • Course Overview • Syllabus Review 	
August 29	Employment Relationships & Regulation <ul style="list-style-type: none"> • At Will Employment • At Will Exceptions <p><i>Personal Bio Statement Due</i></p>	SHRM 1, 19, Appendix B Glossary
Sept. 5	Employment Discrimination – <ul style="list-style-type: none"> • Legislative Dimensions • Title VII • Adverse Impact/Disparate Treatment <p><i>Notification of individual presentation topic due date.</i></p> <p><i>Individual Case Summary topic selection due date.</i></p>	SHRM 14, Appendix A FEL 18
Sept. 12	Employment Practices & Affirmative Action	SHRM 4, 22
Sept. 19	Employment Discrimination: Race & National Origin <ul style="list-style-type: none"> • Race • National Origin <p><i>Deadline for individual case summary.</i></p>	SHRM 21 FEL 17
Sept. 26	Midterm Exam	

October 3	<p>Employment Discrimination: Gender Issues</p>	<p>SHRM 15</p> <p>FEL 5, 15</p>
October 10	<p>Employment Discrimination: Sexual Orientation & Religion</p> <p><i>Individual Presentations Begin</i></p> <p><i><u>(Draft presentation due for all individual presentations)</u></i></p>	
October 17	<p>Group presentation workday – no class meeting</p> <p><i>Deadline for first draft of group presentation and meet with professor.</i></p>	
October 24	<p><i>UNCC Fall Recess - No Class Meeting</i></p>	
November 7	<p>Employment Discrimination: Age & Disability</p> <ul style="list-style-type: none"> • Age Discrimination in Employment Act (ADEA) – <i>Group 1</i> • Americans with Disabilities Act (ADA) - <i>Group 2</i> <p><i>Individual Presentations Continue</i></p>	<p>SHRM 16, 17</p> <p>FEL 13</p>
November 14	<p>Employment Environment: Wages and Benefits</p> <ul style="list-style-type: none"> • Fair Labor Standards Act (FLSA) - <i>Group 3</i> • Employment Retirement Income Security Act (ERISA) - <i>Group 4</i> <p><i>Individual Presentations Continue</i></p>	<p>SHRM 5, 7</p>
November	<p>Employment Environment: Health and Safety</p>	<p>SHRM 13</p>

21	<ul style="list-style-type: none"> • Occupational Safety & Health Act (OSHA) - <i>Group 5</i> • Family and Medical Leave Act (FMLA) - <i>Group 6</i> <p><i>Individual Presentations Continue</i></p>	
November 28	<p>Employment Environment: Privacy and Personal Information</p> <p><i>Individual Presentations Continue</i></p>	<p>SHRM 18</p> <p>FEL 4, 6, 9</p>
December 5	<p>Employment Environment: Labor Relations</p> <ul style="list-style-type: none"> • National Labor Relations Act (NLRA) - <i>Group 7</i> • Taft-Hartley Act – <i>Group 8</i> <p><i>Individual Presentations Continue</i></p>	<p>SHRM 24</p> <p>FEL 20</p>
TBA	<i>Final Exam</i>	

Presentation Topics:

1. Pay Secrecy Policies
2. Non-compete Contracts
3. Equal Pay/Comparable Worth
4. Polygraph/Lie Detector Tests
5. Compensable Non-Work Time
6. Jury Duty/Court Appearance
7. Negligent Hiring
8. Social Media in Hiring
9. Military Service
10. Electronic Monitoring
11. Employee Assistance Programs
12. Employee Handbooks
13. Grievances/Weingarten Rights
14. Physical/Medical Examinations
15. Alcohol and Drug Testing
16. Cobra (Health Insurance Continuation)
17. Political Activity
18. Maternity and Pregnancy
19. Negligent Hiring
20. Non US Citizens/Immigration
21. Background Checks
22. References/Reference Checks
23. Smoking in the workplace
24. Email Privacy
25. Other ?

