COURSE SYLLABUS
LABOR AND EMPLOYMENT LAW (BLAW 485)
Professor Golden
Fall 2013

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Office Hours: Monday: 1:45 p.m. – 3:45 p.m.
Wednesday: 1:45 p.m. – 2:45 p.m.
And by appointment

Please note: there will be no office hours held on Wednesday, Sept. 4
Prerequisite: BLAW 280 & BLAW 308

Moodle
IT IS YOUR RESPONSIBILITY TO CHECK MOODLE REGULARLY FOR ANNOUNCEMENTS AND OTHER PERTINENT INFORMATION RELATED TO THE COURSE.

Mission
The mission of the Department of Business Law is to enable students, through excellence in teaching, to recognize and analyze legal issues arising in the business environment.

Method of Instruction
The class will be taught by a combination of lecture and class discussion methods. Students will be called on to answer questions about the reading, and to read their answers to the homework assignments.

Objectives of the Course
Business Law 485 is designed to provide students with a basic understanding of both labor and employment law. The course will examine the roles and responsibilities of unions and employers, as well as specific employment issues – such as discrimination based on sex, age, or disability – relevant to employers and employees alike. You will continue to improve your analytical reasoning and writing skills developed in Business Law 280 and 308, and ability to communicate that analysis, both orally and in writing. You will read court decisions, prepare written answers to questions about those decisions, and answer hypothetical questions both in writing and in open class discussion. You are also encouraged to comment on and evaluate the law. Ethical issues related to class topics will also be discussed.

Class Preparation
The assignments are included in this syllabus. Be prepared to complete one full assignment each week. Even if we do not complete an assignment, prepare the next full assignment for the next week. Reading will be assigned from the textbook, and may also be assigned from on-line articles. Writing assignments will contain questions on the reading and articles, as well as problems at the end of each chapter. You are required to bring your answers to the questions and problems to class until the material has been reviewed in class. Homework must be submitted on Moodle no later than 4:00 p.m. on the day it is due in order for you to receive homework credit.

Classroom Policies
Cell phones should be turned off. Barring emergencies, please do not walk out in the middle of class. **DO NOT** text message or use your laptop during lectures. Lectures may not be recorded. Please wait until lecture has concluded before packing up and preparing to leave. No make-up exams will be given, barring extenuating circumstances. **Anyone who text messages in class will lose a participation point and may be asked to leave the class.**

Course Requirements

1. Two midterms: the first midterm will comprise 25% of the final grade and will be the only labor law exam. The second midterm will comprise 20% of the final grade and will cover the first portion of the employment law material. The midterms will be comprised of objective and essay questions. At least 50% of the exams will be essay. Tentative dates are listed, but are subject to change.

2. Final exam: 30% of the final grade. The final exam will have the same format as the midterms and will be given on Monday, December 17 from 5:30 p.m. – 7:30 p.m. It will only cover the employment law material. **All exams will be open notes only.**

3. Class attendance and participation: 10% of the final grade. Your absence or presence will be noted at the beginning of every class session. There are no excused absences. Arrive to class on time. Three late arrivals will constitute one absence. **If a student is absent more than two class sessions, his or her final grade in the class will be reduced one grade level.** For example, if a student's total points equate to a "C" for the semester, that grade will be reduced to a "C-" if the student is absent more than three times. **If a student is absent for 50% or more of the class sessions, that student will receive a grade of "F" in the course.**

You will be called on at random throughout the semester to answer questions or read your answer to a homework assignment. You will receive a participation point simply for reading your homework, regardless of whether or not you answered the question correctly. Once during the semester you may give me a note at the start of class stating that you are unprepared and no negative mark will be made for lack of participation. (Please note: the note does not excuse you from submitting your homework on Moodle.) You must be present in class to give such a note - it is not available as an excuse for an absence. If you are unprepared (and have not submitted a note) or are absent when called upon, you will receive an “unprepared” mark. **Any student who is unprepared will receive a one-point reduction from his or her final grade in the class.**

