

Syllabus

Course Overview

This course examines the application of U.S. law and legislation to human resource management (HRM) theory and practice in the modern workplace. You will evaluate the legal perspectives articulated in HRM policies, procedures, and practices. You will also examine laws and legislation that influence their development.

Much of your learning in this course will be achieved through the standard instructional practices that you are familiar with. However, the Oral Argument course project departs from the standard approach. This project is designed to provide you with the opportunity to practice integrating organizational mission, legal compliance, and respect for human beings. This experience will help you develop and operationalize your approach in the professional setting. You will do far more than learn rules and laws in this course. You will leave this course with new skills and information that will be of practical value to you in your career.

Since there is not an assigned textbook for this course, the content in **What You Need to Know** each week is robust and includes key information to be applied in your assignments.

Course Project

For the course project, you will be assigned to a team of 4–5 learners who will present an oral argument to the Court (your instructor), based on a fact pattern presented in a case. Your team will be assigned to represent either the plaintiff or the defendant in the *Capshaw Versus CapraTek* case, which is presented in this course via a multimedia piece.

- **Plaintiff Team:** If your team is assigned to represent the plaintiff, you will bring suit on behalf of Capshaw.
- **Defendant Team:** If your team is assigned to represent the defendant, you will defend CapraTek against the suit.

Your team will identify and apply the important legal principles and significant factual disputes relevant to the case, and prepare an argument accordingly. In your efforts to persuade the Court, focus your arguments on law, policy, and societal implications. Outline your arguments citing any chapter presentations, articles, or cases. You should not need to conduct extensive research of materials outside those given in this course. All of the salient facts in the matter have been included in the multimedia presentation, *CapraTek: Capshaw Versus CapraTek*, which is linked in Weeks 2, 5, and 6.

You team will develop its oral argument through several activities during the quarter. You will contact your fellow team members through a private group discussion area created for you in this course. Your team will decide

what additional methods of communication will best facilitate your team project work, such as e-mail, phone calls, group discussions, virtual meeting rooms, et cetera.

In Week 6, your instructor will conduct a conference call meeting with your team to answer questions and address concerns as you finalize your presentation. You will also submit an outline of your oral presentation during Week 6. This will include:

- **Facts:** Analyze the facts involved in the case, from your side's perspective.
- **Issues:** Analyze facts or legal principles in dispute in the case.
- **Rule(s):** Identify the law or legislation related to the case that supports your side's perspective.
- **Analysis:** Apply the identified rule to the issues in your case. Address the weaknesses in your side's case and consider the opposite side of the case.
- **Conclusion:** Summarize and describe the logical outcome of the case.
- **Relief Requested:** What relief are you requesting from the court, and why?

In Week 7, your team will present your oral argument via a second conference call with your instructor, who will preside as the Court. All team members are required to participate in the phone call. You can split up the oral delivery of your argument evenly among several team members, or choose one member to speak for the bulk of the presentation. You will decide this as a team, and make other decisions as to how best to present your case.

In the oral presentation conference call, your team will argue for ten minutes. Following the team presentation, the Court will question the team. Finally, you will be debriefed, and discuss the entire process with the instructor. The conference call will last 40–60 minutes overall.

Timing should be an important factor in your preparation. You should fill the allotted time, and be sure you have adequately addressed each of your topics within that time. Practice and preparation are essential. Practice the argument; this should not be the first occasion on which the presenters have actually spoken the words aloud.

Based on your outline, the presentation, and the debriefing, you will complete a final team analysis paper, which you will submit in the HR Challenge: Oral Argument assignment in Week 7.

This process should be fun and intellectually challenging. During the phone conference, no learner will be questioned individually, so no single person will be put on the spot. You are all encouraged to participate in presenting your argument, but if you are nervous about public speaking, you will not be intentionally made to feel uncomfortable.

Week 2 Project Activities

- The instructor will form learner teams and create a private team discussion area.
- Team members will initiate communication agreements with their teammates.
- Between Week 2 and Week 6, teams will begin work on their oral argument outline.

Week 6 Project Activities

- Your team will meet with the instructor in a synchronous phone conference to prepare for the presentation and address questions and concerns.
- The HR Challenge: Oral Argument Outline is due. It should be 1–2 pages in length.

Week 7 Project Activities

- The team will present the oral argument in a synchronous phone conference with the instructor.
- The team will work together to address the final grading criteria of the oral argument, based on the presentation debriefing, and submit the final HR Challenge: Oral Argument paper for grading. It should be roughly 4 pages in length.

Adobe Connect and Kaltura Activities

This course may require learners to participate in synchronous online meetings or deliver asynchronous presentations using Adobe Connect and Kaltura. If you require the use of assistive technology or alternative communication methods to participate in these activities, please contact DisabilityServices@Capella.edu to request accommodations. See Tools and Resources for more information.

Assignments

Week 3: Select a contemporary issue and read the article provided to write a 3–4 page memorandum for your supervisor. 15% of final grade. **View Scoring Guide**

Week 6: Working with your team, create a 1–2-page outline defining how you will present your oral argument. 5% of final grade. **View Scoring Guide**

Week 7: Present your oral argument, prepare to question the other side, and participate in the debriefing. 25% of final grade. **View Scoring Guide**

Week 8: Prepare and record a presentation of 4–6 PowerPoint slides, approximately 5 minutes in length, that explains and analyzes the key elements of the *National Labor Relations Board v. General Motors Corp.* case. 15% of final grade. **View Scoring Guide**

Week 9: Write a 2–3-page executive memorandum to organizational leadership regarding the Occupational Safety and Health Administration (OSHA) and its effectiveness in the workplace. 15% of final grade. **View Scoring Guide**

Discussions

The following discussions are part of the course. Participation in discussions will count for 25% of your final grade.

Week 1: Practice using the IRAC case analysis strategy on a case and then apply the lessons from the case to current employee handbook issues.

Week 2: Refer to discrimination cases and articles presented this week to analyze the different attitudes that the judiciary has taken with regard to each case.

Week 3: Respond to questions about current and future issues surrounding employee privacy and new technology.

Week 4: Read the presented article and describe best practices for HRM specialists when conducting a termination.

Week 5: Define the employer-employee relationship to enable a productive workplace that minimizes conflict and controversy.

Week 6: This is an ungraded, optional discussion in which you can post any questions or concerns that you have related to the Oral Argument assignment due next week.

Week 7: Evaluate your experience working with your teammates and presenting the oral argument.

Week 8: Redefine the role and purpose of the modern union so it effectively serves its membership.

Week 9: Use an article from this week to analyze 2–3 governmental perspectives concerning worker health and safety in the workplace.

Week 10:

- First discussion: Discuss key considerations when designing a social media policy, including primary challenges and risks, and who should be involved in its design and review.
- Second discussion: Reflect on your work and experience in this course, and write about how it will impact your practice as an HRM professional.

Course Competencies

(Read Only)

To successfully complete this course, you will be expected to:

- 1 Apply legal thinking to human resource management issues in the workplace to ensure compliance.
- 2 Evaluate the relationship between historical perspectives and events and the alignment of human resource management and the law.
- 3 Examine relationships between law, human resource management practices, and business activities.
- 4 Assess ways in which human resource professionals resolve conflicts between ethical and legal aspects of practice.
- 5 Evaluate ways in which companies mitigate risk management and follow OSHA workplace safety.
- 6 Communicate clearly, accurately, and professionally in the HR field.

Course Prerequisites

Prerequisite(s): HRM5002.

Syllabus >> Course Materials

Required

The materials listed below are required to complete the learning activities in this course.

Since there is not an assigned textbook for this course, the content in the **What You Need to Know** studies in each week is robust and includes key information to be applied in your assignments.

Library

The following required readings are provided in the Capella University Library or linked directly in this course. To find specific readings by journal or book title, use [Journal and Book Locator](#). Refer to the [Journal and Book Locator library guide](#) to learn how to use this tool.

- [10 things you wish: Everyone understood about safety](#). (2019). *Professional Safety*, 64(11), 22–23.
- [6 employment-law lessons from HR's largest conference](#). (2019). *HR Specialist: Employment Law*, 49(8), 5.
- Ahlrichs, K. (2018). [Go beyond harassment best practices: Add respect to your culture](#). *HR Specialist*, 16(8), 8.
- Allan, R. (2017, March). [Key things to consider while drafting your social media policy checklist](#). *Legal and Compliance Excellence Essentials*.
- [Are you prepared for gun violence at work?](#) (2019). *HR Specialist: Employment Law*, 49(10), 1–2.
- [Assigning black employees to black clients: Is that racial bias?](#) (2010). *HR Specialist*, 8(1), 3.
- Bisco, J., Gradisher, S., & Mulholland, B. (2019). [Women and diversity: Why the conversation must continue in financial services](#). *Journal of Financial Service Professionals*, 73(1), 72–84.
- Branigan, K. S., Nowicki, C. L., Buza, L. A., & Allen, J. S. (2019). [Conducting effective independent workplace investigations in a post- #MeToo era](#). *Dispute Resolution Journal*, 74(1), 85–110.
- [Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 \(1998\)](#).
- Burnham, C., Puckett, B., & Deakins, O. (2017). [In contentious times, reaffirm commitment to inclusion, diversity](#). *HR Specialist*, 15(2), 7.
- Carrison, D. (2017). [Balancing transparency and privacy in the workplace](#). *Industrial Management*, 59(5), 6.
- [Community for Creative Non-Violence v. Reid, 490 U.S. 730 \(1989\)](#).