Supreme Court Cases:

Example (see next page): *Griggs v. Duke Power*. (1971)

1. *McDonnell Douglas Corp. v Green* (1973)
2. *Teamsters v. U.S.* (1977)
3. *Dothard v. Rawlinson* (1977)
4. *Texas Dept. of Community Affairs v. Burdine* (1981)
5. *Connecticut v. Teal* (1982)
6. *Watson v. Fort Worth Bank & Trust* (1988)
7. *Massachusetts v. Marsh* (1989)
8. *Price Waterhouse v. Hopkins* (1989)
9. *Wards Cove Packing Co. v Antonio* (1989)
10. *Hazen Paper Co. v. Bigins* (1993)
11. *Harris v. Forklift Systems* (1993)
12. *O'Connor v. Consolidated Coin Centers Corp.* (1996)
13. *Auer v. Robbins* (1997)
14. *Burlington Industries, Inc. v Ellerth* (1998)
15. *Faragher v. City of Boca Raton* (1998)
16. *Major League Baseball Player Association v Garvey* (2001)
17. *EEOC v. Waffle House, Inc.* (2002)
18. *Desert Police v. Costa* (2003)
19. *IBP, Inc v. Alvarez* (2005)
20. *Gross v. FBL Financial Services, Inc* (2009)
21. *Vance v. Ball State University* (2013)
22. *Integrity Staffing Solutions, Inc. v, Busk* (2014)
23. *Lane v. Franks* (2014)
24. *EEOC v. Abercrombie & Fitch Stores, Inc.* (2015)

Supreme Court Law Case Summary Example

Case Summarized: *Griggs v. Duke Power, Co, 401 U.S. 424 (1971)*

Reviewer: *Dave Woehr*

Relevant HR Topics: *Job Analysis, Selection Tests, Validity*

General Summary: *Willie Griggs, a black male, filed a class action (on behalf of himself and 13 other black employees) against Duke Power Company under Title VII of the 1964 Civil Rights act. Griggs argued that Duke discriminated based on race in their intradepartment transfer policy. And this policy resulted in black only being employed in the lowest paid jobs.*

Duke Power's Dan River plant was organized into five operating departments: (1) Labor, (2) Coal Handling, (3) Operations, (4) Maintenance, and (5) Laboratory and Test. The highest paying jobs in the Labor department paid less than the lowest paying jobs in the other four "operating" departments. Prior to 1965, Duke Power had an explicit policy of restricting black employees to the Labor department. Duke power abandoned this policy after 1965. However, completion of high school was made a prerequisite to transfer from Labor to any other department. From the time the high school requirement was instituted to the time of trial, however, white employees hired before the time of the high school education requirement continued to perform satisfactorily and achieve promotions in the "operating" departments.

Duke Power added a further requirement for new employees on July 2, 1965, the date on which Title VII became effective. To qualify for placement in any but the Labor Department, it became necessary to register satisfactory scores on two professionally prepared aptitude tests, as well as to have a high school education. Completion of high school alone continued to render employees eligible for transfer to the four desirable departments from which African Americans had been excluded if the incumbent had been employed prior to the time of the new requirement. In September, 1965, the Company began to permit incumbent employees who lacked a high school education to qualify for transfer from Labor or Coal Handling to an "inside" job by passing two tests -- the Wonderlic Personnel Test, which purports to measure general intelligence, and the Bennett Mechanical Comprehension Test. Neither was directed or intended to measure the ability to learn to perform a particular job or category of jobs. The requisite scores used for both initial hiring and transfer approximated the national median for high school graduates.

The primary question in the case was whether Duke Power's policy requiring a high school education, and the achievement of minimum scores on two different aptitude tests, violate Title VII of the Civil Rights Act? Duke Power argued that it did not violate Title VII in that it was a neutral standard that was applied to all employees regardless of race and thus there was no intentional discrimination.

Result: *The Supreme court, in a unanimous decision, found in favor of Griggs. The court found that even if there is no discriminatory intent, an employer may not use a job requirement that functionally excludes members of a certain race if it has no relation to measuring performance of job duties. Testing or measuring procedures cannot be used for employment decisions unless they have some demonstrated connection to the job. And it is the employers responsibility to demonstrate this connection.*

Implications for HRM: *Discrimination may occur even if the same standards are used for all employees if they have adverse impact on any protected group. It is the organizations responsibility to demonstrate the job-relatedness of any tool used for any employment decision.*