

HRMT 325: Employment Law

Prerequisite(s): None

Credits: 3



I. Course Description

In this course, students will review and assess the legal aspects of human resources to include employment law, unionization, unfair labor practices, policies and procedures, ADA, FMLA, testing, performance management, employment-at-will, benefits, and compensation.

II. Course Objectives

At the end of this course, students will be able to:

1. Describe the importance of various aspects of employment law to include discrimination, Civil Rights, EEOC, and numerous acts and regulations that affect how the law and HR interact
2. Assess effectiveness of various HR policies within their organizations.
3. Develop HR policies that may affect organizational outcomes in their own companies
4. Explain how HR supports the strategic planning in any organization
5. Evaluate the effectiveness of an HR professional in affecting organizational outcomes
6. Examine the legal aspects of performance appraisals, training, and employee rights to organize; and the role HR plays in each of these HR functional areas

III. Course Textbooks and Readings

*Students must purchase in advance texts and/or materials for this course.

Human Resources Law, 5th Edition

John Remington, Richard T. Heiser, Cyrus Smythe, and Kenneth Sovereign
Prentice Hall
ISBN: 9780132568890

IV. Weekly Information

Module One – Week 1 **Employment Law Introduction**

Objectives

At the end of this Module, you should be able to:

- 1.1 Examine basic concepts of employment law regulation
- 1.2 Recognize the impact of the common-law doctrine of employment-at-will
- 1.3 Exemplify the differences between disparate impact and disparate treatment

- 1.4 Analyze the relative exposure to a wrongful discharge suit and age discrimination complaint under the Americans with Disabilities Act (ADA)
- 1.5 Analyze the relative exposure to a discrimination claim under ADEA and Title VII

Reading

Chapter 1: Human Resources and the Law (pp. 1-19)

Chapter 2: Discriminatory Conduct (pp. 22-52)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapters 1 and 2 PowerPoint Presentations

Deliverables

Discussion: Introductions

Discussion: Disparate Impact Versus Treatment

Written Assignment: Case Study "The Discharged Executive" (Essay)

Assignment: Case Study "Discrimination Exposure" (Essay)

Module Two – Week 2

Fair Employment Practices

Objectives

At the end of this Module, you should be able to:

- 2.1 Distinguish between legal and appropriate interview questions
- 2.2 Examine opportunities for regulatory non-compliance during the employment process
- 2.3 Identify best practices to ensure regulatory compliance and minimize employer exposure during the employment process
- 2.4 Analyze the protections and limitations of a "no-compete or solicitation" agreement
- 2.5 Identify strategies for resolving possible breaches of a non-compete clause

Reading

Chapter 3: Fair Employment Practices (pp. 59-89)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapter 3 PowerPoint Presentation

Deliverables

Discussion: Legal Versus Appropriate Interview Questions

Discussion: Employer Exposure

Written Assignment: Case Study "Selection Compliance" (Essay)

Written Assignment: Case Study "Non-Compete Agreement" (Essay)

Module Three – Week 3

Disability, Medical Leave, and Other Issues

Objectives

By the end of this Module, you will be able to:

- 3.1 Identify employer responsibilities under the Americans with Disabilities Act (ADA)
- 3.2 Recognize potential legal exposure for employers under the Americans with Disabilities Act (ADA)
- 3.3 Discuss employer liability as it relates to internal drug and alcohol policies
- 3.4 Distinguish between FMLA, ADA and Workers' Compensation requirements
- 3.5 Designate the appropriate employee status based on legal requirements
- 3.6 Develop a strategy to ensure that legal obligations are met in the case of an injury at the workplace

Reading

Chapter 4: Disability, Medical Leave, Religious Accommodation, and Substance Abuse Issues (pp. 94-115)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapter 4 PowerPoint Presentation

Deliverables

Discussion: Minimizing Exposure to ADA Claims

Discussion: Alcohol Policy

Written Assignment: Case Study "Bring the Work to the Employee" (Essay)

Written Assignment: Case Study "FMLA, ADA, or Workers Comp?" (Essay)

Module Four – Week 4

Compensation Directives

Objectives

By the end of this Module, you will be able to:

- 4.1 Discuss the benefits and risks to employers of hiring independent contractors
- 4.2 Discuss the impact of the Equal Pay Act and Title VII on wage disparity
- 4.3 Define compensable time under the Fair Labor Standards Act

