

**MGMT 3243  
Employment Law  
Course Syllabus, Fall 2022  
Tuesday 2:30 – 5:15**

**Instructor:** Dr. Dave Woehr,  
126 Friday Bldg.  
704-687-5452  
[DWOEHR@UNCC.EDU](mailto:DWOEHR@UNCC.EDU)  
**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:**

- Bennett-Alexander, D. D. & Hartman, L.P. (2019). *Employment Law For Business* (10<sup>th</sup> Edition\*), New York, NY:McGraw-Hill. **ISBN:** 9781259722332
- CATME Student License. **ISBN:** 2818440092077

*\*Please be advised that all assignments, lectures and exams will be based upon the 10<sup>th</sup> Edition of the text. Should you choose to use a different edition, you are responsible for any differences in the text that you choose.*

**Course Requirements and Grading**

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

- 20% Classroom Participation and Attendance
- 10% Case Summary
- 40% Exams
  - Midterm exam (20%)
  - Final exam (20%)
- 30% Presentations
  - Employment Legislation 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
- ❖ CATME Surveys
  - TeamMaker

- Practice Peer Evaluation
- Final Peer Evaluation
- ❖ Multiple Choice Exam Questions
- ❖ 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.

As part of the exam, I would each of you to write 1 high-quality multiple-choice questions for each of the assigned chapters. I will review and edit the questions and then use the full item pool when I develop the exams. You should submit these questions on CANVAS. Questions should be submitted in a word file and have the format as reflected in the example question below:

*In how many of the 50 United States is employment-at-will the baseline legal standard?*

- a. 1
- b. 12
- c. 49\*
- d. 50

Your questions are due as follows:

Set 1 (Chapters 1 -3)	September 13
Set 2 (Chapters 4 – 7)	September 27
Set 3 (Chapters 8-11, 16)	November 8
Set 4 (Chapters 12 – 15)	December 6

### **Employment Case Summary**

*Current employment law related court 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 current events in this area. Thus, each of you will be required to find, review a current (since 2017) 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- or two-page written handout for class. A “prototype” example and word template are available on CANVAS.

Requirements include:

- Employment Law related case
- Court decision at the Federal Circuit (Appeals) court level or higher (SCOTUS) **or** the NC State Supreme Court
- Highest level decision \_i.e., do not use circuit court decision if the case has been decided by the Supreme court
- Decision since 2017

Deliverables include:

- Notification of case selected – **no later than Sept. 13<sup>th</sup>**
- 1-2 page summary – **due by Oct. 4<sup>th</sup>**

### **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 law. 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. 25<sup>th</sup>**. 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 Legislation Individual Presentation***

The primary objective of this project is for each of you to research and present a brief report on a specific legislative act related to employment and the workplace. 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) but **no later than Sept. 13th** (if you have not chosen a topic by 9/13, one will be assigned to you). Presentations will begin on **November 1<sup>st</sup>** and continue throughout the semester. I will assign your presentation date. **However, a draft of all presentations will be due on November 1<sup>st</sup>.**

Your presentation 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

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.

## Face Coverings in the Classroom

It is the current policy of UNC Charlotte that as a condition of on-campus enrollment, all students are required to engage in safe behaviors to avoid the spread of COVID-19 in the 49er community. Such behaviors specifically include the requirement that all students properly wear CDC-compliant face coverings [in all indoor spaces on campus](#), including classrooms and labs, **regardless of vaccination status**. Failure to comply with this policy in the classroom or lab may result in dismissal from the current class session. If the student refuses to leave the classroom or lab after being dismissed, the student may be referred to the Office of Student Conduct and Academic Integrity for charges under the [Code of Student Responsibility](#).

## 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:

- **Complete your [Niner Health Check](#)** each morning.
- **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.

**MGMT 3243**  
**Employment Law**

**Tentative Topic Outline and Schedule**

Date	Topic	Reading
August 23	Introduction to Employment Law and the Legal/Regulatory Context of Work <ul style="list-style-type: none"> <li>• Course Overview</li> <li>• Syllabus Review</li> </ul>	Chap. 1
August 30	Employment Relationships & Regulation <ul style="list-style-type: none"> <li>• At Will Employment</li> <li>• At Will Exceptions</li> </ul> <i>Personal Bio Statement Due</i>	Chap. 2
Sept. 6	Employment Discrimination – <ul style="list-style-type: none"> <li>• Legislative Dimensions</li> <li>• Title VII</li> <li>• Adverse Impact/Disparate Treatment</li> </ul>	Chap. 3
Sept. 13	<u>No class meeting</u>  <i>Notification of individual legislation presentation topic due date.</i>  <i>Individual Case Summary topic selection due date.</i>  <i>First set of MC questions due (Chapters 1 – 3)</i>	
Sept. 20	Employment Practices & Affirmative Action	Chap 4, 5
Sept. 27	Employment Discrimination: Race & National Origin <ul style="list-style-type: none"> <li>• Race</li> <li>• National Origin</li> </ul> <i>Second set of MC questions due (Chapters 4 – 7)</i>	Chap. 6, 7

