

PL-1700: EMPLOYMENT LAW

Cuyahoga Community College

Viewing: PL-1700 : Employment Law

Board of Trustees:

March 2024

Academic Term:

Fall 2024

Subject Code

PL - Paralegal Studies

Course Number:

1700

Title:

Employment Law

Catalog Description:

Emphasizes the statutory and common laws that govern the employment relationship. Explores the role of federal and state administrative agencies in handling employment-related claims. Specific attention is given to the laws that create and terminate the employment relationship, documentation of employment practices, and litigation of employment-related claims, including discrimination and wrongful termination. Students will learn about the laws governing the rights of the employer and the employee regarding privacy in the workplace. Emphasis on client interviewing and form preparation as roles of the paralegal in the employment litigation process.

Credit Hour(s):

3

Lecture Hour(s):

3

Requisites

Prerequisite and Corequisite

ENG-1010 College Composition I or ENG-101H Honors College Composition I.

Outcomes

Course Outcome(s):

Research, identify, and explain the federal-level and Ohio state-level constitutional, statutory, and common law which define and regulate the employer\employee relationship.

Essential Learning Outcome Mapping:

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

Objective(s):

1. Research, analyze, and understand the statutory and common law doctrine of employment at will.
2. Research, analyze, and understand the implications and requirements of the Fair Labor Standards Act.
3. Distinguish between exempt and non-exempt employees under the Fair Labor Standards Act.
4. Research, analyze, and understand the parameters of the Social Security Act.
5. Research, analyze, and understand the requirements of the Equal Pay Act and understand the exceptions to the general law requiring equal pay.
6. Explain the importance of Title VII of the Civil Rights Act of 1964 and corresponding Ohio state-level statutory law with respect to human resource management.
7. Research, analyze, and understand the entities who must comply with Title VII of the Civil Rights Act of 1964 and corresponding Ohio state-level law.
8. Research, analyze, and understand the entities who are not subject to Title VII of the Civil Rights Act of 1964 and corresponding Ohio state-level law.

9. Research, analyze, and understand the definitions of "employer" and a "protected class" under Title VII of the Civil Rights Act of 1964 and corresponding Ohio state-level law.
10. Identify and explain what qualifies as a legally permissible defense to a charge of violating Title VII of the Civil Rights Act of 1964 and corresponding Ohio state-level law.
11. Research, analyze, and understand the provisions of the Age Discrimination in Employment Act (ADEA) and corresponding Ohio state-level law.
12. Explain the authority of Title VII and corresponding Ohio state-level law in employment complaints based upon age discrimination.
13. Define and explain "sexual harassment" and "hostile environment."
14. Identify and describe the situations which could give rise to a sexual harassment claim in the workplace.
15. Identify the procedures used to pursue sexual harassment, discrimination-related, and other claims based on Title VII of the Civil Rights Act of 1964 with the Equal Employment Opportunity Commission (EEOC).
16. Identify the procedures used to pursue employment discrimination-related claims based on relevant Ohio state-level law with the Ohio Civil Rights Commission (OCRC).
17. Research and analyze the constitutional concept of privacy in an employment law context.
18. Research and analyze federal and state statutes that relate to employer and employee expectations of privacy.
19. Research, analyze, and understand the legal significance of the common law doctrine of vicarious liability.
20. Identify and differentiate between master-servant, principal-agent, and independent contractor relationships and understand the legal significance of the differences between these relationships with regards to employment discrimination law and employer liability.
21. Research, analyze, and understand the requirements of the Americans with Disabilities Act and corresponding Ohio state-level law.
22. Research, analyze, and understand the scope of the term "reasonable accommodation" within the context of the Americans with Disabilities Act and corresponding Ohio state-level law.
23. Research, analyze, and understand when "reasonable accommodations" do not need to be provided by employers within the context of the Americans with Disabilities Act and corresponding Ohio state-level law.
23. Define the requirements and roles of employers and unions in the collective bargaining process and in labor\management relationships involving unionized employment settings
24. Define "unfair labor practices" as they relate to both management and unions.
25. Identify the similarities and differences between labor law involving unions and general employment law.
26. Research, analyze, and understand the protections provided to non-union employees under the National Labor Relations Act.
27. Identify the role of the National Labor Relations Board in employment law and know how to obtain, analyze, and use publications and decisions issued by the National Labor Relations Board.
28. Identify and describe the legal parameters and framework associated with recruitment and hiring of employees.

