Management 3243 – Labor and Employment Law
Spring 2013

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Office Hours (251B Friday Hall):
Tuesday: 5:00 p.m. – 6:15 p.m.
class end – 10:00 p.m. & by apt.

Class meeting time: Tuesday, 6:30 – 9:15 p.m.

Text:

Prerequisite:
MGMT 3140 – Management Concepts and Practices

Course Description:
MGMT 3243 examines the legislation which impacts human resource management practices in union and non-union settings, with an emphasis on the obligations of the private-sector employer to its workers under current State and Federal Statutes and N.C. Common Law. Topics covered include fair employment practices, anti-discrimination law, employment contracts, compensation and benefit legislation, privacy concerns, and alternative dispute resolution processes.

Course Objectives:
At its core, this course is designed to provide a fundamental understanding of the most significant legal rights and duties that accompany the employer/employee relationship, and to provide an awareness of management practices that create or reduce the possibility of litigation and liability within the working environment.

Approach:
Classes will consist of lectures addressing significant and pertinent topics in employment law, to include extensive discourse and analysis of the case excerpts presented in the text and by the instructor. Lectures will be heavily supplemented through integration of PowerPoint slides, assignment of supplemental articles and recent legal opinions, and the unique perspective of guest speakers.

Grading:
Each student will have the opportunity to earn 100 points in this course. Three exams will be given over the course of the semester. Each exam will count as 30 points of the student’s final course grade. The exams will be designed to measure the student’s understanding of the concepts presented in class, as well as his or her ability to apply them to hypothetical fact situations. Exams will consist solely of objective (generally multiple choice and true/false) questions.

Opportunities to make up an exam on a different date than scheduled will be afforded only in situations where a student has a valid, university-sanctioned excuse for a given absence from class (such as a personal illness requiring verifiable medical treatment, a death in the family, religious holiday, or participating as an authorized university representative in an out-of-town event). A student requesting a make-up exam may be asked to document the reason for his or her absence.
Additionally, seven unannounced quizzes will be given over the course of the semester. Each quiz will consist of three multiple choice questions relating to the material assigned for that evening’s lecture. Each question will be worth one point. Students may earn a maximum of 2 points for correct answers on each quiz. At the end of the semester, each student’s 2 lowest quiz scores will be dropped, and the remaining 5 highest individual quiz scores will be summed to represent the final quiz score.

**Attendance:**
Class preparation and attendance are vital to obtaining a thorough understanding of the material presented in this course, and are expected. In addition to the quiz requirement, 5 attendance "Checks" will be taken over the semester. A student who misses 3 or more attendance checks will be penalized one full letter grade at the conclusion.

**Assignments:**
Assignments for each lecture will be given at the end of the previous week’s discussion, and will consist primarily of the relevant chapters in the class text. During some weeks, selected cases and other readings may be assigned in addition to the relevant text chapter(s). These materials will either be made available through Atkins Course Reserve, Moodle, or e-mailed directly. Materials on course reserve can be obtained by visiting the reserve desk on the second floor of the library, or through the course reserves area of the Atkins Library webpage.

**Academic Integrity:**
Students have the responsibility to know and observe the requirements of The UNCC Code of Students Academic Integrity. This code forbids cheating, fabrication, or falsification of information, multiple submission of academic work, plagiarism, abuse of academic materials, and complicity in academic dishonesty. Any special requirements or permission regarding academic integrity in this course will be stated by the instructor, and are binding on students. Academic evaluations in this course include a judgment that the student's work is free from academic dishonesty of any type; and grades in this course therefore should be and will be adversely affected by academic dishonesty. Students who violate the code can be expelled from UNCC. The normal penalty for a first offense is zero credit on the work involving dishonesty and further reduction in course grade. In almost all cases the course grade is reduced to F. Copies of the code can be obtained from the Dean of Students Office. Standards of academic integrity will be enforced in this course. Students are expected to report cases of academic dishonesty to the course instructor.

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.

**Evaluation:**
Letter grades will be determined as follows:

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<tr>
<th>Total Points Earned</th>
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<tr>
<td>90-100</td>
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<td>60-69</td>
<td>D</td>
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<td>59 and below</td>
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Tentative Topic Coverage Schedule and Corresponding Text Assignments:

Week 1: Introduction to Employment Laws - Where They Come From, What They Do, How They Do It, and Why They Matter

Scylla and Charybdis: The H.R. Practitioner's Dilemma

Week 2: The Historical Origins of American Employment Regulation

The Cases For and Against Intervention in the Labor Market: Can Capitalistic Ideals and Responsible Social Policy Coexist?

