

Syllabus

Course Overview

In this course, learners build on foundational law principles and further explore employment law and the types of discrimination that employers should proactively discourage and prevent. This is an advanced course designed for HR professionals who seek to prepare themselves for the complex challenges of legal employment issues in the workplace. Learners study the nature of and strategies for addressing workplace legal actions in order to create a legally compliant workplace. Learners focus on developing action plans and management strategies for minimizing risk. Learners will also examine the theoretical and practical aspects of workplace legal actions, including investigation, evidence, and communication.

Course Competencies

(Read Only)

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

- 1 Analyze the makeup of a legally compliant workplace on organizational performance and productivity.
- 2 Assess the nature of workplace legal action.
- 3 Apply the strategies and tactics for conducting legally compliant workplace investigations.
- 4 Formulate action plans to implement management strategies to create a legally compliant workplace.
- 5 Communicate in a manner that is professional and consistent with expectations for HR professionals.

Course Prerequisites

Prerequisite(s): HRM5065.

Syllabus >> Course Materials

Required

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

Integrated Materials

Many of your required books are available via the VitalSource Bookshelf link in the courseroom, located in your Course Tools. Registered learners in a Resource Kit program can access these materials using the courseroom link on the Friday before the course start date. Some materials are available only in hard-copy format or by using

an access code. For these materials, you will receive an email with further instructions for access. Visit the [Course Materials](#) page on Campus for more information.

Book

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill. ISBN: 9780078023798.

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.

- Blankenship, K. L., Wegener, D. T., & Murray, R. A. (2012). [Circumventing resistance: Using values to indirectly change attitudes](#). *Journal of Personality and Social Psychology*, 103(4), 606–621.
- [Calvin J. Roach v. Dresser Industrial Valve and Instrument Division](#). 494 F. Supp. 215 (1980).
- Hansen, J. T., & Sood, R. (2009). [A lighter touch for handbooks](#). *HR Magazine*, 54(5), 91–97.
- [Implications for employers of Supreme Court's latest ruling addressed](#). (2013). *HR Focus*, 90(9), 9–10.
- MSNBC. (1997, May 4). [Anniversary of the Family Medical Leave Act \[News report\]](#). NBCUniversal Media.
- NBC News Web Exclusive. (2013, May 29). [Major cases await Supreme Court decision \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (1984, July 2). [20th anniversary of Civil Rights Act of 1964 \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (1990, December 14). [Landmark discrimination case involves Japanese company accused of firing workers based on origin \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (1996, April 1). [Supreme Court ruling seen as victory for older workers \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (1996, May 20). [Supreme Court finds Colorado's gay rights amendment unconstitutional \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (1998, June 26). [Supreme Court makes landmark rulings on sexual harassment \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (2008, April 4). [Diversity training and the National Civil Rights Museum \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (2010, May 19). [Novartis fined \\$250 million in sex bias case \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (2011, October 2). [Smokers need not apply \[News report\]](#). NBCUniversal Media.
- NBC Nightly News. (2012, January 11). [Supreme Court rejects job bias suit against church \[News report\]](#). NBCUniversal Media.
- NBC Today Show. (1978, June 29). [Supreme Court reverses affirmative action program in Allan Bakke case \[News report\]](#). NBCUniversal Media.
- NBC Today Show. (1986, April 28). [Denying employment because of peyote use: Religious discrimination? \[News report\]](#). NBCUniversal Media.
- NBC Today Show. (2006, June 18). [Privacy at the workplace \[News report\]](#). NBCUniversal Media.

- NBC Today Show. (2010, July 26). [Twenty years since the Americans With Disabilities Act](#) [News report]. NBCUniversal Media.
- NBC Today Show. (2013, January 14). [Judge Sotomayor: "Each decision comes at a cost."](#) [News report]. NBCUniversal Media.
- [Poe v. Domino's Pizza, Inc.](#) 139 F.3d 617 (8th Cir. 1998).
- [Proposal would require goal setting for hiring of persons with disabilities.](#) (2012). *HR Focus*, 89(1), 1–3.
- Salvatore, P., & Gutterman, A. M. (2003). [The risk of intentional torts.](#) *HR Magazine*, 48(8), 109–114.
- Staff. (2012, January 30). [Editorial: "Smokers need not apply" policies go a step too far.](#) *USA Today*.
- Woska, W. J. (2007). [Legal issues for HR professionals: Reference checking/background investigations.](#) *Public Personnel Management*, 36(1), 79–90.
- Woska, W. J. (2013). [Legal issues for HR professionals: Workplace investigations.](#) *Public Personnel Management*, 42(1), 90–101.

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.

- U.S. Department of Labor. (n.d.). [Hiring: Affirmative action.](#) Retrieved from <http://www.dol.gov/dol/topic/hiring/affirmativeact.htm>
- U.S. Equal Employment Opportunity Commission. (2008). [Facts about race/color discrimination.](#) Retrieved from <http://www.eeoc.gov/facts/fs-race.html>
- U.S. Equal Employment Opportunity Commission. (2008). [The ADA: Your responsibilities as an employer.](#) Retrieved from <http://www.eeoc.gov/facts/ada17.html>
- U.S. Equal Employment Opportunity Commission. (n.d.). [Facts about discrimination in federal government employment based on marital status, political affiliation, status as a parent, sexual orientation, or transgender \(gender identity\) status.](#) Retrieved from <http://www.eeoc.gov/federal/otherprotections.cfm>
- U.S. Equal Employment Opportunity Commission. (n.d.). [Sexual harassment.](#) Retrieved from http://www.eeoc.gov/laws/types/sexual_harassment.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 >> Torts and Employment Law (What the Heck Are Torts?)

Introduction

Tort: *A private or civil wrong or injury, including action for bad faith breach of contract, for which the court will provide a remedy in the form of an action for damages.*

— *Black's Law Dictionary*

Why should we care about employment law? The answer is simple. When employees or managers engage in improper workplace conduct, their employers are subject to civil and/or criminal liability. Not only can employers be held liable for employee torts, but they can also be held liable for other legal violations, such as discrimination. It is therefore in the best interest of employers to educate employees about employment law and appropriate workplace conduct. In addition to legal liability and related costs, workplace morale can suffer, production can be impacted, turnover can increase, and the mission of the organization will suffer.