4. Written assignment: 5% of the final grade. Requirements will be distributed separately.

5. Submitted homework assignments: 10% of the final grade. Each week you will post the required homework assignments on Moodle. Assignments are due **no later than 4:00 p.m. on the day they are due in class. Do not submit assignments in person or via email, unless requested to do so.** You will receive points for completing the homework – the assignments will not be graded. However, in order to receive credit, your answers should be more than a sentence or two long. Students may not submit identical answers. **Make sure to save a copy of your answers and bring them to class.**

Grading Policies
Plagiarism and cheating will not be tolerated. Any student found to have either submitted work that was not his/her own (this includes either another student’s work or information from an uncredited, on-line source) or cheated on an exam will be given an “F” on the assignment, potentially in the class, and may be referred to the office of student affairs for further discipline.

Grades will be given utilizing the grade point scale set forth in the “Regulations” section of the CSUN catalog. Grades are based on a 100 point scale, and plus and minus grading will be used. All cases of cheating result in a grade of “F” for the course and are referred to the Dean’s office for further action. You are responsible for following the academic regulations of the University and the standards of academic honesty applicable to all students. Collaboration on examinations and graded assignments is prohibited.

Extra Credit
During the semester, there may be opportunities for extra credit. However, you should not count on extra credit points as a way of raising your grade.

Please note: the grade reached after averaging the assignments and exams will be the minimum grade you can receive in the course. At the professor’s sole discretion, your course grade may be raised based on outstanding class participation and improvement.

Communication
I am generally accessible via email; please allow 24 hours for a response. When sending an email, please address me appropriately (my title is Professor, not “Hey”), indicate which class you are in and sign your email.
Required Materials & Class Assignments
2. Moodle access and account (available from your computer)

Note: Only write answers to the problems and case questions (CQ) listed. For the problems, answer the questions posed in the syllabus. Otherwise, answer the questions posed in the book. When answering case questions, include a brief summary of the case, explaining what was the primary issue.

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LABOR LAW

1. Read: Chapter 4: The National Labor Relations Act
   Section 4:1 – 4:9; 4:13 – 4:16 p. 58 – 95; p. 102 – 122
   CQ: NLRB v. Town & Country Electric, Inc. #1, #2 p. 82
       NLRB v. Gissel #1, #3 p. 117
       NLRB v. E.A. Sween Co. #1, #2 p. 120
   Problem: #5 p. 134
       Explain whether or not the employer violated the NLRA through its enforcement of its no-solicitation policy.
       #9 p. 135
       Analyze each of the employer’s actions and determine if any NLRA violations occurred.
       #14 p. 137

2. Read: Chapter 5: Employer Unfair Labor Practices
   CQ: NLRB v. J. Weingarten, Inc. #1, #2, #3 p. 146
       IBM Corp. #1, #2 p. 149
       Electromation, Inc. #2, #3 p. 152
       NLRB v. Brown #3, #4 p. 161
       NLRB v. Great Dane Trailer, Inc. #1, #2, #3 p. 165
   Problem: #5 p. 192
       When analyzing the case step by step, explain which tests the Board should apply at each step, and whether or not there’s been Section 8(a)(3) and (1) violations.
       #11 p. 194
       1. When examining each of the employer’s actions, discuss whether or not the employer committed an unfair labor practice and if so, which one;
       2. What kind of case, using which test, should the General Counsel bring on behalf of Denaple.
       #16 p. 198

3. Read: Chapter 6: Regulation of Union Activities
Section 6:1 – 6:5 p. 201 – 223

CQ:
Thornhill v. Alabama #1, #3, #4 p. 206
Carnegie-Illinois Steel Corp. v. United Steelworkers of America #1 – 5
p. 210
Lechmere, Inc. v. NLRB #1, #2, #3 p. 218
NVE Constructors, Inc. v. NLRB #1 p. 222

Problem:
#1, #7, #9 p. 241 – 242
#12 p. 242
1. What does the Board have to decide in order to conclude whether or not
the union’s picketing is lawful?
2. Explain the factors the Board would examine in order to do so.

Optional:
#8, #10 (for extra participation points in class only – do not submit on
Moodle)

4. Watch:
Norma Rae

Do:
Written assignment – Norma Rae questions; submit on Moodle the
following Friday, Sept. 27.