- [Crawford v. Nashville and Davidson County, 555 U.S. 271 \(2009\).](#)
- Di Gangi, P. M., Johnston, A. C., Worrell, J. L., & Thompson, S. C. (2018). [What could possibly go wrong? A multi-panel Delphi study of organizational social media risk.](#) *Information Systems Frontiers*, 20(5), 1097–1116.
- [Document exactly why you decided to fire.](#) (2019). *HR Specialist: Employment Law*, 5(1), 1–2.
- [Does Facebook rudeness = Hostile workplace?](#) (2018). *HR Specialist: Employment Law*, 48(12), 3.
- [E.I. Dupont de Nemours and Company v. Pressman, 679 A.2d 436 \(Del. 1996\).](#)
- [Faragher v. City of Boca Raton, 524 U.S. 775 \(1998\).](#)
- [Fired for getting married: Does that count as sex discrimination?](#) (2019). *HR Specialist: Employment Law*, 49(2), 4.
- Frick, R. E. (2019, August). [Decided it's time to terminate an employee? Now what?](#) *Talent Management Excellence Essentials*.
- Hawkins, D. (2016, February 8). [Racial discrimination - Title VII.](#) *Wisconsin Law Journal*.
- Herbert, W. A. (2019). [Janus v AFSCME, Council 31: Judges will haunt you in the second gilded age.](#) *Relations Industrielles*, 74(1), 162–173.
- [How to avoid age bias when talking retirement with employees.](#) (2014). *HR Specialist*, 12(1), 8.
- [How to legally deal with a post-termination "vent letter."](#) (2018). *HR Specialist: Employment Law*, 48(7), 6.
- Janette, L. F. (2019, September). [Are sports referees employees or independent contractors?](#) *Workforce Management (Time and Attendance) Excellence Essentials*.
- Johnson, B. (2017). [Attorney's key to social media policies: Be specific, but not too strong.](#) *Njbiz*, 30(5), 17.
- Johnson, D. L. (2019, October 7). [Nashville Trump supporter fired over Facebook post wins trial \[Blog post\].](#) *Northern Exposure*.
- [Just had a reportable injury? Prepare for a visit from OSHA.](#) (2017, July 10). *OSHA Compliance News*, 6(4).
- Katsabian, T. (2019). [Employees' privacy in the internet age: Towards a new procedural approach.](#) *Berkeley Journal of Employment & Labor Law*, 40(2), 203–255.
- [Keys for developing a social media policy.](#) (2013). *Information Management*, 47(6), 42–44.
- [Labor Management Relations Act of 1947 \(Taft-Hartley Act\).](#)
- [Labor-Management Reporting and Disclosure Act of 1959 \(Landrum-Griffith Act\).](#)
- [Lazar v. Superior Court of Los Angeles County, 909 P.2d 981 \(Cal. 1996\).](#)
- [LEAP 2019: The top 10 lessons for HR.](#) (2019). *HR Specialist: Employment Law*, 49(5), 5.
- Magette, K. (2018). [Keeping up with new tools in your policies.](#) *School Administrator*, 75(8), 12.
- [McQuirk v. Donnelley, 189 F.3d 793 \(9th Cir. 1999\).](#)
- [Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 \(1986\).](#)
- Minnick, W. D., Helmrich-Rhodes, L., Mulroy, J., & McKnight, D. (2019). [OSHA consultation.](#) *Professional Safety*, 64(6), 46–50.
- Nagele-Piazza, L. (2019). [Creating LGBTQ-inclusive workplace policies.](#) *HRNews*.
- [National Labor Relations Act of 1935 \(Wagner Act\).](#)
- [National Labor Relations Board v. General Motors Corp., 373 U.S. 734 \(1963\).](#)
- [Nationwide Mutual Insurance Company v. Darden, 503 U.S. 318 \(1992\).](#)
- [No defense for quid pro quo sexual harassment.](#) (2017). *HR Specialist: New York Employment Law*, 12(12), 1–2.

- [OSHA rule will help protect sensitive employee information.](#) (2019). *Briefings on Hospital Safety*, 27(6), 6–7.
- Otani, A. (2013, July 15). [Hostess Twinkies return to stores, but unionized jobs disappear.](#) *Christian Science Monitor*.
- Peña, K. M. (2018). [LGBT discrimination in the workplace: What will the future hold?](#) *Florida Bar Journal*, 92(1), 35–39.
- [Pink slips for union backers: A \\$775k mistake.](#) (2019). *HR Specialist: Employment Law*, 49(2), 3.
- [Privacy Act of 1974, H.R. 16373, 93rd Cong. \(1974\).](#)
- [Progressive discipline the legal way: 7 steps.](#) (2019). *HR Specialist: Employment Law*, 49(7), 2.
- [Remind managers: They have obligation to report harassment or bias they witness.](#) (2018). *HR Specialist: Employment Law*, 48(5), 3.
- [Review your employee handbook for conflicts to at-will protections.](#) (2018). *HR Specialist: Employment Law*, 48(7), 2.
- [Ruiz v. Shell Oil Company, 413 F.2d 310 \(5th Cir. 1969\).](#)
- Schifter, E. (2019, January 8). [Why should you be thinking about your employees' workplace privacy? \[Blog post\].](#) *HR LawMatters*.
- Schoeffler, B., & Oak, C. (2018, October 15). [Time to revisit independent contractor vs. employed producer status.](#) *Insurance Journal*.
- Sheth, P., Wasti, K., & Smith, A. M. (2016). [Privacy in the workplace: Organizations must find ways to accommodate employees' personal technology use while also meeting regulatory and other requirements.](#) *Internal Auditor*, 73(5), 42–47.
- Smith, S. (2016, February 29). [OSHA administrative law judge rules Connecticut contractor misclassified employees as independent contractors.](#) *EHS Today*.
- [Sowards v. Norbar, Inc., 605 N.E.2d 468 \(Ohio Ct. App.1992\).](#)
- [Sutton v. United Air Lines, Inc., 527 U.S. 471 \(1999\).](#)
- [The mock OSHA inspection: Practice makes perfect.](#) (2014). *Medical Environment Update*, 24(5), 1–3.
- [U. S. Airways, Inc. v. Barnett, 535 U.S. 391 \(2002\).](#)
- [Whistleblower at work? Protect, don't reject.](#) (2019). *HR Specialist*, 17(11), 3.
- [You don't have to give employees a reason for termination.](#) (2017). *HR Specialist: Employment Law*, 47(5), 4.
- [Your employee handbook vs. the "biggest idiot" theory.](#) (2017). *HR Specialist*, 15(8), 7.
- Zugelder, M. T., Crosgrove, D. M., & Champagne, P. J. (2018). [Sexual harassment prevention after #MeToo: Employers' need to reevaluate.](#) *American Journal of Management*, 18(3), 104–112.

External Resource

Please note that URLs change frequently. While the URLs were current when this course was designed, some may no longer be valid. If you cannot access a specific link, contact your instructor for an alternative URL.

Permissions for the following links have been either granted or deemed appropriate for educational use at the time of course publication.

- Frey, A. L. (n.d.). [Preparing and delivering oral argument \[PDF\].](#) *Appellate Defenders, Inc.* Available from <http://www.adi-sandiego.com/>

- Genetic Alliance, Genetics and Public Policy Center at Johns Hopkins University, and National Coalition for Health Professional Education in Genetics. (2010, May). [Genetic Information Nondiscrimination Act \[PDF\]](#). Available from <http://www.ginahelp.org>
- LawNerds.com, Inc. (n.d.). [The IRAC formula](#). Retrieved from <http://www.lawnerds.com/guide/irac.html>
- National Association of College and University Business Officers. (2010, February 24). [Making effective oral presentations](#). Retrieved from <https://www.nacubo.org/Conferences-and-Workshops/Speakers-Corner/Making-Effective-Oral-Presentations>
- National Labor Relations Board. (n.d.). [Employer/union rights and obligations](#). Retrieved from <https://www.nlr.gov/rights-we-protect/rights/employer-union-rights-and-obligations>
- National Labor Relations Board. (n.d.). [The NLRB and social media](#). Retrieved from <https://www.nlr.gov/rights-we-protect/rights/nlr-and-social-media>
- The U.S. Equal Employment Opportunity Commission. (1997, May 2). [Enforcement guidance on EEOC & Walters v. Metropolitan Educational Enterprises, Inc., 117 S.Ct. 660 \(1997\)](#). Retrieved from <http://www.eeoc.gov/policy/docs/metropol.html>
- U.S. Department of Health & Human Services. (n.d.). [Summary of the HIPAA Privacy Rule](#). Retrieved from <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>
- U.S. Equal Employment Opportunity Commission. (n.d.). [Discrimination by type](#). Retrieved from <https://www.eeoc.gov/laws/types/index.cfm>
- U.S. Equal Employment Opportunity Commission. (n.d.). [Race/color discrimination](#). Retrieved from https://www.eeoc.gov/laws/types/race_color.cfm

Suggested

The following materials are recommended to provide you with a better understanding of the topics in this course. These materials are not required to complete the course, but they are aligned to course activities and assessments and are highly recommended for your use.

Optional

The following optional materials are offered to provide you with a better understanding of the topics in this course. These materials are not required to complete the course.

Unit 1 >> Governing Bodies of Employment Law: Governance and Lawmaking

Introduction

Joan is starting her new position as the Human Resource Manager at a small construction company that has

never had a dedicated HRM professional or HR department. In reviewing the existing policies and procedures of the company created by the owner, she notices that the handbook lays out different procedures for progressive discipline. She also notices that it does not make any reference to employees being “at will.” Joan knows that this is problematic and immediately takes steps to fix this situation.

This week, you will begin to develop the essential skill of legal thinking. HR professionals need to stay current with statutory and case law. For example, when HR professionals are writing or revising an employee handbook, they know to include the correct legal phrasing, such as "at will employment," so that the handbook does not become a contract. You will read and think about cases and how the law impacts the policies and procedures that are included in an employee handbook. You will also begin to develop an understanding of the complexity of the employment relationship between management and employees where legal issues can arise.

To-Do List:

- **Discussion:** Practice using the IRAC strategy and apply the lesson from the case to current employee handbook issues.
- **What You Need to Know:** Learn to read a legal case using the IRAC process and practice legal terms with flashcards.
- **Interactive Learning Module:** Answer questions to learn more about the IRAC case analysis strategy.

Course Resources

[Introduction Image Week 1](#) | Transcript

Learning Activities

u01s1 - Activity Overview

Discussion Overview

Practice using the IRAC case analysis strategy on a case and then apply the lesson from the case to current employee handbook issues.

u01s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Common Law \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Reading Legal Cases and Written Decisions

Reading legal cases and written decisions may be a new experience for you. The legal cases and written decisions selected for this course are primary sources of legal thought and practice in this field. You are expected to explore these resources, focusing on understanding the key elements of each material. You are not expected to examine every detail. Unlike law school, which immerses students in legal writings, this course invites you to familiarize yourself with seminal cases and written decisions, to be exposed to and develop legal reasoning skills, and to become adept at identifying key legal principles and concepts in the readings.

Case

It is recommended that you read and analyze *Sowards v. Norbar, Inc.* using the IRAC method of case analysis. You will write about your analysis in your discussion.

- [Sowards v. Norbar, Inc., 605 N.E.2d 468 \(Ohio Ct. App.1992\)](#).
 - Focus area: Privacy in the workplace and employee handbooks.
- LawNerds.com, Inc. (n.d.). [The IRAC formula](#). Retrieved from <http://www.lawnerds.com/guide/irac.html>
 - This article outlines the four steps to analyze a case and it will be useful to complete your discussion. You can also practice with the IRAC method with the activity.

Employee Handbooks

- [6 employment-law lessons from HR's largest conference](#). (2019). *HR Specialist: Employment Law*, 49(8), 5.
 - "... six pieces of bite-sized advice from the recent Society for Human Resource Management (SHRM) annual conference in Las Vegas."
- [Review your employee handbook for conflicts to at-will protections](#). (2018). *HR Specialist: Employment Law*, 48(7), 2.
 - "The article discusses the U.S. Supreme Court case *Rollins v. VSE*, which deals with the employee's termination for any or no reason at all. It offers information on the employee handbook containing key points for employee's rights and protections. Also emphasized is the essential of a contract disclaimer in a handbook for a contract reference and future employment."
- [Your employee handbook vs. the "biggest idiot" theory](#). (2017). *HR Specialist*, 15(8), 7.
 - "The article offers suggestions on writing employee handbooks. Highlighted are important matters for consideration before producing the handbook, which include confidentiality clauses, privacy policies of the company and intellectual property rights. Also discussed is the view of the U.S. National Labor Relations Board regarding the internal investigation of the company."

