

HRM 5388.110 - Human Resource Law

Spring 2018 – 16 Week Course

Texas A&M University - Central Texas

INSTRUCTOR AND CONTACT INFORMATION

Instructor: Lucas Loafman, J.D., M.B.A.

Office: Founders Hall Rm 318M

Office Phone: 254-519-5724

Email: loafman@tamuct.edu – This is the best method to contact me for a quick response.

Office Hours:

By Appointment – I am generally in the office 30 hours or more each week unless I am traveling, but the hours vary daily due to meetings and other duties as Department Chair. Though I may be available for drop by's, I am generally in two-three meetings a day, so it is best to make an appointment. I will do all I can to ensure that you get into see me as soon as possible if needed.

Mode of instruction and course access:

This course will be run 100% online course and uses the TAMUCT Canvas Learning Management System: [<https://tamuct.instructure.com>]. There instructions that follow will assist you with gaining access and technical support. Once you are in Canvas, **there is tab on the left labeled "Modules" that will have additional information under a Module titled "Orientation" to assist you with Canvas.** Though no specific legal knowledge is required as a prerequisite to this course, it will be essential that you have a familiarity with the general use of Power Point, Microsoft Word, the Internet, copying and pasting information and attaching documents for submission at a minimum.

Student-instructor interaction:

It's easiest to reach me via email. I will respond to all email within 24 hours if I'm not traveling, and usually within a couple of hours. **I will make an announcement on Canvas** if I will be out of contact for an extended period of time.

911 Cellular:

Emergency Warning System for Texas A&M University – Central Texas

911Cellular is an emergency notification service that gives Texas A&M University-Central Texas the ability to communicate health and safety emergency information quickly via email, text message, and social media. All students are automatically enrolled in 911 Cellular through their myCT email account.

Connect at [911Cellular](https://portal.publicsafetycloud.net/Texas-AM-Central/alert-management) [<https://portal.publicsafetycloud.net/Texas-AM-Central/alert-management>] to change where you receive your alerts or to opt out. By staying enrolled in 911Cellular, university officials can quickly pass on safety-related information, regardless of your location.

COURSE INFORMATION

Catalog Course Description

Examines legal issues and regulatory processes related to employment relationships, equal employment opportunity and affirmative action, privacy, employment testing and staffing, compensation and benefits, employee/labor relations, and occupational health and safety.

2.0 Course Level Objective(s)

1. Students will demonstrate a comprehensive knowledge and understanding of laws and regulations affecting the employer-employee relationship.
2. They will be able to analyze decided legal cases for their impact upon the practice of HRM.
3. They will be able to analyze employment scenario hypotheticals and articulate the legal issues involved, as well as providing legally compliant strategies for dealing with the situation in some cases.

2.1 Weekly Learning Outcomes:

At the conclusion of the course the student will be able to:

1. Classify a worker an employee and independent contractor and explain why it matters.
2. Recognize when a covenant not to compete is enforceable
3. Explain the concept of *stare decisis* and the importance of precedent
4. Identify the difference between an employment-at-will relationship and its major exceptions
5. Differentiate between disparate treatment and disparate impact discrimination
6. Recognize the basis for a claim of retaliation
7. Identify who is covered by Title VII
8. Explain the EEOC administrative process
9. Describe how the recruitment environment is regulated by the law.
10. Explain how an employer may be liable for negligent hiring.
11. Identify the circumstances under which an employment test may be legally administered.
12. Discuss what affirmative action is and why it was created.
13. Analyze a situation to determine the legality of an organization's affirmative action program.
14. Recognize race based discriminatory action in the workplace, including tangible actions and harassment
15. Discuss the legal status of "English-only" policies and when fluent English may be required.
16. Recognize the extent of protection under the Immigration Control and Reform Act
17. Analyze a situation and determine if there are gender based discrimination issues that may result in employer liability, including Sex+ and Equal Pay issues.
18. Explain Quid Pro Quo Sexual Harassment
19. Describe what constitutes a case of Hostile Environment Sexual Harassment
20. State the employers affirmative defense to a Sexual Harassment claim
21. Discuss the legal protections available based on sexual/affinity orientation and the workplace issues that may arise in the broader context of gender identity issues.
22. Define Religion
23. Explain under what circumstances and to what limits an employer must accommodate the religious practices of its employees
24. Differentiate between the ADEA and Title VII
25. State the burden of proof now required in and ADEA claim