In what areas should employers focus their equal employment opportunity initiatives? The first step in the process is to thoroughly assess the workplace climate in order to determine areas where potential liability exists. This can include an employee survey or a review of the types of complaints filed by employees. Whatever the strategy, employers must be proactive in addressing employee concerns. Once the employer has an understanding of the core conflicts, the employer can actively engage employees in resolving the conflicts, making the workplace better for everyone. Allowing employees to provide insight and suggestions for the resolution of conflicts is not only empowering to them, but it is also a good way to reduce or eliminate employer liability. Remember, punitive damages are often awarded by juries who feel that employers are not doing enough to encourage and support workplaces that are free of harassment and discrimination.

How should employers educate employees about employment law? The strategies are numerous. Best practices can include communication of policy (employee handbook, postings, emails, meetings), education (such as in-house or online courses) and training (such as quarterly updates and meetings) about proper workplace procedures and behavior. Setting high expectations for workplace behavior is key, because it helps to support best practices which further equal employment opportunity.

References

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin.

Black, M. A. (1990). *Black's law dictionary* (6th ed.). St. Paul, MN: West Publishing.

Learning Activities

u01s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 1, "The Regulation of Employment," and the accompanying cases, pages 2–40.
- The section "Tort and Criminal Liability" in Chapter 9, page 430 only.
- The section "Employment-at-Will Concepts" in Chapter 2, pages 48–63 only.

Use the Capella library to read the following:

- Salvatore and Gutterman's 2003 article, "[The Risk of Intentional Torts](#)" from *HR Magazine*, volume 48, issue 8, pages 109–114. This article provides additional context to promote understanding of the impact of tort law on employers.
- Hansen and Sood's 2009 article, "[A Lighter Touch for Handbooks](#)" from *HR Magazine*, volume 54, issue 5, pages 91–97.
- Woska's 2013 article, "[Legal Issues for HR Professionals: Workplace Investigations](#)" from *Public Personnel Management*, volume 42, issue 1, pages 90–101.

Multimedia

For this activity, examine the terms, definitions, and examples of tort laws in the media piece, [Tort Law Flashcards](#). Test yourself on your understanding of different types and examples of the tort laws that will be explored in this course.

As an HRM professional, it is important that you understand the history and evolution of employment law and legislation in the United States. Review the most significant employment laws and legislation in the [Employment Law Timeline](#).

NBC Archives on Demand

The four-minute video [20th Anniversary of Civil Rights Act of 1964](#) reviews the events and environment that predated the Civil Rights Act of 1964 and the progress that was made in the 20 years following that bill. As you watch this video, consider the evolution of the workforce since this video was filmed and where it is today.

The three-minute video [Diversity Training at the National Civil Rights Museum](#) examines how Best Buy uses the civil rights museum at the Lorraine Motel in Memphis, Tennessee to immerse its employees in a diversity training experience. As you watch this video, consider how the organizations that you have worked for in the past or present have addressed diversity or harassment training. Was it effective and meaningful?

u01d1 - Investigating Workplace Torts

After reading the Salvatore and Gutterman article, "The Risk of Intentional Torts," respond to the following:

- Managers use many tactics for investigating workplace torts. What strategies should managers use to preserve evidence while conducting tort investigations?

Be sure to defend your response using resources properly cited in APA format. Prior to posting, review the Discussion Participation Scoring Guide to ensure you have met all of the criteria used to evaluate your response to this discussion. The same scoring guide will be used for all discussions in this course.

Response Guidelines

Read the posts of your peers, and respond to two. In your response to each peer, address the following:

- Do you agree or disagree with your peer's post? Explain.
- What critical tactics may your peer have overlooked or not emphasized? Explain.
- What other comments, ideas, questions, or concerns do you have regarding the article or your peer's post?

Course Resources

Graduate Discussion Participation Scoring Guide

[The Risk of Intentional Torts](#)

u01d2 - The Impact of a Definition

Many employers attempt to avoid discrimination lawsuits by claiming that independent contractors are not employees, therefore independent contractors are not covered by discrimination statutes. Furthermore, employers argue that they are never liable for an independent contractor's torts. Are they right? Explain.

Consider the *Murray v. Principal Financial Group, Inc.* case, which involved the classification of independent contractors. What three tests does the court discuss and how are they different, if at all (adapted from Bennett-Alexander & Hartman, 2015, pp. 35–36)? What best practices should be used to ensure that independent contractors are classified properly?

Response Guidelines

Respond to at least two of your peers, comparing your proposed strategies to those of your peers. In your responses, consider comparing the direct and indirect costs of contractor torts to the costs of implementing HR strategies to prevent them.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 2 >> Title VII and Employment Practices

Introduction

Title VII prohibits discrimination on the basis of race, color, gender, national origin, or religion. You may wonder why Title VII should be of concern to employers, if they are not engaging in any form of intentional discrimination (disparate treatment). In order to answer this question, consider the fact that Title VII also prohibits policies and procedures that have an adverse impact on the classes of individuals protected by Title VII. For example, an employer may use a screening method which includes specific height and weight requirements. These screening requirements may appear to be neutral at first glance. However, they may result in adverse employment opportunity (disparate impact) for individuals of a certain national origin. They may also have a negative impact upon those individuals of a certain gender.

Not all screening methods are prohibited by Title VII. Let us revisit the scenario above in which an employer had a certain height and weight requirement for a job position. If the discrimination is a bona fide occupational qualification (BFOQ) for these requirements, then the employer will not be in violation of Title VII. The business necessity defense is recognized under the law. Therefore, if the employer can show that a certain height and weight are needed in order for an employee to successfully perform the job duty, then the employer has a legitimate business necessity for the screening requirement. The bottom line is that employers must be cautious about their screening methods and ensure that they have a legitimate business necessity for these types of job requirements. Otherwise, the requirements may have a disparate impact upon protected classes, and therefore be prohibited by Title VII.

Reference

Learning Activities

u02s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- The section "Employment Discrimination Concepts," pages 63–77, and the related case, "Wilson v. Southwest Airlines Company," pages 95–96 in Chapter 2.
- Chapter 3, "Title VII of the Civil Rights Act of 1964," pages 98–127.
- Chapter 4, "Legal Construction of the Employment Environment," pages 136–189.