Law Basics

- [Law Terms Flashcards](#).
 - This interactive activity has 35 commonly used law-related terms on flashcards for you to practice so that you will be familiar with the vocabulary in this course.
- [Labor and Employment Law Timeline](#).
 - This timeline shows the basic history of employment and labor unions in the United States, and serves as background for the cases presented in this course.

u01v1 - Interactive Learning Module: Legal Analysis: The IRAC Method

This interactive activity allows you to learn more about the IRAC method, which can be used for the analysis of a legal case. IRAC is an acronym that stands for issue, rule, analysis, and conclusion. You will use this method to analyze the case for your discussion this week and other cases throughout the rest of the course.

Course Resources

[Legal Analysis: The IRAC Method](#) | Transcript

u01d1 - Write Your Discussion Post

Legal Reasoning and Employee Handbooks

Part 1: Apply the [IRAC Formula](#) to [Sowards v. Norbar, Inc., 1992](#). Prepare and post a brief review of the issue, rule, analysis, and conclusion.

Part 2: Based on your understanding of *Sowards v. Norbar, Inc.*, which depicts privacy and employee handbook issues, answer the following questions:

- How might an effective employee handbook reduce litigation costs within an organization?
- How important for the HRM professional is understanding the mission and function of an organization? Why?
- When should an employee handbook be updated? Why?
- Who should be involved in the creation of the handbook? What should be considered?

Response Guidelines

Respond to the posts of at least two other learners. Compare your interpretations of the issue, rule, analysis, and conclusion. Provide constructive feedback to your peers for improving their analyses.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 2 >> Illegal Discrimination in the Workplace

Introduction

Sam is a law student studying employment law. He is currently studying the law concerning various types of discrimination. He realizes that all the cases he reads deal with clarifying the law on certain issues after the events. Sam wonders who is in the best position to be proactive and preemptive in the workplace to avoid many of these problems.

Last week, you started to develop your legal thinking skills. Learning the law is a process. You could see from your case analysis that the law can have an impact on an employee handbook and HR issues on the front line with employees. This week, you will learn more about the main types of discrimination so that you can create procedures and policies that ensure a legally compliant workplace.

To-Do List:

Discussion: Refer to the discrimination cases and articles from this week to analyze the different attitudes that the judiciary has taken with regard to each case.

What You Need to Know: Identify the main types of discrimination in the workplace and analyze cases where those types of discrimination are present.

Prepare: Begin reading your article on the topic you chose for your first assignment, HR Challenge: Contemporary Issue.

Prepare: Preview the interactive media, CapraTek: Capshaw v. CapraTek, to begin preparing for your oral argument project.

[Introduction Image Week 2](#) | Transcript

Learning Activities

u02s1 - Activity Overview

Discussion Overview

Refer to the discrimination cases and articles from this week to analyze the different attitudes that the judiciary has taken with regard to each case.

u02s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Types of Discrimination \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Cases

It is recommended that you identify the main argument and decision of all of these cases by reading the abstract for each case. Then select one case to analyze using the IRAC method.

- [Sutton v. United Air Lines, Inc., 527 U.S. 471 \(1999\)](#).
 - Focus area: Limiting the Americans with Disabilities Act. You will refer to this case for your discussion.
- [U. S. Airways, Inc. v. Barnett, 535 U.S. 391 \(2002\)](#).
 - Focus area: Reasonable accommodation.
- [Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 \(1986\)](#).
 - Focus area: Extending Title VII to sexual harassment. You will refer to this case for your discussion.
- [Crawford v. Nashville and Davidson County, 555 U.S. 271 \(2009\)](#).
 - Focus area: Title VII and witness retaliation.

Discrimination

- U.S. Equal Employment Opportunity Commission. (n.d.). [Discrimination by type](https://www.eeoc.gov/laws/types/index.cfm). Retrieved from <https://www.eeoc.gov/laws/types/index.cfm>
 - This web page lists the types of discrimination that are identified by U.S. law.
- Hawkins, D. (2016, February 8). [Racial discrimination - Title VII](#). *Wisconsin Law Journal*.
 - This is a brief abstract that describes a decision about how racial discrimination is linked to Title VII. You will refer to this article for your discussion.
- Peña, K. M. (2018). [LGBT discrimination in the workplace: What will the future hold?](#) *Florida Bar Journal*, 92(1), 35–39.
 - This article addresses the fact that sexual orientation is not a protected status in the United States at this time and what might happen in the future. You will refer to this article for your discussion.

u02d1 - Write Your Discussion Post

Illegal Discrimination

For this discussion, refer to the following:

- [Meritor Savings Bank, FSB v. Vinson, 1986](#).
- [Sutton v. United Air Lines, Inc., 1999](#).
- Hawkins, D. (2016, February 8). [Racial discrimination - Title VII](#). *Wisconsin Law Journal*.
- Peña, K. M. (2018). [LGBT discrimination in the workplace: What will the future hold?](#) *Florida Bar Journal*, 92(1), 35–39.

Analyze the different attitudes that the judiciary has taken with regard to each case/situation.

In each case:

- Why did the courts take the position that they did?
- Are there any larger controls at work, guiding these decisions?
- In what ways might an HRM professional help eliminate illegal discrimination in the workplace?

Response Guidelines

Respond to the post of one other learner. Choose a post that took a position similar to yours and argue the opposite position.

u02s3 - Prepare: Assignment Preparation

Review the instructions for the assignment in Week 3, HR Challenge: Contemporary Issue. From the list of topics provided in the assignment, select one and begin reading the article provided for the topic.

u02s4 - Prepare: Project Preparation

Begin to familiarize yourself with the project for this course. As part of an assigned team, you will be arguing for either the plaintiff or the defendant in the *Capshaw v. CapraTek* legal case. The context of this case is presented in the *CapraTek: Capshaw Versus CapraTek* interactive media piece. Click [CapraTek: Capshaw Versus CapraTek](#) to study the interactive case and examine the fact pattern you will use in your oral argument.

This week, your instructor will post the teams for the oral argument project and assign you to a side. You will also be assigned to a group discussion area, through which you can communicate with your team members.

Use the early part of this week to get in touch with your team members. Introduce yourselves in your group discussion area and exchange contact information and schedule availability. Establish how you will communicate with each other. You have many options, including e-mail, phone, the group discussion area, Adobe Connect or Skype meeting rooms, or any other format that all team members can agree on. Start discussing dates and times that would be convenient for the synchronous team meeting conference call in Week 6 and the oral presentation conference call in Week 7.

As a Capella learner, you have access to an Adobe Connect meeting room of your own, which is supported by Capella. If you choose to use Adobe Connect for your team meetings, refer to the information on web conferencing in Tools and Resources.

Introduction

Terri goes to her friend and coworker Joyce because she is upset about being asked to take down a political poster in her cubicle by the HR manager. Terri tells Joyce that she has a right to free speech in this country and they can't control what she displays. Joyce tells her since this is a private company, she is likely incorrect.

There are some common misunderstandings about an employee's right to privacy in a place of business. First Amendment rights are extended in governmental and public institutions, but not in private organizations. Every organization needs to adapt their level of privacy expectations in accordance with their organizational mission and in balance with employee morale. This week, you will look at privacy as one contemporary issue for HRM professionals to navigate in an organization. Developing the skills to learn about contemporary issues and analyze their implications in the workplace is a key learning from this course for HRM professionals.

To-Do List:

Discussion: Respond to questions about current and future issues surrounding employee privacy and new technology.

Assignment: Select a contemporary issue and read the article provided to write a memorandum for your supervisor.

What You Need to Know: Read articles across the spectrum of the privacy definition and the key laws that impact privacy in the workplace.

Interactive Learning Module: Identify current social issues impacting the workplace and see examples of the applicable legislation.

Course Resources

[Introduction Image Week 3](#) | Transcript

Learning Activities

u03s1 - Activity Overview

Discussion Overview

Respond to questions about current and future issues surrounding employee privacy and new technology.

Assignment Overview

Select a contemporary issue and read the article provided to write a 3–4-page memorandum for your supervisor.

u03s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Privacy in the Workplace \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Privacy in the Workplace

Read these articles to understand the wide spectrum of the definition of privacy in the workplace. Be ready to refer to these articles in your discussion where appropriate.

- Carrison, D. (2017). [Balancing transparency and privacy in the workplace](#). *Industrial Management*, 59(5), 6.
 - "Surveys reveal that millennials, who are accustomed to instant accessibility of information, are demanding an open-door policy from all levels of management; they feel entitled to knowledge once closely held - including company initiatives, challenges, finances and salary structures ..."
- Katsabian, T. (2019). [Employees' privacy in the internet age: Towards a new procedural approach](#). *Berkeley Journal of Employment & Labor Law*, 40(2), 203–255.
 - This article is about "raising theoretical and practical dilemmas in general and in the context of employment in particular" with new surveillance technology, sharing, and shaming on social media.
- Schifter, E. (2019, January 8). [Why should you be thinking about your employees' workplace privacy? \[Blog post\]](#). *HR LawMatters*.
 - Amazon had been granted two patents for a new wristband for their factory and warehouse workers. "The patents indicated that the wristbands would track workers' hand movements as orders were filled and provide "haptic" feedback through vibrations to guide workers to the correct items and shelves."
- Sheth, P., Wasti, K., & Smith, A. M. (2016). [Privacy in the workplace: Organizations must find ways to accommodate employees' personal technology use while also meeting regulatory and other requirements](#). *Internal Auditor*, 73(5), 42–47.

- "The article focuses on the significance of privacy in the workplace under certain governance. Topics discussed include the impact of digital technology on workplace behavior, the significance for organizations to look for ways in accommodating the personal technology use of employees while complying to the regulatory and other requirements, and the changing evolution of privacy expectations."

Laws about Privacy

- Genetic Alliance, Genetics and Public Policy Center at Johns Hopkins University, and National Coalition for Health Professional Education in Genetics. (2010, May). [Genetic Information Nondiscrimination Act \[PDF\]](#). Available from <http://www.ginahelp.org>
 - The act that protects individuals from genetic discrimination in health insurance and employment.
- [Privacy Act of 1974, H.R. 16373, 93rd Cong. \(1974\)](#).
 - Enacted to safeguard individual privacy from Federal misuse and provide that individuals be granted access to their records maintained by Federal agencies.
- U.S. Department of Health & Human Services. (n.d.). [Summary of the HIPAA Privacy Rule](#). Retrieved from <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>
 - This web page describes who is covered, what information is protected, and how protected health information can be used and disclosed under HIPAA.

u03v1 - Interactive Learning Module: Contemporary HR Issues

This interactive activity will help you identify current social issues impacting the workplace and give examples of the applicable legislation. This practice will help you make connections between the issue you select for this week's assignment and possible legislation that relates to it.