26. Identify BFOQ defenses to ADEA claims
27. Define Disability under the ADA
28. Explain the concept of undue hardship in accommodations and the responsibilities of the parties involved
29. Determine the circumstances as to when an employee has a right of privacy in and outside of the workplace and the impact of technology on that privacy
30. Recognize the impacts of Norris LaGuardia and National Labor Relations Acts
31. Differentiate between the various labor shop arrangements
32. Describe the collective bargaining process, including the concept of mandatory/permissive subjects
33. Identify unfair labor practices
34. Recognize when the minimum wage and overtime must be paid and their exceptions under the Fair Labor Standards Act, as well as the ages at which a child can engage in certain types of employment under the FLSA.
35. State an employer's responsibilities under the FMLA
36. Describe what OSHA does

Required Reading and Textbook(s):

There is no required text for this course. I will likely follow the organizational pattern for material found in Employment Law for Business by Dawn D. Bennett-Alexander and Laura Hartman. It was their 7th edition published by McGraw-Hill. ISBN: 978-0-07-352496-2. You can probably pick up a copy for about \$20 if you want another good resource and explanation. I chose not to continue with that text due to a lack of updates and the high cost. Each week there will be videos and topical readings on the subject to be covered.

You will also need a properly configured computer that is compatible with the technology requirements statement later and listed in Canvas, with: speakers or a headset (to listen to audio/video files), reliable internet access, PowerPoint, and MS Word.

COURSE REQUIREMENTS (all assignments must be submitted in a .doc or .docx format):

1. Discussions – 90 Points (5 @ 18 Points each) – Since we do not have “class time” to interact face to face, it is vital that you and your classmate are able to share your own views and perspectives with regards to many of these issues. Although I do want you to feel free to express yourself, you must be considerate of your classmates’ views and ideologies. You may not like their views or take on an issue, but be respectful when you respond if you happen to disagree. Be civil and respectful at all times!

You will find the requirements for each discussion assignment in the “Assignments” tab located on the left side of Canvas or in the Weekly Module. A grading rubric is attached to the assignment directions in Canvas.

2. Case Briefing Assignments – 210 Points (7 at 30 Points each) – Each week you will have a fairly recent US Supreme Court case to brief. Sometimes course application questions may be asked as well. There is a rubric available on Canvas. These will be submitted on Canvas with Vericite enabled. DO NOT use any source to complete this assignment other than the information found in the case itself. As always, you may submit your work at any time.

3. Analysis/Reflection on Title VII - 100 Points - You will be required to submit an analysis paper reflecting on what you found interesting and support, as well as what you found troublesome. You also must make possible suggestions for improvement based on what you have read or heard. You must cite at least two scholarly journal articles to support your views. More detailed instructions may be found on Canvas.

4. Employee Handbook Project – 150 Points - Assignment instructions are posted in the “Assignment” section in Canvas and in the Module it is due.

5. Exams – 450 Points - 2 at 225 points each – You will have two exams to complete on Canvas, a midterm and a final. There will be a multiday window in which to complete each exam. Each exam will be composed of short answer/essay questions that generally require you to apply the course material to hypothetical situations and explain the legal outcome or issues. Due to the extensive time, I have broken each exam into two parts. You must schedule around the available time window. If there is an unavoidable conflict, you must let me know ahead of time, not after. I may allow a make-up, but even then, it may be an entirely differently structured exam (all essay) or mode of delivery (in my office). I am the sole judge on these matters and you should bring exam issues to me when they arise. I will post some example questions in Module 4 by the Monday before the midterm exam. If I fail to do so, please email me.

