

**EMPLOYMENT LAW**  
**SPRING 2020**  
**Professor Anderson**

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**Office Hours:** Suspended for fall 2020 but available by appointment

Welcome! This is a survey course of the diverse topic of law as it relates to employment. We will be covering the employment relationship from hiring to firing. The required text is:

*Employment Law, Cases and Materials (9th ed.)* (Rothstein, *et al.*).

**LEARNING OBJECTIVES**

- To understand the common law regulating the employer-employee relationship, including its origins and how those origins continue to influence contemporary workplace law;
- To understand and effectively interpret the various sources of individual employee protection, including constitutional, statutory, regulatory, contract and tort law sources;
- To learn how to anticipate and advise clients on navigating difficult issues that arise in the relationship between employers and employees, both in the form of preventative law and in resolving issues through litigation; and
- To be able to identify and thoughtfully assess the various dynamic influences that shape individual employee rights, now and in the future.

**READING ASSIGNMENTS**

Below is the list of materials I anticipate covering in class, in the order we will follow. I may modify the actual pages assigned as we go along and supplement with recent cases. I will post specific class assignments on a weekly basis on TWEN. You are expected to sign up for TWEN by the end of the first week of classes. The assignment for the first two days of class are posted there.

For each class, there will be a set of study questions posted on TWEN. You are required to prepare these questions as part of meeting your workload expectations for the course<sup>1</sup>, and you should be prepared to discuss them or topics related to them in class. You will lose professionalism points for not being prepared to discuss the reading assignment and topics raised by the study questions during class.

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<sup>1</sup> The workload expectations for the course are based on ABA Standard 310(b)(1) for a three credit hour class. Under those standards, “a ‘credit hour’ is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” You should expect to spend 75 minutes in class two times a week and three hours preparing for each class (six hours total for two classes).

<b>Chapter</b>	<b>Pages</b>
1 Work and Law	1 - 16
2 Development of Empl't Law	17 - 48 57 - 65
4 Discrimination in Hiring	213 - 242; 245-248; 310-318 228 - 251; 261 - 282, 318 - 363, 368 - 387 440 - 449, 455 - 462, 407; 411-17; 409 - 410 notes 10 -15
3 Hiring	79 - 112 n. 10 113 -147 153 - 159, <i>Karraker</i> (TWEN), 163-64 n. 3, 165 (Problem for discussion) - 173 n. 3, 175 - 192, 205 - 211
5 Wages & Hours	480 (bottom) - 524, 529 - 544 550 - 554, 558 - 563
7 Employee Liberty/Conditions in the Workplace	677 - 690; 294 - 301 695 - 727, 732 n. 3 - 733, 739 - 745
10 Discharge	871 - 872; 879 - 887, 892 - 896, 900 - 901 901 - 908, <i>McInerney</i> (TWEN) 908 - 920, <i>Doyle</i> (TWEN) 946 - 969 969 - 989
6 Fringe Benefits	607 - 623 654 - 656; <i>Whitaker</i> (TWEN); 661 n. 3 - 664

## **EVALUATION**

The grade in the course will be based on the following:

1. A thirty minute bar-type essay exam worth 15 points that will be administered after we complete Chapter 4. I currently anticipate this exam will be administered during the third week of September. You must achieve proficiency on this exam before you will earn credit for the course;
2. A client letter worth 15 points that will be due around mid-semester;
3. A take home exam worth 75 points that will be available to pick up on the first day of the exam period and due by noon on the last day of the exam period; and
4. A maximum of five (5) professionalism points. Everyone will start the semester with five points. One point will be deducted for any of the following each time they occur, up

to the total of five: a) arriving late for class without prior permission, which will be granted only in limited circumstances (“late” means the room/Zoom clock has ticked past 1:00 p.m.); b) leaving the classroom (for remote attendees, this includes turning off audio or video or leaving the camera’s view) during the class session without prior permission, which will be granted only in limited circumstances or as a legally required accommodation; c) unauthorized use of computers or cell phones during class; d) being unprepared for class, as demonstrated according to my judgment by your inability to discuss the material at a level of someone who has made a good faith, reasonable effort to critically read the assigned materials and prepare the posted Study questions for the assigned material. This list of unprofessional conduct may be amended as the semester proceeds.