Use the Capella library to read the following:

- Woska's 2007 article, "[Legal Issues for HR Professionals: Reference Checking/Background Investigations](#)," from *Public Personnel Management*, volume 36, issue 1, pages 79–89.
- [Poe v. Domino's Pizza, Inc.](#) 139 F.3d 617 (8th Cir. 1998).

u02d1 - Bona Fide Occupational Qualification

As a defense against a disparate impact claim, an employer can argue business necessity or bona fide occupational qualification (BFOQ). This means that there is no violation of Title VII where there is a legitimate direct link between business necessity and the job requirement in question. Consider the case of Wilson v. Southwest Airlines Company (adapted from Bennett-Alexander & Hartman, 2015, pp. 95–96). Should an employer's commercial success be considered? How is BFOQ determined?

Response Guidelines

Respond to at least two of your peers, providing your insight and experience regarding the ethical implications of BFOQ in this case. How can an HRM professional help support an ethical workplace that still considers the business' bottom line? Support your perspective with properly cited sources.

Course Resources

Graduate Discussion Participation Scoring Guide

u02d2 - Background Screening

Employers must be proactive in hiring candidates who do not subject the employer to civil or criminal liability. Discuss negligent hiring and how employers can limit liability through background screening processes. Provide a best-practices checklist that employers can use to screen employee backgrounds.

Response Guidelines

Collaborate with at least two learners to strengthen your best practices checklist. What suggestions can you make to improve your peers' posts? How did your peers' posts contribute to your knowledge?

Keep in mind that the objective of the response posts is to stimulate discussion, promote an exchange of ideas, and generate a sense of community. With this in mind, please make an effort to choose a post that does not have any existing responses.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

Course Resources

Graduate Discussion Participation Scoring Guide

Introduction

Affirmative action means that federal contractors must actively encourage equal opportunity employment by recruiting women and minorities into jobs "'from which it has been determined that they are excluded' in order to make the workplace more reflective of their availability in the workforce from which employees are drawn" (Bennett-Alexander and Hartman, 2012, p. 210). Affirmative action also applies to private employers with a history of discrimination. Affirmative action plans must include specific goals for achieving equal employment opportunity, and the plans must also set definite timelines for achieving those goals.

How exactly do employers determine whether or not there is an underutilization of women or minorities in the workplace? The employer can examine the percentage of women or minorities within its geographical area who possess the necessary skills or education for a particular job. Second, the employer would compare the percentage of women or minorities within its geographical area to those who are employed or eligible for promotion, training, or transfer within the workplace. If the employer finds that the number of women or minorities employed is lower than those available and eligible to work, then the employer may set placement goals accordingly. Keep in mind that affirmative action is temporary and it must not be used to achieve quotas.

Why should employers be concerned about affirmative action? It is important to note that the law subjects affirmative action plans to strict judicial scrutiny. This means that affirmative action programs must be narrowly defined and serve a compelling governmental interest. There are several reasons why employers must be informed about the purpose of affirmative action. For example, some private employers use affirmative action voluntarily. This voluntary adoption of affirmative action in order to achieve workplace diversity can be problematic. Some employers have hired or promoted women and minorities with lower qualifications over their white male counterparts. This is not a proper use of affirmative action. Furthermore, reverse discrimination can result where outdated plans are in place.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin.

Learning Activities

u03s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 5, "Affirmative Action," and the accompanying cases, pages 201–258.

Use the Capella library to read the following articles:

- The 2013 article, "[Implications for Employers of Supreme Court's Latest Ruling Addressed](#)" from *HR Focus*, volume 90, issue 9, pages 9–10.
- Blankenship, Wegener, and Murray's 2012 article, "[Circumventing Resistance: Using Values to Indirectly Change Attitudes](#)" from *Journal of Personality and Social Psychology*, volume 103, issue 4, pages 606–621
- The 2012 article, "[Proposal Would Require Goal Setting for Hiring of Persons with Disabilities](#)" from *HR Focus*, volume 89, issue 1, pages 1–3.

Optional Reading

Use the Internet to read the following:

- The [U.S. Department of Labor's Affirmative Action](#) page. For HRM professionals employed with government agencies, this page details the laws and regulations followed by the U.S. government related to affirmative action.

NBC Archives on Demand

In the four-minute video [Judge Sotomayor: "Each Decision Comes at a Cost,"](#) U.S. Supreme Court Justice Sotomayor discusses the impact of having different political perspectives weighing in on major court decisions and the role of Affirmative Action in the workplace today.

The two-minute video [Supreme Court Reverses Affirmative Action Program in Allan Bakke Case](#) examines the workplace outcomes resulting from a reverse discrimination case involving university admissions.

u03d1 - Reactions to Affirmative Action

As an HRM professional, what are the primary considerations/best practices in implementing an Affirmative Action plan? Did you learn anything new about Affirmative Action from the reading in your text this week? Is it needed? Why? Please share your position honestly (supported by the unit readings or other resources) and be respectful of the positions of others.

Response Guidelines

Respond to at least two of your peers, sharing your insight and experiences related to Affirmative Action. Use properly cited sources to support your perspective.

[Supreme Court reverses affirmative action program in Allan Bakke case \[News report\]](#).

u03d2 - Johnson v. Transportation Agency, Santa Clara

In the Johnson v. Transportation Agency case (pages 252–256 in the text), what did the court decide? What was the reasoning? Does it make sense to you? Why or why not?

Response Guidelines

Respond to at least two of your peers, providing your insight and understanding on the implementation of affirmative action in the workplace.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 4 >> Race, Color, and National Origin Discrimination

Introduction

Title VII prohibits discrimination (intentional or unintentional) in the selection, training, and promotion of individuals based on race, color, religion, sex, or national origin. What are racial categories? The issue of race is often confusing to employers because some employees may identify with several racial groups due to their mixed heritage. However, as a general rule, racial categories are outlined by the Equal Employment Opportunity Commission (EEOC) as follows: American Indian, Alaskan Native, Asian, Pacific Islander, Black or African American, Hispanic or Latino, and White.