Grading Scale

Note the C, D, and F Ranges Especially

895-1000 = A - Excellent

795-894 = B - Good

715-794 = C – Acceptable

645-714 = D – Needs Improvement

644 or less = F – Unacceptable

Grades may also be adjusted at the end of the semester based on class results. This means that an average may qualify for a higher letter grade than the scale normally provides for, to facilitate an appropriate grade distribution.

Posting of Grades and Late Work

I will do my best to try to have all work graded within 72 hours of their due date/time, but I may need a bit more time on the Title VII paper and the Handbook especially. Once an exam window ends, I will try to have those graded within 48 hours. I will not grade any work until the due date/time for that assignment has arrived.

*******Late work penalties:**

1. Late Discussions will not be accepted.
2. Briefs will lose 25% of the points available and will not be accepted more than one week late.
3. The Title VII paper and Employee Handbook will lose 20% of the points available per day late.

COURSE OUTLINE AND CALENDAR (All times CST)

- Week 1 – January 15th-28th
1. Familiarize yourself with Course Layout and requirements. Read and listen to any materials posted for our Introduction to Employment Law
 2. **Complete and Submit Discussion #1 by 11:59 PM (23:59) on Sunday, January 21st.**
 3. **Submit Case Brief Assignment #1 by 11:59PM (23:59) on Sunday, January 28th.**
- Module 2 – Jan. 29th- Feb. 11th
1. Read and listen to any materials for our look at the hiring process and Introduction to Title VII of the Civil Rights Act of 1964.
 2. **Post and submit Discussion #2 by 11:59PM (23:59) on Sunday, February 4th.**
 3. **Submit Case Assignment #2 by 11:59PM (23:59) on Sunday, February 11th.**
- Module 3 – February 12th-25th
1. Read and listen to any materials for our look at Race and Color and Affirmative Action
 2. **Submit Case Assignment #3 by 11:59PM (23:59) on Sunday, February 18th.**
 3. **Post and submit Discussion #3 by 11:59PM (23:59) on Sunday, February 25th.**
- Module 4 – Feb 26th – Mar 11th
1. Read and listen to any materials as we study National Origin and Religious Discrimination – *Look at Religious Discrimination 1st*
 2. **Submit Case Assignment #4 by 11:59PM (23:59) on Sunday, March 4.**
 3. **Midterm available starting on Thursday, March 8th, at 8AM (08:00) – Saturday, March 10th at 11:59 PM (23:59).**
- Spring Break March 12th-16th**
- Module 5 – Mar. 19-April 1st
1. Read and listen to any materials as we examine Gender Discrimination and Sexual Harassment.
 2. **Submit Case Assignment #5 by 11:59PM (23:59) on Sunday, March 25th.**
 3. **Post and submit Discussion #4 by 11:59PM (23:59) on Sunday, April 1st.**
- Module 6 – April 2nd – 15th
1. Read and listen to any materials as we study LGBTQ related topics and Age Discrimination.
 2. **Submit Case Assignment #6 by 11:59PM (23:59) on Sunday, April 8th**
 3. **Post and submit Discussion #5 by 11:59PM (23:59) on Sunday, April 15th.**

Module 7 – April 16th-29th

1. Read and listen to any materials as we examine Disability Discrimination and Employee Privacy.
2. **Submit Title VII paper by 11:59 (23:59) on Sunday, April 22nd**
3. **Submit Case Assignment #7 by 11:59PM (23:59) on Sunday, April 29th.**

Module 8 – April 30th-May 10th

1. Read and listen to any materials as we explore select Workplace Benefits and Protections.
2. **Employee Handbook Due on Sunday, May 6th by 11:59PM (23:59).**
3. **Final available from Tuesday, May 8th at 8AM (08:00) – Thursday, May 10th at 11:59 PM (23:59).**

Copyright Notice.

