GENERAL INFORMATION AND SYLLABUS
BLW 456.001 Employment Law
Spring 2016

Instructor: Dr. J. Keaton Grubbs
Email: jkgrubbs@sfasu.edu
Phone: (936) 468-3103 Department
(936) 468-1576 Office
Office: Nelson Rusche College of Business/McGee Building 229G
Office Hours: 
Monday  9:30 a.m. – 11:30 a.m.
1:30 p.m. – 3:00 p.m.
Tuesday  9:30 a.m. – 10:00 a.m.
12:30 p.m. – 1:00 p.m.
Wednesday  9:30 a.m. – 11:30 a.m.
1:30 p.m. – 3:00 p.m.
6:00 p.m. – 7:00 p.m. (online)
Thursday  9:30 a.m. – 10:00 a.m.
12:30 p.m. – 1:00 p.m.
Other Times By Appointment
Department/School: Business Communication & Legal Studies
Class meeting time/place: TR 11:00 a.m. – 12:15 p.m./McGee Bldg. (BU) 121.

Text: (1) C. Kerry Fields and Henry R. Cheeseman, Contemporary Employment Law 2d, (Aspen College Series - Publisher 2013) ISBN 978-1-4548-1804-5. (2) Assigned readings and other materials such as cases and articles to supplement textbook.

Course Description: A study of the legal principles which define the relationship between employers and employees including obligations imposed by federal and state statutes.

Program Learning Outcomes: Program learning outcomes define the knowledge, skills, and abilities students are expected to demonstrate upon completion of an academic program. These learning outcomes are regularly assessed to determine student learning and to evaluate overall program effectiveness. You may access the program learning outcomes for your major and particular courses at http://www.sfasu.edu/cob/ug-plo.asp.

Course Goals and Objectives: The course focuses on the regulatory environment of the employer-employee relationship in business. Students will become familiar with the legal terms, concepts, rules, and standards in employment law. Students will also be able to understand the different types of employment relationships and the sometimes divergent interests of each party involved. Students will be able to identify employment issues and problems in fact situations and to determine applicable legal principle(s). Overall, students will be better prepared to analyze employment situations relative to managerial policies and decisions in the workplace.

Course Outline: This is a general outline of material and activities expected to be covered. Material covered, dates of exams, and percent of total grade may vary slightly as necessitated by the pace in which material is covered. Any changes will be made in writing and announced and delivered to students during class. Students should also monitor MySFA for pertinent course information.

I. Chapters 1,2,3,4 Employment Law Overview; Recruitment, Selection, Testing, and Termination; Contract and Tort Claims in Employment; Discrimination Claims, EEOC Proceedings, and Alternative Dispute Resolution

II. Chapters 5,6,7 Equal Employment Opportunity and Affirmative Action; Race, Color, and National Origin Discrimination; Gender Discrimination, Sexual Harassment, and Orientation Protection

III. Chapters 8,9,10,11 Religious Discrimination; Disability Discrimination; Age Discrimination; Work-Family Issues and Other EEO Protections
IV. Chapters 12,13,14  Workplace Privacy; Federal Labor Relations; Wage and Hour Laws

V. Chapters 15,16,17,18  Occupational Safety and Workers Compensation; Retirement and Employee Benefits; Immigration Law in the Workplace; The Multinational Employer

VI. Exams (5)

VII. Legal Analysis/Writing Assignments/Selected Chapter Questions

IX. Research/Articles

Exams: (500 Total Points) There will be five (5) examinations during the semester, including the final exam. The final exam is not comprehensive. Each exam will be worth 100 points and will consist of 60-80 true-false and multiple choice questions. Each student is responsible on every exam for all material covered in class and reading assigned outside of class. Missed exams for university-excused absences must be scheduled for make up within two (2) days of the missed exam, or students missing the exam will receive a point value of zero (0) for the missed exam. It is the student’s total responsibility to make arrangements to take the missed exam.

Chapter-End Case Problems: (60 Total Points) There are case problems at the end of each Chapter in the text. Five (5) chapter-end case problems will be assigned from select chapters for written analysis to be turned in. Each student is to write brief but complete responses to the assigned case problems using the attached FIRAC method of legal analysis. Students may collaborate on the analysis, but responses must be individual work. The written analyses are due at the beginning of the scheduled class session for the case problem chapter and must be delivered to the instructor through the Dropbox in the BLW 456 course in the SFA D2L course [https://d2l.sfasu.edu/]. Missed assignments due to a university-excused absence must be made up within two (2) calendar days of the due date, or the student will receive a point value of zero (0) points for the assignment. It is the student’s total responsibility to make up missed assignments. Points for case problems assignments will be determined by (1) the totality of the work (i.e., that all case problems and FIRAC parts are included and have a response) and (2) the substance of the responses (i.e., evidence of thoughtfulness, analysis, and text material support for the response, particularly in the Rule and Application parts). Conciseness, neatness, organization, spelling and grammar are important considerations in the point assessment.

