

EMPLOYMENT LAW AND ETHICS

Mgt. Science 259

FALL 2007

INSTRUCTOR: Dr. Paul Michael Swiercz
OFFICE HOURS: Monday 5-7 pm & Wednesday 3-5 p.m. and by appointment
OFFICE: Fungler 315B
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TEXT: Guerin, Lisa & DelPo, Amy, (2006) The Essential Guide to Federal Employment Laws, Nolo Press. ISBN: 1-4133-0602-0

Additional readings on cd and as assigned

BACKGROUND AND PURPOSE:

This course is designed to introduce students to the legal and ethical framework of U.S. employment law. Statutes examined in the course include those that regulate discrimination, compensation, disability, collective bargaining, and privacy. Emphasis is placed upon both the content of the laws and their ethical and moral foundations. Students will be required to critically evaluate each of the laws and develop the skills necessary to express those concerns.

METHOD OF INSTRUCTION:

The majority of class time will be devoted to lectures, discussion of the assigned readings and analysis of key court decisions. Class participation is critical and will be assessed for each student. In this regard reading assigned material as preparation of each class is essential. Minor variations from the class schedule are to be expected in response to special difficulties or interests.

MAKE-UP EXAMS:

As a general rule, a make-up exam will not be permitted. In the event of extenuating circumstances (such as injury, illness or death in the family), you should make an appointment to discuss possible alternatives to a ZERO. In such cases, prior notification is expected whenever possible; I reserve the right to determine reasonableness of absence and evidence of cause.

EVALUATION:

There will be two exams during the term. The exams will include questions from lectures, text, cases, and assigned outside readings.

In addition, students (group projects are encouraged) are required to research a project on an employment law and ethics topic. Specific details for the project will be provided in class.

Point Distribution

Exam I	100pts
Exam II	100pts
Project	200pts
Participation	<u>100pts</u>
Total	500pts

Be advised that it is impossible to receive an "A" in this class without adequate and competent participation. Successful participation is defined by two factors: (a) the ability to respond to specific questions drawn from text, readings and cases; (b) a demonstrated ability to ask high quality questions.

**Fall 2007
COURSE SCHEDULE**

DATE	#	TOPIC	TEXT
Sept 10	1	Introduction Ethics and the Regulated Workplace	Overview
<p>Assigned Readings: <u>The Social Responsibility of Business is to Increase Its Profits by Milton Friedman</u> <u>Summary of the Major Laws of the Department of Labor</u> <u>Heading off Lawsuit Trouble</u></p> <p>Supplemental Reading <u>Report on the American Workforce</u></p>			
Sept. 17	2	Collective Bargaining Law	Chp. 11
<p>Assigned Reading: <u>The New Employers Offensive</u> <u>Bus. Week Auto Industry -- Union Avoidance Wage Effect</u> <u>Labor Day vs. May Day</u> <u>Book Review - Modern Manors Welfare Capitalism since the New Deal</u></p> <p>Supplemental Reading: For an interesting insight into early "voluntary" labor associations check out this web site of the General Society of Mechanics and Tradesmen of NYC. http://www.generalsociety.org Remembering the Flint Sit-Down Strike, 1936-1937 http://www.historicalvoices.org/flint/</p>			

Sept.	24	3	Unionization and Unfair Labor Practices	
			Supplemental Reading: <u>James Finley, Textile Executive, Dies at 86</u>	
Oct.	1	4	Civil Rights Law	Chp. 17, 18
			Assigned Readings: <u>Racism: History of Hatred</u> <u>FBI Letter to Mrs. King</u> <u>Israeli Arabs Say Bias Grounds Their Hopes</u> <u>Harrison Bergeron (Fiction – Making Everyone Equal, Kurt Vonnegut)</u> <u>Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination</u>	
Oct.	8	5	Sex and Family Issues	Chp. 15
			Assigned Reading: <u>Two Women Say They Also Had Abortions</u> <u>Suit Says Refusal to Fire Unattractive Woman Led to Dismissal</u>	
Oct.	15	6	Religion, Age & Disability	Chp. 1,2
			Assigned Readings: <u>High Court Narrows Disabilities Act's Scope</u> <u>Not Exactly What We Intended Justice O'Connor</u> <u>Tune: Too Old to Work</u>	
Oct.	22	7	Fair Labor Standards and Equal Pay	Chp. 8
			Assigned Readings: <u>Workweek Woes</u> <u>Revenge of the Managers</u> <u>U.S. Proposes Wage Rule Changes</u>	
Oct.	29	8	Exam I	

Nov. 5 9 **Employee Retirement Income Security Act** Chp. 5

Assigned Reading:

ERISA at 50

Nov. 12 10 **OSHA** Chp. 12

Assigned Readings:

McWane OSHA Story 1

McWane OSHA Story 2

China's Energy: A Look at Chinese Mine Safety

No Work -- Poem

New Compilation of Injury, Illness Data

Long Working Hours Affect Safety, Health

Nov. 19 11 **Social Security, Workers Compensation and Unemployment Compensation**

Assigned Reading:

Case: Broken Glass, Broken Life

The Myth of Workers Compensation Fraud

Unemployment- Historical Perspective

Unemployment Insurance

Glossary: Workers Compensation

Supplemental Resource:

Audio mp3: A Brief History of Social Security (50 min.)

Remembering Social Security's Forgotten Shepherd

Nov. 26 12 **Wrongful Discharge**

Assigned Reading:

Termination Law

The Seven Tests of Just Cause

Dec. 3 13 **Privacy** Chp. 4

Assigned Reading:

Case: Religious Freedom or Discrimination

AMA Privacy and Monitoring Practices

Workplace Surveillance Trends and Recommendations Report

The Pursuit of Oblivion Drug Taking as Part of Human Nature

Goodbye To Privacy – William Safire

Alternative Dispute Resolution

Assigned Reading:

Mediation Definition

Arbitration Definition

Mandatory arbitration losing appeal among employers

Web Sites for Employment Law and Ethics

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). This organization aims to bring social and economic justice to America by enabling workers to have a voice on the job, in government, and in changing the global economy and their communities.

Bureau of Labor Statistics. This fact-finding agency of the federal government collects, processes, analyzes, and provides essential statistical data regarding a variety of labor-related issues, including employment and unemployment, prices and living conditions, compensation and working conditions, productivity and technology, and employment projections.

National Institute for Occupational Safety and Health (NIOSH). This federal agency conducts research, trains professionals, and develops innovative solutions to occupational safety and health problems. Workers can obtain specific information regarding their occupational health or safety problem from NIOSH.

United States Department of Labor and Industry, Occupational Safety and Health Administration (OSHA). This governmental resource for workers is dedicated to saving lives, preventing injuries, and protecting the health of American workers by working in partnership with working men and women and employers.

United States Department of Labor and Industry, Occupational Safety and Health Administration (OSHA) - Ergonomics. This governmental resource discusses and provides information on ergonomics and program development to prevent or reduce work-related neck and back injuries.

Social Security On Line. A comprehensive resource for all your questions about Social Security. Excellent resource for history of the Act and contemporary controversies. <http://www.socialsecurity.gov>