THE LAW AT WORK
EMPLOYMENT LAW FOR MANAGERS
UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
LGST 208-401/MGMT 247-401

Location: TBD
Wednesday: 3:00 P.M. – 6:00 P.M.

Professor Deborah Weinstein
John M. Huntsman Hall, Legal Studies and Business Ethics Dept.
Office hours: Wednesday, 6:00 P.M.
Or by Appointment at THE WEINSTEIN FIRM
1800 John F. Kennedy Boulevard, Suite 1720, Philadelphia, PA 19103
dweinstein@weinsteinfirm.com
Telephone: 215-636-0616

Description
This seminar is based on the principle that knowledge and understanding of employment law facilitate (1) promotion of a workforce with a high degree of commitment to reaching business goals, (2) the development of practical business solutions to problems arising in the workplace, (3) effective human resources policy and procedures that comply with applicable laws. This course provides future business owners, entrepreneurs, executives, managers and students interested in going to law school or intending to enter the workforce with an introduction to the law of the workplace. The course examines the various employment laws with which businesses must comply and the legal rights and responsibilities of employees and employers. The emphasis is on laws concerning equal employment opportunity with respect to discrimination and harassment because of sex, race, national origin, religion, sexual orientation, age, disability and other characteristics protected by workplace laws; workplace security and privacy including workplace violence, safety, drug testing and electronic communications; the regulatory environment including workers compensation, unemployment compensation, occupational health and safety and minimum wage laws; and labor/management relations.

Assigned Readings
Assignments will be from a course pack and additional materials to be distributed in class throughout the semester. Readings are court opinions, articles from the media and outlines of particular topics in employment law.

Exams and Grading
Class participation counts for 15% of your grade. There will be one midterm examination counting 30% and a final examination counting 30% of your grade. In addition, you will be responsible for a presentation to the class concerning a court opinion that addresses an employment law issue (counting 25% of your grade). A list of opinions from which you may choose will be distributed in class. Extra class participation credits will be provided to students who bring employment-related news items to share with the class (except not from The Financial Times).
Class Preparation
The readings listed on the syllabus are subject to change. Occasionally, various of the court opinions or readings listed on the syllabus will not be assigned. Final assignments will be announced prior to the class for which they are assigned. Final reading assignments for each class are mandatory. Any handout provided before class must be read before class because the discussion will focus on this material. Class preparation is crucial to meaningful class participation.

Topical Assignments
The assignments listed for each date are subject to change as a result of course pacing and/or schedule changes.

Examination Schedule
All examinations are take-home. A midterm examination will be handed out in class on a Wednesday for return during the next scheduled class. The final examination is to be handed out on the last day of class and must be returned to the Office of the Department of Legal Studies on or before the date of the regularly scheduled final examination time.

COURSE SYLLABUS

Session #1 Jan. 16  The New American Workplace

Session #2 Jan. 23  So, Sex Sells...That Doesn’t Make it Legal

Session #3 Jan. 30  The Wired World at Work
Employee Privacy, Employer Security, Surveillance and Monitoring (email, blogging, telephone, IMing, videos, photos and Internet use).
Session #4  Feb. 6  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. 13  Civil Rights in Employment
Introduction to EEO and Disparate Treatment Analysis: Proving and Defending Against Claims of Employment Discrimination.

Session #6  Feb. 20  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. 27  Other Discrimination

Midterm Examination Handed Out in Class.

Session #8  March 5  Being a Jerk is Not Unlawful Harassment: What Is?

Midterm Examination Due in Class.

March 12 No Class [vacation].

Session #9 March 19 **Beyond Equality: Affirmative Action**

Session #10 March 26 **Who is Working Here?**

Session #11 April 2 **To Be Announced**

Session #12 April 9 **What Sarbanes-Oxley Means to the Worker**

Session #13 April 16 **Laws Protecting Workers**
**Part I:** Fair Labor Standards Act.

**Part II:** Family and Medical Leave Act.
Final Take-Home Exam Handed Out

Note: Class details may change prior to the commencement of classes.