Under what circumstances does racial or ethnic discrimination take place? Employers must be concerned with bias based on racial characteristics and color. Oftentimes, persons of the same race are treated differently (discriminated against) because of their skin color. Therefore, it is possible for a person of color to be prejudiced against members of his or her own race because of their skin color differences. There are also race-

related illnesses (such as sickle cell anemia for African-Americans and melanoma for Caucasians) that may impact one group more than another. Employers must be careful to draft their workplace policies (such as health care coverage or exclusion of coverage for medical conditions) with these racial differences in mind. One common racial characteristic conflict involves the use of a no beard policy. This policy can have a disparate impact upon African-American males who experience serious skin conditions resulting from shaving. Yet another example of racial characteristic discrimination is the exclusion of individuals because they are culturally different—meaning they have an ethnic name, or they dress ethnically, or they talk with a distinguishable ethnic accent. These types of conflicts arise most often where a job applicant is discriminated against because he appears or sounds ethnic—for example, he "looks" or "sounds" like a Latino or African-American or a person of Asian descent.

Why should employers be concerned with race, color, or national origin discrimination? Employers are increasingly faced with a diverse workforce in which employees are of various races, speak different languages, and are from different cultures. Therefore, employers must actively encourage employment practices that are based on business necessities. For example, if an employer wishes to impose an English-only rule, the employer must be sure that there is a true, bona fide occupational qualification for this rule (such as a need for clear communication in order to ensure workplace safety). If English is not germane to the job duties, then the employer will not be able to successfully defeat a national origin discrimination claim. In the example of the no beard policy, the employer must show that it has a legitimate business necessity (such as food safety) for this job requirement.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin.

Learning Activities

u04s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 6, "Race and Color Discrimination," and the accompanying cases, pages 259–303.
- Chapter 7, "National Origin Discrimination," and the accompanying cases, pages 304–342.

Use the Capella library to read the following:

- [Calvin J. Roach v. Dresser Industrial Valve and Instrument Division](#). 494 F. Supp. 215 (1980).

Optional Reading

Use the Internet to read the following:

- The U.S. Equal Employment Opportunity Commission's 2008 article, "[Facts About Race/Color Discrimination](#)."

NBC Archives on Demand

The two-minute video [Landmark Discrimination Case Involves Japanese Company Accused of Firing Workers Based on Origin](#) examines a discrimination case in which American workers were fired while Japanese workers remained employed. As you watch this clip, consider the cultural factors that may have played a part in this case.

u04a1 - Workplace Discrimination Analysis

When employees engage in improper workplace conduct, their employers are subject to liability. Not only can employers be held liable for employee torts, but they can also be held liable for other legal violations, such as discrimination. HR professionals need to be aware of these liabilities and help to educate employees about appropriate workplace conduct. This assignment provides the opportunity to survey different forms of employment discrimination and to examine one type of discrimination in more depth.

- Begin your paper by summarizing several forms of employment discrimination or issues (affirmative action, workplace violence, Title VII discrimination, age discrimination, sexual harassment, disability discrimination, privacy issues, employment benefits (FMLA, equal pay act, Lilly Leadbetter), et cetera). Include with each issue the legal elements that make each actionable. Cite two to three cases and/or articles.
 - Assess how employment discrimination affects organizations. Discuss not only the direct and indirect legal expenses but the indirect impact on workplace culture, morale, and productivity. Use examples from cases or articles to support your analyses.
- Next, select one type of employment discrimination to examine thoroughly that interests you and which can provide a rich context for investigation.
 - Identify the tort law and case law applicable to this type of employment discrimination.
 - Analyze how the tort law and case law support equity and discourage employment discrimination.
 - Hypothesize the effects of the tort law and case law on the organizations you used in your initial analysis of discrimination in organizations.

Your paper should be 4–5 double spaced pages and integrate properly cited citations and references in APA format. Review the Workplace Discrimination Analysis Scoring Guide as you prepare this assignment to ensure that you have thoroughly addressed the grading expectations.

Note: Your instructor may also use the Writing Feedback Tool to provide feedback on your writing.

[Capella University Library](#)

[APA Style and Format](#)

[Introduction to the Writing Center](#)

[Writing Feedback Tool](#)

u04d1 - Race Discrimination

A group of canine unit officers, five white and one black, sued for race discrimination when the operating procedures for their unit were drastically changed. They alleged that the changes were implemented because the unit was "too white." Under what legal theory can the white officers claim discrimination—does Title VII apply? Can the black officer be a part of this lawsuit, although he is not white? Explain your answers. (Adapted from Bennett-Alexander & Hartman, 2015, p. 293.)

Response Guidelines

Respond to at least two learners discussing the issues presented in the case. Compare and contrast your viewpoint with those of your peers. Either make a case against their positions or provide suggestions to strengthen their arguments.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

u04d2 - National Origin Debate

Calvin Roach was a native-born American of Acadian descent. He filed a national origin discrimination law suit against Dresser Industries based upon his association with Dresser employees who were also Acadian. Dresser Industries argued that national origin does not apply because "Acadia" is not a country from which Mr. Roach originated. Who's right? Does Title VII apply to this case? Explain your answer.

Response Guidelines

Respond to at least two of your peers, sharing your insight and experience. Consider addressing how an organization can prevent the situation detailed in the case through workplace strategies and HR policies.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 5 >> Gender, Sexual Harassment, and Affinity Orientation Discrimination

Introduction

The topic of sexual harassment and discrimination is wide-ranging because of the numerous ways in which workplace policies (even those appearing to be neutral at first glance) can have a discriminatory effect upon workers. Sexual discrimination is prohibited unless there is a bona fide occupational qualification for it. One example of a bona fide occupational qualification is requiring that females be cast in theatrical roles for female characters. This authenticity requirement is appropriate and permitted under the law. However, there are times when gender discrimination is wholly inappropriate. For example, where there is no legitimate bona fide occupational qualification, the EEOC prohibits male-only or female-only job classifications because they are discriminatory. The EEOC also prohibits "help wanted" advertisements that are male-only or female-only.