Legal Research and Articles Assignments: (15 Points) Students will be required to file five (5) newspaper, Internet, or good quality photocopies of magazine articles pertinent to course material. Each article is worth three (3) points. To receive credit, each article (1) must relate to a different employment law topic in the text, (2) must be contained on letter-size paper, (3) must have the student’s name and the date submitted, and (4) must include a one sentence handwritten or typed statement BY THE STUDENT at the top or bottom of the first page explaining the employment law subject matter to which the article relates.

Attendance/Class Participation/Course Evaluation: All students are expected to attend class, arrive on time, and prepare to and participate in class discussions. It is an important part of the learning process in this course of study for colleagues to share questions, knowledge and insight with colleagues. The instructor will record attendance during unannounced randomly selected class sessions during the semester (and at any point during the selected class periods). It is the student’s responsibility to make sure they are marked as present. Students will be awarded bonus points of up to 15 points by the instructor based on each student’s participation – including class attendance, preparedness, quality of assigned work (such as written case problem analyses, designated case briefs, exercises, and in-class discussion case problems), and relevance of questions/comments/responses. Students with zero to one absence will be awarded an additional 5 point bonus. Students with excessive absences (more than 4) will not receive bonus points and will have 5 points for each absence over 4 deducted from the final point total. Students will also receive 5 bonus points for participation in the online course evaluation at the end of the semester.
Other Relevant Information:

1. **Food, drink and tobacco products are prohibited in the classroom.**

2. **Medical and Other Serious Problems** - Please take time and make the effort to advise me if you have difficulties which require my attention to properly evaluate your classroom participation and activities.

3. **Late Instructor** - I will make every effort to be in the classroom when the class is scheduled to begin. Students will be advised ahead of time if class is not going to be held (this will be extremely rare). Students are expected to wait 15 minutes before leaving the class for any failure by the instructor to appear at the beginning of the scheduled class time.

4. **Unannounced Quizzes** - I reserve the right to give unannounced quizzes amounting to as much as 10 points each.

5. **Grading** - Grades will be determined on the following scale, based on percentage ratio of student’s total accumulated points to the total possible (575) points for the course. Decimals are rounded up to the nearest whole number (e.g., .794 or 79.4%=80% and would be a B letter grade; .788 or 78.8%=79% and would be a C letter grade).

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
<th>Example</th>
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<tbody>
<tr>
<td>A</td>
<td>89.1-100%</td>
<td>74 points Exam No. 1</td>
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<tr>
<td>B</td>
<td>79.1-89%</td>
<td>75 points Exam No. 2</td>
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<tr>
<td>C</td>
<td>69.1-79%</td>
<td>84 points Exam No. 3</td>
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<tr>
<td>D</td>
<td>59.1-69%</td>
<td>73 points Exam No. 4</td>
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<tr>
<td>F</td>
<td>Below 59.1%</td>
<td>81 points Exam No. 5</td>
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- 447 Accumulated Points
- 15 bonus pts. attn/partic./eval.
- 462 Total Accumulated Points
- 447/575=.778 or 77.8%=C Letter Grade
- 462/575=.804 or 80.7%=B Letter Grade

6. You will need a **Scantron Form 882** for all exams. Scantron forms are available at the respective bookstores on or around the SFA campus.

7. **Tape recording** of any information or class discussion when a graded test is being reviewed is **strictly prohibited**.

8. **Never take an exam or graded answer sheet out of the classroom.** This will result in an automatic zero (0) on the exam. Two violations of this rule will result in an F letter grade for the course.

9. Refer to the SFASU Policies and Procedures Manual (SFASU website) and Student Handbook for University Policies on **excused absences**.

10. **Attentiveness, diligence and perseverance will serve you well in your higher education odyssey.** Plan ahead and keep up. Whenever possible, let the instructor know **in advance** of known or anticipated problems, absences, or other circumstances that you feel should be considered in the administration of the course relative to your participation or performance.

**General Student Policies:**

**Student Conduct (University Policy 10.4):**

*Classroom behavior should not interfere with the instructor’s ability to conduct the class or the ability of other students to learn from the instructional program (see the full Student Conduct Code at [http://www.sfasu.edu/policies/student-conduct-code.pdf](http://www.sfasu.edu/policies/student-conduct-code.pdf)).* Unacceptable or disruptive behavior will not be tolerated. Students who disrupt the learning environment may be asked to leave class and may be subject to judicial, academic, or other penalties. This prohibition applies to all instructional forums, including electronic, classroom, labs, discussion groups, field trips, etc. The instructor shall have full discretion over what behavior is appropriate/ inappropriate in the classroom. Students who do not attend class regularly or who perform poorly on class projects/exams may be referred to the iCare Early Alert Program. This program provides students with recommendations for resources or other assistance that is available to help SFA students succeed.
Student Academic Dishonesty (4.I):
Abiding by university policy on academic integrity is a responsibility of all university faculty and students.

