Lives of Significance and Service
NORTH PARK UNIVERSITY CHICAGO

School of Business and Nonprofit Management
Course Syllabus

Course: *SBNM 5085 Employment Law*
Academic Year: 2012/13 **Semester/Quad: Spring A**
Credit Hours: 2 Sh
Prerequisites: None

Instructor: *Kathryn M. Vanden Berk, J.D.*

Phone: 312-558-1690 Office

Email: kvandenberk@northpark.edu

Availability:

I am a practicing attorney with a full load of client work. However, I am available during business hours by email or phone. Please feel free to call or email if you have a question. I will schedule in-person meetings on campus by appointment as I am able.

Course Description:

This course seeks to provide the basic principles of law that govern the relationship between a business and those who work for it. We will review the regulatory systems that implement and enforce federal and state laws, and we will explore cases that arise out of workplace disputes.

This course is applicable to both for-profit and nonprofit situations. While there are some ways in which for-profit businesses and nonprofits differ in the ways that they manage human resources, in most instances they are the same.

My goal is not to train you to be an employment lawyer. Rather, it is to help you identify legal issues that are inherent in employment relationships so that you can more effectively deal with them. Your knowledge of employment law will be a valuable asset no matter where your career might take you.

Introductory Comments:

I have been involved with employment issues for many years, and for that reason I will not only focus on our readings, but also on personnel matters that have arisen in the course of my practice.

Over the course of my career, I have worked with clients who are highly competent in managing their human resource function – and many who are not. It is my hope and expectation that this class will teach you to recognize the importance of a solid HR program and give you the resources to create one.

Course Materials:

REQUIRED

Textbook(s): **Dawn D. Bennett-Alexander and Laura P. Hartman**
Employment Law for Business,7th Edition (ISBN: 978-0-07-352496-2

Articles: Available in Moodle

Cases: In Textbook

RESOURCES

Additional Resources are posted in Moodle.

Essential IDEA Objectives:

1. Gain factual knowledge about the management of human resources in a business setting.
2. Learn basic statutory law and common law principles that apply to everyday workplace issues.
3. Develop specific skills, competencies, and points of view needed by those who work in human resource offices or have personnel management as an essential function of their job.

Specific Course Objectives:

1. Understand the most important federal and state laws and regulations.
2. Understand the concept of "at-will" employment and its many exceptions.
3. Understand how workplace issues result in both good and bad case law.
4. Learn how to analyze and resolve common workplace situations.
5. Learn how to develop and implement personnel policies and procedures.

Course Methodology:

Our review of this important and complex area of the law must be accomplished in the course of seven weeks. This is a challenge. Our textbook is a very good resource for reviewing history, policy, and interesting cases. We will discover that simple legal principles can become complicated because of the unique "facts and circumstances" of each case.

We will highlight the most important principles by reading and lecture, and we will apply them to actual case situations in class discussions and group work.

It is imperative that each week's reading be completed before class and that your weekly written reports are uploaded to Moodle prior to class for discussion purposes. I intend for you to teach each other, and there is no better way to do this than to make you responsible for the teaching role.

Computer Requirements:

In order to effectively participate in and successfully complete this course, you must have access to a computer and a high-speed internet connection. **If at all possible, bring your laptops to class.** Please visit http://www.northpark.edu/Campus-Life-and-Services/Information-Technology/Network/Minimum-Requirements for information on computer requirements.

Schedule of Weekly Assignments:

Week	Dates	Topics	Assignment(s)
1	*Jan.16*	*Regulation of the Employment Relationship* *The structure of U.S. court & administrative law systems* *The structure of a lawsuit* *Agency Law (Master & Servant)* *Independent Contractors v. Employees* *Employee Classifications* *Full-Time/Part-Time* *Short Term/Temporary* *FLSA: Exempt & Non-Exempt* *Interns* *At-Will Employment and Wrongful Discharge*	*Read Chapters 1 & 2 in Bennett* *Read Case 1 (Murray) and 2 (Friendly Cab) on pp. 35-40 and be prepared to discuss them in class* *Read Case 1 (Palmateer) p 84 in Bennett* *Read Palmateer cases posted on Moodle*
2	*Jan. 23*	*Title VII of the Civil Rights Act of 1964* *How it works* *Who is covered* *How claims go through the system* *Employment Discrimination Concepts* *Rebuttable Presumptions and Shifting the Burden* *How to establish a prima facie case* *How to present a defense* *Personnel Policies & Employee Handbooks* *Policy v. Procedure* *Recruiting, Interviewing, Testing* *Resources for the Practitioner*	*Read Chapter 3 & 4 in Bennett* *Materials on Moodle* *Assigned Case summary (1-2 pages)* *What happened?* *Why is it important to this week's topic?*
3	*Jan. 30*	*Affirmative Action* *Race & Color Discrimination* *National Origin Discrimination* *Diversity Initiatives*	*Read Chapters 5-7 in Bennett* *Materials on Moodle* *Assigned Case summary (1-2 pages)* *What happened?* *Why is it important to this week's topic?*
4	*Feb. 6*	*Gender Discrimination* *Sexual Harassment* *Quid pro Quo* *Equal Pay Act* *Pregnancy Discrimination Act* *How to Conduct Investigations when complaints have been filed*	*Read Chapters 8-10 in Bennett* *Materials on Moodle* *Assigned Case summary (1-2 pages)* *What happened?* *Why is it important to this week's topic?*

Week	Dates	Topics	Assignment(s)
5	*Feb. 13*	*Religious Discrimination* *Age Discrimination* *Progressive Discipline* *Termination & Severance Agreements* *Retaliation*	*Read Chapters 11 & 12 in Bennett* *Materials on Moodle* *Assigned Case summary (1-2 pages)* *What happened?* *Why is it important to this week's topic?*
6	*Feb. 20*	*Disability Discrimination* *The Americans with Disability Act (ADA)* *Definitions* *Emotional/Mental Impairments* *The Family and Medical Leave Act (FMLA)* *Worker's Compensation* *HIPAA* *Interactions between ADA and FMLA*	*Chapter 13 in Bennett* *Materials on Moodle* *Assigned Case summary (1-2 pages)* *What happened?* *Why is it important to this week's topic?*
7	*Feb. 27*	*Employee Rights to Privacy* *Management of Personnel Systems* *Use of Communication Systems* *Social Networking*	*Chapters 14 & 15 in Bennett* *Materials on Moodle* *Assigned Case summary (1-2 pages)* *What happened?* *Why is it important to this week's topic?* ***Final Paper Due***

Grading:

Assignment	Points	Grade %
Class Participation	15	15
Weekly Reports (Weeks 2-6)	45	45
Final Exam	40	40
Total	*100*	100%

Grade Mapping:

Numeric Grade	Letter Grade	Numeric Grade	Letter Grade	Numeric Grade	Letter Grade
95-100	A	80-82	B-	67-70	D+
90-94	A-	77-79	C+	63-66	D
87-89	B+	73-76	C	60-63	D-
83-86	B	70-72	C-	<60	F

Assignment Grading Policies:

Weekly reports are to be filed prior to class so they are available to lead the class through that week's discussion. Papers filed after class begins will be given 0 points. Weekly papers will be graded on their ability to develop an informed discussion by the class.

The final paper is 8-10 pages and will consist of several case scenarios. You are not expected to present a lawyer's brief, but I will share an excellent paper with you and expect you to use it as a guide to your completing own work.

All papers will be graded based on (1) knowledge, (2) the quality of your analysis, (3) your use of sources, and (4) your presentation using the grading rubric below.

Criteria	Points	Comments
KNOWLEDGE (30%) 30-29 28-25 24-23 22-21 Supr Excl Good Fair • Shows factual accuracy • Uses thorough, balanced, relevant knowledge • Places topic in context of case presented		
ANALYSIS (30%) **30-29 28-25 24-23 22-21** Supr Excl Good Fair • Offers personal interpretation or argument • Uses evidence to prove a conclusion • Demonstrates significance of case to employment issue presented in it		
SOURCES (20%) **20-19 18-15 14-13 12-11** Supr Excl Good Fair • Uses depth & range of available sources • Effective use of sources		
PRESENTATION (20%) **20-19 18-15 14-13 12-11** Supr Excl Good Fair • Tells a coherent, well-organized narrative • Answers fundamental question posed by case • Shows attention to detail and makes ultimate sense		
SUBTOTAL		
RULES CONSIDERATIONS • Filed after deadline = - 5 points • Plagiarism = -10 points		
TOTAL		

POLICY STATEMENTS

Academic Honesty

In keeping with our Christian heritage and commitment, North Park University and the School of Business and Nonprofit Management are committed to the highest possible ethical and moral standards. Just as we will constantly strive to live up to these high standards, we expect our students to do the same. To that end, cheating of any sort will not be tolerated. Students who are discovered cheating are subject to discipline up to and including failure of a course and expulsion.

Our definition of cheating includes but is not limited to:

1. Plagiarism – the use of another's work as one's own without giving credit to the individual. This includes using materials from the internet.
2. Copying another's answers on an examination.

3. Deliberately allowing another to copy one's answers or work.
4. Signing an attendance roster for another who is not present.

In the special instance of group work, the instructor will make clear his/her expectations with respect to individual vs. collaborative work. A violation of these expectations may be considered cheating as well. For further information on this subject you may refer to the Academic Dishonesty section of the University's online catalog.

In conclusion, it is our mission to prepare each student for a life of significance and service. Honesty and ethical behavior are the foundation upon which such lives are built. We therefore expect the highest standards of each student in this regard.

Attendance Policy for Graduate Courses

The graduate courses in the SBNM are all 7 weeks in length. Missing one class session is allowed without penalty as long as all readings and assignments are made up by the student within a reasonable time period (the following week). Failing to log into an online course site for an entire week is allowed, but a penalty may be applied at the instructor's discretion. Missing a second class session is allowed only in unusual circumstances by prior arrangement with the instructor. Since this represents almost 30% of the engagement time for the course, the student runs the risk of receiving a lower overall grade for the class. Faculty are encouraged to drop the course grade by a full letter grade in this situation. A student who misses three classes (or the equivalent for an online class) will automatically fail the course, unless the student drops the course before the seventh week of class. Students who drop a course will be held responsible for tuition, based upon the current North Park University policy outlined in the University Catalog (found on the NPU website).

Attendance Policy for Undergraduate Courses

Attendance and participation are vital. Thus, students are expected to attend every class session, and to arrive on time – tardiness is undesirable and disruptive to your fellow classmates. This course has a strict requirement of documented, advance notification. If you are unable to attend any class session, you are to inform me (preferably by email) ***prior to*** that session. You need to provide a reason for your absence. Failure to provide advance notification will result in an unexcused absence. Be advised that poor attendance can affect your grade adversely

APA Requirement

The School of Business and Nonprofit Management (SBNM) has adopted the *Publication Manual of the American Psychological Association* (APA) as the standard and required format for all written assignments in SBNM courses.

Our goal in adopting the *APA Manual* is to enhance student learning by:

1) Improving student's writing skills.
2) Standardizing the required format of all written assignments in all SBNM courses.
3) Emphasizing the importance of paper mechanics, grammatical constructs, and the necessity of proper citations.
4) Holding students accountable for high quality written work.

If you are unfamiliar with the requirements of the *APA Manual*, we recommend that you purchase the reference manual and/or that you consult one or more of the suggested resources as listed on the

Student Resources section of the SBNM website. ***It is your responsibility to learn and ensure that all written work is formatted according to the standards of the APA Manual.***

Students with Disabilities

Students with disabilities who believe that they may need accommodations in this class are encouraged to contact your program's office (Business: 773-244-6270). Please do so as soon as possible to better ensure that such accommodations are implemented in a timely manner. For further information please review the following website: http://www.northpark.edu/ada