Sexual harassment can take the form of quid pro quo harassment or hostile work environment harassment. Quid pro quo sexual harassment arises when an individual demands sexual favors in exchange for a job promotion, for example. Hostile work environment sexual harassment results when an atmosphere of intimidation, abuse, or hostility are created in the workplace. How can an employer discourage these types of behaviors in the workplace? The first step is to address sexual harassment swiftly. Employers must show that they have taken both preventative and corrective measures to ensure that the workplace is free of harassment. These measures can include the termination of the harasser, appropriate remedies for the individual who was harassed (monetary compensation or job reinstatement), and harassment prevention training for all workers.

Although affinity orientation is not protected under Title VII, it is important to note that numerous states have enacted statutes protecting affinity orientation and gender identity. With respect to discrimination based on

affinity orientation or gender identity, employers must emphasize that hiring practices be based solely upon the job requirements and whether or not an individual can competently perform the job requirements. Employers must ensure that all workplace policies respect individual differences and prohibit discriminatory behavior.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2009). *Employment law for business* (6th ed.). New York, NY: McGraw-Hill Irwin.

Learning Activities

u05s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 8, "Gender Discrimination;" read pages 343–398.
- Chapter 9, "Sexual Harassment," pages 399–443.
- Chapter 10, "Affinity Orientation Discrimination;" read pages 444–477 and 482–484.

Optional Readings

Use the Internet to read the following:

- U.S. Equal Employment Opportunity Commission's [Sexual Harassment](#) definition.
- U.S. Equal Employment Opportunity Commission's "[Facts about Discrimination in Federal Government Employment Based on Marital Status, Political Affiliation, Status as a Parent, Sexual Orientation, or Transgender \(Gender Identity\) Status.](#)"

NBC Archives on Demand

The two-minute video [Novartis Fined \\$250 Million in Sex Bias Case](#) examines an example of sexual discrimination and its financial impact on an individual organization.

The two-minute video [Supreme Court Makes Landmark Rulings on Sexual Harassment](#) examines a case that clarified a woman's right to sue her employers and reiterates the need for preventative policies in the workplace that protect employees as well as the employer.

The three-minute video [Supreme Court Finds Colorado's Gay Rights Amendment Unconstitutional](#) examines the first supreme court case that supported gay rights, from 1996. After watching this clip, consider the evolution of the gay rights movement and how it affects workplace HR policies.

u05d1 - Affinity Orientation Discrimination

In the case of *Weaver v. Nebo School District* (adapted from Bennett-Alexander & Hartman, 2015, pp. 482–484), a school teacher honestly replied to a question from a student asking if she was gay. She was relieved from her duties as a coach, and a note was placed in her file. This was found to be unconstitutional on equal protection grounds.

How would you respond to calls if you were the school administrator? Head of HR for the school district? Should the school have ignored the teacher's record? Does it make a difference that the teacher's disclosure that she was gay was in response to a question? Explain.

Response Guidelines

Respond to the post of two learners, providing your insight and understanding on affinity orientation discrimination. How could the HR policies and procedures in this situation have been improved to prevent this situation?

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

Course Resources

Graduate Discussion Participation Scoring Guide

u05d2 - Addressing Sexual Harassment

The court ruled that in addition to Title VII sexual harassment, the *Meritor Savings Bank, FSB v. Vinson* case contained five other tort liability claims. Identify as many of these other torts as possible, and explain your selection. As a manager, what would you have done if Vinson had come to you with her complaint? (Adapted from Bennett-Alexander & Hartman, 2015, pp. 437–438.)

Response Guidelines

Respond to the post of two learners. If necessary, collaborate to identify as many of the five tort liabilities as possible. Compare and contrast your approaches to dealing with Vinson if she had come to you. Include examples from the readings or your own experience to support your perspective and raise questions to continue the dialogue.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 6 >> Religious Discrimination

Introduction

Title VII permits religious organizations to discriminate on the basis of religion. However, non-religious employers are prohibited from discriminating on the basis of religion if there is no bona fide occupational qualification and no legitimate business necessity for it.

If an employer does not engage in intentional religious discrimination, should the employer still be concerned about religious discrimination? An employer must be proactive in evaluating and implementing workplace policies, so that they do not have unintended negative impacts on an employee's ability to exercise his or her religious beliefs. This level of proactivity also includes making accommodations for employees who need them. Religious accommodations must be reasonable and not cause undue hardship on the employer, however. The EEOC considers the following factors when determining whether or not an accommodation constitutes an undue hardship on an employer:

- The burden the accommodation places on the employer.
- The cost of the accommodation.
- Whether there is a degree of flexibility available—meaning the employer can reasonably create a flexible work schedule.
- Whether it is possible for the employer to change the employee's work assignment.
- Whether a lateral transfer of the employee is possible.
- Whether the accommodation would result in a violation of the workplace seniority system.
- Whether other employees agree to participate in accommodating the employee with the religious request.

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin.

Learning Activities

u06s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 11, "Religious Discrimination," pages 492–533.

NBC Archives on Demand

The six-minute video [Denying Employment Because of Peyote Use: Religious Discrimination?](#) examines the question of religious discrimination in relation to a Native American church's use of hallucinogenic drugs. When watching this video, consider how workplace policies should be structured to consider and accommodate different religious practices.

The one-minute video [Supreme Court Rejects Job Bias Suit Against Church](#) briefly examines the court's decision to limit the law's ability to influence religious organizations' hiring practices.

u06a1 - HR Management Plan Job Aid

In your Unit 4 assignment, you provided summaries of typical workplace discrimination cases and analyzed one type of discrimination in depth. As an HRM professional, you will be responsible for structuring and communicating an organization's discrimination policies and procedures—the proactive strategies that are aimed to protect the company and its employees, as well as the reactive procedures to follow in response to violations.

For this assignment, create an HR management plan job aid that addresses best practices for preventing discrimination in the workplace. You may either use the specific discrimination issue you chose in your Unit 4 assignment or address all discrimination torts as a group. Working for a hypothetical organization of your own creation, address the following elements in your job aid:

- Describe your organization and write the organizational mission for your organization.
- Develop the discrimination policy for your organization.
- Describe how discrimination policies and the organizational mission are communicated, including relevant legal notices (employee handbook, meetings, et cetera).
- Design the trainings roadmap related to discrimination policies in the organization.
- Design the reporting and investigation procedures that protect both the company and employees.

