

**Employment Law  
HIED 76521  
Kent State University  
Fall 2011**

**Instructor**

Dr. Stephen Thomas  
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Office Hours: M, T, W – 8 a.m.-10 a.m.

**When & Where**

Tuesdays, 5:30-8:15, Room 117, White Hall, Kent Campus

**Course Description**

Selected principles of constitutional, statutory, case, and administrative law affecting employment in the public and private sectors are studied.

**Course Requirements**

Midterm Exam (October 18)	210 points
Final Exam (December 13)	210 points
Case Summaries (November 29)	60 points
Discussion Boards (5 due by Oct. 11; 5 due by Dec. 6)	<u>20 points</u>
<u>Master's Total</u>	<b>500 points</b>
Ph.D. Students Only: Paper (November 29)	<u>100 points</u>
<u>Ph.D. Total</u>	<b>600 points</b>

**Master's Grade Scale (Ph.D. students use same percentage scale based on 600)**

A	94% 470-500
A-	90% 450-469
B+	87% 435-449
B	84% 420-434
B-	80% 400-419
C+	77% 385-399
C	70% 350-384 (grade required to receive graduate credit)
C-	67% 335-349
D+	64% 320-334
D	60% 300-319
F	below 300

**Text**

David J. Walsh, Employment Law for Human Resource Practice, 3rd edition (Thomson/West 2010). ISBN 13: 978-0-324-59485-0

## Tests

Tests are multiple choice and plaintiff-defendant and cover material discussed in class, assigned readings, and class handouts.

## Case Summaries

Prepare 20 summaries of federal circuit or Supreme Court cases addressing your selected topic (i.e., **district court cases will not be accepted—note that district court cases generally are located at F. Supp. 2d**). Try to include as many education cases as possible (e.g., university, college, community college, school district). Include an average of three to four (3-4) cases per page. The paper should be five to seven (5-7) pages in length (20 cases in total), single-spaced, with 1" inch margins all around. Do not include cases assigned as class readings (i.e., located through vista icons). The summaries are due November 29. **Do not mail or email the papers; place them in my box in 401, White Hall or give them to me in class. (See example on Vista.)**

## Term Paper (Ph.D. Students Only)

The term paper should be 10-12 double spaced pages; 1" margins all around with no larger than an 11 font. Your topic must be of interest to professionals within higher education who are concerned with employment law issues. The paper is due November 29.

## Discussion Boards

Answer five discussion boards in preparation for the mid-term examination and five for the final examination. Have the first group completed by October 11 and the second group by December 6. To access the discussion boards, hit the tab under course tools on the left margin. Late submissions are not accepted. Correct answers will be posted within 48 hours of the deadline.

## Extra Credit

If you would like to earn extra credit in this course, complete the assignment below. You may earn up to 15 additional points. This paper also is due no later than the day and time of the mid-term exam (i.e., you cannot submit the paper after October 18 at 8:15 p.m.). **NO LATE PAPERS ACCEPTED ON THIS ASSIGNMENT.**

View one of two video tapes: Legal Research for the 21<sup>st</sup> Century (tape #2 or tape #4). Number 2 deals with finding cases and #4 deals with updating statutes. These are the skills you would use after you leave this class and want to find the law on a topic. The tapes are available on reserve in the Technology Learning Center in room 221 on the Second Floor of White Hall. Review the tape of your choice (i.e., #2 or #4) and write a three page, single spaced summary.

Although the tapes are a little dated regarding web-based research, the basic research techniques remain good; moreover, there is no newer edition of the tapes. Bring a hard copy to class or put the summaries in my box in room 401 White Hall. **DO NOT SUBMIT THROUGH EMAIL OR VISTA.**

## **Plagiarism**

Plagiarism is a serious ethical violation. Any attribution of another's work as one's own without appropriate credit is considered plagiarism. This applies whether information is obtained from print, presentation, or electronic sources. Moreover, it is a violation of university policy to submit a paper in two courses for credit without the knowledge and approval of the professor.

## **Students with Disabilities**

Students with disabilities must be provided reasonable accommodations to ensure their equal access to course content. If you have a documented disability and require accommodations, first verify your eligibility for accommodations through Student Accessibility Services. Call 330-672-3391 or visit [www.registrars.kent.edu/disability/](http://www.registrars.kent.edu/disability/) or the ground floor of the DeWeese Center for more information. If eligible for accommodations, see me at the beginning of the semester to make arrangements for necessary classroom adjustments.

## **Course Objectives**

By the conclusion of this course, students should:

- (1) understand the application of key federal and state laws;
- (2) know what each law allows and requires;
- (3) know how to demonstrate compliance with federal and state laws;
- (4) be better able to draft school/district/college/university policy in a legally appropriate manner;
- (5) be better able review existing policies and practices to determine their enforceability and permissibility; and
- (6) know when to consult counsel.

## **Class Meetings**

### **August 30**

Chapter 1, Overview of Employment Law  
Chapter 2, The Employment Relationship

### **September 6**

Chapter 4, Recruitment, Applications, and Interviews  
Chapter 5, Background Checks, References, and Verifying Employment Eligibility;  
Joe Clark & Stephen Thomas, Criminal Background Checks: From Law to Practice," West's Education Law Reporter, vol. 239, no. 2: 315-332 (2009).

### **September 13**

Chapter 6, Employment Testing  
Chapter 7, Hiring and Promotion Decisions

### **September 20**

Chapter 12, Wages, Hours, & Pay Equity

### **September 27**

Chapter 13, Benefits

Chapter 15 (only section on Workers' Compensation)

**October 4**

Chapter 14, Unions and Collective Bargaining

**October 11**

**Discussion Boards: No Class Meeting**

**October 18**

**Mid-Term Examination**

**October 25**

Chapter 3, Overview of Employment Discrimination

Chapter 8, Affirmative Action

**November 1**

Chapter 9, Sex Discrimination & Harassment

**November 8**

Chapter 10, Reasonably Accommodating Disability & Religion

**November 15**

Chapter 11, Work-Life Conflicts and Other Diversity Issues (includes Sexual Orientation Discrimination, National Origin Discrimination, Pregnancy Discrimination, and Family & Medical Leave Act, among other topics.

**November 22**

Chapter 16, Performance Appraisals, Training, and Development

Chapter 17, Privacy on the Job, Information, Monitoring, and Investigations

**November 29**

Chapter 18, Terminating Individual Employees

Chapter 19, Downsizing and Post-termination Issues

**December 6**

**Discussion Boards: No Class Meeting**

**December 13**

**Final Examination**