- 4.4 Examine when meal periods are classified as “working on behalf of the employer” and must be considered time worked
- 4.5 Describe employer return to work procedures under the Fair Labor Standards Act (FLSA)
- 4.6 Identify actions resulting in legal exposure under the FLSA
- 4.7 Determine when it is feasible to appeal a case under the FLSA

Reading

Chapter 5: Compensation Directives (pp. 119-163)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapter 5 PowerPoint Presentation

Deliverables

Discussion: Independent Contractors

Discussion: The Equal Work Standard

Written Assignment: Case Study “The 10-Minute Meal Period” (Essay)

Written Assignment: Case Study “Mary Hogan’s Back Injury” (Essay)

Module Five – Week 5

Occupational Safety, Health, and Employee Communication

Objectives

By the end of this Module, you will be able to:

- 5.1 Examine legal issues related to ergonomics in the workplace
- 5.2 Discuss how employee handbooks can be written to prevent unwanted legal exposure
- 5.3 Determine OSHA requirements for safety and training
- 5.4 Analyze the strengths and weaknesses of different types of performance evaluations
- 5.5 Recognize potential legal exposure related to performance evaluations

Reading

Chapter 6: Occupational Safety and Health Law (pp. 170-182)

Chapter 7: Employee Information and Communication Mandates (pp. 185-208)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapters 6 and 7 PowerPoint Presentations

Deliverables

Discussion: Ergonomics

Discussion: Employee Handbooks

Written Assignment: Case Study “Regulations for a New Business” (Essay)

Written Assignment: Case Study “Performance Evaluation” (Essay)

Module Six – Week 6

Collective Bargaining and Labor Relations

Objectives

By the end of this Module, you will be able to:

- 6.1 Discuss good faith bargaining as established by the NLRA
- 6.2 Discuss the use of economic weapons in the bargaining process
- 6.3 Analyze the impact of public awareness on bargaining power of both employers and unions
- 6.4 Assess the use of labor management committees to address public concerns
- 6.5 Examine the impact of subcontracting on lowering employee costs
- 6.6 Analyze existing HR policies for legal exposure and effectiveness
- 6.7 Develop a rationale for modifying existing HR policies to reduce legal exposure for the employer and to support organizational outcomes

Reading

Chapter 8: Collective Bargaining in the Private Sector (pp. 211-230)

Chapter 9: Public Sector Labor Relations (pp. 233-246)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapter 9 and 10 PowerPoint Presentations

Deliverables

Discussion 6.1: Case Study “Defining a Collective Bargaining Impasse”

Discussion 6.2: Private Sector Economic Weapons

Written Assignment 6.1: Case Study “Hard Economic Times” (Essay)

Written Assignment 6.2: HR Policy Assessment (Essay)

Module Seven – Week 7

Termination Litigation and Alternative Dispute Resolution

Objectives

By the end of this Module, you will be able to:

- 7.1 Discuss the importance of a standardized employee dismissal procedure
- 7.2 Examine the rights and remedies available under mediation
- 7.3 Analyze potential legal exposure during mediation proceedings and settlement
- 7.4 Develop HR policies to reduce legal exposure for the employer
- 7.5 Develop HR policies to support organizational outcomes

Reading

Chapter 10: Avoiding Termination Litigation (pp. 248-274)

Chapter 11: Alternative Dispute Resolution (pp. 278-287)

Read additional materials (such as articles, websites, and case studies) as assigned by your instructor.

Lecture

Chapter 11 and 12 PowerPoint Presentations

Deliverables

Discussion: Dismissals

Discussion: Case Study "The Uncertain Supervisor"

Written Assignment: Case Study "Mediator Liability" (Essay)

Written Assignment: New HR Policies (Essay)

Final Paper

V. Course Information and Grading

Course Requirements (Weekly)

Each module will be based on the inclusion and grading of the following segments. The overall program outcomes will be measured based on the following standardized point system:

Discussion Boards 25 points per post, 2 per week

Assignments 40 points per post, 2 per week

Final Paper 90 points, week 7

Total= 1000 points

Class Discussions

Successful online learning requires active and meaningful participation in the Discussion Board Forum. Critical thinking, appropriate use of judgment and professional comments are required for all responses. Simple agreement or disagreement with a fellow student does not constitute a quality response. Student opinions are important but must be supported by relevant data obtained in the literature or text.