Your paper should be 3–4 double-spaced pages and integrate in-text citations and references in APA format. Review the HR Management Plan Job Aid scoring guide while preparing your assignment to ensure that you have thoroughly addressed the grading expectations of this assignment.

Note: Your instructor may also use the Writing Feedback Tool to provide feedback on your writing.

Course Resources

[APA Style and Format](#)

[Capella University Library](#)

[Introduction to the Writing Center](#)

[Writing Feedback Tool](#)

u06d1 - TWA v. Hardison

What are your thoughts regarding the decision in the Trans World Airlines, Inc. v. Hardison case? In your opinion, were the alternatives suggested by the court of appeals viable for TWA? Explain. If Hardison came to you with this conflict, how would you have handled it? (Adapted from Bennett-Alexander & Hartman, 2015, pp. 528–529.)

Response Guidelines

Respond to the main discussion posts of two learners. What reactions do you have to the ideas they have presented? Include examples from the readings or your own experience to support your perspective and raise questions to continue the dialogue.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

u06d2 - Peterson v. Hewlett-Packard Co.

What are your thoughts regarding the decision in the Peterson v. Hewlett-Packard Co. case? Do you think the employer's actions were reasonable? Would you have balanced the two sides the same way the court did? Explain. How would you design a diversity program that would take into consideration all members of an organization's workforce (just key points)? (Adapted from Bennett-Alexander & Hartman, 2015, pp. 530–533.)

Response Guidelines

Respond to the main discussion posts of two learners, providing constructive feedback on their position in regard to the case and their diversity program.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

Unit 7 >> Age Discrimination

Introduction

As the workforce continues to get older, there will be an increase in charges and law suits for age discrimination. Contrary to popular belief, Title VII does not prohibit age discrimination (there is no statutory prohibition against reverse age discrimination). Instead, issues of age discrimination are covered by the Age Discrimination in Employment Act (ADEA). The ADEA pertains to employers with 20 or more employees and protects employees

40 years of age or older from age discrimination. Unless there is a good reason given, the ADEA prohibits employers from using mandatory retirement policies for these employees, as well.

Under what circumstances can employers require mandatory retirement? Employers most often use the bona fide occupational qualification defense with respect to workplace and public safety. Keep in mind that employers who assert the bona fide occupational qualification defense must prove that it actually supports their safety goals and that there are no other acceptable alternatives (besides age discrimination) that could be used instead. Employers can also assert that the mandatory age requirement meets a legitimate business necessity. Please note that an employer is not required by law to prove "business necessity" as a defense to age discrimination. Instead, the employer only has to prove that it used a reasonable factor other than age for its employment decision or practice. Lastly, an employer can show that its use of a bona fide seniority system is a legitimate basis for its workplace policies and employment determinations.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin

Learning Activities

u07s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 12, "Age Discrimination," pages 534–583.

NBC Archives on Demand

The two-minute video [Supreme Court Ruling Seen as Victory for Older Workers](#) examines the steps and missteps taken by an organization in downsizing or firing employees.

u07d1 - ADEA Compliance

What are your thoughts regarding the decision in the Hazen Paper Co. v. Biggins case? In your opinion, are age and years of service "sufficiently distinct" to allow termination without violating the ADEA? Explain. Is "close to

vesting" a category that can be used by an employer to avoid ADEA liability? How would "unlawful intent" behind a "close to vesting" argument be proven? (Adapted from Bennett-Alexander & Hartman, 2015, pp. 581–582.)

Response Guidelines

Respond to at least two of your fellow learners, reviewing their posts from an ethical standpoint. Do their positions protect the company while upholding an ethical standard? What suggestions would you make to consider both business and employee concerns to help prevent litigation?

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

Course Resources

Graduate Discussion Participation Scoring Guide

u07d2 - Mandatory Retirement

Mandatory retirement on the basis of age is prohibited by the ADEA, except for a few exceptions. For example, police officers may be required to retire after reaching a certain age due to safety concerns. However, age alone is not always a sufficient bona fide occupational qualification. Consider the following scenario:

You are a manager for Flight Corporation and have been asked to help revise its pilot retirement package. Flight Corporation wishes to impose a mandatory retirement age of 55 for its pilots. Explain how bona fide occupational qualification can be used to limit employer liability. Then, discuss whether or not it can be used in this particular situation.

Response Guidelines

Review the posts of two learners in regard to how well they justified or refuted the use of bona fide occupational qualification. Provide constructive feedback or additional information to strengthen their posts.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 8 >> Disability Discrimination and the Family & Medical Leave Act (FMLA)

Introduction

The harsh reality regarding job opportunities for the disabled is that many employers have negative attitudes about hiring and training disabled workers. According to the United States Department of Health and Social Services, only 60 percent of disabled men and 51 percent of disabled women were actually employed in 2007. These alarming statistics further illustrate, to a degree, the role employer bias has in the employment of individuals with disabilities.

In order to create greater equal employment opportunities for the disabled, the American with Disabilities Act (ADA) prohibits discrimination against job applicants or employees based upon their disability (past or present). The ADA also prohibits discrimination based on the perception that an individual is disabled. The ADA defines a disability as any physical or mental impairment that substantially limits one or more of an individual's major life activities. With respect to major life activities, the ADA includes functions such as: caring for one's self, performing manual tasks, walking, talking, hearing, and speaking.

In light of the ADA requirements, how can employers make reasonable accommodations for disabled employees? There are several strategies that employers can use:

- Modify workplace equipment or purchase equipment as needed.
- Adjust or modify training or workplace policies as needed.
- Make the workplace accessible.
- Include disabled workers in the process (brainstorm with disabled employees about possible solutions).
- Document all requests for disability accommodations and provide a clear follow up of strategies used for meeting those requests.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin.

Learning Activities

u08s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 13, "Disability Discrimination," and the accompanying cases, pages 584–652.

Optional Readings

Use the Internet to read the following:

- U.S. Equal Employment Opportunity Commission's 2008 article, "[The ADA: Your Responsibilities as an Employer.](#)"

Multimedia

For this activity, examine the media piece, [CapraTek: Workplace Discrimination](#), which depicts a hypothetical workplace discrimination scenario and the organizational context in which it takes place. You will use this media piece to complete the assignment in this unit.

