HUMAN RESOURCE LAW

Course Description:

A study of the laws relating to human resource management in today’s business environment. Covers discrimination, labor law, retirement regulations, safety issues, and employee/management topics. Emphasis on current issues, cases, and legislation. Discussion of Texas employment and labor law. May be used as a management major elective or business elective.

This course provides a basis for understanding labor and employment law. This ever-evolving body of law is critical for assessing management decisions from the perspective of the employer as well as that of the employee. As such, it is an important course for all students studying business management, but especially those with an emphasis in human resource management.

The entire focus of the course is on the workplace environment and how the body of employment and labor law is shaped by legal, political and social factors. A major focus of the course is demographic diversity and its role in employment law. The principal focus is federal law, but the class will cover a few areas dealing with state law, Texas in particular, and international applications of human resource law in a global and dispersed working community. Overall though, state and global issues receive relatively minor coverage.

Learning Objectives:

By the end of this course, students who committed themselves to the study will be able to:

- Recognize and prevent potential legal issues;
- Comprehend the statutes, regulations, and common law as they relate to the regulation of employment in the public and private sector in the U.S.;
- Understand the underlying societal factors that contribute to discrimination and the development of anti-discrimination law in the U.S.;
- Understand legislative purposes for enacting employment laws;
- Locate and apply case law, statutes, and regulations to day-to-day factual situations;
- Utilize management techniques; and
- Develop, implement and enforce policies to mitigate or avoid legal liability in anticipated workplace scenarios.

Major Course Requirements:

Class Attendance and Participation: Approximately 3% of the grade, and will be a deciding factor in borderline cases. INSTRUCTOR TAKES ATTENDANCE. Meaningful participation is required for award of maximum points. Total number of points = 30 (maximum of two points per class).
Class Presentation: Approximately 4% of grade. Each student will be assigned two cases to present orally to the class utilizing the IRAC analytical method of case analysis, i.e., 1) the ISSUE decided by the court in the case; 2) the RULE enunciated by the court in the case; 3) the APPLICATION of that rule to the relevant facts of the case; and 4) CONCLUSION of the court (or outcome). Each presentation is worth 20 points (5 points each for comprehension of the case and why it is covered in the course, explanation of what the court did and why, delivery, and fielding of questions from instructor and classmates.) Total number of points = 40.

Group Presentations: Approximately 11% of grade. Each student will be assigned to a small group for two presentations: 1) the discussion and review of a film to be shown in class that focuses on discrimination; and 2) the discussion of a modern workplace dilemma and recommendations for managing the situation in a manner that minimizes exposure to liability. Discussions will follow the IRAC analytical method referenced above. Each presentation is worth 50 points (10 points each for 1) comprehension of the fact scenario, 2) recognition of the legal issues presented, 3) discussion of the risk involved, 4) recommendations regarding resolving or limiting legal exposure, and 5) logic demonstrated in the individual presentation as part of the group, delivery, and fielding of questions from instructor and classmates.) Total number of points = 100.

Professional Memoranda: Approximately 5% of grade. There are two business formatted memos which will be assigned in which you will be hypothetically responding to a question from business management. Each memo is worth up to 25 points (10 points for logic of the arguments, 10 points for effective organization and communication of the arguments, and 5 points for grammar and professional appearance of the paper. Only typed papers will be accepted. Total number of points = 50.

Exams: Approximately 76% of the grade. Exams consist of both objective (true/false and multiple choice) and short answer/essay questions. FINAL WILL BE COMPREHENSIVE. Exams 1 - 4 will each be worth 100 points; final will be worth 300 points. Scantron sheets will be provided. Pencils are preferred. Total number of points = 700.

Total Number of Points = 920

Extra Point Opportunities: Three or more opportunities to improve class standing will be offered at random. Each will be worth a maximum of one point added to the FINAL grade.