Course Resources

[Contemporary HR Issues](#) | Transcript

u03d1 - Write Your Discussion Post

Privacy in the Twenty-First Century

For this discussion, consider that privacy is an increasingly sensitive workplace issue, due to recent advances in technology. Answer the following questions in your discussion post, making reference to the articles and ideas that you have read about this week where appropriate.

- How can we use technology and legislation to prevent workplace discrimination?
- How should the HR professional approach privacy issues in the workplace?
- Why are clear expectations important?
- What added considerations might HR have in the health care field?

Response Guidelines

Respond to the posts of at least two other learners. Do you think the trends described are beneficial or harmful to society?

Course Resources

Graduate Discussion Participation Scoring Guide

u03a1 - HR Challenge: Contemporary Issue

Introduction

In your work as an HRM professional, you will often encounter situations where current events, issues, and technologies impact your work with the employees and systems in human resources. This assignment asks you to take a broad look at the human resources spectrum of topics and select a current, law-related topic. You will then analyze and assess the ethical ramifications of the issue in the workplace.

Scenario

Your supervisor has asked you to research some of the latest law-related trends in human resources so that the team can project ahead to scientific, technical, or social trends that might impact the workplace in the near future. This is intended to be a background research project—you will present your findings in a 3–4-page memorandum to your supervisor that might also be shared with other HRM executives.

Your Challenge

You are an HRM professional who is tasked with researching at least one law-related article about a current issue in human resources and writing a memorandum about the background research that you have completed.

Instructions

1. Write a memorandum to your supervisor describing and analyzing a contemporary scientific, technical, or social issue impacting the workplace. Select your issue from the list below. You may use the listed article as your required resource.

EEOC-Discrimination by Type

- U.S. Equal Employment Opportunity Commission. (n.d.). [Discrimination by type](https://www.eeoc.gov/laws/types/index.cfm). Retrieved from <https://www.eeoc.gov/laws/types/index.cfm>
- [LEAP 2019: The top 10 lessons for HR](#). (2019). *HR Specialist: Employment Law*, 49(5), 5.

Age Discrimination

- [How to avoid age bias when talking retirement with employees](#). (2014). *HR Specialist*, 12(1), 8.

Race/Color Discrimination

- U.S. Equal Employment Opportunity Commission. (n.d.). [Race/color discrimination](https://www.eeoc.gov/laws/types/race_color.cfm). Retrieved from https://www.eeoc.gov/laws/types/race_color.cfm
- [Assigning black employees to black clients: Is that racial bias?](#) (2010). *HR Specialist*, 8(1), 3.
- Hawkins, D. (2016, February 8). [Racial discrimination - Title VII](#). *Wisconsin Law Journal*.

Inclusion and Diversity

- Bisco, J., Gradisher, S., & Mulholland, B. (2019). [Women and diversity: Why the conversation must continue in financial services](#). *Journal of Financial Service Professionals*, 73(1), 72–84.
- Burnham, C., Puckett, B., & Deakins, O. (2017). [In contentious times, reaffirm commitment to inclusion, diversity](#). *HR Specialist*, 15(2), 7.

Respect Culture

- Ahlrichs, K. (2018). [Go beyond harassment best practices: Add respect to your culture](#). *HR Specialist*, 16(8), 8.

Whistle-Blowers

- [Whistleblower at work? Protect, don't reject](#). (2019). *HR Specialist*, 17(11), 3.

LGBTQ Protections

- Nagele-Piazza, L. (2019). [Creating LGBTQ-inclusive workplace policies](#). *HRNews*.

Gun Violence at Work

- [Are you prepared for gun violence at work?](#) (2019). *HR Specialist: Employment Law*, 49(10), 1–2.

Social Media at Work

- Di Gangi, P. M., Johnston, A. C., Worrell, J. L., & Thompson, S. C. (2018). [What could possibly go wrong? A multi-panel Delphi study of organizational social media risk](#). *Information Systems Frontiers*, 20(5), 1097–1116.

2. Research the topic you selected using the law-related article associated with the issue from the list. Support your assertions with citations from your course readings, workplace examples, and any relevant additional research.

3. Address the following elements in your issue synopsis:

- Describe your chosen contemporary scientific, technical, or social issue, including how it has impacted the workplace.
- Analyze how your issue influenced or could influence employee productivity in your own current or former organization. Be sure to keep the organization anonymous.
- Explain the impact of your issue from your perspective of an HRM executive.
- Assess how relevant legislation affects your issue in the workplace.
- Assess the ethical ramifications of your issue on HRM practices in the workplace.

4. Review the HR Challenge: Contemporary Issue Scoring Guide before submitting this assignment to ensure that you have thoroughly addressed the grading criteria.

Submission Requirements

The deliverable for this assignment applies professional skills in Human Resources Management (HRM) to workplace situations which you will likely encounter in your day-to-day work in HRM. As part of your learning, we focus on the development of effective professional communication skills for the workplace.

- **Length of paper:** Your memorandum should be 3–4 double-spaced pages, including the resources page.
- **Organization:** Make sure that your assignment writing is well-organized, using headings and subheadings to organize content for the reader.
- **Font and font size:** Times New Roman, 12 point.
- **Number of resources:** A minimum of one law related article and any course readings.
- **Evidence:** Support your assertions with data and/or in-text citations. Use current APA format for in-text citations and create a reference list at the end of your documents.
- **APA formatting:** Resources and in-text citations are formatted according to current APA style and formatting.
- **Written communication:**
 - Convey purpose, in an appropriate tone and style, incorporating supporting evidence and adhering to organizational, professional, and scholarly writing standards.
 - Write for a specific audience, using the vernacular of the profession.
 - Use spell-check and other tools to ensure correct spelling and grammar.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills.

You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

Competency 3: Examine relationships between law, human resource management practices, and business activities.

- Analyze how a described scientific, technical, or social workplace issue influenced or could influence employee productivity in an organization.
- Explain the impact of an identified scientific, technical, or social workplace issue from the perspective of an HRM executive.
- Assess how relevant legislation affects an identified contemporary scientific, technical, or social issue in the workplace.

Competency 4: Assess ways in which human resource professionals resolve conflicts between ethical and legal aspects of practice.

- Assess the ethical ramifications of an identified contemporary scientific, technical, or social issue on HRM practices in the workplace.

Competency 6: Communicate clearly, accurately, and professionally in the HR field.

- Support main points, assertions, arguments, conclusions, or recommendations with relevant and credible evidence.
- Apply APA style and formatting to scholarly writing.

Unit 4 >> Termination

Introduction

Freda, the head of HR in a large corporation, receives an e-mail from Jason, who was recently terminated. Jason had been terminated for below average production. Freda knows that the reasons for his termination were well-documented in his personnel file. In his e-mail, Jason alleges that his supervisor, Doris, made several inappropriate comments of a sexual nature to him over the past few months. Freda decides on a course of action.

There are all sorts of legal problems that can arise because of termination. One of the big issues that lawyers see is that issues surrounding the termination are not documented. Because things can go wrong in a

termination, it necessitates having clear policies and procedures that are consistent for everyone so that you don't run up against discrimination issues. This week will be an exercise in taking concepts that you have learned in previous weeks, such as policies, handbooks, and discrimination, and applying them to a new topic, termination.

To-Do List:

Discussion: Read the article and describe best practices for HRM specialists when conducting a termination.

What You Need to Know: Cases and articles this week focus on termination, so that you can apply those concepts to the termination issue in the HR Challenge: Oral Argument assignment.

Prepare: Read the articles about presenting an oral argument and begin planning your strategy for your oral argument.

Course Resources

[Introduction Image Week 4](#) | Transcript

Learning Activities

u04s1 - Activity Overview

Discussion Overview

Read the article and describe best practices for HRM specialists when conducting a termination.

u04s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Termination \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Cases

It is recommended that you identify the main argument and decision of all of these cases by reading the abstract for each case. Then select one case to analyze using the IRAC method.

- [E.I. Dupont de Nemours and Company v. Pressman, 679 A.2d 436 \(Del. 1996\).](#)
 - Focus area: Breaches in good faith.
- [Lazar v. Superior Court of Los Angeles County, 909 P.2d 981 \(Cal. 1996\).](#)
 - Focus area: Fraud.
- [McQuirk v. Donnelley, 189 F.3d 793 \(9th Cir. 1999\).](#)
 - Focus area: Bad job references.

Termination

Each of these articles are less than one page, but they highlight current termination issues in the HRM field that you will reference in your discussion.

- [Document exactly why you decided to fire.](#) (2019). *HR Specialist: Employment Law*, 5(1), 1–2.
- [Fired for getting married: Does that count as sex discrimination?](#) (2019). *HR Specialist: Employment Law*, 49(2), 4.
- [How to legally deal with a post-termination “vent letter.”](#) (2018). *HR Specialist: Employment Law*, 48(7), 6.
- [Pink slips for union backers: A \\$775k mistake.](#) (2019). *HR Specialist: Employment Law*, 49(2), 3.
- [You don’t have to give employees a reason for termination.](#) (2017). *HR Specialist: Employment Law*, 47(5), 4.

Oral Argument

- Frey, A. L. (n.d.). [Preparing and delivering oral argument \[PDF\]](#). *Appellate Defenders, Inc.* Available from <http://www.adi-sandiego.com/>
 - This is a seminal article on preparing for the different parts of an oral argument.
- National Association of College and University Business Officers. (2010, February 24). [Making effective oral presentations](#). Retrieved from <https://www.nacubo.org/Conferences-and-Workshops/Speakers-Corner/Making-Effective-Oral-Presentations>
 - This is general information about making oral presentations that should help you prepare your scripts.

Defensible Terminations

Read the following article for this discussion:

- Frick, R. E. (2019, August). [Decided it's time to terminate an employee? Now what?](#) *Talent Management Excellence Essentials*.

According to Frick (2019) there are some steps that an employer can take to keep terminations both manageable and legally defensible. Describe 2–3 of these steps and suggest strategies the HRM professional might implement within the workplace to make smoother terminations. Provide workplace examples where possible.

Response Guidelines

Respond to at least two other learners about the strategies they selected to implement for smoother terminations.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 5 >> An Employer by Any Other Name

Introduction

The owner of a bookbinding company just received an enormous order for extra textbooks to be produced. She does not think she has enough employees to fulfill the order. She suggests to HR that they might hire five independent contractors on a short-term basis to help with the process. The manager of HR indicates there may be issues with this approach and has a number of questions.

Who is an employee and who is not an employee? The first four weeks of the course are about laws pertaining to employees, and now it is important to clarify who is a temporary employee and who is an independent contractor. They are entitled to all of the same protections. This week, there are three cases that all deal with when the courts call someone an employee.

To-Do List:

Discussion: Define the employer-employee relationship to enable a productive workplace, which minimizes conflict and controversy.

What You Need to Know: Cases and articles illustrate different scenarios that define the employee relationship.