NBC Archives on Demand

The five-minute video [Twenty Years Since the Americans With Disabilities Act](#) urges employers to look beyond the "disabled" label and how encouraging the hiring of a diverse workforce improves the talent pool in an organization. As you watch this video, consider how HR policies can support and encourage a diverse workplace and remove obstacles for uniquely abled workers.

u08a1 - HRM Case Analysis

For this assignment use the *CapraTek: Workplace Discrimination* multimedia case (linked in Resources) to analyze and assess a workplace incident that occurred at CapraTek and the company's organizational environment and HR policies and procedures that may have contributed to the situation. Then, apply tort theory to the incident to restructure CapraTek's HRM policies and procedures to better protect the organization and its employees. As part of your assignment, you will apply the HR Management Plan Job Aid that you created in Unit 6 to CapraTek and assess its effectiveness. Address the following elements in your assignment:

- Analyze how the policies and mission are communicated at CapraTek (Employee handbook, meetings, training, medium, location, format, et cetera).
- Analyze the content within CapraTek's training events and artifacts.
- Evaluate CapraTek's reporting and investigation procedures in relation to how they protect both the company and employees.
- Modify CapraTek's HR management plan, where needed, to better protect the organization and its employees.

Your paper should be 4–5 double-spaced pages and use properly cited APA citations and references to support your perspective. Review the HRM Case Analysis Scoring Guide to ensure that you have completely addressed the grading criteria of this assignment before submitting it for a grade.

Note: Your instructor may also use the Writing Feedback Tool to provide feedback on your writing.

Resources

-  [CapraTek: Workplace Discrimination.](#)
-  [Capella University Library.](#)
-  [Capella Graduate Online Writing Center.](#)
-  [Capella Online Writing Center – APA Style and Format.](#)
-  [Writing Feedback Tool.](#)

Course Resources

[CapraTek: Workplace Discrimination.](#)

[APA Style and Format](#)

[Capella University Library](#)

[Writing Feedback Tool](#)

[Introduction to the Writing Center](#)

u08d1 - Huber v. Wal-Mart Stores

In the Huber v. Wal-Mart Stores case from your text, did Huber establish a prima facie case for disability discrimination under the Americans With Disabilities Act? Explain your answer. How do you think this case will impact disability accommodation claims? (Adapted from Bennett-Alexander & Hartman, 2015, pp. 648–650.)

Response Guidelines

Respond to the main discussion posts of two learners. What reactions do you have to the ideas they have presented? Include examples from the course readings or your own experience to support your perspective and raise questions to continue the dialogue.

Reference

Course Resources

Graduate Discussion Participation Scoring Guide

u08d2 - Categories of Disabilities Covered by ADA

A software engineer needs intravenous fluids on a daily basis as a result of rectal and breast cancer. This causes the employee to use the bathroom up to 14 times each day. Therefore, the employee requests accommodation in the form of being allowed to work from home. The employer objects, claiming that the job required teamwork, interactions, and coordination with co-workers.

Discuss the categories of disabilities covered by the Americans with Disabilities Act. Is this a reasonable accommodation that the employer can provide without experiencing undue burden? Explain your answer. (Adapted from Bennett-Alexander & Hartman, 2009, p. 643.)

Response Guidelines

Respond to the main discussion posts of two learners. Consider the direct and indirect costs to accommodation or the lack of accommodation to the disabled in the workplace. What reactions do you have to the ideas your peers have presented? Include examples from the course readings or your own experience to support your perspective and raise questions to continue the dialog.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2009). *Employment law for business* (6th ed.). New York, NY: McGraw-Hill/Irwin.

Course Resources

Graduate Discussion Participation Scoring Guide

Unit 9 >> Privacy

Introduction

Today's workplace privacy hot topics include video surveillance, e-mail monitoring, phone call recording, and the use of biometrics to identify employees. Employers have been quick to provide numerous business justifications for monitoring employee use of technology in the workplace. Among other things, employers have highlighted that monitoring technology usage in the workplace prevents lawsuits involving:

- Copyright infringement (employees making illegal music downloads, for example).
- Defamation claims based on libelous statements (liability associated with blogging employees who make false statements about co-workers, the employer, or others).
- Discrimination (hostile work environment created when e-mail communications are harassing and pervasive throughout the organization).

For the most part, courts have supported the use of surveillance technology as a means to monitor productivity, ensure safety, and to prevent employee theft. However, some state legislatures have found that some businesses have gone too far in their quest for security. Several states have enacted legislation prohibiting required implantation of microchips in employees as a condition of employment.

It is important that employers take employee privacy into consideration when using any form of workplace surveillance. What should employers do with respect to employee privacy? Employers should:

- Establish clear policies about workplace technology and its proper use.
- Provide full disclosure about surveillance technology and how it is used to monitor the workplace.
- Highlight the business necessity for monitoring activities that occur outside of the workplace.
- Avoid any type of surveillance that is unnecessarily intrusive upon employees.
- Secure employee private information and educate employees about the importance of safeguarding private information.
- Stay up to date with respect to state and federal privacy laws.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2012). *Employment law for business* (7th ed.). New York, NY: McGraw-Hill Irwin.

Learning Activities

u09s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 14, "The Employee's Right to Privacy and Management of Personal Information," and the accompanying cases, pages 654–730.

Use the Capella library to read the following:

- The 2012 editorial, "[Smokers Need Not Apply' Policies Go a Step Too Far](#)" from *USA Today*.

NBC Archives on Demand

The four-minute video [Privacy at the Workplace](#) examines the limits on employee privacy in the workplace in regard to Internet and email use. When watching this video, consider the employer's responsibility to communicate policies to employees and set reasonable expectations.

The two-minute video [Smokers Need Not Apply](#) discusses the rights of employers to dictate their employees' smoking habits during the hiring process. What do you see as the employer's rights on this topic? Where should the line be drawn?

Course Resources

["Smokers Need Not Apply" Policies Go a Step Too Far](#)

u09d1 - City of Ontario v. Quon

How does an organization determine whether a reasonable expectation of privacy exists in an area or activity? Explain your answer. "The Court decided the case on narrow grounds, purposefully stopping short of pronouncing broadly applicable rules for electronic communications." If they had taken on the task of a broadly applicable rule, what, in your opinion, should they have said? (Adapted from Bennett-Alexander & Hartman, 2015, pp. 728–730.)