Required or Recommended Reading:

Textbook: Employment Law for Business; Bennett-Alexander & Hartman; Sixth Edition; McGraw-Hill Irwin Publishers

Prerequisites: MGMT 3320 or permission of instructor; junior standing or above

Course Policies:
**Instructional Methodology:** Instruction will include lecture, video scenarios, class discussions, and hand-outs. Emphasis will be placed on practical application of employment concepts. Critical thinking skills are important and will be encouraged through class discussions and special assignments/projects. Current events and personal experience of professor and students that illustrate material covered in class will be used to demonstrate practicality and usefulness of course material.

**Oral and Written Communication Content:** Law involves many difficult concepts, and, in addition, human resource law is evolving very quickly. Students are expected to come to class prepared to ask and answer questions. The Socratic method will be used to encourage critical thinking about cases, text readings, and other information. Students are also urged to share relevant personal experiences in class on an informal as well as a formal basis. Writing and critical thinking skills are utilized in the class projects. In addition, all exams include short essay questions.

**Technology Applications:** Students are expected to use electronic databases, current news items, community resources, and the library in completing class projects. Communication with instructor by e-mail is also encouraged. Reflection papers will be submitted by email and are due by midnight of the due date.

**Ethical Perspective:** Ethics will be discussed continuously throughout the course, as ethics and human resource legal issues are closely intertwined. Cases, class discussion topics, and many of the class projects will involve ethical problems. Exams will also include questions with ethical dimensions.

**Attendance Policy:** Regular attendance is highly recommended as exams cover class discussion and presentations; attendance will influence grades as already stated. Test reviews and other test preparation will be covered during class time. Students who arrive late for class will be responsible for making certain that their attendance is counted. Students who miss class are expected to obtain information from classmates regarding what was covered in class. Hand-outs can be obtained from the instructor via email request. If you must miss class, you are expected to contact the instructor in advance regarding your anticipated absence. If you are forced to miss an examination or deadline, you will be expected to contact the instructor to schedule the examination at another time. The examination must be taken either in advance of the class examination when rescheduling is due to known conflicts or within five (5) days of the actual examination date. Extra credit or other assignments will be accepted only after instructor approval. Approval to submit assignments past the deadline must be discussed with the instructor within 24 hours of the deadline. (Call cell phone number provided.) Medical and employment excuses may be requested to validate absenteeism.

**Extra Point Opportunities:** One to three opportunities to improve class standing will be offered. Each will be worth a maximum of one point added to the final grade.

**Code of Ethics:** This course, and all other courses offered by the College of Business (COB), requires all students to abide by the COB Student Code of Ethics (available online at www.cob.tamucc.edu). Provisions and stipulations in the Code are applicable to all students taking COB courses regardless of whether they are pursuing a degree awarded by the COB.
Academic Integrity/Plagiarism: University students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, falsification, forgery, complicity or plagiarism. (Plagiarism is the presentation of the work of another as one’s own work.) In this class, academic misconduct or complicity in an act of academic misconduct on an assignment or test will result in an automatic zero for that assignment or test that will be averaged as if the assignment or test was completed.

All assignments and exams are expected to be done independently unless otherwise specifically noted in the instructions. Random Google searches will be conducted to validate coursework submitted.

Dropping a Class: I hope that you never find it necessary to drop this or any other class. However, events can sometimes occur that make dropping a course necessary or wise. Please consult with me before you decide to drop to be sure it is the best thing to do. Should dropping the course be the best course of action, you must initiate the process to drop the course by going to the Student Services Center and filling out a course drop form. Just stopping attendance and participation WILL NOT automatically result in your being dropped from the class. November 4, 2011 is the last day to drop a class with an automatic grade of “W” this term.

Grade Appeals: As stated in University Rule 13.02.99.C2, Student Grade Appeals, a student who believes that he or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complaint about a grade is encouraged to first discuss the matter with the instructor. For complete details, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Rule 13.02.99.C2, Student Grade Appeals, and University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures. These documents are accessible through the University Rules.

