THE LAW AT WORK
EMPLOYMENT LAW FOR MANAGERS

UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
LGST 208-401/MGT 247-401
Location: JMHH 250
Wednesday: 3:00 P.M. – 6:00 P.M.
webCafé: https://webcafe.wharton.upenn.edu/eRoom/lgst/208-sp10-1

Professor: Deborah Weinstein
John M. Huntsman Hall, Legal Studies and Business Ethics Dept.
Office hours: Wednesday, 2:00-3:00 P.M., JMHH, 5th Floor, after class or by appointment at THE WEINSTEIN FIRM
1800 John F. Kennedy Boulevard, Suite 1720, Philadelphia, PA 19103
dweinstein@weinsteinfirm.com [students please use this email address]
Telephone: 215-636-0616 (office); 215-498-6338 (mobile)

Description
This course 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 workforce laws; work-related security and privacy including workplace drug testing and electronic communications;

1 Students who are from other schools at Penn [non-Wharton students] or who are new to the University may not initially have the Wharton computing account necessary to use webCafé. Students who are enrolled in the class but who do not yet have a Wharton computing account may create one using this site: http://accounts.wharton.upenn.edu.
affirmative action, the regulatory environment including wage and hour laws, leave of absence laws, recruiting and hiring regulations, the non-employee workforce, workers compensation, Sarbanes Oxley and whistleblower concerns, labor/management relations and collective bargaining.

**Assigned Readings**

Course materials will be posted on the webCafé throughout the semester. Readings are court opinions, laws and regulations, articles from the media and outlines of particular topics in employment law for managers. Many of the Readings listed on the Course Syllabus will not be assigned. There is no textbook for the course.

**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, either individually or as a group assignment, 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.

**Class Preparation**

The readings listed on the syllabus are subject to change. MANY of the readings listed 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 also subject to change as a result of course pacing, schedule changes or developments in the law. Some topics may not be covered.
COURSE SYLLABUS

Session #1 Jan. 13  Introduction: The New American Workplace

Session #2 Jan. 20  Who is Working Here?

Session #3 Jan. 27  Help Wanted: Filling that Job
Recruiting, Interviews, Job Applications, Job References, Background Checks, Investigation of Applicants Using Internet/Social Networking Sites, Medical Exams, I-9s and Drug Testing.
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 hiring regulations; OFCCP Internet Applicant Rule; Interviewing

² For Session #1, the only reading assignment is the court opinion in Woodson v. AMF Leisureland Ctrs., Inc., 842 F.2d 699 (3d Cir. 1988). This court opinion for this case can be found at http://scholar.google.com/scholar_case?case=534522943703352235&q=%22woodson+v.+amf+leisureland %22&hl=en&as_sdt=2003. All other Session #1 “Reading” is listed here merely because the lecture and discussion during the first class may include these topics. These readings will be assigned later in the semester.
³ http://www.scotusblog.com/wp/torture-chrysler-cases-ended-3-grants/

Session #4  Feb. 3  Civil Rights in Employment

Session #5  Feb. 10  Civil Rights in Employment (Continued)

Session #6  Feb. 17  Other Discrimination and Duty to Accommodate

Session #7  Feb. 24  Being a Jerk is Not Unlawful Harassment: What Is?

Midterm Examination Handed Out in Class.

Session #8  March 3
Part I: Beyond Equality: Affirmative Action and Reverse Discrimination
READING: Kohlbek, City of Omaha, Nebraska, 447 F.3d 552 (8th Cir. 2006); Taxman v. Board of Ed. of Tnshp of Piscataway, 91 F.3d 1547 (3d Cir. 1996); “Desperately Seeking Diversity,” Deborah Weinstein, Philadelphia Lawyer Magazine, Summer 2003; Executive Order 11246; Ricci v. DeStefano, 120 S. Ct. 2658 (2009)(New Haven could not set aside firefighters’ test results because those who earned promotion were all white).

Part II: Equal Pay for Equal Work and other Gender-Related Issues

Midterm Examination Due in Class.

March 10  No Class [vacation]

5 http://www.hrc.org/12973.htm
6 http://www.eeoc.gov/policy/docs/harassment.html
Session #9  March 17
To be announced.

Session #10 March 24  What If Following Management and Customer Preferences Would Cause a Disparate Impact on a Protected Class?

Session #11 March 31  The Wired World at Work
Employee Privacy, Employer Security, Surveillance and Monitoring (phone, email, blogging, texting, IMing, videos, photos and other electronic communications)

Session #12 April 7  The Organized Workforce: Unions in America
Overview of Collective Bargaining and Unionized Employees.
Guest Lecturer: Robert J. Haurin, Esquire
READING: To be announced.
Session #13 April 14  
**Laws Protecting Workers**

**Part I:**  
Fair Labor Standards Act and Pay Issues

*Guest Lecturer: Randall C. Schauer, Esquire*

**READING:**  

**Part II:**  
Leaves of Absence, Pregnancy Discrimination and Employees with Caregiving Responsibilities

**READING:**  

Session #14 April 21  
**What Sarbanes-Oxley Means to the Worker**

**READING:**  
To be announced.

**Final Exam**