Prepare: Prepare to participate in a conference call with your assigned team for the HR Challenge: Oral Argument assignment.

Course Resources

[Introduction Image Week 5](#) | Transcript

Learning Activities

u05s1 - Activity Overview

Discussion Overview

Define the employer-employee relationship to enable a productive workplace, which minimizes conflict and controversy.

u05s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Employer and Employee \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook

Cases

It is recommended that you identify the main argument and decision of all of these cases by reading the abstract for each case. Then select one case to analyze using the IRAC method.

- [Nationwide Mutual Insurance Company v. Darden, 503 U.S. 318 \(1992\)](#).
 - Focus area: Defining the relationship.

- [Community for Creative Non-Violence v. Reid, 490 U.S. 730 \(1989\).](#)
 - Focus area: Defining the relationship.
- [Ruiz v. Shell Oil Company, 413 F.2d 310 \(5th Cir. 1969\).](#)
 - Focus area: Court applies nine-question analysis.

Definition of Employee

These articles are less than two pages each and illustrate different scenarios that are used to determine the definition of who is an employee.

- Janette, L. F. (2019, September). [Are sports referees employees or independent contractors?](#) *Workforce Management (Time and Attendance) Excellence Essentials*.
- Schoeffler, B., & Oak, C. (2018, October 15). [Time to revisit independent contractor vs. employed producer status.](#) *Insurance Journal*.
- Smith, S. (2016, February 29). [OSHA administrative law judge rules Connecticut contractor misclassified employees as independent contractors.](#) *EHS Today*.
- The U.S. Equal Employment Opportunity Commission. (1997, May 2). [Enforcement guidance on EEOC & Walters v. Metropolitan Educational Enterprises, Inc., 117 S.Ct. 660 \(1997\).](#) Retrieved from <http://www.eeoc.gov/policy/docs/metropol.html>
 - This notice identifies the number of employees that are necessary for an employer to demonstrate a sufficient number for the jurisdictional prerequisite for coverage under Title VII, ADA, and ADEA.

u05d1 - Write Your Discussion Post

Employer and Employee Roles

As referenced in the cases and articles assigned this week, the definition of the employer-employee relationship is subject to interpretation. Moreover, the way employers and employees interact in the workplace initiates productivity, conflict, and controversy.

How can HRM professionals help define roles and responsibilities associated with the employer-employee relationship to enable a productive workplace? Use real-life examples, if at all possible.

Response Guidelines

Respond to the posts of at least two other learners. Suggest alternative approaches and definitions.

u05s3 - Review: CapraTek: Capshaw v. CapraTek

Click [CapraTek: Capshaw v. CapraTek](#) to review a sexual harassment case that you will analyze for your assignments in Weeks 6 and 7.

u05s4 - Prepare: Project Preparation

Next week you will participate in a conference call with your assigned team for the HR Challenge: Oral Argument assignment. Take the time to read the Week 6 assignment and review the interactive media piece, Capshaw v. CapraTek if you have not done so already.

It is recommended that you read the following articles in preparation for the project work next week.

Oral Argument

- Frey, A. L. (n.d.). [Preparing and delivering oral argument \[PDF\]](http://www.adi-sandiego.com/). *Appellate Defenders, Inc.* Available from <http://www.adi-sandiego.com/>
 - This is a seminal article on preparing for the different parts of an oral argument.
- National Association of College and University Business Officers. (2010, February 24). [Making effective oral presentations](https://www.nacubo.org/Conferences-and-Workshops/Speakers-Corner/Making-Effective-Oral-Presentations). Retrieved from <https://www.nacubo.org/Conferences-and-Workshops/Speakers-Corner/Making-Effective-Oral-Presentations>
 - This is general information about making oral presentations that should help you prepare your scripts.

Jack is an HRM professional. There has been a recent complaint concerning racial discrimination in the workplace and he has a scheduled meeting with Janice, who is legal counsel to the company. He feels a bit defensive but is confident that he has followed all appropriate procedures and laws to keep the workplace a safe environment free from discrimination. He wonders what types of questions Janice might have.

Luckily, Jack has taken an HRM course like this course and he has developed some legal thinking skills, case knowledge, and legal vocabulary to help facilitate the conversation that he will have with legal counsel. This week, you are preparing your arguments for the position that you have been assigned for the HR Challenge Oral Argument assignment. You will want to re-read the cases and articles to develop a good understanding of three key concepts: hostile work environment, quid pro quo, and whether employers can fire someone for being a witness to a sexual harassment incident. Ultimately, this study and assignment will teach you how to protect the organization, be legally compliant, and be respectful for human beings by protecting everyone, including witnesses.

To-Do List:

Discussion: This is an ungraded, optional discussion where you can post any questions or concerns that you have related to the HR Challenge: Oral Argument due next week.

Assignment: Working with your team, create a 1–2-page outline defining how you will present your oral argument.

What You Need to Know: Re-read some cases and familiarize yourself with the key concepts surrounding sexual harassment complaints.

Review: Review and study the sexual harassment case CapraTek: Capshaw v. CapraTek

Plan: It is recommended that you rehearse your argument with your team and be ready to answer questions about your position in the debriefing.

Course Resources

[Introduction Image Week 6](#) | Transcript

Learning Activities

u06s1 - Activity Overview

Discussion Overview

This week's discussion is ungraded and optional. Post any questions or concerns that you have related to the HR Challenge: Oral Argument due next week.

Assignment Overview

Working with your team, create a 1–2-page outline defining how you will present your oral argument.

u06s2 - What You Need to Know

This week explores the tasks of constructing and presenting an oral argument. Frequently, human resource professionals must present case facts and fact patterns to executive managers and counselors concerning internal investigations, hiring practices, or workplace issues. How the HRM professional prepares and presents a case provides a platform for employers and counsel to make informed and succinct decisions concerning its viability. Key topic areas this week include information and research sources, use of legal language, case mapping, building case strategy, partnering with counsel, and methods for oral presentation.

This week, your instructor will schedule a conference call meeting time with your team to discuss and refine your oral arguments as you finalize your presentation. Use this meeting to ask the instructor any questions regarding your argument. Your instructor will also assign a conference call meeting time for your team to present its oral argument in Week 7.

Cases

It is recommended that you study the cases this week after analyzing them via the IRAC method, and some cases will be familiar. You shouldn't need outside research for the HR Challenge: Oral Argument as long as you study the resources for this week.

- [Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 \(1986\).](#)
 - Focus area: Extending Title VII to sexual harassment.
- [Crawford v. Nashville and Davidson County, 555 U.S. 271 \(2009\).](#)
 - Focus area: Title VII and witness retaliation.
- [Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 \(1998\).](#)
 - Focus area: Hostile work environment (defense).
- [Faragher v. City of Boca Raton, 524 U.S. 775 \(1998\).](#)
 - Focus area: Hostile work environment (defense).

Oral Argument

These articles are for your reference since you read them last week.

- Frey, A. L. (n.d.). [Preparing and delivering oral argument \[PDF\]](#). *Appellate Defenders, Inc.* Available from <http://www.adi-sandiego.com/>
 - This is a seminal article on preparing for the different parts of an oral argument.
- National Association of College and University Business Officers. (2010, February 24). [Making effective oral presentations](#). Retrieved from <https://www.nacubo.org/Conferences-and-Workshops/Speakers-Corner/Making-Effective-Oral-Presentations>
 - This is general information about making oral presentations that should help you prepare your scripts.

Sexual Harassment

- Branigan, K. S., Nowicki, C. L., Buza, L. A., & Allen, J. S. (2019). [Conducting effective independent workplace investigations in a post- #MeToo era](#). *Dispute Resolution Journal*, 74(1), 85–110.
 - This article is about investigating sexual harassment.
- [No defense for quid pro quo sexual harassment](#). (2017). *HR Specialist: New York Employment Law* 12(12), 1–2.
 - This article defines quid pro quo and how it relates to sexual harassment.
- [Remind managers: They have obligation to report harassment or bias they witness](#). (2018). *HR Specialist: Employment Law* 48(5), 3.
 - This article explains the connection between harassment and discrimination.
- Zugelder, M. T., Crosgrove, D. M., & Champagne, P. J. (2018). [Sexual harassment prevention after #MeToo: Employers' need to reevaluate](#). *American Journal of Management*, 18(3), 104–112.
 - This article illustrates two types of sexual harassment, quid pro quo and hostile work environment, plus the employer defenses.

u06s3 - Review: CapraTek: Capshaw v. CapraTek

Click [CapraTek: Capshaw v. CapraTek](#) to review a sexual harassment case that you will analyze for your assignments in Weeks 6 and 7.

Questions or Concerns About the Oral Argument

Please post any questions or concerns you have related to the HR Challenge: Oral Argument assignment due next week. This ungraded, optional forum is for procedural questions rather than substantive questions. All substantive areas will be covered in the conference call following the oral argument.

u06a1 - HR Challenge: Oral Argument Outline

Introduction

Earlier in this course, you were assigned to a team for the Oral Argument course project. At the start of this week, review the multimedia piece and the HR Challenge: Oral Argument assignment.

Scenario

CapraTek has a long history as a leader in the design and manufacture of computer server components and continues to provide innovative solutions to meet industry needs. They have met the demands of the digital economy by offering a wide range of server products, chassis, and server management tools.

Despite their successes in the marketplace, however, CapraTek has faced some internal challenges. One such challenge involved Joanna Capshaw and her allegations of sexual harassment and her career at CapraTek. Thoroughly listen or read through the multimedia presentation and analyze the issues and legal argument for both sides of the dispute.

Your Challenge

Your team was assigned to represent either the plaintiff or the defendant in the *Capshaw Versus CapraTek* case, which is presented in the CapraTek: Capshaw Versus CapraTek multimedia piece

Instructions

1. Your team will present its oral argument to the instructor in a conference call next week. Working with your team, continue to refine the content of your oral argument, and define the methods, strategies, and tactics you will use. Consider any legislation implicated, any case law implicated, and any distinction between good HRM practice and legal culpability. You should not need to conduct research of materials outside those given in this course in order to complete this project. You can reference cases, legislation, and other resources that are presented in this course.

2. With your team, create a 1–2-page outline defining how you will present your oral argument. Your outline should briefly address each of the topics you will present. Organize and present your outline in a clear manner. Format your outline according to the structure you intend to use in presenting your oral argument. The following is one possible format that might be suitable:

- **Facts:** Analyze the facts involved in the case, from your side's perspective.
- **Issues:** Analyze facts or legal principles in dispute in the case.
- **Rule(s):** Identify the law or legislation related to the case that supports your side's perspective.
- **Analysis:** Apply the identified rule to the issues in your case. Address the weaknesses in your side's case and consider the opposite side of the case.
- **Conclusion:** Summarize and describe the logical outcome of the case.
- **Relief Requested:** What relief are you requesting from the court, and why?

3. In your outline, indicate how the work on your oral argument was divided between team members. Be sure to note which team members worked on each segment of the oral argument (whether or not they will be the ones presenting it in the conference call). Your instructor will use your outline as a reference when reviewing your team's work, and provide you with feedback. You are expected to incorporate the instructor's feedback into both the oral presentation and the written component of the assignment next week.

