

UNIVERSITY OF DENVER

DANIELS COLLEGE OF BUSINESS

EMPLOYMENT LAW AND ETHICS

AUTUMN QUARTER – 2007

FACULTY Professor Corey A. Ciocchetti – Department of Business Ethics & Legal Studies

OFFICE DCB 693 (Daniels College of Business – Sixth Floor)

PHONE (303) 871-2391 → Office / (303) 522-7110 → Home / (303) 871-4987 → Fax

E-MAIL ccioच्che@du.edu

DEPARTMENT The Department of Business Ethics and Legal Studies at the University of Denver (<http://www.daniels.du.edu/BusEthics.aspx>) offers an undergraduate minor in Legal Studies. Professionally relevant courses such as E-Commerce Law & Ethics, International Law, Business Ethics & Social Responsibility and Law for the Entrepreneur represent the essence of the Legal Studies minor. Please contact me if you find such a course of study appealing.

OFFICE HOURS Tues. & Thurs. 5:00 – 6:30 pm / also by appointment

COURSE Title → LGST 2960 – Employment Law & Ethics / CRN 3007
LOGISTICS Section → ONE
Day → Tuesday & Thursday from 2:00 – 3:50 pm
Room → DCB _____

- COURSE MATERIALS AND RESOURCES**
1. REQUIRED READING MATERIALS –
 - John Jude Moran – EMPLOYMENT LAW: NEW CHALLENGES IN THE BUSINESS ENVIRONMENT (3RD EDITION)
 - Corey Ciocchetti – REAL RABBITS: CHASING AN AUTHENTIC LIFE
 - Corey Ciocchetti – EMPLOYMENT LAW & ETHICS COURSE PACK.
 2. SUPPLEMENTAL READINGS – This course may utilize the NEW YORK TIMES, the DENVER POST and other media resources to supplemental the primary reading materials.
 3. BLACKBOARD ASSIGNMENTS – Each class session may be supplemented by a particular set of reading assignments detailed in the course schedule below. Assignments may be posted on the course container located on the University's Blackboard system (<http://www.du.edu/blackboard>) under the "Assignments" link.

4. DISCUSSION GROUPS AND RESOURCES – Periodically, I may post discussion forums and additional topic-specific resources on Blackboard to enhance student understanding of the materials.

PURPOSES AND GOALS

Employment Law & Ethics is both a practical and theoretical undergraduate course delivering a comprehensive introduction to major topics, theories and issues relevant to the legal and ethical elements of the 21st century employment law environment. This course also focuses on legal and ethical reasoning and strives to enhance each student's ability to integrate these perspectives into appropriate business decisions. Beyond these overarching goals, Employment Law and Ethics will encourage students to:

- Apply basic legal and ethical concepts to the employment environment;
- Understand the most prominent, cutting-edge legal and ethical employment issues awaiting students upon graduation; and
- Attain a knowledge base that will prove invaluable in each individual's course of study, professional career and personal endeavors.

INSTRUCTIONAL PHILOSOPHY AND PEDAGOGY

The course will include elements of lecture, interactive student to student and student to professor discussion. Class sessions will emphasize topic introductions, theoretical foundations and case and current issue analysis. Besides taking two examinations – the final examination being non-comprehensive – students will also be required to take several quizzes, prepare several written issue papers and actively participate in class discussions. Throughout the quarter, a series of speakers may be invited to discuss legal and ethical issues arising in their professional environments. Students are encouraged to engage these speakers both during and after each presentation. Due to the seminar nature of the course, student participation will carry a great deal of weight from a grading perspective. Additionally, students have two class periods to contest or verify any grade from the date upon which such grade is posted. No exceptions will be made.

If interest exists, review sessions may be held prior to all quizzes and examinations. Specific dates for these reviews will be determined by the class members and each review session is voluntary. It is also beneficial to discuss what I consider to be high quality examination answers and, accordingly, we may dedicate time for a brief answer-review period subsequent to each quiz and examination.