Students should assume that all course material is copyrighted by the respective author(s). Reproduction of course material is prohibited without consent by the author and/or course instructor. Violation of copyright is against the law and Texas A&M University-Central Texas' Code of Academic Honesty. All alleged violations will be reported to the Office of Student Conduct.

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TECHNOLOGY REQUIREMENTS AND SUPPORT

Technology Requirements.

This course will use the TAMUCT Instructure Canvas learning management system.

Logon to TAMUCT Canvas [<https://tamuct.instructure.com>]

Username: Your MyCT username

(xx123 or everything before the "@" in your MyCT e-mail address)

Password: Your MyCT password

Technology Support.

For technology issues, students should contact Help Desk Central.

24 hours a day, 7 days a week:

Email: helpdesk@tamu.edu

Phone: (254) 519-5466

[Web Chat](http://hdc.tamu.edu): <http://hdc.tamu.edu>

When calling for support please let your support technician know you are a TAMUCT student.

For issues related to course content and requirements, contact your instructor.

COURSE AND UNIVERSITY RESOURCES, PROCEDURES, AND POLICIES

Drop Policy.

If you discover that you need to drop this class, you must complete a Drop Request Form, found through the [Registrar's web page](#):

<https://www.tamuct.edu/departments/business-office/droppolicy.php>

Professors cannot drop students; this is always the responsibility of the student. The Registrar's Office will provide a deadline on the University Calendar for which the form must be completed, signed and returned. Once you return the signed form to the Registrar's Office, you must go into Warrior Web and confirm that you are no longer enrolled. If you still show as enrolled, FOLLOW-UP with the Registrar's Office immediately. You are to attend class until the procedure is complete to avoid penalty for absence. Should you miss the drop deadline or fail to follow the procedure, you will receive an F in the course, which may affect your financial aid and/or VA educational benefits.

Academic Integrity.

University Statement: Texas A&M University -Central Texas values the integrity of the academic enterprise and strives for the highest standards of academic conduct. A&M-Central Texas expects its students, faculty, and staff to support the adherence to high standards of personal and scholarly conduct to preserve the honor and integrity of the creative community. Academic integrity is defined as a commitment to honesty, trust, fairness, respect, and responsibility. Any deviation by students from this expectation may result in a failing grade for the assignment and potentially a failing grade for the course. Academic misconduct is any act that improperly affects a true and honest evaluation of a student's academic performance and includes, but is not limited to, cheating on an examination or other academic work, plagiarism and improper citation of sources, using another student's work, collusion, and the abuse of resource materials. All academic misconduct concerns will be reported to the university's Office of Student Conduct. Ignorance of the university's standards and expectations is never an excuse to act with a lack of integrity. When in doubt on collaboration, citation, or any issue, please contact your instructor before taking a course of action.

My Statement: All work in this course is to be done individually. You may get the rare/occasional assistance from other students about where you found certain information/answers, but I don't want to see close/identical answers. I have a pretty good eye for this, as my memory is pretty good! If you need help, ask me! Any instance of academic dishonesty likely will result in an F in my course. I have taught this course long enough that I can tell if you are collaborating or not, despite the fact that your answers may differ slightly.

Academic Accommodations.

At Texas A&M University-Central Texas, we value an inclusive learning environment where every student has an equal chance to succeed and has the right to a barrier free education. The Department of Access and Inclusion is responsible for ensuring that students with a disability receive equal access to the University's programs, services and activities. If you believe you have a disability requiring reasonable accommodations please contact the Department of Access and Inclusion at (254) 501-5831. Any information you provide is private and confidential and will be treated as such.

For more information please visit our [Access & Inclusion](https://www.tamuct.edu/student-affairs/access-inclusion.html) webpage [https://www.tamuct.edu/student-affairs/access-inclusion.html].