4. Review the HR Challenge: Oral Argument Outline Scoring Guide to ensure that you have addressed the expectations for this assignment. Note that the grading criteria for this outline assignment match the first six criteria for the project assignment next week.

5. Select one member of your team to submit your Oral Argument Outline in this assignment. The names of all team members should be provided with the outline. All others on your team should submit a comment to the instructor in the assignment area, indicating who submitted the final version of the assignment for the team.

6. Important: In order to receive a grade for this assignment, you must submit at least the comment in the assignment area.

Competencies Measured

Competency 1: Apply legal thinking to human resource management issues in the workplace to ensure compliance.

- Describe the facts involved in a case from an assigned side's perspective.
- Identify law or legislation related to a case that supports an assigned side's perspective.
- Apply an identified rule to the issues in a case.
- Describe a logical outcome to a case and the relief requested from the court.

Competency 2: Evaluate the relationship between historical perspectives and events and the alignment of human resource management and the law.

- Analyze disputed facts or legal principles in a case.

Competency 6: Communicate clearly, accurately, and professionally in the HR field.

- Synthesize the methods, strategies, and tactics for preparing an oral argument.

u06s4 - Plan: Project Preparation

During this week, your instructor will assign a conference call meeting time for your team to present its oral argument in Week 7.

Your instructor will schedule another conference call meeting time with your team to occur this week so your team can discuss and refine your oral arguments as you finalize your presentation. Use this meeting to ask the instructor any questions regarding your argument.

Unit 7 >> Oral Argument: Presentation, Feedback, and Reflection

Introduction

Francis has an upcoming presentation to upper management by the team she leads, which has been developing better processes for the reporting and investigation of harassment and/or discrimination in the workplace. The team worked well together and she is confident in the approach they have taken. Now, she just needs to decide who will present which sections of the presentation and who will field questions.

This week is focused on your preparation for the Oral Argument, as if you were lawyers for each side in the complaint. While this type of argument is not likely the extent to which you will argue as an HRM professional, the experience of preparing and presenting as an attorney will prepare you well for the work you may face. Be sure to take notes and be ready to answer questions during the debriefing.

To-Do List:

Discussion: Evaluate your experience working with your teammates and presenting the oral argument.

Assignment: Present your oral argument, prepare to question the other side, and participate in the debriefing.

Prepare: Keep current with e-mail and announcements from your instructor this week to see reminders about your conference call and instructions.

Prepare: Review the assignment for next week, HR Challenge: National Labor Relations Act Analysis.

Course Resources

[Introduction Image Week 7](#) | Transcript

Learning Activities

u07s1 - Activity Overview

Discussion Overview

Evaluate your experience working with your teammates and presenting the oral argument.

Assignment Overview

Present your oral argument, prepare to question the other side, and participate in the debriefing.

u07s2 - What You Need to Know

This week, you will engage in oral argument. Your team will present and argue its case before your instructor, who will act in the role of the Court. Your educational goals will include using case construction methods and team preparation. You will present your oral argument, predicated on legal precedents and principles, to address a contemporary workplace topic.

Your instructor will re-post the oral argument presentation schedule this week, so that you are informed of the date and time of the presentation conference call. Contact the instructor with any questions or concerns prior to your scheduled presentation. Your preparation, coordination, delivery, and evaluation can bring significant dividends to you as a learner and as an HRM professional.

There are no additional resources to read this week. Please study and cite your learning from other cases and articles as part of your oral argument.

u07s3 - Prepare: Project Preparation

Your instructor will re-post the oral argument presentation schedule this week, so that you are informed of the date and time of the presentation conference call. Contact the instructor with any questions or concerns prior to your scheduled presentation. Your preparation, coordination, delivery, and evaluation can bring significant dividends to you as a learner and as an HRM professional.

u07a1 - HR Challenge: Oral Argument

Introduction

This week, your team will present its oral argument in a synchronous conference call that has been scheduled by your instructor. During the conference call, you will participate in a debriefing session with your instructor. After you have participated in the call, your team will finalize and submit the written component of the oral argument to the instructor for evaluation.

Scenario

CapraTek has a long history as a leader in the design and manufacture of computer server components and continues to provide innovative solutions to meet industry needs. They have met the demands of the digital economy by offering a wide range of server products, chassis, and server management tools.

Despite their successes in the marketplace, however, CapraTek has faced some internal challenges. One such challenge involved Joanna Capshaw and her allegations of sexual harassment and her career at CapraTek. Thoroughly listen or read through the multimedia presentation and analyze the issues and legal argument for both sides of the dispute.

Your Challenge

Throughout the course, you have worked with an assigned team to develop an oral argument, representing either the plaintiff or the defendant in the *Capshaw Versus CapraTek* case.

Instructions

Part One

1. The written component of your team's Oral Argument assignment is a 4-page paper that defines your argument, and the methods, strategies, and tactics you have used to support your case. Each member of your team should contribute to the team's Oral Argument paper. Your team should submit one group paper, but you will each receive an individual grade based upon your contributions. In the paper, clearly identify which team member was responsible for each segment of the argument (whether or not they presented it in the conference call).

- Summarize the content you presented verbally, following the oral argument outline that was suggested in Week 6.
 - **Facts:** Analyze the facts involved in the case, from your side's perspective.
 - **Issues:** Analyze facts or legal principles in dispute in the case.
 - **Rule(s):** Identify the law or legislation related to the case that supports your side's perspective.
 - **Analysis:** Apply the identified rule to the issues in your case. Address the weaknesses in your side's case and consider the opposite side of the case.
 - **Conclusion:** Summarize and describe the logical outcome of the case.
 - **Relief Requested:** What relief are you requesting from the court, and why?
- Include in your discussion any legislation implicated, any case law implicated, and any distinction between good HRM practice and legal culpability.

2. Although you were not required to conduct external research for this project, you will have supported your arguments with legal cases, legislation, and other materials that are presented in this course. In the paper, be sure to cite and reference these resources, using proper APA format.

3. Organize and present your paper in a clear manner. Format the paper according to the structure you used when presenting the oral argument in the conference call. Adhere to the format you presented in your outline, if it still accurately represents the argument.

Part Two

1. Add a section to your paper that addresses the debriefing session you conducted with the instructor during the Oral Argument conference call. Your final oral argument paper should be approximately 4 pages in length, including the debriefing section.

2. Debriefing:

- Briefly summarize the debriefing that followed your oral argument presentation in the conference call.
- Analyze the conclusions your team drew from that discussion, addressing the following points:
 - What is the impact of the case on the organizational culture? What is the case's impact on employees in the organization?
 - What is HRM's role in this case? Regardless of the outcome of the case, propose adjustments to the HRM policies and business practices the organization should institute, in order to prevent similar cases in the future.
 - How should the HRM professional resolve the conflict between the ethical and legal aspects of the issue?

Note: You must include the debriefing analysis (Part Two above) in your paper, even if you did not use the format presented in Part One above.

3. Before submitting the paper, review the scoring guide to ensure that you have addressed the grading expectations of this assignment.

4. Select one member of your team to submit your Oral Argument paper in this assignment area. All others on your team should submit a comment to the instructor in the assignment area, indicating who submitted the final version of the assignment for the team. In order to receive a grade for this assignment, you must submit at least the comment in the assignment area.

Submission Requirements

The deliverable for this assignment applies professional skills in Human Resources Management (HRM) to workplace situations that you will likely encounter in your day-to-day work in HRM. As part of your learning, we focus on the development of effective professional communication skills for the workplace.

- **Length of paper:** Your paper should be 4 double-spaced pages, including the debriefing section.
- **Organization:** Make sure that your assignment writing is well-organized, using headings and subheadings to organize content for the reader.
- **Resources:** It is suggested that you use just the resources used in this course, no outside research should be necessary.
- **Evidence:** Support your assertions with data and/or in-text citations. Use current APA format for in-text citations and create a reference list at the end of your documents.
- **APA formatting:** Resources and in-text citations are formatted according to current APA style and formatting.
- **Written communication:**
 - Convey purpose, in an appropriate tone and style, incorporating supporting evidence and adhering to organizational, professional, and scholarly writing standards.
 - Write for a specific audience, using the vernacular of the profession.
 - Use spell-check and other tools to ensure correct spelling and grammar.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

Competency 1: Apply legal thinking to human resource management issues in the workplace to ensure compliance.

- Describe the facts involved in a case from an assigned side's perspective.
- Identify law or legislation related to a case that supports an assigned side's perspective.
- Apply an identified rule to the issues in a case.

- Describe a logical outcome to a case and the relief requested from the court.

Competency 2: Evaluate the relationship between historical perspectives and events and the alignment of human resource management and the law.

- Analyze disputed facts or legal principles in a case.

Competency 3: Examine relationships between law, human resource management practices, and business activities.

- Assess the impact of a case on employees in an organization and on the organizational culture.
- Propose adjustments to the HRM policies and business practices of an organization to prevent litigation in the future.

Competency 4: Assess ways in which human resource professionals resolve conflicts between ethical and legal aspects of practice.

- Propose approaches for the HRM professional to use in resolving the conflict between ethical and legal aspects of an issue

Competency 6: Communicate clearly, accurately, and professionally in the HR field.

- Synthesize the methods, strategies, and tactics for preparing an oral argument.

u07d1 - Write Your Discussion Post

Evaluation of the Oral Argument Experience

Evaluate your experience of working with your teammates and presenting the oral argument.

For this discussion, address the following in your post:

- What were the most challenging aspects of constructing your team's oral argument?
- How did your team make decisions concerning team members' roles in preparing for and presenting the oral argument?
- Describe the experience of presenting the oral argument to the Court.
- Identify three things you learned from this experience that are applicable to HRM practices in the workplace.

In addition to addressing the above, use the [Teamwork Peer Evaluation Form \[DOC\]](#) form to assess each of your team members' contributions to your oral argument. Your evaluations and comments from this form will provide insight from and about each team member. The instructor may utilize this information when assessing how your team worked together.

Important: Send your completed form to your instructor using e-mail; do not attach your peer evaluation to your discussion post.

Response Guidelines

Respond to the post of at least one other learner. How did your experience differ from his or hers? You and members of your team may want to continue this conversation in subsequent weeks.

Course Resources

Graduate Discussion Participation Scoring Guide

u07s4 - Prepare: Assignment Preparation

Review the instructions for the assignment in Week 8, HR Challenge: National Labor Relations Act Analysis. Begin reading the cases and articles to support this assignment.

Also, you should spend some time downloading and testing Kaltura for your assignment next week. See Tools and Resources for more information.

Unit 8 >> The Effect of Labor Unions on HR Practice

Introduction

Unhappy with her job, Terri goes to her friend and coworker Joyce and suggests that what the workplace really needs is a union. She thinks this would keep their jobs free from discrimination. Joyce suggests that there are laws that already protect them from discrimination but there may be other benefits to a union.