GRADING SCALE

PERCENTAGE RANK	LETTER GRADE	GRADE POINT
93.0 – 100%	A	4.0
90.0 – 92.9%	A-	3.7
86.0 – 89.9%	B+	3.3
83.0 – 85.9%	B	3.0
80.0 – 82.9%	B-	2.7
76.0 – 79.9%	C+	2.3
73.0 – 75.9%	C	2.0
70.0 – 72.9%	C-	1.7
66.0 – 69.9%	D+	1.3
63.0 – 65.9%	D	1.0
60.0 – 62.9%	D-	0.7
0.0 – 59.9%	F	0.0

Grades will be based on the following distribution and weighting:

<u>ENDEAVOR</u>	<u>DATE</u>	<u>WEIGHT</u>
1. EXAMINATIONS		40% (20% per test)
Midterm	Oct. 16 → 2:00 – 3:00 pm	
Final	Nov. 20 → 1:00 – 2:00 pm	
3. QUIZZES		30%
Quiz # 1	Employment Relationship → Sept. 18	
Quiz # 2	Employee Selection & Testing → Sept. 27	
Quiz # 3	Employee Privacy → Oct. 2	
Quiz # 4	Civil Rights → Oct. 9	
Quiz # 5	Religious Discrimination → Oct. 23	
Quiz # 6	Employment Regulation → Nov. 6	
4. ISSUE PAPERS		15%
Paper # 1	Employee Privacy → Oct. 4	
Paper # 2	Civil Rights → Oct. 25	
Paper # 3	Management & Labor Law → Nov. 15	
5. PARTICIPATION & RESUME		15%

GRADING AND EVALUATION

COURSE EVALUATIONS

Course evaluations will be distributed throughout the quarter. These brief surveys will gauge your feelings pertaining to issues such as course pace and structure, usefulness of source materials and overall satisfaction level. Because this is a course designed to be flexible, I will readily utilize your feedback to enhance the class format, materials and dynamics if necessary.

MEET WITH PROFESSOR C!

Students enrolled in each of my courses are required to meet with me at least once over the course of the quarter. These meetings are designed to allow students one-on-one time with their professor to discuss the course, their resume/cover letter format, their major and/or their future! These meetings are fifteen-minutes long and must be scheduled in advance on the “Professor C’s Meeting” sheet. Students failing to attend this meeting by the end of the eighth week of the quarter will receive an automatic 10% deduction from their final participation grade.

PARTICIPATION

Please see the handout entitled PARTICIPATION for a detailed explanation of the participation system for this course.

ACADEMIC INTEGRITY

The Daniels College of Business (the “College”) operates as a learning community whereby true success and achievement demand academic integrity. The College’s community values and standards take written form through the Code of Academic Integrity (located at <http://www.daniels.du.edu/enet/code.cfm>). Please read the entire Code of Academic Integrity before attending your first lecture this quarter and pay special attention to the academic standards reproduced below.

Section II – Fundamental Purpose of the Code * * * The Academic Integrity of the Daniels College of Business is violated when any member of the community

appropriates the work of another as his/her own without attribution. Whether in testing, research, case studies, written reports or other academic assignments, using that which is the product of another's intellectual effort and representing it as one's own is a violation intolerable to the integrity of the community of the College. The academic integrity of the College is also violated when any member of the community takes unfair advantage of his/her colleagues or gives assistance to such conduct whether in testing or in the development of other academic assignments. Such violations which come to the attention of any member of the community require "constructive action" . . . and failure to take such action is itself a violation of the academic integrity of the College. * * *

In addition to the College, the University's of Denver's Office of Citizenship and Community Standards developed an Honor Code (<http://www.du.edu/honorcode>). All University of Denver students also are required to abide by the standards of academic integrity detailed in the University Honor Code.