1. One initial discussion board post is due by the fourth day (Thursday @ 11:59 pm) of each weekly module and two response posts are due by the last day (Sunday @ 11:59 pm) of each weekly module.

- a. Undergraduate Word Count Requirements:
 - i. Initial post must be >200 words
 - ii. Responses must be >150 words
 - b. Graduate Word Count Requirements:
 - i. Initial post must be >250 words
 - ii. Responses must be >200 words
2. Participation – Students must meet initial and response post deadlines to be eligible for full points. Late initial posts may be accepted with a 33% reduction in the overall score assessed for each day late. Two response posts are required. If only one is received, then the overall score will be reduced by 25%. If no response posts are received, then the overall score will be reduced by 50%.
3. Students should be respectful and write in a proper and professional manner.

Please refer to the Discussion Board Rubric located within course syllabus for specific requirements and guidance on delivering a substantial discussion.

Late and Make-up Assignments

All deliverables are due by 11:59 PM on the due dates indicated. When substantive emergencies occur, acceptance of late submissions is left to the discretion of the course instructor.

Assignments that are submitted after the due date with prior written approval (text or email) from the instructor may receive the following deductions:

1. Late assignments are subject to a deduction of 10% of the available points for each day late.
2. Assignments submitted later than one week after due date will not be accepted and will receive a zero (0).
3. No work may be submitted after the last day of the course.
4. See Class Discussions for late discussion post policy.

Written Work

- All graded assignments must be typewritten, as designated by the professor of record for the course.
- All referenced materials must be presented according to the Publication Manual of the American Psychological Association (APA), based on the most current published edition. (current, 7th edition) (Except for English courses that specify use of MLA format.)
- All required written assignments are due on the last night of each lesson week at 11:59pm EST. This information is included in the course scheduler and calendar of every course.
- All written and graded assignments are considered the property of the College of Adult and Professional Studies and should be returned to the appropriate professor of record for the related course.

- SafeAssign may be used to check for plagiarism.

Grading Scale and Assigned Letter Grades

Charleston Southern Online undergraduate classes follow the following numerical and letter grading scale. Grades will be posted by the Sunday night following the closing of the Module. No grades will be given to students over the phone.

- A = 90-100
- B+ = 87-89
- B = 80-86
- C+ = 77-79
- C = 70-76
- D = 60-69
- F = <60

Undergraduate Discussion Board Rubric – Introduction (First week only)

<u>Criteria</u>	<u>Minimal</u>	<u>Effective</u>
Percent Possible: 0 or 50 Initial Post Introduction.	Percent Possible: 0 No post or did not follow instructions at all.	Percent Possible: 50 Posted following instructions.
Percent Possible: 0 or 50 Response Posts Welcome.	Percent Possible: 0 No post or did not follow instructions at all.	Percent Possible: 50 Posted following instructions.

Discussion Board Initial Post Rubric – Undergraduate

<u>Initial Post Rubric</u>	<u>Content</u>	<u>Support & References</u>	<u>Mechanics & Length</u>
Mastery 90-100%	<ul style="list-style-type: none"> • Relevant and thought-provoking viewpoints • Innovative and indicates a high level of thought • High level of critical thought, analysis, and application of concepts and ideas 	<ul style="list-style-type: none"> • Student cites 2 peer-reviewed sources in the body of the posts • Proper APA format 	<ul style="list-style-type: none"> • Post exceeds 200 words • Very well written

<p>Effective</p> <p>80-89%</p>	<ul style="list-style-type: none"> • Advances the discussion and body of knowledge providing relevant, original thoughts to the question • Conveys thoughts in a well-rounded manner that show understanding, critical thought, and application of concepts 	<ul style="list-style-type: none"> • Student cites 2 peer-reviewed sources in the body of the post • Not in appropriate APA format 	<ul style="list-style-type: none"> • Post 178-200 words • Well written
<p>Competent</p> <p>70-79%</p>	<ul style="list-style-type: none"> • Makes mostly complete response to the questions • Mostly restatement of materials • Conveys thoughts adequately; however, need to further develop critical aspects 	<ul style="list-style-type: none"> • Student cites 1 peer-reviewed source. • Not in appropriate APA format 	<ul style="list-style-type: none"> • Post is 158-178 words • A few writing errors
<p>Minimal</p> <p>0-69%</p>	<ul style="list-style-type: none"> • Provides weak contribution to the discussion board • Does not convey concept understanding • Shows evidence of critical thought but is not concise or complete 	<ul style="list-style-type: none"> • Does not cite any peer-reviewed sources • Addresses questions in a manner that is unclear • Not appropriate APA format 	<ul style="list-style-type: none"> • Post is less than 158 words • Poorly written • 0 points for posts submitted after 11:59 PM EST on Thursday