Response Guidelines

Respond to the main discussion posts of two learners. What reactions do you have to the ideas they have presented? How do their proposals affect workplace productivity and culture? Include examples from the course readings or your own experience to support your perspective and raise questions to continue the dialogue.

Reference

Bennett-Alexander, D. D., & Hartman, L. P. (2015). *Employment law for business* (8th ed.). New York, NY: McGraw-Hill.

u09d2 - Employee Privacy

How does the HRM professional decide how much privacy to afford employees? Does it depend on the nature of the organization? What factors should be considered? Choose two "Management Tips" from pages 710–711 of your text and discuss their importance.

Response Guidelines

Respond to the main discussion posts of two learners. What reactions do you have to the ideas they have presented? Include examples from the course readings or your own experience to support your perspective and raise questions to continue the dialogue.

Unit 10 >> Family Medical Leave Act

Introduction

The Family Medical Leave Act (FMLA) applies to employers that have 50 or more employees. FMLA allows employees to take up to 12 weeks of unpaid leave during a 12-month period (so long as the employee has worked at least 1,250 hours during that time). The 12-month requirement does not mean that the employee had to be employed for 12 consecutive months. Instead, the employee must have been employed for a total of at least 12 months in order to qualify for FMLA leave. Keep in mind that an employer may legally require the employee to use existing vacation or other leave time before seeking unpaid leave under FMLA.

FMLA unpaid leave may be granted for the following:

- Birth and care of a child.

- Adoption of a child or service as a foster parent for a child.
- Care for spouse, child, or parent with a serious health condition.
- Serious health condition which prevents the employee from performing his or her job functions.

In 2008, the Family Medical Leave Act was amended to include unpaid leave time in connection with a family member's military service. Under the National Defense Authorization Act, an employee is allowed 26 weeks of unpaid leave to care for a military family member who is suffering from serious illness or injury (including medical treatment, recuperation, or therapy). In addition, the employee is still allowed to take the 12-week leave provided under the Family Medical Leave Act when the family member is serving in active duty or has been called upon to return to active duty.

Why is knowledge of the FMLA unpaid leave requirements so important to employers? Well, the employer may not only have to be informed about and in compliance with federal law, but the employer may have to be knowledgeable and in compliance with state law as well. In order to prevent discrimination claims, employers must advise employees of their eligibility for unpaid leave. Furthermore, employers must reinstate the employee once the unpaid leave is over. If reinstatement is not possible, the employer must offer the employee an equivalent job position. In order to ensure compliance with FMLA, employers must document the employee's request for unpaid leave, advise the employee the amount of unpaid leave time allowed under FMLA, and advise the employee if state law allows any additional leave time.

References

Bennett-Alexander, D. D., & Hartman, L. P. (2009). *Employment law for business* (6th ed.). New York, NY: McGraw-Hill Irwin.

What HR should know about the new FMLA rules. (2009). *HR Focus*, 86(1), 3–5.

Learning Activities

u10s1 - Studies

Readings

Use your Bennett-Alexander and Hartman text to read the following:

- Chapter 16, "Selected Employment Benefits and Protections," pages 775–821, and one accompanying case, pages 828–829.

NBC Archives on Demand

The three-minute video [Anniversary of Family Medical Leave Act](#) examines the use and abuse of FMLA in the workplace. Consider best practices for FMLA in an organization and how HR can structure its policies to support employees' ethical use of this law.

The two-minute video [Major Cases Await Supreme Court Decision](#) briefly touches on recent cases on various issues that will ultimately affect HR policies in the workplace, including Proposition 8, voting rights, affirmative action in school admissions, patenting human genes, and DNA sampling for past crimes. Consider how these cases may affect HR policies in the future and how you may want to address some of these issues in your Power Point assignment in this unit.

u10a1 - HR Management Plan Power Point

For this assignment, your goal is to communicate the HR Management Plan that you detailed in the Unit 6 job aid to leadership in your hypothetical organization (or CapraTek if that is the organization you chose). Develop a Powerpoint directed at upper management that provides an appropriate level of detail on your management plan. Determine the aspects that leadership is most interested in when deciding on elements of an HRM plan to adopt and how to structure your message in a persuasive and convincing manner. Develop your management strategy, in part, to avoid the tort actions that you analyzed in your Unit 8 assignment.

- Provide a broad context for your HR policies and procedures in your organization. Highlight the best practices that an organization can use to encourage equity in the workplace (inclusivity, multiculturalism, ethical practices, et cetera).
- Present your management plan to leadership members of your organization.
- Describe how your plan promotes an ethical workplace culture that supports legal compliance and productivity.
- Describe measures of success for your management strategy.
- Assess how your plan will impact the organizational mission and business performance.

Your Power Point presentation should be about 10 slides and include narration on each slide that provides further detail explaining the items on each slide. Include proper APA in-text citations and references. Review the HR Management Plan Power Point Scoring Guide as you complete this assignment to ensure that you have thoroughly addressed each grading criteria.

Course Resources

[Capella University Library](#)

[Introduction to the Writing Center](#)

[APA Style and Format](#)

[Creating a PowerPoint Presentation in Microsoft PowerPoint 2010](#)

u10d1 - U.S. EEOC and Employment Mediation

In the Reich v. Circle C case (pages 828–829 of your text), do you agree that the dancers should have been considered employees? Explain. Could the club owner change things so the dancers would not be considered employees? How?

Response Guidelines

Respond to the main discussion posts of two learners. What reactions do you have to the ideas they have presented? Include examples from the readings or your own experience to support your perspective.

Course Resources

Graduate Discussion Participation Scoring Guide

Employment Law for Business

u10d2 - Course Reflection

You have reached the end of the Human Resource Legal Challenges and Solutions course. Reflect on the knowledge and understanding that you have acquired in this course by responding to the following questions:

- Compare your knowledge of workplace actions and compliance 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 current or future professional work?
- What do you still have questions about in relation to the topics covered in this course?

Response Guidelines

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