5. Read:
Chapter 7: Legality of Strikes
Section 7:1 – 7:6 p. 245 – 263
CQ:
Mastro Plastics Corp. v. NLRB #2, #3 p. 249
TWA v. IFFA #2, #3, #4 p. 256
Ohio Power Co. v. NLRB #2, p. 258
Standard Concrete Products, Inc. v. Teamsters Local 952 #1, #2 p. 262

Problems:
#1 & #2 p. 271
#4 p. 271
Explain whether or not the strikers are entitled to immediate reinstatement.
#12 p. 274
Analyze each of the hospital’s actions and explain, using the relevant tests,
who gets which job. Hint: pay attention to the order of events.

Labor Law Exam (tentatively scheduled for Oct. 7th)

EMPLOYMENT LAW

1. Read:
Chapter 12: Discrimination Laws
Section 12:1 – 12:5 p. 395 - 432
CQ:
Griggs v. Duke Power Co. #3, #4 p. 413
U.S. v. Villages of Elmwood Park and Melrose Park #1, #3 p. 416
Feldstein v. Christian Science Monitor #1, #2 p. 422

Problem:
#5 p. 467
What part of Title VII should be applied in this case and how? What factors
should the court consider when deciding the case?
#7 p. 468
Which protected class might have a case against the restaurant? Explain
why.

2. Read:
Section 12:6 – 12:7 p. 432 – 448
CQ:
Glenn v. Brumby #1, #2 p. 432
Oncale v. Sundowner Offshore Services, Inc. #2, #3p. 442
How should the Vinson decision impact the waitresses’ case against the restaurant? How would it help the restaurant’s case if the restaurant had a policy of immediately removing offensive customers? Explain who would likely win the case – the waitresses or the restaurant.

Could the restaurant successfully use the BFOQ defense, arguing that the restaurant’s purpose is as much to sell sex as it is to sell food? What would the likely outcome be of the case the male applicants brought against the restaurant and why?

Did the enforcement of the employer’s English-only rule violate Title VII? Explain why or why not, referring to each situation that the boss prohibited Spanish from being spoken.

Did the doctors violate Pettus’s privacy? Did the company have the right to insist that he attend rehab?
Does Smyth have an invasion of privacy case – explain why or why not? Would he be entitled to reinstatement and back pay?

7. **Read:** Chapter 17: Employee Privacy Topics II  
   Section 17:6 – 17:9 p. 652 – 671  
   **CQ:** Anderson v. Philadelphia #1, #3, #4 p. 665  
   Gibson v. Overnight Transportation Co. #1, #2 p. 670  
   **Problems:** #2 p. 671  
   Is the testing unconstitutional? If the testing violates state law, what should the union do, and where could the union challenge the testing (arbitration, NLRB, courts)? What impact would it have if the dispute arises under a CBA that requires arbitration?  
   #6 p. 673  
   Explain each side’s arguments and determine who should win the case.

8. **Read:** Chapter 15: Disability Discrimination Laws  
   Section 15:1 – 15:3; 15:6 p. 553 – 574; p. 584 – 589  
   **CQ:** School Board of Nassau County, Florida v. Arline #2, #3 p. 559  
   U.S. Airways, Inc. v. Barnett #1, #2 p. 571  
   Huber v. Wal-Mart Stores, Inc.  
   Answer the following questions:  
   1. Did the plaintiff make a prima facie case?  
   2. What did each side argue?  
   3. How did other circuits interpret the reassignment language under the ADA?  
   4. What was the court’s conclusion, and why?  
   **Problems:** #7, #11 p. 594 – 596

9. **Read:** Chapter 18: Wage and Hour Law  
   Section 18:1 and 18:3 p. 677 – 689; p. 693 – 697  
   **CQ:** Singh v. Jutla & C.D. & R’s Oil, Inc. #2, #3 p. 684  
   Dingess v. Sacred Heart St. Mary’s Hospitals Inc. #1, #3 p. 687  
   Umbarger v. Virginia Employment Commission #2 p. 696  
   **Problem:** #3 p. 707

**FINAL EXAM:** Monday, Dec. 16, from 5:30 p.m. – 7:30 p.m.