The website is located at http://www.tamucc.edu/provost/university_rules/index.html. For assistance and/or guidance in the grade appeal process, students may contact the Office of Student Affairs.

Disabilities Accommodations: The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please call or visit Disability Services at (361) 825-5816 in Driftwood 101.

If you are a returning veteran and are experiencing cognitive and/or physical access issues in the classroom or on campus, please contact the Disability Services office for assistance at (361) 825-5816.
Cell Phone/Electronic Device Usage: Cells phones may not be used during class. All phones should be turned to silent. Students checking email, texting one another, or otherwise communicating with persons in or outside class will be asked to leave and/or will be given negative points for class attendance. If you bring a laptop, it should be used for note-taking or other worthwhile means.

Classroom/Professional Behavior: In this class, students are being trained to think like professional business managers in the area of human resources and should in all respects conduct themselves accordingly. Foul or vulgar language when not used in association with the recitation of case facts or legitimate inquiries will not be tolerated. Derogatory comments regarding another student will be cause for dismissal from the class with a grade of zero for attendance.

Late Work: Absolutely no late work will be accepted in this course unless you can provide documentation of your severe injury, illness or other uncontrollable event or circumstance. Assignments turned in after the due date will not receive credit.

SYLLABUS (Revised 07/29/11)

Aug 30 - Discussion of class expectations; Chapter 1 – The Regulation of Employment (skip pp. 11-13 till later); discussion of stare decisis, etc.; Texas Workforce Commission Independent Contractor – Unemployment Compensation Hand-Out (Tex. Lab. C.); (MEMO No. 1 ASSIGNED)

Sep 6 - Chapter 14 – Labor Law; Chapter 15 – Fair Labor Standards Act (pp. 772-779)
Sep 13 - Chapter 3 – Legal Construction of the Employment Environment
Sep 20 - EXAMINATION NO. 1 over topics covered thus far (first hour); Chapter 1 – The Regulation of Employment (pp. 11-13)
Sep 27 - Chapter 2 – Title VII of the Civil Rights Act of 1964 (DEADLINE: MEMO No. 1 by midnight)
Oct 4 - Chapter 5 – Race and Color Discrimination
Oct 11 - Chapter 6 – National Origin Discrimination
Oct 18 - Chapter 4 – Affirmative Action; Review for Exam No. 2; (MEMO No. 2 ASSIGNED for viewing Twelve Angry Jurors)
Oct 25 - EXAMINATION NO. 2 (Chapters 1 – 2, 4 – 6) (first hour); View Twelve Angry Jurors
Nov 1 - Chapter 7 – Gender Discrimination; Chapter 8 – Sexual Harassment
Nov 8 - Chapter 9 - Affinity Orientation Discrimination; review for Exam 3
Nov 15 - EXAMINATION NO. 3 over Chapters 7 – 9 (first 1.5 hours); optional opportunity for open book correction of your first test – extra points only
Nov 22 - Chapter 10 – Religious Discrimination; Chapter 11 – Age Discrimination
Nov 29 - Chapter 12 – Disability Discrimination; Texas Workers’ Compensation Act Hand-Out (Tex. Lab. C.); Chapter 15 – Employment Benefits and Protections (FMLA and OSHA, pp.779-787, 803-807) (DEADLINE: MEMO No. 2 by midnight)
Dec 6 - Chapter 13 – Employee’s Right to Privacy and Management of Personal Information; Chapter 15 – Employment Benefits and Protections (Employee Benefits, pp.789-807)
Dec Review for Final Exam
Dec 13 - **EXAMINATION NO. 4** – FINAL EXAM – COMPREHENSIVE - ALL CHAPTERS, WITH SPECIAL EMPHASIS ON CHAPTERS 11-13, 15, AND TEXAS WORKERS’ COMPENSATION HANDOUT)