COURSE SCHEDULE

PART I:

EMPLOYMENT RELATIONSHIPS AND PROCEDURES

INTRODUCTION TO EMPLOYMENT LAW

CLASS I

SEPTEMBER 11, 2007

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|----|--------------------------------|------------|---------------|
| 1. | COURSE INTRODUCTION & SYLLABUS | COURSEPACK | READ SYLLABUS |
| 2. | EMPLOYMENT LAW INTRODUCTION | IN-CLASS | LECTURE |

THE EMPLOYMENT RELATIONSHIP

CLASS II

SEPTEMBER 13, 2007

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|----|--------------------------------------|-------|-----------|
| 1. | EMPLOYEES V. INDEPENDENT CONTRACTORS | MORAN | CHAPTER 1 |
| 2. | EMPLOYMENT AT WILL | MORAN | CHAPTER 1 |
| 3. | EMPLOYMENT CONTRACTS | MORAN | CHAPTER 1 |

CASE BRIEFING & EMPLOYEE SELECTION

CLASS III

SEPTEMBER 18, 2007

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|----|------------------------------------|----------|-------------------|
| 1. | QUIZ # 1 → EMPLOYMENT RELATIONSHIP | IN-CLASS | COMPUTER-REQUIRED |
| 2. | BRIEFING A CASE | IN-CLASS | LECTURE |
| 3. | ADVERTISING & RECRUITING | MORAN | CHAPTER 2 |
| 4. | EMPLOYEE SELECTION | MORAN | CHAPTER 2 |

EMPLOYEE SELECTION - CONTINUED

CLASS IV

SEPTEMBER 20, 2007

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|----|-------------------------------|-------|-----------|
| 1. | PROMOTIONS | MORAN | CHAPTER 2 |
| 2. | NEGLIGENT HIRING | MORAN | CHAPTER 2 |
| 3. | REFERENCES & BACKGROUND INFO. | MORAN | CHAPTER 2 |

EMPLOYEE TESTING

CLASS V SEPTEMBER 25, 2007

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|------------------------------------|-------|-----------|
| 1. APTITUDE & PHYSICAL SKILL TESTS | MORAN | CHAPTER 3 |
| 2. MEDICAL & DRUG TESTS | MORAN | CHAPTER 3 |
| 3. POLYGRAPH TESTS | MORAN | CHAPTER 3 |
| 4. AIDS TESTS | MORAN | CHAPTER 3 |

EMPLOYEE PRIVACY

CLASS VI SEPTEMBER 27, 2007

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|--------------------------------|----------|-------------------|
| 1. QUIZ # 2 → EMPLOYEE TESTING | IN-CLASS | COMPUTER-REQUIRED |
| 2. EMPLOYEE PRIVACY | MORAN | CHAPTER 4 |
| 3. MONITORING OF EMPLOYEES | MORAN | CHAPTER 4 |
| 4. WHISTLE-BLOWING | MORAN | CHAPTER 4 |

PART II: EMPLOYMENT DISCRIMINATION

TERMINATION OF EMPLOYMENT AND CIVIL RIGHTS

CLASS VII OCTOBER 2, 2007

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|---------------------------------------|----------|-------------------|
| 1. QUIZ # 3 → EMPLOYEE PRIVACY | IN-CLASS | COMPUTER-REQUIRED |
| 2. TERMINATION OF EMPLOYMENT | MORAN | CHAPTER 5 |
| 3. CIVIL RIGHTS & DISPARATE TREATMENT | MORAN | CHAPTER 7 |
| 4. CIVIL RIGHTS & DISPARATE IMPACT | MORAN | CHAPTER 7 |

AFFIRMATIVE ACTION AND RACIAL DISCRIMINATION

CLASS VIII OCTOBER 4, 2007

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|---------------------------------|-----------|-----------|
| 1. ISSUE PAPER #1 DUE → PRIVACY | DUE TODAY | |
| 2. INTRODUCTION | MORAN | CHAPTER 8 |
| 3. AFFIRMATIVE ACTION | MORAN | CHAPTER 8 |
| 4. RACIAL DISCRIMINATION | MORAN | CHAPTER 9 |

SEX DISCRIMINATION AND FAMILY DISCRIMINATION

CLASS IX OCTOBER 9, 2007

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|----------------------------|----------|-------------------|
| 1. QUIZ # 4 → CIVIL RIGHTS | IN-CLASS | COMPUTER-REQUIRED |
| 2. SEX DISCRIMINATION | MORAN | CHAPTER 10 |
| 3. FAMILY DISCRIMINATION | MORAN | CHAPTER 12 |

