



## FALL 2025 COURSE SYLLABUS

Course Number: 365-001  
Course Title: Employment Law  
Credit Hours: 2  
Grading Mode: Letter grade  
Meeting Time(s): MON 4:00-6:00P  
Meeting Mode: ON CAMPUS  
Exam Time(s): TAKE HOME  
Exam Mode: TAKE HOME  
Prerequisite(s): N/A  
Corequisite(s): N/A  
Instructor(s):  
CHARLES M. HENTER

Contact Info:  
[chenter@gmu.edu](mailto:chenter@gmu.edu)

### Reading(s) & Supplement(s):

On the following pages is a proposed reading assignment schedule. As the class progresses, I may modify assignments as needed. Please keep in mind that each student will be responsible for reading any statute or regulation mentioned in the casebook or case readings, as well as those listed in the assignments below.

1. [\*Employment Law: Cases and Materials\*](#) by Willborn, Schwab, and Lester (7<sup>th</sup> ed. 2022)
2. Supplement of additional cases in PDF format will be provided
3. Statutory and Regulatory Supplement in PDF format will be provided
4. Additional materials may also be provided

### 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.

### Course Overview

This course examines American employment law as it has been developed by the common law, federal and state legislation, and case law. Specific topics to be covered include: the difference between employees and independent contractors; the default rule of employment at-will and the ways

that status may be changed; wrongful discharge and other torts applied to the employment-context; an overview of employment discrimination and retaliation; minimum wage and overtime law; unemployment; workers' compensation; and employee privacy and free speech.

### Course 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.

### Grading Policies

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.

### Classroom Policies

#### Attendance:

Per AR 3-1.4, "maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student's program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements."

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.

**Absences:** Per AR 4-1.1, "if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session."

#### Participation & Preparation:

##### Special Note:

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.

#### Use of Technology & AI:

Generative AI tools can be useful in the study of employment law. However, such tools can also lead a student astray with incomplete or misleading information. In this professor's opinion, generative

AI tools are here to stay and have the potential to increase a student's understanding and knowledge of the law. Accordingly, students may use generative AI tools in this course for the following purposes, and with the following guidelines. Students may use AI in this course to explore, study, and outline employment law information. Students may not use AI during class discussions or for any assessment (such as the take-home final exam). Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

#### Use of Electronic Text Books During Exams:

Students are permitted one computer with a single monitor (e.g. a laptop computer or a desktop computer with an attached monitor) for exam taking purposes. Additional computers, monitors, or any other electronic data storage devices are not allowed, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student's computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

## Course Schedule & Assignments

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

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.

<u>Class</u>	<u>General Subject of Class</u>	<u>Assignment</u>
Class 1 18 Aug	<b>INTRODUCTION</b>  Why study employment law? Employees vs. Ind. Contractors, <i>Darden</i>	p. 3-30  Case Supplement Pages 1-10
Class 2 25 Aug	<b>CHANGES TO AT-WILL EMPLOYMENT</b>  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 03 Sep	<b>CHANGES TO AT-WILL EMPLOYMENT (CONT.)</b>  Implied In-Fact Contract Changes Manuals	p. 112-24 n2; 127-37 n2; 138-144; 145 n2-146
Class 4 08 Sep	<b>EMPLOYMENT TORTS</b>  Wrongful Discharge IIED	p. 147-53 n4; 156-61; 163-72 n4; 173-75; 185-95 n4
Class 5 15 Sep	<b>EMPLOYMENT TORTS (CONT.)</b>  Duty of Good Faith & Fair Dealing Defamation	p. 199-205 n3; 206-12; 315-18 n3; 320-33 n2
Class 6 22 Sep	<b>PERFORMANCE</b>  Duty of Loyalty Trade Secrets	p. 339-46; 347-60 n3; 363-73 n3; 374 n5; 375-85 n6

	Non-competition*	
Class 7 29 Sep	<b>EMPLOYMENT DISCRIMINATION</b>  Individual Disparate Treatment <i>McDonnell Douglas</i> Scheme Causation	Case Supplement pages 11-36
Class 8 06 Oct	<b>EMPLOYMENT DISCRIMINATION (CONT.)</b>  “Because of sex” Harassment & HWE Supervisors & Co-Employees Retaliation	Case Supplement pages 36-56
Class 9 20 Oct	<b>WAGES &amp; HOURS (FLSA)</b>  <b>MINIMUM WAGE</b>  <b>OVERTIME &amp; ON-CALL</b>  <b>WAGES &amp; TIPS, EXEMPTIONS, HELIX</b>   <b>UNEMPLOYMENT</b>  <b>WORK SEARCH</b>  <b>DISQUALIFICATION</b>	p. 593-607 n4; 608-13; 685-92; 697-700  Case Supplement pages 56-63
Class 10 27 Oct	<b>UNEMPLOYMENT (CONT.)</b>  <b>MISCONDUCT</b>  <b>WARN Act</b>   <b>WORKERS’ COMPENSATION</b>  <b>EXCLUSIVITY</b>  <b>COVERED INJURIES</b>	p. 702-19; 724-30; 875-76

\* Throughout 2024, an active movement to limit or ban noncompetition agreements took place. 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 11 03 Nov	<b>WORKERS' COMPENSATION (CONT.)</b> <b>COMPENSABLE INJURIES TEST</b> <b>EXCEPTIONS</b>	p. 881-90 n3; 891-906
Class 12 10 Nov	<b>WORKERS' COMPENSATION (CONT.)</b> <b>EXCEPTIONS</b>  <b>EMPLOYEE PRIVACY</b> <b>FREEDOM OF SPEECH</b> <b>GARCETTI V. CEBALLOS</b>	p. 907-19; 215-42
Class 13 17 Nov	<b>EMPLOYEE PRIVACY (CONT.)</b> <b>CONCERTED ACTIVITY</b> <b>SEARCHES</b>	p. 244-49; 251-71

## [Student Resources](#)

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

[Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:](#)

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)