Home Sweet Home: An Overview of the State and Federal Courts Systems

A “Tailored” Suit: Resolving Disputes through Pleadings, Discovery, Motions and Trial

The Foundation of American Employment Law: The Employment-at-Will Doctrine

Text Assignment: Chapter 1 (Selected content)

Week 3: State Employment Law Statutes and Common Law Doctrine, Featuring North Carolina Law

Who's Who: The Employee/Contractor Distinction

The Dotted Line: Contract-Based Exceptions to Employment-at-Will

-Review of Express and Implied Contracts, Good Faith Covenants in Employment

-Applying Contract Law Principles to Employment Agreements

-The Legal Effects of Verbal Representations and Policy Manuals

-Non-Competition and Related Covenants in Employment Contracts

-Employer-Mandated Arbitration of Labor Disputes

Text Assignment: Chapters 1 and 2 (Selected Content)

Week 4: Not Just For Dessert: Tort-Based Exceptions to Employment-at-Will

-The Origins and Modern Application of Vicarious Liability

-Employer Liability for Intentional Torts and Negligent Acts of Employees

-Employer Negligence: Using Due Care in the Hiring, Retention, and Supervision Processes

-Wrongful Discharge in Violation of Public Policy

Text Assignment: Chapters 1 and 2 (Selected Content)
Week 5: Pieces of the Pie: Title VII and the Commitment to Equal Employment Opportunity

Understanding Title VII: Statutory Construction, Legal Theories of Discrimination, Claim Elements, Evidence and Proof Models, and Statutory Defenses to Claims

*Text Assignment:* Chapters 2 (Selected Content) and 3

Week 6: Shades of Gray: Special Concerns with Race and Color Discrimination

Melting Pot: National Origin and Citizenship Discrimination

Mandatory Discrimination: The I.R.C.A. and Verifying Employment Eligibility

*Text Assignment:* Chapters 6 and 7

Week 7: Course Exam #1

Week 8: XX & XY: Gender-Based Concerns in Employment

- Gender Discrimination Under Title VII
- Discrimination and Other Concerns Involving Pregnancy and Related Conditions
- Gender-Based Wage Discrimination Under Title VII and the Equal Pay Act
- Employee Leave Entitlement Under the Family and Medical Leave Act

*Text Assignment:* Chapter 8, Chapter 16 (Pgs. 759-761)

Week 9: Don’t Ask, Don’t Tell?: The Current State of Legal Protection for Gay and Lesbian Employees

Of Church & State: The Application of State and Federal Law to Religious Institutions

Belief and Conviction: Religious Discrimination and Accommodation of Faith-Based Practices

*Text Assignment:* Chapters 10 and 11

Week 10: Crossing the Line: Sexual and Other Forms of Unlawful Workplace Harassment

*Text Assignment:* Chapter 9

Week 11: Just a Number: Age Discrimination and Reductions in Force Under the A.D.E.A

*Text Assignment:* Chapter 12

Week 12: Course Exam #2
Week 13: Rethinking “Disability”: The Americans with Disabilities Act & Related Statutes

- Exploring the Changes to the A.D.A. from the A.D.A. Amendments Act of 2008

Lessons in Social Compromise: North Carolina Workers’ Compensation Law

The Bermuda Triangle: Interplay Between the A.D.A./N.C. Workers’ Comp. Law/The F.M.L.A.


- Defining Protected Genetic Information

- Employer Obligations Upon Inadvertent Discovery of Protected Information

Text Assignment: Chapter 13

Week 14: Dollars and Sense: The Basics of State and Federal Wage and Hour Law

- The Federal and N.C. Fair Labor Standards Act

- N.C. Child Labor Limitations

- Overtime Regulations and Exemptions

Getting Through Tough Times: North Carolina Employment Security Law

Better Safe Than Sorry: Occupational Safety and Health Under O.S.H.A.

Text Assignment: Chapter 16 (Selected Content)

Week 15: You Did What?!? The Sources and Scope of Employee Privacy Rights

- Defining the Employee’s “Reasonable Expectation of Privacy”

- Employer Monitoring of Work Performance and Electronic Communication

- Use of Polygraph Examinations

- Drug Testing Under the N.C. Controlled Substance Examination and Regulation Act

The Basics of Organized Labor Regulation

Text Assignment: Chapters 14 and 16 (Selected content)

Guest Speakers (Availability Permitting, Dates T.B.A.)

Ruben Daniels, Esq., Director, Equal Employment Opportunity Commission (Charlotte District Office)

John Snyder, Esq., Partner, F.S.B. FisherBroyles L.L.P., Former Union County N.C. District Attorney

Carol Green, dP.T., OrthoCarolina Physical Therapy Services