This week will focus on the protected activities of a labor union, in addition to the history of labor unions and their current practices. You will see a clear difference between employment law from the rest of the course and the labor law that is explored this week. The pendulum swings back and forth for the strength of unions and,

historically, it is has been a power struggle between management and the union. You will also learn the different types of union shops so that if you are ever in an HRM professional position to work with a union, you will have some awareness and know some questions to ask.

To-Do List:

Discussion: Redefine the role and purpose of the modern union so it effectively serves its membership.

Assignment: Prepare and record a presentation of 4–6 PowerPoint slides that explains and analyzes the key elements of *National Labor Relations Board v. General Motors Corp.*, 1963.

What You Need to Know: Study the case and the laws to learn more about employer/union rights and obligations.

Interactive Learning Module: Practice identifying the different types of union shops through the scenarios and questions in the activity.

Prepare: Review the assignment for next week, HR Challenge: OSHA Analysis.

Course Resources

[Introduction Image Week 8](#) | Transcript

Learning Activities

u08s1 - Activity Overview

Discussion Overview

Redefine the role and purpose of the modern union so it effectively serves its membership.

Assignment Overview

Based on key guidelines from the National Labor Relations Act (NLRA), analyze the *National Labor Relations Board v. General Motors Corp.*, 1963 case. Prepare and record a 4–6 slide PowerPoint presentation that explains and analyzes key elements of the case.

u08s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Labor Unions \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Case

Analyze this case using the IRAC method in preparation for your assignment.

- [National Labor Relations Board v. General Motors Corp., 373 U.S. 734 \(1963\)](#).
 - Focus area: Curbing the notion of closed shop.

Labor Unions

These articles will give you background information on the types of union shops to help you analyze the case for your assignment.

- Otani, A. (2013, July 15). [Hostess Twinkies return to stores, but unionized jobs disappear](#). *Christian Science Monitor*.
 - A series of cost saving measures brings Hostess company back from bankruptcy, but at the cost of union jobs.
- Herbert, W. A. (2019). [Janus v AFSCME, Council 31: Judges will haunt you in the second gilded age](#). *Relations Industrielles*, 74(1), 162–173.
 - This article is about the serious changes for rules on public sector unions (such as government employers), and open, closed, union, and agency shops.

Key Labor Laws

These laws and a web page outline the legal rights and obligations of employers and unions.

- [National Labor Relations Act of 1935 \(Wagner Act\)](#).
 - The Wagner Act helped address the causes of labor disputes and the obstruction of interstate and foreign commerce. Also, this act created the National Labor Relations Board.
- [Labor Management Relations Act of 1947 \(Taft-Hartley Act\)](#).
 - Amended the National Labor Relations Act of 1935 to provide additional facilities for the mediation of labor disputes affecting commerce and to equalize legal responsibilities of labor organizations and employers.
- [Labor-Management Reporting and Disclosure Act of 1959 \(Landrum-Griffith Act\)](#).

- This act provides for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers to prevent abuses as well as provide standards for the election of officers to labor organizations.
- National Labor Relations Board. (n.d.). [Employer/union rights and obligations](https://www.nlr.gov/rights-we-protect/rights/employer-union-rights-and-obligations). Retrieved from <https://www.nlr.gov/rights-we-protect/rights/employer-union-rights-and-obligations>
 - Web page with current descriptions of the rights and obligations of employers and unions.

Kaltura

Prepare to record your presentation using Kaltura. See Tools and Resources for more information.

u08v1 - Interactive Learning Module: Types of Union Agreements

Access this interactive activity to learn more about unions. Understanding basic union organization is essential for the HRM professional. Whether your job involves working with union representatives or not, you should understand how the laws around union activity have impacted employee relations. This background will help you analyze the case for your assignment.

Course Resources

[Types of Union Agreements](#) | Transcript

u08d1 - Write Your Discussion Post

The Role of Unions in the Twenty-First Century

What will be the role of labor unions in the twenty-first century? Some argue that the traditional role of the union in protecting the worker has been usurped by significant legislation protecting the worker against discrimination, unsafe work conditions, and unfair pay. Others point out that unions remain indispensable for several reasons; for example, because "at-will" employment is still the law of the land, meaning that most workers can be fired for any reason.

- How does the role and purpose of the modern union need to be redefined to effectively serve its membership?
- How does the presence of a union influence the job of the HR professional?

Response Guidelines

Respond to the posts of at least two of your fellow learners. Try to choose a post that you respectfully disagree with. Respond from the perspective of either a union member or the manager of an organization. If your peer provided a real-world example, respond from the opposing perspective referred to in your peer's post.

Course Resources

Graduate Discussion Participation Scoring Guide

u08a1 - HR Challenge: National Labor Relations Act Analysis

Introduction

Not all human resource specialists will have to navigate situations with unions and management, but all human resource professionals need to think legally. By studying a seminal case between management and the union, [*National Labor Relations Board v. General Motors Corp., 1963*](#), you will gain background knowledge about the agency model of union membership and what the court defines as unfair labor practices.

The habit of mind that you develop by studying and analyzing this case will serve you as you think about the legal ramifications of negotiations with employees and management on a wide range of issues.

Scenario

Your company is reviewing its approach to the National Labor Relations Act (NLRA). Your human resources team has been tasked with giving a presentation about the history of the NLRA that is appropriate for leaders as well as other human resource specialists in order to prepare them for ongoing discussions about the issues presented by NLRA for your company.

Your Challenge

You are a human resource specialist who has been tasked to present the key points from this case to various small groups of company leaders and other human resource specialists so that they have the background to discuss how the NLRA could impact your business.

Instructions

Based on key guidelines from the National Labor Relations Act (NLRA), analyze *National Labor Relations Board v. General Motors Corp.*, 1963. Prepare a 4–6-slide PowerPoint presentation explaining and analyzing key elements of the case.

1. Read the [National Labor Relations Board v. General Motors Corp., 1963](#) case, noting the bulleted elements below.
2. Review the IRAC strategy for analyzing cases and apply those steps in your study of this case.
3. Prepare 4–6 PowerPoint slides that address the following:
 - Introduction.
 - Summary of the events leading up to the case.
 - Analyze General Motors's position in the case.
 - What was their position about _____? What was their rationale for their position?
 - Analyze the union's position in the case.
 - What was their position about _____? What was their rationale for their position?
 - Analyze the role of the court in the case.
 - What is the effect of the court's decision on all organizations and unions?
 - Analyze the relationship of the case with the NLRA.
 - Consider case assertions, evidence, and findings.
 - Evaluate the historical impact of this case on the union/management power struggle.
 - What was the relationship before the case? Who was considered the winner in this case? How did the case affect future challenges?
 - Assess how this case changed the relationship between management and all employees at GM, and in unionized organizations in general.
4. To support your assertions, cite specific examples from the case and from your other assigned readings.
5. Record your presentation using Kaltura. The presentation should not exceed 6 minutes. Or another option is to write out the script of your presentation in the presentation notes section of each PowerPoint slide.
6. Review the HR Challenge: National Labor Relations Act Analysis Scoring Guide before submitting this assignment to ensure that you have thoroughly addressed the grading expectations of this assignment.

Submission Requirements

The deliverable for this assignment applies professional skills in Human Resources Management (HRM) to workplace situations that you will likely encounter in your day-to-day work in HRM. As part of your learning, we focus on the development of effective professional communication skills for the workplace.

- Prepare a 4–6 slide PowerPoint presentation explaining and analyzing key elements of the case.
- Use short phrases that are clear, comprehensible, and free of jargon for each bullet point.
- Include no more than three bullet points per slide if possible. Include APA-formatted in-text citations where appropriate

- Ensure your presentation is relevant to and easily understood by everyone in the audience. Remember, you will be speaking to people of all levels in the company.
- If you include a voice-over in lieu of presenter's notes, your recording should be no longer than six minutes.
- Your written communication should be free of errors that detract from the overall message.
- Include an APA-formatted references slide at the end of the presentation, this is an additional slide at the end of the presentation, Slide 7.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

Competency 1: Apply legal thinking to human resource management issues in the workplace to ensure compliance.

- Analyze both General Motor's and the union's position in the NLRB case.
- Analyze the role of the court in the NLRB v. General Motors case.
- Analyze the relationship of a case with the NLRA.

Competency 2: Evaluate the relationship between historical perspectives and events and the alignment of human resource management and the law.

- Evaluate the historical impact of a case on the union/management power struggle.

Competency 3: Examine relationships between law, human resource management practices, and business activities.

- Assess how a court decision changed the relationship between management and employees in a case, and in unionized organizations overall.

Competency 6: Communicate clearly, accurately, and professionally in the HR field.

- Support main points, assertions, arguments, conclusions, or recommendations with relevant and credible evidence.
- Apply APA style and formatting to scholarly writing.

u08s3 - Prepare: Assignment Preparation

Review the instructions for the assignment in Week 9, HR Challenge: OSHA Analysis. Begin reading the cases and articles to support this assignment.

Unit 9 >> Health and Safety

Introduction

One of the workers at a construction site was injured and it had to be reported to OSHA. The recently-hired HR manager, Joan, suggests to owner Richard that there is a good possibility of a visit from OSHA. Joan lets Richard know that there are some preparations that can be made for the visit.

This week the focus is on a practical topic, the Occupational Safety and Health Administration (OSHA), and the work that it has done to promote safer workplaces. All HRM professionals interface with OSHA requirements, compliance, and training to be prepared in the event there is an injury to an employee. You will also learn some of the steps necessary to get ready for an OSHA visit to your organization, a very realistic activity from the workplace.

To-Do List:

Discussion: Use an article from this week to analyze 2–3 governmental perspectives concerning worker health and safety in the workplace.

Assignment: Write a 2–3 page memorandum to inform organizational leadership about OSHA and its effectiveness in the workplace.

What You Need to Know: Study OSHA compliance, consultation, inspections, visits, and its overall impact on the health and safety of workers in the workplace.

Interactive Learning Module: Consider some real OSHA issues and identify key concepts by answering some questions.

Course Resources

[Introduction Image Week 9](#) | Transcript

Learning Activities

u09s1 - Activity Overview

Discussion Overview

Use an article from this week to analyze 2–3 governmental perspectives concerning worker health and safety in the workplace.

Assignment Overview

Write a 2–3-page executive memorandum to organizational leadership regarding the Occupational Safety and Health Administration (OSHA) and its effectiveness in the workplace.

u09s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: Health and Safety \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Health and Safety

These articles will help you to determine what to include in your executive summary, due this week.