SEXUAL HARASSMENT AND SEXUAL ORIENTATION

CLASS X OCTOBER 11, 2007

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|-----------------------|-------|------------|
| 1. INTRODUCTION | MORAN | CHAPTER 11 |
| 2. SEXUAL HARASSMENT | MORAN | CHAPTER 11 |
| 3. SEXUAL ORIENTATION | MORAN | CHAPTER 13 |

MIDTERM EXAMINATION

**CLASS XI – PLEASE BRING YOUR COMPUTER
OCTOBER 16, 2007 → 2:00 – 3:50 PM → IN OUR CLASSROOM**

RELIGIOUS DISCRIMINATION

CLASS XII OCTOBER 18, 2007

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|---------------------------|-------|------------|
| 1. INTRODUCTION | MORAN | CHAPTER 14 |
| 2. ACCOMMODATION AND BFOQ | MORAN | CHAPTER 14 |

AGE DISCRIMINATION AND DISABILITY DISCRIMINATION

CLASS XIII OCTOBER 23, 2007

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|--|----------|-------------------|
| 1. QUIZ # 5 → RELIGIOUS DISCRIMINATION | IN-CLASS | COMPUTER-REQUIRED |
| 2. AGE DISCRIMINATION | MORAN | CHAPTER 16 |
| 3. DISABILITY DISCRIMINATION | MORAN | CHAPTER 17 |
| 4. REASONABLE ACCOMMODATION | MORAN | CHAPTER 17 |

ALTERNATIVE FORMS OF DISCRIMINATION

CLASS XIV OCTOBER 25, 2007

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|-----------------------------------|-----------|------------|
| 1. ISSUE PAPER # 2 → CIVIL RIGHTS | DUE TODAY | |
| 2. NATIONAL ORIGIN DISCRIMINATION | MORAN | CHAPTER 15 |
| 3. OTHER FORMS OF DISCRIMINATION | IN-CLASS | LECTURE |

PART III: EMPLOYMENT REGULATION

WAGE/HOUR LAWS AND OSHA

CLASS XV OCTOBER 30, 2007

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|---------------------------------|-------|------------|
| 1. WAGE & HOUR REGULATION | MORAN | CHAPTER 19 |
| 2. OCCUPATIONAL SAFETY & HEALTH | MORAN | CHAPTER 20 |

WORKERS' COMPENSATION AND EMPLOYEE BENEFITS

CLASS XVI NOVEMBER 1, 2007

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|--------------------------|-------|------------|
| 1. WORKERS' COMPENSATION | MORAN | CHAPTER 21 |
| 2. EMPLOYEE BENEFITS | MORAN | CHAPTER 22 |

PART IV: MANAGEMENT AND LABOR LAW

MANAGEMENT, UNIONS AND COLLECTIVE BARGAINING AGREEMENTS

CLASS XVII NOVEMBER 6, 2007

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|-------------------------------------|----------|-------------------|
| 1. QUIZ # 6 → EMPLOYMENT REGULATION | IN-CLASS | COMPUTER-REQUIRED |
| 2. MANAGEMENT & LABOR UNIONS | MORAN | CHAPTER 18 |
| 3. COLLECTIVE BARGAINING | MORAN | CHAPTER 18 |

REGULATION AND MANAGEMENT AND LABOR LAW'S FUTURE

CLASS XVIII NOVEMBER 8, 2007

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|---------------------------------|----------|------------|
| 1. PERTINENT REGULATIONS | MORAN | CHAPTER 18 |
| 2. THE FUTURE OF EMPLOYMENT LAW | IN-CLASS | LECTURE |

MANAGEMENT, LABOR LAW AND PROFESSIONAL SPORTS

CLASS XIX NOVEMBER 13, 2007

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|----------------------------|----------|----------------|
| 1. NHL LOCKOUT NEGOTIATION | IN-CLASS | GROUP EXERCISE |
|----------------------------|----------|----------------|

IN CONCLUSION

CLASS XX NOVEMBER 15, 2007

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|-------------------------------------|-----------|---------|
| 1. ISSUE PAPER # 3 → LABOR LAW | DUE TODAY | |
| 2. PROFESSOR C'S PHILOSOPHY ON LIFE | IN-CLASS | LECTURE |