## **ATTENDANCE AND CLASS RECORDING POLICY:**

Attendance will be kept and administered according to the SIU School of Law Academic Regulations, as amended through the current semester. **Students may miss or note out a maximum of six (6) total class meetings.** Each student is required to sign an attendance sheet for each class meeting. You will sign the attendance sheet by going to this link at the start of each class: <https://airtable.com/shrEkFgoNMxD3bUurl> It automatically records the date and time of your submission. Signing someone else’s name to an attendance sheet or signing the sheet more than five minutes after class has started without my permission will be considered honor code violations and treated accordingly.

Attendance includes preparation. Do not sign the attendance sheet if you are not prepared. I define “prepared” to mean you have carefully read the materials to be discussed in class (including the study questions posted on TWEN) and are ready to engage in discussion about them. Of course, you may not be able to answer every question you are asked, but you will be expected to be able to make a good faith, reasonable effort. You may read ahead, but be aware that I consider the response, “I read it but I don’t really remember it” to be the equivalent of not having prepared it at all, and I will deduct a professionalism point for that answer. If you read ahead, you should review the materials shortly before class to refresh yourself on them. **Signing the attendance sheet is your representation that you are prepared.**

Once class has started, you are expected to remain in the classroom unless there is an emergency or unless you have received an accommodation approved through the Associate Dean’s Office. Having to use the restroom is not an emergency unless you are ill. Leaving class in-session without permission will be counted as an absence and result in the deduction of a professionalism point unless it is for an emergency, in which case you must inform me of the reason for the emergency as soon as possible after it occurs and request a waiver of the deduction. This rule applies to both students attending in-person and online.

It is your responsibility to keep track of your absences; you will not receive reminders concerning the number of absences you have incurred, and you should not expect my assistant to remind you of your attendance record. Attendance records will be kept until the end of the semester for purposes of verifying any discrepancy in your absence record, and you may ask my assistant to allow you to look at them.

Our class sessions may be recorded; however, the recordings will be made available with

my permission only. I will grant permission to view the recording in only limited circumstances, such as an ADA accommodation approved by the Associate Dean's office; a Legal Clinic, Moot Court, or Trial team conflict; or a medical emergency. Absences for those reasons may potentially be made up upon fulfilling additional requirements that I will set. Otherwise, no absences will be excused; the expectation is you will use your allowed absences for commonly occurring reasons. All other recordings of the class are prohibited. Unauthorized recordings and unauthorized access to recordings will be governed by the School of Law Honor Code, § II.E.1.g.

## COMPUTER AND CELL PHONE POLICY

Computers in whatever form are permitted in class for participation through Zoom, note-taking purposes, to look up the text of cases, statutes and materials relevant to what is being discussed in class, to look at material posted on the Employment Law TWEN pages, and when you are explicitly instructed that you may use your laptop for a class activity. You may **not** use your computer for any other activity, including but not limited to surfing the web, using social networking, checking or sending email, and reading or sending instant or text messages. Any student using a computer for an impermissible purpose during a class will lose a professionalism point for each occurrence. Repeated occurrences may result in suspension of computer privileges altogether.

Cell phones not being used to connect via Zoom should be shut off and placed away where they cannot be seen (absent prior approval). They may not be used for any purpose that would not be permissible if done on a computer. You may be asked to check your phone at the podium if you violate this rule.

## ONLINE STUDENT CONDUCT

Students who are attending the class online due to the pandemic should anticipate being held to the same standards as students in the physical classroom. This includes attendance, preparation, participation, and attire. You should be seated at a desk or table while in class. Minimize distractions in your environment to the extent possible.

## FINAL CAVEAT

If you have any questions about what is permissible and what is not, ask in advance and do not assume.

Attendance Sheet Link:

<https://airtable.com/shrJ7WbjQUHYj0mhh>

QR code:

