

**Fordham Law School**  
**Employment Law, Fall 2024**  
**LBGL0361051**  
**Monday Evening, 6:00pm-7:50pm (EST), 2 credits, Online**  
**Lori B. Rassas (lorirassas@gmail.com) (917-476-8962)**

**Course Description**

This course will examine the employment relationship—from the entry, through the exit and beyond—and will include coverage of the major federal statutes, regulations, and common law doctrines that impact that relationship.

**Reading Materials**

Required Text: *Employment Law: Cases and Materials* by Mark A. Rothstein and Lance Liebman (Foundation Press, Thomson/West 9<sup>th</sup> ed). \*\*Note we will be using the 9<sup>th</sup> edition and the full text, not the condensed version of the casebook.

Optional Supplemental Resource: *Employment Law: A Guide to Hiring, Managing and Firing for Employers and Employees* by Lori B. Rassas (Wolters Kluwer Law & Business, 5<sup>th</sup> ed. 2023).

**Learning Outcomes**

Students who successfully complete this course will have a basic understanding of the employment relationship from the time an individual applies for a position until the point at which the relationship ends. Specifically, students will have a working knowledge of and be able to identify and discuss issues relating to:

- the circumstances that make an employment relationship distinct from other business relationships
- foundational knowledge about Title VII and its prohibition of workplace discrimination based on race, color, national origin, religion, sex, pregnancy, and genetics, the prohibition of age discrimination under the Age Discrimination in Employment Act (ADEA), the prohibition of discrimination based on disabilities under the Americans with Disabilities Act (ADA)
- the appropriate way to recruit employees from a diverse applicant pool, collect information during the hiring process through an application and interview, and utilize pre-employment testing
- foundation knowledge about the Fair Labor Standards Act and the obligations of employers to compensate its employees pursuant to it

- the balance between an employer's right to manage its employees and an employee's right to be left alone
- the rights of employers to regular the social media use of its employees
- the concept of employment-at-will
- the voluntary and involuntary ending of the employment relationship
- the payment of severance and other post-employment obligations.

### **Learning Strategies**

This course will be comprised of lectures and group discussions, and students will be provided with several opportunities to work with in small groups to answer questions designed to reinforce key concepts.

### **Assessment**

#### *Attendance and Participation*

Students are expected to attend all classes. This includes logging onto the class on time and remaining for the entire class session with your camera on, provided you are medically able to do so. Please be sure you are in a quiet space, free of distractions including any pets. Our virtual classroom is intended to parallel an in-person classroom. You should not be in a car, preparing a meal, folding laundry, or performing any other tasks during class time. If you are unable to attend a class due to illness or emergency, please let me know ahead of time and be sure to obtain the class notes and any relevant updates from a classmate.

Students are expected to come to class prepared to discuss the weekly materials. In addition, throughout the semester, particular casebook problems may be discussed in class, and students will be expected to participate in those discussions. I am particularly interested in developing your critical thinking skills, which will require you to engage with, listen to, and learn from your classmates. I encourage comments and questions that deepen the understanding of the material for the entire class. I am far more interested in the quality of your comments and questions than the quantity.

**To help me keep track of who is in the class, please modify your profile so that your name appears in the following format in the participant window: preferred first name and then your last name.**

#### *Course Grade*

Your course grade will be based on the open book/notes final examination that will be given during the date/time assigned by the Law School. In addition, your grade may be adjusted by a half-step for attendance and class participation. \\\

**Your final exam schedule is set by the Registrar’s Office and is currently scheduled for Wednesday, December 11, 2024, at 5:30pm.** Your final exam is open book/open notes, will be held in person, not online, and you will have three hours to complete your exam.

Throughout the semester we will be reviewing hypothetical questions on a wide range of employment law topics, so you will be familiar with the types of questions that will be on your final exam; some of the hypotheticals discussed during the semester will be prior exam questions. Toward the end of the semester, I will also post several prior exams to assist you in your final exam preparation.

The open book/notes final exam will cover all the course materials. You may be asked about materials in the assigned reading, regardless of whether we covered all the information in class. However, the exam will emphasize the materials viewed as most important, which will be clear if you attend class.

**Class Schedule**

Following is a *tentative* class schedule which is subject to change based on how the class progresses and students’ interests in particular topics.

Week	Date	Reading Assignment from required textbook: <u>Employment Law: Cases and Materials</u>	Optional Supplemental Reading from: <u>Employment Law: A Guide to Hiring, Managing and Firing for Employers and Employees</u>
1.	8/26/24	Introduction to employment law.  The classification of individuals who perform services for compensation.  Chapter 2, Introduction to Employment Law, 17-27, 37-76 (skim to get an overview of the different sources of law)	Chapter 1. Introduction to employment law and the employment relationship.  Chapter 8. Employees Versus Independent Contractors
	9/2/24	No Class. Law School is closed for Labor Day.	
2.	9/9/24	Continuation of the discussion about classifications (employees vs. independent contractors) and introduction to workplace discrimination.	Chapter 8. Employees Versus Independent Contractors

Week	Date	Reading Assignment from required textbook: <u>Employment Law: Cases and Materials</u>	Optional Supplemental Reading from: <u>Employment Law: A Guide to Hiring, Managing and Firing for Employers and Employees</u>
3.	9/16/24	<p>Overview of Discrimination: Title VII, ADA, ADEA, protected classes, disparate treatment, disparate impact</p> <p>213—242, 294-301 (stereotypes), 260-282 (sexual harassment), 318-322 (disparate impact).</p> <p>These cases are particularly significant within the context of discrimination law and will likely be covered in detail in the course in employment discrimination: <i>McDonnell Douglas Corp. v. Green</i> (222), <i>Price Waterhouse v. Hopkins</i> (227), <i>Griggs v. Duke Power Co.</i> (318).</p>	<p>Chapter 2. Title VII—the Foundation of Workplace Discrimination (highly recommended as an overview). Chapter 3. Race, Color, and National Origin Discrimination Chapter 5. Sex, Pregnancy, and Genetic Discrimination Chapter 6 Age Discrimination Chapter 15. Workplace Harassment</p>
4.	9/23/24	Continuation of discussion of discrimination: reasonable accommodations.	<p>Chapter 4. Religious Discrimination Chapter 7. Disability Discrimination</p>
5.	9/30/24	<p>Recruitment, applications, interviews, and references</p> <p>79-93, 115-125, 132-147, 205-211</p>	<p>Chapter 9. Recruiting and Assembling a Diverse Applicant Pool Chapter 10. Collection of Information: the Application and Interview</p>
6.	10/7/24	<p>Continuation of recruitment, applications, interviews, and references</p> <p>79-93, 115-125, 132-147, 205-211</p>	<p>Chapter 9. Recruiting and Assembling a Diverse Applicant Pool</p> <p>Chapter 10. Collection of Information: the Application and Interview</p>
	10/14/4	No class. Law School closed for Columbus Day.	
7.	10/21/24	<p>Compensation, the Fair Labor Standards Act, and the Equal Pay Act</p> <p>Chapter 5, Wages and Hours, 475-485, 568-579</p>	Chapter 12. Compensation and Benefits

Week	Date	Reading Assignment from required textbook: <u>Employment Law: Cases and Materials</u>	Optional Supplemental Reading from: <u>Employment Law: A Guide to Hiring, Managing and Firing for Employers and Employees</u>
8.	10/28/24	Continuation of compensation, the Fair Labor Standards Act, and the Equal Pay Act  Chapter 5, Wages and Hours, 475-485, 568-579  Hours worked, interns and volunteers. Other provisions under the FLSA.  Chapter 5, Wages and Hours, 533-544	Chapter 12. Compensation and Benefits
9.	11/4/24	Employee liberties and privacy  Chapter 7, 677-678, 684-690, 695-710, 739-744  Introduction to At-Will Employment	Chapter 16. Workplace Privacy and Personal Expression Chapter 17. Regulation of Off-Duty Conduct
10.	11/11/24	At-Will Employment and its Exceptions  Chapter 10, Discharge, 871-872, 887-896, 901-927, 946-953, 963-966, 980-989	Chapter 18. Employment-at-Will Chapter 19. Ending the Employment Relationship
11.	11/18/24	Continued discussions of at-will employment and its exceptions  Chapter 10, Discharge, 871-872, 887-896, 901-927, 946-953, 963-966, 980-989  The Family and Medical Leave Act, 654-656 Retirement, 1148-1175 Submit any of your “muddiest points” you would like to cover in our review.	Chapter 18. Employment-at-Will Chapter 19. Ending the Employment Relationship  Chapter 13. Paid and Unpaid Leave
12.	11/25/24	Overview of the National Labor Relations Act as it relates to protected concerted activity and social media.  Submit any of your “muddiest points” you would like to cover in our review.	Chapter 18. Employment-at-Will Chapter 19. Ending the Employment Relationship
13.	12/2/24	Review of “muddiest points.”  Review for final exam, including review of prior final exams.	

## **Guidelines for Online Classes**

### *Class Timing*

I plan to start each class on time, so please do your best to log on at the start of class.

### *Platforms*

Classes will be held on Zoom each week. Relevant information will also be posted on LawNet.

### **Zoom Links**

We will meet on Zoom from 6:00pm-7:50pm EST on Monday evenings from August 26th, 2024, through Monday, December 2, 2024. Note there is no class on Monday, September 2<sup>nd</sup> (Labor Day) or Monday, October 14<sup>th</sup> (Columbus Day).

You can access each class using the following log-in information, which is also posted in the Announcement Section on LawNet.

Topic: Fordham Law Online (Fall 2024)

Time: Aug 26, 2024 06:00 PM Eastern Time (US and Canada)

Every 7 days, until Dec 2, 2024, 13 occurrence(s)

Aug 26, 2024 06:00 PM

Sep 9, 2024 06:00 PM

Sep 16, 2024 06:00 PM

Sep 23, 2024 06:00 PM

Sep 30, 2024 06:00 PM

Oct 7, 2024 06:00 PM

Oct 21, 2024 06:00 PM

Oct 28, 2024 06:00 PM

Nov 4, 2024 06:00 PM

Nov 11, 2024 06:00 PM

Nov 18, 2024 06:00 PM

Nov 25, 2024 06:00 PM

Dec 2, 2024 06:00 PM

### **Join Zoom Meeting**

**<https://fordham.zoom.us/j/82134905326?pwd=Ka8axFcNsaLf7lnBRDCcbpEDtayUHu.1>**

**Meeting ID: 821 3490 5326**

**Passcode: 279988**

One tap mobile

+16465588656,,82134905326# US (New York)

+16469313860,,82134905326# US

Dial by your location

- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US

Meeting ID: 821 3490 5326

Passcode: 279988

### *Video and Audio Feed*

To help facilitate a conversation and build a community among the class please keep your video on for the duration of each class session. If this is a problem for you, please let me know. As a reminder, please modify your profile so that your name appears in the following format in the participant window: preferred first name and then your last name. Please log on to class in a quiet place and please mute your audio when not speaking to minimize any background noise.

### *Chat Function*

During class, I prefer that you not use the chat session to communicate with me or with your classmates. Please raise your virtual hand if you have any questions or comments. And, if you have any questions that are not answered during class, you can also always email me your question offline.

### *Visitors*

Visitors are not allowed in class.

### *Office Hours*

I will hold office hours by appointment. Please email me to set up a mutually agreeable time for us to speak via Zoom or by phone. In addition, you can always email me any questions or concerns.

### *Recording*

Due to concerns about student privacy, none of our synchronous class sessions will be recorded. Please note that Article XXII of the Academic Regulations prohibits students from recording our class sessions without permission. (In the event a course will be recorded pursuant to a reasonable accommodation related to a disability or a religious belief or practices, students will be informed that a particular class will be recorded. Please understand that the recording may be started and stopped to prevent the recording of any sensitive discussions).