Texas A&M University-Central Texas supports students who are pregnant and/or parenting. In accordance with requirements of Title IX and guidance from US Department of Education's Office of Civil Rights, the Dean of Student Affairs' Office can assist students who are pregnant and/or parenting in seeking accommodations related to pregnancy and/or parenting. For more information, please visit <https://www.tamuct.departments/index.php>. Students may also contact the institution's Title IX Coordinator. If you would like to read more about these [requirements and guidelines online](http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf), please visit the website [http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf].

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex and gender – including pregnancy, parenting, and all related conditions. A&M-Central Texas is able to provide flexible and individualized reasonable accommodation to pregnant and parenting students. All pregnant and parenting students should contact the Division of Student Affairs at 254-501-5909 to seek out assistance. Students may also contact the University's Title IX Coordinator.

Tutoring.

Tutoring is available to all A&M-Central Texas students, both on-campus and online. On-campus subjects tutored include Accounting, Advanced Math, Biology, Finance, Statistics, Mathematics, and Study Skills. Tutors are available at the Tutoring Center in Warrior Hall, Suite 111. If you have a question regarding tutor schedules, need to schedule a tutoring session, are interested in becoming a tutor, or any other question, contact Academic Support Programs at 254-519-5796, or by emailing Dr. DeEadra Albert-Green at deeadra.albertgreen@tamuct.edu.

Chat live with a tutor 24/7 for almost any subject on your computer! Tutor.com is an online tutoring platform that enables TAMUCT students to log-in and receive FREE online tutoring and writing support. This tool provides tutoring in over forty subject areas. Access Tutor.com through Canvas.

University Writing Center: Located in 416 Warrior Hall, the University Writing Center (UWC) at Texas A&M University-Central Texas is a free workspace open to all TAMUCT students from 10am-5pm Monday-Thursday with satellite hours in the University Library Monday-Thursday from 6:00-9:00pm. Students may arrange a one-on-one session with a trained and experienced writing tutor by visiting the UWC during normal operating hours (both half-hour and hour sessions are available) or by making an appointment via [WOnline](#) at [<https://tamuct.mywconline.com/>]. In addition, you can email Dr. Bruce Bowles Jr. at bruce.bowles@tamuct.edu to schedule an online tutoring session. Tutors are prepared to help writers of all levels and abilities at any stage of the writing process.

While tutors will not write, edit, or grade papers, they will assist students in developing more effective composing practices. By providing a practice audience for students' ideas and writing, our tutors highlight the ways in which they read and interpret students' texts, offering guidance and support throughout the various stages of the writing process. In addition, students may work independently in the UWC by checking out a laptop that runs the Microsoft Office suite and connects to WIFI, or by consulting our resources on writing, including all of the relevant style guides. Whether you need help brainstorming ideas, organizing an essay, proofreading, understanding proper citation practices, or just want a quiet place to work, the University Writing Center is here to help!

If you have any questions about the University Writing Center, please do not hesitate to contact Dr. Bruce Bowles Jr. at bruce.bowles@tamuct.edu.

University Library.

The University Library provides many services in support of research across campus and at a distance. We offer over 200 electronic databases containing approximately 250,000 eBooks and 82,000 journals, in addition to the 72,000 items in our print collection, which can be mailed to students who live more than 50 miles from campus. Research guides for each subject taught at TAMUCT are available through our website to help students navigate these resources. On-campus, the library offers technology including cameras, laptops, microphones, webcams, and digital sound recorders.

Research assistance from a librarian is also available twenty-four hours a day through our online chat service, and at the reference desk when the library is open. Research sessions can be scheduled for more comprehensive assistance, and may take place on Skype or in-person at the library. Assistance may cover many topics, including how to find articles in peer-reviewed journals, how to cite resources, and how to piece together research for written assignments.

Our 27,000-square-foot facility on the TAMUCT main campus includes student lounges, private study rooms, group work spaces, computer labs, family areas suitable for all ages, and many other features. Services such as interlibrary loan, TexShare, binding, and laminating are available. The library frequently offers workshops, tours, readings, and other events. For more information, please visit our [homepage](#): <https://tamuct.libguides.com/>