COURSE SYLLABUS

Session #1  Jan. 10  The New American Workplace

Session #2  Jan. 17  So, Sex Sells…That Doesn’t Make it Legal

Session #3  Jan. 24  The Wired World at Work
Employee Privacy, Employer Security, Surveillance and Monitoring (email, blogging, telephone, IMing, videos, photos and Internet use).

Session #4  Jan. 31  Help Wanted: Filling that Job
Recruiting, Interviews, Job Applications, Job References, Background Checks, Medical Exams, I-9s, and Applying on the Internet.
READING: EEOC v. Consolidated Service Systems, 989 F.2d 233 (7th Cir. 1993) (recruiting by word-of-mouth); Section 704(b) of Title VII (nondiscrimination protections for applicants); EEOC Notice of Proposed Rulemaking: ADEA Coverage (favoring older workers); OFCCP Internet Applicant Rule; Interviewing Do’s and Don’ts; I-9 Employment Eligibility Verification Form; McKennon v. Nashville Banner Publishing Co., 513 U.S. 352 (1995) (effects of lying on job application); PA Employer Immunity from Liability for Disclosure of Employee Information, 42 Pa.C.S. § 8340.1 (2006); NY Law “Unfair Discrimination Against Persons Previously Convicted,” N.Y. CLS Correc § 752 (2006); Section 102(d)(2) of the ADA (post-offer medical exams).

Session #5  Feb. 7 Civil Rights in Employment
Introduction to EEO and Disparate Treatment Analysis: Proving and Defending Against Claims of Employment Discrimination.

Session #6  Feb. 14 Macro-discrimination: Class Actions
The Burdens of Plaintiff and Defendant in Disparate Impact Analysis, Class Actions and the Bona Fide Occupational Qualification Exception

Session #7  Feb. 21 Other Discrimination
READING: Bergen Commercial Bank v. Sisler, 723 A.2d 944 (N.J. 1999) (protection from discrimination because of young age); “Got Religion? Accommodating

Midterm Examination Handed Out in Class.

Session #8  Feb. 28  Being a Jerk is Not Unlawful Harassment:
What Is? 

Midterm Examination Due in Class.

March 7  No Class [vacation].

Session #9  March 14  Beyond Equality: Affirmative Action

Session #10  March 21  Who is Working Here? 
READING: “Independent Contractor or Employee?” (IRS Rev. 1-2005); Determination of Worker Status for Purpose of Federal Employment Taxes, Form
Session #11 March 28  To Be Announced

Session #12 April 4  What Sarbanes-Oxley Means to the Worker
READING: Excerpts from the Act; “Citigroup Code of Conduct;”
U.S. Sentencing Guidelines Manual Section 8B2.1, Effective Compliance
and Ethics Programs; “Steal Little, Steal Big,” Patrick J. Kiger,

Session #13 April 11  Laws Protecting Workers
READING: Department (DOL) FLSA Summary; DOL FairPay Fact Sheet #17A:
Exemption for Executive, Administrative, Professional, Computer and Outside
Sales Employees; DOL FairPay Fact Sheet #17M: Financial Services Industry

Part II: Family and Medical Leave Act.
READING: DOL Fact Sheet #28: The Family and Medical Leave Act of 1993;
DOL Opinion Letter, FMLA 2004-1-A, April 5, 2004; Ragsdale v. Wolverine World

Session #14 April 18  The Organized Workforce: Unions in America
Overview of Collective Bargaining and Unionized Employees.

Final Take-Home Exam Handed Out