

Employment Law Syllabus

Fall 2024

Contact Information:

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Class Information:

Mondays
4:00 p.m. to 6:00 p.m.
Law 365-001

Casebook:

Employment Law: Cases and Materials by Willborn, Schwab, and Lester (7th ed. 2022)
(ISBN: 978-1-5310-2247-1) (eISBN: 978-1-5310-2248-8)

Employment Law Case Supplement, prepared by me (to be emailed to students)

* Rather than order supplementary materials, I have prepared a statutory and regulatory supplement for you to use. When a statute or regulation is mentioned in your reading, you should consult the supplement and read that material as well. These references should be read prior to class.

Learning Outcomes:

By the end of the course, students should:

- Have an understanding of the basic principles of employment law;
- Be familiar with the at-will employment relationship and the related federal and state statutory responses to it; and
- Be able to analyze the complex situations inherent in employment and identify and understand the major laws that are involved.

Attendance:

Each class I will send a sign-in sheet around the class. Please sign in or you will be marked absent. If you arrive late, please let me know either during a break in the class or at the end of class. If you will miss a class, please contact me via email before class begins.

Grading:

A take-home final exam will be the basis for a student's grade. I reserve the right to bump a grade up or down as a result of a student's class participation during the semester.

Special Note on Class Participation

Beginning on our third class, I will be assigning students to be the discussion leaders each week. These students, to whom advance notice will be given, should expect to *volunteer* to participate in class, so please prepare accordingly. Also, this participation is based on the class day, not the reading assignments in the syllabus, so please prepare for the actual class to the best of your ability.

Of course, I encourage and *expect* every student to be fully prepared to participate in class discussions as well—do not come to class unprepared or leave the discussion just to the day's leaders.

Reading Assignments:

Below is a proposed reading assignment schedule. As the course progresses, I may modify the assignments as needed.

Please keep in mind that each student will be responsible for reading **any statute or regulation** mentioned in your casebook or case readings. Also, although we may not cover certain information in the assigned reading during class (such as certain notes after cases), students are still responsible for understanding that material.

Note About Offensive Language:

The Employment Law field is, in many ways, an examination of the ways that human beings behave in the workplace. Occasionally, we will be reading cases where offensive language and conduct are used, including stereotypes and crude and vulgar language. I may occasionally use such language in class in an effort to explore this subject properly (such as in hypothetical problems). Students must be willing to both read and listen to this material and discuss the offensive language in an academic and respectful setting.

Academic Policies & Honor Code

Unless students have been otherwise specifically informed in class, this course follows the standard policies adopted by the Law School, as they are amended from time to time. You can find more information about those policies here:

<http://www.law.gmu.edu/academics/regulations>

http://www.law.gmu.edu/academics/honor_code

| Class | General Subject of Class | Assignment |
|---------------------------------------|---|--|
| Class 1 26 Aug | INTRODUCTION Why study employment law? Employees vs. Ind. Contractors, <i>Darden</i> | p. 3-30 Case Supplement Pages 1-10 |
| Class 2 <i>Wednesday</i> 04 Sep | CHANGES TO AT-WILL EMPLOYMENT Employment At-Will Foundations | p. 71 n6-73; 78-82 n4; 84- 89 n1; 93-97 n1; 98 n5-99 n5; 100-01; 103-11 n5 |
| Class 3 09 Sep | CHANGES TO AT-WILL EMPLOYMENT (CONT.) Implied In-Fact Contract Changes Manuals | p. 112-24 n2; 127-37 n2; 138-144; 145 n2-146 |
| Class 4 16 Sep | EMPLOYMENT TORTS Wrongful Discharge IIED | p. 147-53 n4; 156-61; 163- 72 n4; 173-75; 185-95 n4 |
| Class 5 23 Sep | EMPLOYMENT TORTS (CONT.) Duty of Good Faith & Fair Dealing Defamation | p. 199-205 n3; 206-12; 315-18 n3; 320-33 n2 |
| Class 6 30 Sep | PERFORMANCE Duty of Loyalty Trade Secrets Non-competition* | p. 339-46; 347-60 n3; 363- 73 n3; 374 n5; 375-85 n6 |
| Class 7 07 Oct | EMPLOYMENT DISCRIMINATION Individual Disparate Treatment <i>McDonnell Douglas</i> Scheme Causation | Case Supplement pages 11-36 |
| Class 8 21 Oct | EMPLOYMENT DISCRIMINATION (CONT.) “Because of sex” Harassment & HWE Supervisors & Co-Employees Retaliation | Case Supplement pages 36-56 |

* There is a current, active movement to limit or ban noncompetition agreements. This area is currently in flux and additional and/or replacement materials may be provided. The statutory and regulatory supplement has some links to relevant materials.

| Class | General Subject of Class | Assignment |
|---------------------------------------|---|---|
| Class 9 28 Oct | WAGES & HOURS (FLSA) Minimum Wage Overtime & On-Call Wages & Tips, Exemptions, <i>Helix</i> UNEMPLOYMENT Work Search Disqualification | p. 593-607 n4; 608-13; 685-92; 697-700 Case Supplement pages 56-63 |
| Class 10 04 Nov | UNEMPLOYMENT (CONT.) Misconduct WARN Act WORKERS' COMPENSATION Exclusivity Covered Injuries | p. 702-19; 724-30; 875-76 |
| Class 11 11 Nov | WORKERS' COMPENSATION (CONT.) Compensable Injuries Test Exceptions | p. 881-90 n3; 891-906 |
| Class 12 18 Nov | WORKERS' COMPENSATION (CONT.) Exceptions EMPLOYEE PRIVACY Freedom of Speech <i>Garcetti v. Ceballos</i> | p. 907-19; 215-42 |
| Class 13 <i>Thursday</i> 21 Nov | EMPLOYEE PRIVACY (CONT.) Concerted Activity Searches | p. 244-49; 251-71 |