Course Outcome(s):

Create and conduct effective client interview questions based on a limited set of facts pertaining to employer-employee conflicts.

Essential Learning Outcome Mapping:

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

Objective(s):

1. Construct client intake employment law-oriented interview forms based on a limited amount of knowledge.
2. Develop client interview questions based on the relevant primary source law and perform client interviews based on developed interview questions, emphasizing follow-up questions when necessary.

Course Outcome(s):

Compose a legal memorandum utilizing proper legal memorandum format that demonstrates efficient and professional legal research, analysis, and writing techniques in order to address an employment law-related topic.

Essential Learning Outcome Mapping:

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

Objective(s):

1. Research and identify appropriate statutory law, common law, and administrative agency guidance pertaining to employee privacy rights in the workplace.
2. Identify the employee privacy issue(s), define the appropriate rules of law pertaining to the employee privacy issue(s), analyze the pertinent facts of the case within the defined rules of law, and form a legally informed conclusion based on the analysis.

3. Correctly draft a legal memorandum that incorporates proper legal memorandum format, professional-level legal analysis and writing skills, and proper spelling, grammar, and organizational techniques.

Course Outcome(s):

Complete forms provided by federal and Ohio state-level level administrative agencies using client-specific information to assist a client with beginning the process of filing a discrimination-related charge against an employer.

Essential Learning Outcome Mapping:

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

Objective(s):

1. Correctly complete the document that is needed to begin the process of pursuing sexual harassment, discrimination-related, and other claims based on Title VII of the Civil Rights Act of 1964 with the Equal Employment Opportunity Commission (EEOC).
2. Correctly complete the form that is needed to begin the process of pursuing employment discrimination-related claims based on relevant Ohio state-level law with the Ohio Civil Rights Commission (OCRC).

Methods of Evaluation:

1. Legal Memorandum Assignment: Students will write a legal memorandum that deals with employer\employee privacy-related issues.
2. Equal Employment Opportunity Commission Complaint Assignment: Students will take facts provided by a supervising attorney in order to draft the document that is needed to file a complaint with the Equal Employment Opportunity Commission.
3. Ohio Civil Rights Commission Complaint Assignment: Students will take facts provided by a supervising attorney in order to draft the document that is needed to file a complaint with the Ohio Civil Rights Commission.
4. Client Interviewing Assignment: Students will draft interview questions for their supervising attorney's usage.
5. Client Intake Form Assignment: Students will compile a client intake form that is needed to obtain the information that is needed to complete the National Labor Relations Board form associated with an unfair labor practice.
6. National Labor Relations Board Website and Decision Assignment: Students will use the National Labor Relations Board's online database resources in order to access information about real-life proceedings. Students will also analyze the text of a decision from the National Labor Relations Board and answer questions that measure their understanding of the decision.
7. Midterm Evaluation
8. Final Evaluation

Course Content Outline:

1. Foundations of Employment Law
 - a. Employment at Will Doctrine and Limitations
 - b. Vicarious Liability \ Respondeat Superior
 - c. Master-Servant Relationship
 - d. Independent Contractor Relationship
2. Labor Unions - Statutory Framework
 - a. The Norris-LaGuardia Act
 - b. The National Labor Relations Act of 1935
 - c. Labor-Management Relations Act
 - d. Unfair Labor Practices
 - e. Collective Bargaining
 - f. The Labor Contract
 - g. Role of the National Labor Relations Board
3. Wage-Related Employment Laws and Regulations
 - a. The Social Security Act of 1935
 - b. The Fair Labor Standards Act
 - i. Requirements
 - ii. Exempted Employees
4. Employment Discrimination
 - a. The Civil Rights Act of 1964
 - i. Bona Fide Occupational Qualification (BFOQ)
 - ii. Employer Defenses
 - iii. Protected Classes