October 4	<b>Midterm Exam</b>  <i>Deadline for individual case summary.</i>	
October 11	<b>UNCC Fall Recess - No Class Meeting</b>	
October 18	Employment Discrimination: Gender Issues	Chap. 8, 9
October 25	<b>Group presentation workday – no class meeting</b>  <i>Deadline for first draft of group presentation and meet with professor.</i>	
November 1	Employment Discrimination: Sexual Orientation & Religion  <i>Individual Legislation Presentations Begin</i>  <i>(Draft presentation due for all individual presentations)</i>	Chap. 10, 11
November 8	Employment Discrimination: Age & Disability <ul style="list-style-type: none"> <li>• Age Discrimination in Employment Act (ADEA) – <i>Group 1</i></li> <li>• Americans with Disabilities Act (ADA) - <i>Group 2</i></li> </ul> <i>Individual Legislation Presentations Continue</i>  <i>Third set of MC questions due (Chapters 8 – 11, 16)</i>	Chap. 16
November 15	Employment Environment: Wages and Benefits <ul style="list-style-type: none"> <li>• Fair Labor Standards Act (FLSA) - <i>Group 3</i></li> <li>• Employment Retirement Income Security Act (ERISA) - <i>Group 4</i></li> </ul> <i>Individual Legislation Presentations Continue</i>	Chap. 12, 13

November 22	<p>Employment Environment: Health and Safety</p> <ul style="list-style-type: none"> <li>• Occupational Safety &amp; Health Act (OSHA) - <i>Group 5</i></li> <li>• Family and Medical Leave Act (FMLA) - <i>Group 6</i></li> </ul> <p><i>Individual Legislation Presentations Continue</i></p>	
November 29	<p>Employment Environment: Privacy and Personal Information</p> <p><i>Individual Legislation Presentations Continue</i></p>	Chap. 14
December 6	<p>Employment Environment: Labor Relations</p> <ul style="list-style-type: none"> <li>• National Labor Relations Act (NLRA) - <i>Group 7</i></li> <li>• Taft-Hartley Act – <i>Group 8</i></li> </ul> <p><i>Individual Legislation Presentations Continue</i></p> <p><i>Final set of MC questions due (Chapters 12 – 15)</i></p>	Chap. 15
TBA	<b><i>Final Exam</i></b>	

Presentation Topics:

1. Lilly Ledbetter Fair Pay Act
2. Equal Pay Act
3. Pregnancy Protection Act
4. Paycheck Fairness Act
5. Rehabilitation Act
6. Consolidated Omnibus Budget Reconciliation Act (COBRA)
7. Health Insurance Portability and Accountability Act
8. Immigration Reform and Control Act
9. Pension Protection Act
10. Jobs for Veterans Act Uniformed Services Employment and Reemployment Rights Act (USERRA)
11. Setting Every Community Up for Retirement Enhancement (SECURE) Act
12. Federal Insurance Contribution Act
13. Federal Unemployment Tax Act
14. Federal Mine Safety and Health Act of 1977
15. Energy Employees Occupational Illness Compensation Program Act
16. Controlled Substance Examination Regulation Act
17. Drug Free Workplace Act
18. Omnibus Transportation Employee Testing Act
19. Migrant and Seasonal Agricultural Worker Protection Act
20. Federal Mine Safety and Health Act of 1977
21. Longshore and Harbor Workers' Compensation Act
22. Fair Credit Reporting Act
23. Genetic Information Nondiscrimination Act (2008)
24. Polygraph Protection Act
25. Electronic Communications Privacy Act
26. Computer Fraud and Abuse Act
27. Defend Trade Secrets Act
28. Landrum Griffin Act
29. Worker Adjustment and Retraining Notification (WARN) Act
30. Davis Bacon Act of 1931
31. Copeland Act
32. Foreign Corrupt Practices Act of 1977
33. Workforce Innovation and Opportunity Act of 2014
34. Older Workers Benefit Protection Act
35. Energy Employees Occupational Illness Compensation Program Act

### **Personnel/Employment Discrimination Law Case Summary Example**

**Case Summarized:** *Hilda Rodriguez v. Smithkline Beecham, Their Agents, Officers, Employees (8/16/2000, No. 99-2031) (1<sup>st</sup> Circuit Court of Appeals)*

**Reviewer:** Dave Woehr

**Relevant HR Topics:** Job Analysis, Job Descriptions, Compensation, Equal Pay for Equal Work, Job Evaluation

**General Summary:** Hilda Rodriguez began employment at Smithkline Beecham Pharmaceutical, P.R., Inc. in 1979 as an Analytical Chemist. She held a number of positions and was promoted several times within the organization over a 20-year period.

In 1986, Rodriguez joined the Documentation Department. At that time the position of Documentation Manager was held by Gloria Vales. Vales was compensated at level 7. In September 1989, Vales was transferred to another department and was replaced by Manuel Llivina. Llivina was transferred in from a grade level 7 position in another department as part of Smithkline's Management Development Program, and he maintained his grade level while serving as Documentation Manager. In August of 1992, Llivina was transferred out of the Documentation Department, again as part of the Management Development Program, and the Documentation Manager position became vacant.

Meanwhile, in July 1991, a new position called Records Management Leader was created in the Documentation Department, at grade level 6. Roberto Feo was transferred to that position from another position within the company, and he maintained his previous grade level of 8 pursuant to Smithkline's Personal to Holder policy.

After reassessing departmental needs in 1992, Smithkline decided to eliminate the Documentation Manager and Records Management Leader positions. A new position entitled Documentation Leader was created in January of 1993, and Rodriguez was identified as the candidate to fill the new position. When the new position was evaluated pursuant to the Job Evaluation Program, it was designated a level 6 position. Rodriguez claims that the difference in grade level (and thus in compensation) compared to that of Llivina and Feo constituted gender-based wage discrimination and filed suit for violation of equal pay for equal work statutes.

**Result:** Appeals court upheld the dismissal of a suit brought for violation of equal pay for equal work. While the male and female employees had the same job titles, the female employee had no managerial duties, so the substance of their jobs was different, which is the focus of inquiry in such cases.

**Implications for HRM:** Indicates that the focus of employment-related laws, especially those dealing with compensation, is on the actual work done and not the job title or description. Suggests that an up-to-date and accurate job analysis and/or job evaluation is crucial in implementing compensation systems.