THE LAW AT WORK
EMPLOYMENT LAW FOR MANAGERS

UNIVERSITY OF PENNSYLVANIA
THE WHARTON SCHOOL
LGST 208-401/MGT 247-401
Location: 345 JMHH
Wednesday: 3:00 P.M. – 6:00 P.M.
webCafé: https://webcafe.wharton.upenn.edu/eRoom/lgst/208-sp11-1

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
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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 investigations, drug testing and electronic communications;
employee misclassification; affirmative action; and the legal and regulatory
environment regarding immigration, wage and hour, leaves of absence, hiring,
termination and afterwards, the non-employee workforce, whistle blower 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 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. 12  **Introduction: The New American Workplace**

**READING:**  

Session #2  Jan. 19  **Who is Working Here?**  

READING:  

Session #3  Jan. 26  
**Part I. Help Wanted: Filling that Job**
Job Applications, References, Background Checks, Investigation of Applicants, Use of Internet/Social Networking Sites, Medical Exams 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

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1 Readings for each session will be selected from the materials listed herein.

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 opinion can be found at http://scholar.google.com/scholar_case?case=5345229437303352235&q=%22woodson+v.+amf+leisureland%22&hl=en&as_sdt=2003.
Part II. Immigration Laws and Employment

Session #4 Feb. 2  Civil Rights in Employment


Session #5 Feb. 9  Civil Rights in Employment (Continued)

Session #6 Feb. 16  Other Discrimination and Duty to Accommodate


Session #7  Feb. 23  Being a Jerk is Not Unlawful Harassment: What Is?

Midterm Examination Handed Out in Class.

Session #8  March 2
Part I: Beyond Equality: Affirmative Action and Reverse Discrimination
READING: 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)(prohibiting New Haven from setting aside firefighters’ test results where all earning promotions were Caucasian).

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

4 http://www.hrc.org/12973.htm
5 http://www.eeoc.gov/policy/docs/harassment.html
& 296 F.3d 1265 (11th Cir. 2002) (Should boys be pirates and girls be wenches?); Jesperson v. Harrah’s Operating Co., 444 F.3d 1104 (9th Cir. 2006) (requiring female employees to wear makeup).

**Midterm Examination Due in Class.**

March 9  No Class [vacation]

Session #9  March 16  **When the Employment Relationship Ends**
To be announced.

Session #10  March 23  **What If Following Management and Customer Preferences Would Cause a Disparate Impact on a Protected Class?**

Session #11  March 30  **The Wired World at Work**
Employee Privacy, Employer Security, Surveillance and Monitoring (phone, email, Facebook, blogging, Utube, videos, photos, etc.); Employer’s social media policies
**Guest Speaker:** Margaret DiBianca, Esquire, Young, Conway, Stargatt & Taylor LLP, Wilmington, DE
Session #12 April 6  The Organized Workforce: Unions in America
Overview of Collective Bargaining and Unionized Employees
Guest Lecturer: Robert J. Haurin, Esquire, The Weinstein Firm

Session #13 April 13  Laws Protecting Workers
Part I: Fair Labor Standards Act and Pay Issues
Guest Lecturer: Randall C. Schauer, Esquire, Fox Rothschild

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

Session #14 April 20  Whistle Blower Laws
READING: To be announced.

Final Exam