FINAL EXAMINATION – NO EXCEPTIONS FOR ABSENCES

**PLEASE BRING YOUR COMPUTER
TUESDAY, NOVEMBER 20, 2007 → 1:00 – 2:50 PM → IN OUR CLASSROOM**

EMPLOYMENT LAW AND ETHICS: CONTENT AREAS AND LEARNING OBJECTIVES

1. **THE EMPLOYMENT RELATIONSHIP**: To identify the major components of the employment relationship; to differentiate between employees and independent contractors; to understand a basic employment contract (including non-compete and non-disclosure clauses); and to explain the concept of employment-at-will.
2. **EMPLOYEE SELECTION**: To recognize and explain the different legal requirements surrounding advertising and recruiting, to understand the concept of negligent hiring and the laws covering workplace violence; and to understand the importance of employee background and reference checks.
3. **EMPLOYEE TESTING**: To recognize and understand the types and legality of employee and applicant testing in the form of aptitude, residency, physical, personality, polygraph, medical, drug and psychological tests.
4. **EMPLOYEE PRIVACY**: To recognize the major federal statutes regulating employee privacy such as the Privacy Act of 1974, the Electronic Communications Privacy Act and the Fair Credit Reporting Act; to understand the invasion of privacy torts as well as defamation; to understand the employer's right to monitor its employees (such as e-mail and voicemail monitoring); to competently discuss whistleblowing and whistleblower protections.
5. **TERMINATION OF EMPLOYMENT AND CIVIL RIGHTS**: To grasp the basics of termination of at-will and contractual employees; to recognize employer actions constituting wrongful and retaliatory discharge; to understand the legal elements of constructive discharge; to explain the difference between disparate impact and disparate treatment; and to recognize the functions of the Equal Employment Opportunity Commission and the main provisions of the Civil Rights Act of 1964.
6. **AFFIRMATIVE ACTION AND RACIAL DISCRIMINATION**: To understand the history of affirmative action; to grasp the basics of a model affirmative action policy; to identify "reverse-discrimination" and its implications; and to recognize racial harassment and discrimination based on color.
7. **SEX DISCRIMINATION AND FAMILY DISCRIMINATION**: To explain sex discrimination and sex-plus discrimination; to recognize a bona-fide occupational qualification based on sex; to explain the implications of the Equal Pay Act; to understand grooming standards based on sex; and to understand major implications of the Family and Medical Leave Act.
8. **SEXUAL HARASSMENT AND SEXUAL ORIENTATION**: To differentiate between quid pro quo and hostile workplace sexual harassment and corresponding employer liability; to understand the basics of a model sexual harassment policy; and to understand the legal implications, if any, of sexual orientation discrimination.
9. **RELIGIOUS DISCRIMINATION**: To grasp when employers must accommodate a religious practice; and to understand the implications of the First Amendment to the United States Constitution to both private and government employers.
10. **AGE, DISABILITY AND OTHER FORMS OF DISCRIMINATION**: To explain age discrimination and its legal implications; and to understand the basics of disability discrimination law (including AIDS discrimination).
11. **WAGE AND HOUR LAWS AND OSHA**: To explain the basic provisions of the Fair Labor Standards Act dealing with minimum wage and overtime; to understand restrictions on child labor; and to detail major OSHA workplace requirements.
12. **WORKERS COMPENSATION AND EMPLOYEE BENEFITS**: To understand the basics of workers compensation and the process involved in filing a workers compensation complaint; to understand employer defenses to a workers compensation claim; to understand the difference between a defined benefit plan and a defined contribution plan; and to understand employer requirements under COBRA and employer privacy standards under HIPAA.
13. **MANAGEMENT, UNIONS AND COLLECTIVE BARGAINING AGREEMENTS**: To understand the history of labor unions and collective bargaining; to explain the major provisions of laws such as the Clayton, Sherman and National Labor Relations Act; to understand the basics of the collective bargaining process and a collective bargaining agreement.
14. **MANAGEMENT AND LABOR LAW AND PROFESSIONAL SPORTS**: To grasp the concept of collective bargaining by negotiating a collective bargaining agreement between the National Hockey League Owners Board of Governors and the National Hockey League Players Association based on the recent lock-out.