



SPRING 2026 COURSE SYLLABUS

Course Number: 365-001

Course Title: Employment Law

Credit Hours: 2

Grading Mode: Letter grade

Meeting Time(s): WED 6:05-8:05

Meeting Mode: On campus

Exam Time(s): TBD

Exam Mode: On campus

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s):

Neal Mollen

Contact Information and Office Hours:

nmollen@gmu.edu

I have no set “office hours,” but I am available for (*and encourage*) your questions by email or, with a prior appointment, by phone. I will usually answer substantive questions received by email in class for the benefit of all.

Reading(s) & Supplement(s):

The assigned text for this class is Estreicher, Harper, and Fasman, *Cases and Materials on Employment Discrimination and Employment Law, the Field as Practiced* (6th Ed. American Casebook Series), ISBN-978-1-64708-219-2 (referred to below as “Estreicher”). Estreicher and his crew have written a number of employment law-related books, and they all look alike. Please make certain that you have the **6th ed. of the right book.**

We will also cover topics not addressed in our book, so I have identified cases you will need to read prior to the designated classes. Any adjustments will be announced in class and by email.

Course Overview:

Our plan for the semester will be to examine the ways in which the employment relationship is regulated by federal and state law, as expressed in statutes, regulations, and case law. The course is designed to survey the breadth of the topic rather than to delve deeply into any one aspect. Among other subjects, we will explore the distinction between “employment” and independent contractor relationships; the concepts of “at-will” employment and “just cause” for discipline; wrongful discharge in violation of public policy; limitations on employee mobility; employee compensation; and unlawful retaliation and whistleblower claims. Although our text does not cover the subject, we will also spend time with laws prohibiting discrimination against individuals in various protected categories as defined by federal and state law, and, to a lesser degree, by local ordinances.

Course Learning Outcomes:

By the end of the course, students interested in employment law can expect to have a conceptual framework from which to pursue further study. Students with no plans for further study will have an adequate basis to spot issues as they arise in their future practices.

Grading Policies:

Participation: I cannot overemphasize the importance of, and my expectation for, active, thoughtful participation by class members in our discussions. In order for the class to be a success, it is essential that *every* student arrive at *every* class having read and carefully considered the assigned material. Although members of the class are always encouraged to participate in the discussion voluntarily, *you should expect to be called on without prior warning*.

Final Exam/ Paper: Student grades will be based on a final exam. Note, however, that grades may be adjusted *either direction* based on class participation, typically by a single increment. That is, what would otherwise earn a B can be raised to a B+ or lowered to a B- depending on the level and quality of class contributions.

Additional Content: Nothing would make me happier than for every student in the class to earn, and receive, an A for their work this semester. As you know, however, grades in this class are subject to a mandatory curve. **Once the grades are distributed, I would be happy to discuss the grading process with anyone who has questions.**

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.”

The Law School has strict and specific rules about attendance, which I do not have the authority (or the inclination) to waive. Attendance will be taken before we begin each class. If you have questions or concerns about these rules, please contact the Dean of Student Academic Affairs, Annamaria Nields.

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.”

Exam Conflicts: In accordance with Academic Regulation 4-4.1, if, for some reason you cannot to sit for the exam on the date and time for which it is scheduled, you must present your request for alternate arrangements, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination. I am powerless to address these issues.

Participation & Preparation:

In order to get out of the class all that it can offer (and in order to get a top grade), meaningful participation in the discussion will be essential. Nonetheless, I understand that unavoidable circumstances might prevent you from participating in our discussion on rare occasions. If you cannot prepare for a given class, you can advise me of that fact by email in advance of class so that I do not embarrass you or waste everyone’s class time.

Use of Technology & AI:

Strict Use Policy: The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Students are prohibited by Academic Regulation 4-2.2 from recording any of our classes. I expect students to comply with this regulation. If extraordinary circumstances arise suggesting an exception to this rule might be appropriate, please let me know and we will discuss the subject.

It is expected that students will adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. For example, a student obligation may never represent the work of another as his or her own, nor provide or accept unauthorized assistance on any school-related assignment.

Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, 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

Week 1:

Date: 1/14

Topic: **The Employment Relationship**

Assignment(s): Estreicher 11-45; *Coppage v. State of Kansas*, 236 U.S. 1 (1915).

Week 2:

Date: 1/28

Topic: **At-Will Employment and Contractual Exceptions**

Assignment(s): Estreicher 47-85; *Strass v. Kaiser Found. Health Plan of Mid-Atl.*, 744 A.2d 1000 (D.C. 2000) (while section II.B. is instructive on local discrimination law, our focus will be on the contract claim, esp. II.C).

Week 3:

Date: 2/4

Topic: **“Just Cause” and the Public Policy Cause of Action**

Assignment(s): Estreicher 85-92; 663-683; *Yuan v. Johns Hopkins Univ.*, 452 Md. 436, 157 A.3d 254 (2017) (you may skim or omit the conversion discussion in the opinion); *Lawrence Chrysler Plymouth Corp. v. Brooks*, 251 Va. 94, 465 S.E.2d 806 (1996); *Towson Univ. v. Conte*, 384 Md. 68, 862 A.2d 941 (2004).

Week 4:

Date: 2/11

Topic: **Whistleblowers and Government Employee Protections**

Assignment(s): Estreicher 683-696; 711-741.

Week 5:

Date: 2/18

Topic: **Restrictions on Mobility and Competition in Employment**

Assignment(s): Estreicher 745-757; 833-855; *Home Paramount Pest Control Companies, Inc. v. Shaffer*, 282 Va. 412, 718 S.E.2d 762 (2011); *Albert v. Loksen*, 239 F.3d 256 (2d Cir. 2001).

Week 6:

Date: 2/25

Topic: **Compensation**

Assignment(s): Estreicher 869-885; 889-910; *In re Fam. Dollar FLSA Litig.*, 637 F.3d 508, 510 (4th Cir. 2011).

Week 7:

Date: 3/4

Topic: **Disparate Treatment**

Assignment(s): Estreicher 107-116; 122-137; 496-499; *Muldrow v. St. Louis*, 144 S. Ct. 967 (2024).

Week 8:

Date: 3/18

Topic: **Disparate Impact**

Assignment(s): Estreicher 197-232; 42 U.S.C. § 2000e-2(k).

Week 9:

Date: 3/25

Topic: **Sex Discrimination and Harassment**

Assignment(s): Estreicher 353-373; 380-396; 441-49

Week 10:

Date: 4/1

Topic: **Discrimination and the Duty to Accommodate**

Assignment(s): Estreicher 531-577; 601-606; *Groff v. DeJoy*, 600 U.S. 447 (2023).

Week 11:

Date: 4/8

Topic: **Retaliation**

Assignment(s): Estreicher 627-661.

Week 12:

Date: 4/15

Topic: **Timeliness and Arbitration**

Assignment(s): Estreicher 958-974; 1006-1025; *Delaware State College v. Ricks*, 449 U.S. 250 (1980).

Week 13:

Date: 4/22

Topic: **Remedies and Review**

Assignment(s): Estreicher 913-938; *Ford Motor Co. v. E.E.O.C.*, 458 U.S. 219 (1982); *McKennon v. Nashville Banner Pub. Co.*, 513 U.S. 352 (1995).

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.

[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](#)