- [10 things you wish: Everyone understood about safety](#). (2019). *Professional Safety*, 64(11), 22–23.
 - This article outlines the benefits of a culture of safety.
- [Just had a reportable injury? Prepare for a visit from OSHA](#). (2017, July 10). *OSHA Compliance News*, 6(4).
 - An article about preparing for an OSHA visit to the workplace.
- Minnick, W. D., Helmrich-Rhodes, L., Mulroy, J., & McKnight, D. (2019). [OSHA consultation](#). *Professional Safety*, 64(6), 46–50.
 - The authors outline an approach to creating a culture of safety and performance.
- [OSHA rule will help protect sensitive employee information](#). (2019). *Briefings on Hospital Safety*, 27(6), 6–7.
 - This article is about protecting the privacy of employee information.
- [The mock OSHA inspection: Practice makes perfect](#). (2014). *Medical Environment Update*, 24(5), 1–3.
 - Outlines an approach to practicing for an OSHA inspection.

u09v1 - Interactive Learning Module: Occupational Safety and Health Administration (OSHA)

Engage in this interactive activity to learn more about OSHA and its regulations for workplace safety. This activity will provide background information for your memorandum to be written about how OSHA impacts your organization.

Course Resources

[Occupational Safety and Health Administration \(OSHA\)](#) | Transcript

u09d1 - Write Your Discussion Post

Workplace Health and Safety Policies Evaluation

Employee health and safety in the workplace is a topic of scrutiny, discussion, and debate at all levels of government. Using one of the articles assigned this week, analyze two or three governmental perspectives concerning worker health and safety in the workplace. Address the following:

- What are government agencies stating, concerning OSHA?
- Are they taking differing positions concerning interpretation, monitoring, and compliance?
- Can differing perspectives concerning OSHA enhance or hinder workplace safety?

Be sure to cite examples.

Response Guidelines

Respond to the posts of at least two other learners. Do you agree with them? Why or why not? Explore the points of your agreement or disagreement.

Course Resources

Graduate Discussion Participation Scoring Guide

Introduction

Creating a culture of workplace safety and legal compliance is a very real task for the human resource professional. Each type of work setting has some overarching safety standards. Compliance with the Occupational Safety and Health Administration (OSHA) is part of everyday record keeping and expenses within a business.

You will have the opportunity to learn more about OSHA and how its work impacts modern organizations. By creating a memorandum for your leadership team, you will get practical experience communicating the legal issues, expenses, and benefits of compliance with OSHA regulations.

Scenario

Your organization is reviewing their OSHA practices and expenses to determine if they are currently effective or if they need to be revisited. Your executive memorandum will serve as background information for the ongoing discussions between organizational leadership and the human resource department.

Your Challenge

You are a human resources specialist with experience in establishing OSHA protocols and the related costs. You will write the memo of explanation to the organizational leadership team so that they can have an informed discussion about practices in your organization.

Instructions

1. Write a 2–3-page executive memorandum to organizational leadership regarding the Occupational Safety and Health Administration (OSHA) and its effectiveness in the workplace. Include the following:
 - Describe the mission and function of OSHA.
 - What is OSHA intended to do? Is it working?
 - List some of the compliance objectives, or the overarching safety standards.
 - Analyze the impact of OSHA in modern organizations.
 - What does the HRM professional need to know about OSHA?
 - Analyze the cost of regulations and enforcement versus the benefit in reduced worker injury. Is the cost of regulations and enforcement worth the results?
 - Develop health- and safety-related best practices for human resources and organizational leadership.
 - Are there different perspectives toward interpretation, monitoring, and compliance with OSHA, and do the differing perspectives enhance or hinder workplace safety?
 - Evaluate the ways in which a company can mitigate risk.
2. Your executive memorandum is to be written coherently to support a central idea with correct grammar, usage, and mechanics as expected of a business professional.

3. Support your assignment with citations from relevant readings, and use real-world organization examples to demonstrate the importance of the concepts and analysis you have provided.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Submission Requirements

The deliverable for this assignment applies professional skills in Human Resources Management (HRM) to workplace situations which you will likely encounter in your day-to-day work in HRM. As part of your learning, we focus on the development of effective professional communication skills for the workplace.

- **Length of paper:** Your paper should be 2–3 double-spaced pages, 11 point font, Times New Roman.
- **Organization:** Make sure that your assignment writing is well-organized, using headings and subheadings to organize content for the reader.
- **Resources:** It is suggested that you use just the resources provided for this assignment and used in this course, no outside research should be necessary.
- **Evidence:** Support your assertions with data and/or in-text citations. Use current APA format for in-text citations and create a reference list at the end of your documents.
- **APA formatting:** Resources and in-text citations are formatted according to current APA style and formatting.
- **Written communication:**
 - Convey purpose, in an appropriate tone and style, incorporating supporting evidence and adhering to organizational, professional, and scholarly writing standards.
 - Write for a specific audience, using the vernacular of the profession.
 - Use spell-check and other tools to ensure correct spelling and grammar.
- **Recommended Headings for the Memorandum:**
 - OSHA Description.
 - Compliance Objectives.
 - Risk/Opportunity (costs and benefits).
 - Specific Steps (approach).

ePortfolio

You should consider adding this assignment to your personal ePortfolio. This assignment demonstrates your ability to examine a law and its effectiveness in the workplace. This skill is necessary in a professional setting when you are trying to convey strategic health-and safety-related best practices to leadership. You will want to organize your assignments to easily support future reflection and completion of your HRM capstone project as well as for showcasing your knowledge with employers after graduation. For more information on ePortfolio, visit the Campus [ePortfolio](#) page.

Competencies Measured

Competency 3: Examine relationships between law, human resource management practices, and business activities.

- Analyze the cost of regulations and enforcement versus the benefit in reduced worker injury.

Competency 4: Assess ways in which human resource professionals resolve conflicts between ethical and legal aspects of practice.

- Describe the mission and function of the Occupational Safety and Health Administration (OSHA) and its impact on other modern organizations.

Competency 5: Evaluate ways in which companies mitigate risk management and follow OSHA workplace safety.

- Develop health- and safety-related best practices for human resources and organizational leadership.
- Evaluate the ways in which a company can mitigate risk.

Competency 6: Communicate clearly, accurately, and professionally in the HR field.

- Support main points, assertions, arguments, conclusions, or recommendations with relevant and credible evidence.
- Apply APA style and formatting to scholarly writing.

Unit 10 >> Employment Law in the Twenty-First Century

Introduction

Terri has been venting on her Facebook page about how much she hates her job. She wrote that her boss is an idiot and that the company is a terrible place to work that doesn't care about their employees. She also wrote that she wants to unionize. Her boss, Ken, just learned about her posts and sets up a meeting with HR to discuss firing her.

The courts are struggling with some of the issues presented by the new culture of social media in the workplace. One tricky situation is when someone mentions a union in a social media post, then it becomes "protected concerted activity." This highlights just one example of how contemporary and future issues that arise with the innovation of new technology will impact the workplace. How can HRM professionals prepare for these issues? This week, you will look at a practical activity of creating or revising a social media policy, where you will identify the difference between freedom of speech in a government workplace compared to the private organization.

To-Do List:

Discussion: Discuss key considerations in designing a social media policy.

Discussion: Reflect on your work and experience in this course and write about how it will impact your practice as an HRM professional.

What You Need to Know: Understand the risks and benefits posed by adopting a social media policy.

Interactive Learning Module: Learn about what is considered to be "protected, concerted activity" in a social media post.

Course Resources

[Introduction Image Week 10](#) | Transcript

Learning Activities

u10s1 - Activity Overview

Discussion Overview

For your first discussion, discuss key considerations when designing a social media policy, including primary challenges and risks, and who should be involved.

Discussion Overview

Then for your second discussion, reflect on your work and experience in this course and write about how it will impact your practice as an HRM professional.

u10s2 - What You Need to Know

Legal Background

Read the course file, [Legal Background: HRM in the Future \[PDF\]](#), for a basic understanding of the topic for this week. This background information is intended to support your learning like a section of a textbook.

Social Media in the Workplace

These are less than 1–2-page articles. Please skim each of them to inform your response for this week's first discussion.

- [Progressive discipline the legal way: 7 steps.](#) (2019). *HR Specialist: Employment Law*, 49(7), 2.
 - "This article is about maintaining a progressive discipline policy including documenting verbal warnings and counseling; letting employees tell their side of the story; and spelling out the consequences of inaction."
- [Does Facebook rudeness = Hostile workplace?](#) (2018). *HR Specialist: Employment Law*, 48(12), 3.
 - "The article discusses *Medlin v. American Airlines* court case which alleges a campaign of harassment on online social media Facebook and workplace harassment including threats, slander and defamation of character."
- Allan, R. (2017, March). [Key things to consider while drafting your social media policy checklist.](#) *Legal and Compliance Excellence Essentials*.
 - "The main aim of the policy is to help employees understand where the line is - and how to stay on the right side of it - and for managers to be able to identify and act appropriately in instances where the line has been crossed."
- [Keys for developing a social media policy.](#) (2013). *Information Management*, 47(6), 42–44.
 - This article gives some best practices for creating a new, or revising, a social media policy.
- Magette, K. (2018). [Keeping up with new tools in your policies.](#) *School Administrator*, 75(8), 12.
 - This article provides ideas for updating a social media policy when new tools and technology become available
- Johnson, B. (2017). [Attorney's key to social media policies: Be specific, but not too strong.](#) *Njbiz*, 30(5), 17.
 - Includes legal considerations when creating social media policies as well as the wording of the policy.
- Johnson, D. L. (2019, October 7). [Nashville Trump supporter fired over Facebook post wins trial \[Blog post\].](#) *Northern Exposure*.
 - This article illustrates the distinction between government and private organizations and First Amendment rights in social media for workers.

Sample Social Media Policy

- [Sample Social Media Policy \[PDF\]](#).
 - Use this as a resource for your first discussion this week.

NLRB and Social Media

- National Labor Relations Board. (n.d.). [The NLRB and social media](https://www.nlr.gov/rights-we-protect/rights/nlr-and-social-media). Retrieved from <https://www.nlr.gov/rights-we-protect/rights/nlr-and-social-media>
 - This web page defines "protected, concerted activity" in terms of social media.

u10v1 - Interactive Learning Module: Social Media Policy

This interactive activity will answer questions about what is considered "protected, concerted activity" in social media posts.

Course Resources

[Social Media Policy](#) | Transcript

u10d1 - Write Your Discussion Post

Social Media Policy

- What are the key considerations in designing a social media policy?
- What are the primary challenges and risks when formalizing a social media policy?
- Who should be involved in the design and review of the final policy?

Response Guidelines

Respond to the posts of at least two other learners. Compare your thoughts on designing a social media policy. Provide constructive feedback to your peers for improving their analyses.

Course Resources

Graduate Discussion Participation Scoring Guide

u10d2 - Write Your Discussion Post

Course Reflection

You have reached the end of this employment law course. Reflect on the knowledge and understanding that you have acquired in this course by addressing the following questions:

- Compare your knowledge of employment law from the beginning of this course to the end. What have been the most significant areas of learning for you?
- How will you use what you have learned from this course in your current or future professional work?
- What do you still have questions about, in relation to employment law?

Response Guidelines

You are not required to respond to your peers' reflection posts, but you may if you wish.

Course Resources

Graduate Discussion Participation Scoring Guide