1. Race and Color
 2. National Origin
 3. Sex
 4. Religion
 5. Sexual Preference
 - iv. Equal Employment Opportunity Commission (EEOC)
 - v. Ohio Civil Rights Commission (OCRC)
 - b. Protected Classes
 - i. Age
 1. Federal Law
 - a. Age Discrimination in Employment Act (ADEA)
 - i. Employment Claims - Title VII
 - ii. Protected Age
 - b. Employee Retirement Security Act of 1974 (ERISA)
 2. Ohio Law
 - ii. Sex\Gender
 1. Federal Law
 - a. The Equal Pay Act
 - i. Equal Work
 - ii. Exceptions
 - b. Sexual Harassment
 - i. Defined
 - ii. Quid Pro Quo Harassment
 - iii. Hostile Work Environment
 - iv. Remedies
 - c. The Pregnancy Discrimination Act of 1979
 - d. The Family Medical Leave Act of 1993 (FMLA)
 - i. Types of Leave
 - ii. Employer Responsibilities
 - iii. Employee Responsibilities
 2. Ohio Law
 - iii. Disability
 1. Federal Law
 - a. Americans with Disabilities Act (ADA) of 1990
 - i. Disability Defined
 - ii. Undue Hardship
 - iii. Reasonable Accommodations
 - b. Americans with Disabilities Amendments Act of 2008
 2. Ohio Law
5. Privacy in the Workplace
 - a. Privacy Defined
 - b. Relevant Constitutional Law
 - i. Federal
 - ii. Ohio
 - c. Relevant Statutory Law
 - i. Federal
 - ii. Ohio
 - d. Case Law
 - e. Role and Guidance of the National Labor Relations Board

Resources

Sautter, Maynard G. *Employment in Ohio: A Guide to Employment Laws, Regulations, and Practices*. 3rd ed. LexisNexis, 2023.

Rassas, Lori B. *Employment Law: A Guide to Hiring, Managing, and Firing for Employers and Employees*. 5th ed. New York: Wolters Kluwer, 2023.

Hatamian, Ara A. *Employment Law: Practice and Procedures*. 1st ed. Hoboken: Pearson, 2016.

Cihon, Patrick J. and Castagnera, James Ottavio. *Employment and Labor Law*. 10th ed. Boston: Cengage, 2019.

Fields, C. Kerry and Cheeseman, Henry R. *Contemporary Employment Law*. 3rd ed. New York: Wolters Kluwer, 2016.

Resources Other

1. National Labor Relations Board, <http://www.nlrb.gov> (<https://www.nlrb.gov/>)
2. Cornell Law School, Legal Information Institute, <http://www.law.cornell.edu/topics/employment.html>
3. Ohio Civil Rights Commission, <https://www.crc.ohio.gov> (<https://www.crc.ohio.gov/>)
4. Employment Law Information Network, Employment Law Articles, Elinfonet Inc., <http://www.elinfonet.com>
5. Equal Employment Opportunity Commission, <https://www.eeoc.gov/>
6. United States Department of Labor Employment Law Guide, <https://webapps.dol.gov/elaws/elg/>
7. United States Department of Labor, ERISA, <https://www.dol.gov/general/topic/health-plans/erisa> (<https://www.dol.gov/general/topic/health-plans/erisa/>)
8. Office of the Attorney General of Ohio, Fair Employment Guide for Business Owners, <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Business/Fair-Employment-Guide> (<https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Business/Fair-Employment-Guide/>)

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