Discussion Board Peer Response Rubric – Undergraduate

<u>Peer Response Rubric</u>	<u>Content</u>	<u>Support & References</u>	<u>Mechanics & Length</u>
<p>Mastery</p> <p>90-100%</p>	<ul style="list-style-type: none"> • Advances discussion providing additional commentary that is relevant or offers an alternative • Critical thought development is evidenced by thoughtful and meaningful responses • Source is relevant and published in last 3 years 	<ul style="list-style-type: none"> • Student cites 2 peer-reviewed sources in the body of the posts • Proper APA format 	<ul style="list-style-type: none"> • Post exceeds 150 words • Very well written
<p>Effective</p> <p>80-89%</p>	<ul style="list-style-type: none"> • Advances discussion providing additional commentary and critique • Responses are correct but mostly restate the peers' viewpoints without development of critical thought 	<ul style="list-style-type: none"> • Student cites 2 peer-reviewed sources • Not in appropriate APA format 	<ul style="list-style-type: none"> • Post is 133-150 words • Well written

	<ul style="list-style-type: none"> • Source is relevant and published in last 3 years 		
Competent 70-79%	<ul style="list-style-type: none"> • Shows adequate understanding of the knowledge and concepts posted by peers • Responses are mostly, "I agree..." • Source is somewhat relevant and published in last 5 years 	<ul style="list-style-type: none"> • Student cites 1 peer-reviewed source • Not in appropriate APA format 	<ul style="list-style-type: none"> • Post is 118-132 words • A few writing errors.
Minimal 0-69%	<ul style="list-style-type: none"> • Shows minor comprehension of concepts and viewpoints from peers. • Responses are vague and do not show understanding or comprehension 	<ul style="list-style-type: none"> • Does not cite any peer-reviewed sources • Not appropriate APA format 	<ul style="list-style-type: none"> • Post 0-118 words • Poorly written • 0 points for posts submitted after 11:59 PM EST on Sunday

Assignment/Case Study/Course Project Rubric

<u>Assignment Rubric</u>	<u>Critical Thinking</u>	<u>References & Organization</u>
Mastery 90-100%	<ul style="list-style-type: none"> • Relevant use of vocabulary throughout • Demonstrates superior knowledge of concepts and theories • Addresses problem/issue directly • Demonstrates active critical thinking relevant to problem identification and effective solutions 	<ul style="list-style-type: none"> • Professional writing structure. • Well-organized response. • Student cites appropriate, current peer-reviewed sources • Proper APA format • Exceeds 500 words
Effective 80-89%	<ul style="list-style-type: none"> • Demonstrates satisfactory understanding • Lacks answer to all questions/full scenario • Demonstrates some knowledge of content and professional vocabulary • Content needs additional focus for innovative responses other than restatement of text. 	<ul style="list-style-type: none"> • Student cites some relevant, current peer-reviewed sources. • Follows directions • APA formatting demonstrated but not extensive. • 450-500 words
Competent 70-79%	<ul style="list-style-type: none"> • Inconsistent comprehension • Marginal responses • Content, concepts, ideas/responses are not fully developed 	<ul style="list-style-type: none"> • Sources are outdated or ineffective. • Lacks focus on content • Unorganized • Some writing errors • Not in appropriate APA format.

		<ul style="list-style-type: none"> • 400-449 words
<p>Minimal</p> <p>0-69%</p>	<ul style="list-style-type: none"> • Consistently below expectations • Lacks significant details of the assignment • Lacks critical thought, analysis, and application. • Partially addresses the topic 	<ul style="list-style-type: none"> • Does not cite any peer-reviewed sources • Not appropriate APA format • 0-399 words • Poorly written. • 0 points for late assignments