

**Employment Law** (CRN: 77077, Section # 365-001 )

Mondays and Wednesdays, 6:00-7:15 pm.

Fall Term 2007

Final Exam scheduled for December 15, 2007 at Noon.

**Instructor: Hutchison**

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- **Text & Materials:** (A) *Employment Law Cases and Materials* (fourth edition) (December 2006)—Steven L. Willborn et al. and (B) *Employment Law: Selected Federal and State Statutes* (2007 edition)—Steven Willborn et. al.
- This course will critically consider Employment law outside of the parameters of discrimination law. First we will consider the Fair Labor Standards Act (FLSA), Unemployment and Unemployment Insurance, the legal boundaries of the Employment Relationship, employment-at-will, employee free speech and political protection, and employee duties of loyalty.
- Be prepared to consider critically statutory interventions in the market-place. We will explore whether a given policy intervention in the marketplace works to the benefit or the disadvantage of the putative beneficiaries. One major theme will involve whether Federal intervention in the marketplace and the consequent bureaucratization of work actually improves or worsens the economy. Another major theme concerns the erosion of the doctrine of employment-at-will.
- The Final exam will likely consist of 1 or 2 essay questions plus 20-35 multiple choice questions. However, this a *tentative* forecast.

**Reading Assignments.**

Following below is a *tentative* reading assignment. I reserve the right to change the reading assignments; variations, as appropriate, should be expected. I will cover between 35 and 50 pages per week. I may either provide a handout or citations to additional materials such as law review articles.

**Method of Instruction.**

Vigorous class participation will be encouraged. In general I will ask for volunteers to help lead the discussion but I will be happy to supplement that approach with a random call-on procedure. Read the assigned readings carefully and ensure that you are prepared to question the underlying premises connected to the conclusions reached by the courts and the commentators.

### Grading.

- Grading will primarily be a result of one's performance on the final exam. However, the professor reserves the right to supplement final exam grades with oral adjustments equal to a plus or minus one-third of a grade.
- Positive adjustments are a function of excellence. An excellent performance is one that adds substantial value to the course.
- Negative adjustments are a function of unsatisfactory oral performance during the course. Negative is defined as a failure to have read and understood the material or alternatively a failure to communicate one's knowledge satisfactorily. If a student is unprepared for the class that counts as an unsatisfactory class performance.
- Students will be allowed one *pass* during the fall term, meaning that if they are unprepared that can inform me in writing of their desire to take a pass before the class period commences.
- Absences: Pursuant to ABA guidelines, students are allowed to miss up to 20% of the class meetings. Absences in excess of 20% will result in exclusion from the final exam. Attendance sheets will be passed out so that you can sign in. If you have not be able to arrive at the classroom before the sign-in sheet has been collected that will count as an absence.

### Office Hours.

In general I will be available to answer questions after class. I will also be available on Wednesdays from 3:30 to 4:30. Lastly, I will be schedule appointments.

Week	Reading assignment	Questions to consider
Week 1—Introduction August 21, 2007	Read pages 557-573 (casebook) Skim the pertinent section of FLSA in the Statutory supplement (pages 129-169)	Was the Lochner case correctly decided? Why or Why not? Why did the federal government enact FLSA?
Week 2	Read pages 574-603 in the casebook.	See above.
Week 3	Read pages 604-640 in the casebook. Read pages 191-195 in the statutory supplement.	Can unemployment insurance be justified? Why or why not? Are there alternatives to unemployment insurance?
Week 4	Read pages 640-663 in the casebook. Please skim pages 213-220 in the statutory supplement. Read pages 13-29 in the casebook.	Be prepared to discuss the pro's and con's of the WARN act.

Week 5	<p>Read pages 30-73 in the case book. Gail Heriot's article</p> <p>The New Feudalism: The Unintended Destination of Contemporary Trends in Employment Law, 28 Ga. L. Rev. 167 (1993).</p>	Be prepared to defend and critique the doctrine of employment-at will.
Week 6	Read pages 74-110 in the casebook. Read pages 1-12 in the statutory supplement.	
Week 7	Read pages 110-145 in the casebook.	Should Public policy serve to vitiate the doctrine of employment-at-will? Why or why not?
Week 8	Read pages 145-186 in the casebook.	See above.
Week 9	Read pages 187-224 in the casebook.	
Week 10	Catch-up	
Week 11	Read pages 224-270 in the casebook.	
Week 12	Read pages 270-304	
Week 13	Read pages 305-345.	
Week 14	Catch-up	