Definition of Academic Dishonesty
Academic dishonesty includes both cheating and plagiarism. Cheating includes, but is not limited to (1) using or attempting to use unauthorized materials on any assignment or exam; (2) falsifying or inventing any information, including citations, on an assigned exercise; and/or (3) helping or attempting to help another in an act of cheating or plagiarism. Plagiarism is presenting the words or ideas of another person as if they were one’s own. Examples of plagiarism include, but are not limited to (1) submitting an assignment as if it were one’s own work when is at least partly the work of another person; (2) submitting a work that has been purchased or otherwise obtained from the Internet or another source; and/or (3) incorporating the words or ideas of an author into one’s paper without giving the author credit. Penalties may include, but are not limited to reprimand, no credit for the assignment or exam, re-submission of the work, make-up exam, failure of the course, or expulsion from the university. Please read the complete policy at [http://www.sfasu.edu/policies/student_academic_dishonesty.pdf](http://www.sfasu.edu/policies/student_academic_dishonesty.pdf)

Course Grades (University Policy 5.5):
At the discretion of the instructor of record and with the approval of the academic unit head, a grade of WH will be assigned only if the student cannot complete the course work because of unavoidable circumstances. Students must complete the work within one calendar year from the end of the semester in which they receive a WH, or the grade automatically becomes an F, except as allowed through policy related to active military service. If students register for the same course in future semesters, the WH will automatically become an F and will be counted as a repeated course for the purpose of computing the grade point average. Please refer to the complete policy at [http://www.sfasu.edu/policies/course-grades.pdf](http://www.sfasu.edu/policies/course-grades.pdf).

Students with Disabilities:
To obtain disability related accommodations, alternate formats and/or auxiliary aids, students with disabilities must contact the Office of Disability Services (ODS), Room 325 in the Human Services Building, 468-3004/468-1004 (TDD) as early as possible in the semester. Once verified, ODS will notify the course instructor and outline the accommodation and/or auxiliary aids to be provided. Failure to request services in a timely manner may delay your accommodations. For additional information, go to [http://www.sfasu.edu/disabilityservices/](http://www.sfasu.edu/disabilityservices/).

SOME IMPORTANT DATES
(Refer to Class Schedule for Other Important Dates)

- **Tuesday, January 19** – First Class Session
- **Mon.–Fri., March 14-18** – NO CLASSES (SPRING BREAK)
- **Wednesday, March 23** – Last day to drop full semester courses
- **Thurs.-Fri., March 24-25** – NO CLASSES (EASTER)
  - (Classes resume at 4:00 p.m. on Monday, March 28)
- **Thursday, May 5** – Last Class Session
- **Tuesday, May 10** – Final Exam (**10:30 a.m. – 12:30 p.m.**) 

In The Arena

“It is not the critic who counts, not the man who points out where the strong stumbled, or how the doer could have done better. The credit belongs to the man who is in the arena, his face marred by dust and sweat and blood, who strives valiantly, who err and falls short again and again: there is no effort without error. But he who tries, who knows the great enthusiasms, the great devotions, who spends himself in a worthy cause, at best knows the triumph of achievement, and at worst, fails while daring. His place shall never be with those cold and timid souls who know neither victory nor defeat.”

--Theodore Roosevelt
STEPHEN F. AUSTIN STATE UNIVERSITY
TRADITION – SCHOLARSHIP – INDEPENDENT THINKING

CLASS SCHEDULE (TENTATIVE)
BLW 456-001 Employment and Agency Law
TR 11:00 a.m. - 12:15 p.m. McGee Room 121
SPRING 2016

Jan. 19 Tues. Introduction/Reading & Briefing Cases/Legal Analysis/Discussion Groups/Business Plan

Jan. 21 Thurs. Chapter 1 Employment Law Overview

Jan. 26 Tues. Chapter 1 Employment Law Overview [Cont.]
Chapter 2 Recruitment, Selection, Testing, and Termination

Jan. 28 Thurs. Chapter 2 Recruitment, Selection, Testing, and Termination [Cont.]
Chapter 3 Contract and Tort Claims in Employment

Feb. 2 Tues. Chapter 3 Contract and Tort Claims in Employment [Cont.]

Feb. 4 Thurs. Chapter 4 Discrimination Claims, EEOC Proceedings, and Alternate Dispute Resolution

Feb. 9 Tues. Chapter 4 Discrimination Claims, EEOC Proceedings, and Alternate Dispute Resolution [Cont.]

Feb. 11 Thurs. Exam No. 1 [Chs. 1,2,3,4]

Feb. 16 Tues. Chapter 5 Equal Employment Opportunity and Affirmative Action
Chapter 6 Race, Color, and National Origin Discrimination

Feb. 18 Thurs. Chapter 6 Race, Color, and National Origin Discrimination [Cont.]
Chapter 7 Gender Discrimination, Sexual Harassment, and Orientation Protection

Feb. 23 Tues. Chapter 7 Gender Discrimination, Sexual Harassment, and Orientation Protection [Cont.]

Feb. 25 Thurs. Exam No. 2 [Chs. 5,6,7]

Mar. 1 Tues. Chapter 8 Religious Discrimination

Mar. 3 Thurs. Chapter 9 Disability Discrimination
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<tr>
<th>Date</th>
<th>Day</th>
<th>Section</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Mar. 8</td>
<td>Tues.</td>
<td>Chapter 9</td>
<td>Disability Discrimination [Cont.]</td>
</tr>
<tr>
<td>Mar. 10</td>
<td>Thurs.</td>
<td>Chapter 10</td>
<td>Age Discrimination</td>
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<td>Mar. 15</td>
<td>Tues.</td>
<td>NO CLASS</td>
<td>Spring Break</td>
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<td>Mar. 17</td>
<td>Thurs.</td>
<td>NO CLASS</td>
<td>Spring Break</td>
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<td>Mar. 22</td>
<td>Tues.</td>
<td>Chapter 11</td>
<td>Work-Family Issues and Other EEO Protections</td>
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<td>Mar. 24</td>
<td>Thurs.</td>
<td>Exam No. 3</td>
<td>[Chs. 8,9,10,11]</td>
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<td>Mar. 29</td>
<td>Tues.</td>
<td>Chapter 12</td>
<td>Workplace Privacy</td>
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<td>Mar. 31</td>
<td>Thurs.</td>
<td>NO CLASS</td>
<td>SFASU Easter</td>
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<tr>
<td>Apr. 5</td>
<td>Tues.</td>
<td>Chapter 12</td>
<td>Workplace Privacy [Cont.]</td>
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<td>Apr. 7</td>
<td>Thurs.</td>
<td>Chapter 13</td>
<td>Federal Labor Relations</td>
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<td>Apr. 12</td>
<td>Tues.</td>
<td>Chapter 13</td>
<td>Federal Labor Relations [Cont.]</td>
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<td>Chapter 14</td>
<td>Wage and Hour Laws</td>
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<tr>
<td>Apr. 14</td>
<td>Thurs.</td>
<td>Chapter 14</td>
<td>Wage and Hour Laws [Cont.]</td>
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<td>Apr. 19</td>
<td>Tues.</td>
<td>Exam No. 4</td>
<td>[Chs. 12,13,14]</td>
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<tr>
<td>Apr. 21</td>
<td>Thurs.</td>
<td>Chapter 15</td>
<td>Occupational Safety and Workers’ Compensation</td>
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<tr>
<td>Apr. 26</td>
<td>Tues.</td>
<td>Chapter 15</td>
<td>Occupational Safety and Workers’ Compensation [Cont.]</td>
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<td>Apr. 28</td>
<td>Thurs.</td>
<td>Chapter 16</td>
<td>Retirement and Employee Benefits</td>
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<td>May 3</td>
<td>Tues.</td>
<td>Chapter 17</td>
<td>Immigration Law in the Workplace</td>
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<tr>
<td>May 5</td>
<td>Thurs.</td>
<td>Chapter 18</td>
<td>The Multinational Employer</td>
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<td>May 10</td>
<td>Tues.</td>
<td>Exam No. 5 (Final) [Chs. 15,16,17,18] [10:30 a.m.-12:30 p.m.]</td>
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Legal Analysis - FIRAC

F – Facts – Identify the essential facts that give rise to the dispute and the Issue(s). Three or four sentences will suffice; do not type the entire fact scenario. (Caveat: assuming facts not stated)

I – Issue(s) – The question(s) to be decided. May be broad or narrow. (Stated such as “The issue is whether …..” or “Does…..?”) (Hint: pay particular attention to the respective contentions of the parties and/or the questions at the end of case problems)

R – Rule(s) [of Law] – The applicable constitution provision, law statute(s), regulation(s), or common law (write out verbatim or summarize the law – do not just cite).

A – Application – Apply the appropriate rule(s) of law to the specific facts of the case to answer the Question(s) posed in the issue (the court or tribunal’s explanation/reasoning/rationale for its findings/holding/decision in a case brief…..or your reasoning/rationale for your conclusion/outcome/decision in a chapter problem analysis)(should be the longest part of the FIRAC analysis).

C – Conclusion – outcome/decision/holding of the case or chapter problem analysis (determination of issue(s)) based on application of law to facts – one or two sentence summary based on Application.