

**EMPLOYMENT LAW SEMINAR**  
**Professor Moohr**  
**Spring 2014**

**Description.** Your goals in this seminar are to develop knowledge of employment law through reading, discussing issues, researching a specific issue, and writing a paper.

**Materials.** We will use Estricher & Lester, eds. *Employment Law Stories*, and other materials. Please be sure your UH email account is operative because I use it to communicate with you and to send material to you.

**Seminar Requirements.** In this seminar you will write a paper that satisfies the Law Center writing requirement (thirty-five pages plus footnotes with a minimum grade of C). You are also required to submit other assignments, including a first draft of the paper. *Failure to present a first draft will result in a failing grade.* The assignments are all related to your paper, and I give specific instructions for each assignment in class. In addition, you will receive instruction on citation rules. The submissions for this seminar are:

1. A short paragraph (½ page) on each of two possible writing topics
2. Thesis statement and brief introduction of one topic
3. Outline and bibliography
4. First draft, largely complete, of the paper
5. Class presentation of your paper
6. Final draft

**Content.** The course is generally divided into three parts with some overlap between them: the first is devoted to reviewing historically important employment law and discrimination cases, the second to emerging issues and current cases, the third to writing and editing your paper.

**Grading policy.** Your final seminar grade is based on the paper, a good faith effort to complete the course requirements, and professional conduct throughout the semester. Failure to comply with submission deadlines, lack of preparation for and failure to participate in class discussion, or to keep appointments will affect your final grade.

**A Word about Deadlines and Attendance.** *Failure to meet a submission deadline will automatically reduce your final grade by a grade;* that is, a student who writes an A paper but missed a deadline will receive an A- for the seminar. The Law Center's policy requires students attend at least 80% of the classes that meet.

**Office hours.** I am always available during scheduled office hours, Monday and Wednesday after class. I am also glad to see you when I am in my office or by appointment.

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## TENTATIVE ASSIGNMENT SCHEDULE

### Week One

Jan. 13: Discuss seminar requirements and course organization. Discuss the employment at will doctrine and its implications

Jan. 15: Employment as Contract

Grodin on *Pugh v. See's Candies, Inc.* & Implied Contracts<sup>1</sup>

Handout: David Foster Wallace – Advice on Writing

### Week Two (one class only)

Jan. 22: Handbook Contracts; Public Policy

Verkerke on *Wooley v. Hoffman LaRoche* & Employee Handbooks

Schwab on *Johnston v. Del Mar* & Public Policy

### Week Three

Jan. 27: **Submit and discuss two issues or writing topics.**

Who Is An Employee and Why It Matters

Handout: *Lauritzen, Hearst, Darden, Clackamas*

Jan. 29: Unpaid workers as employees

Handout: *O'Connor, Glatt, Ensley*

### Week Four

Feb. 3: The Unauthorized Worker

Handout: Background (*Padilla, Whiting, Hoffman Plastics*)

Handout: Mutual obligations (*Aramark, Flores-Figuero*)

Feb. 5: Enforcement Issues

Handout (*Whiting, Hoffman Plastics*)

### Week Five

Feb. 10: **Submit thesis statement and introduction.**

Employee Duty of Loyalty

Handout: *Jet Courier, Dalton, Lamorte*

Feb. 12: Trade Secrets

Hyde on *PepsiCo, Inc. v. Redmond*

Handout: *EarthWeb, Schalk, Martin, Aleynikov*

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<sup>1</sup> Students are to read the cases as well as the Stories; many of the cases, in edited form, will be distributed to the class.

**Week Six**

Feb. 17 & 19

Fisk on *Ingersoll-Rand v. Ciavetta* & Employee Inventions  
Employees and Computer Fraud and Abuse  
Handout: *McGraw, Czubinski, Miller, Shurgard, Yonkers*

**Week Seven**

Feb. 24: **Submit outline with bibliographic notations**

Guest Speaker Professor Tobi Tabor will speak on proper citations and plagiarism

Feb. 26: Kim, *Luck v. Southern Pacific Transportation Co.* & Privacy

Handout: Privacy and Technology

**Week Eight: Sex Discrimination**

March 3: *Jespersion* and associated readings

March 5: *Oncale* and ENDA

**SPRING BREAK – March 10-15****Week Nine: Drafts due on March 17.**

The seminar does not meet; mandatory office appointments to discuss draft

**Week Ten: March 24 and 26****Student Presentations****Week Eleven: Recent Supreme Court Decisions**

March 31: Age Discrimination and *Gross*

April 2: Sexual Harassment, Supervisors, and *Vance*

**Week Twelve: Recent and Pending Supreme Court Cases**

April 7: Retaliation and *Nasser*

April 9: Paying for Hours Worked

Handout: *Sandifer, cert. granted*

**Week Thirteen**

Enforcement through arbitration

April 14: Estreicher on *Gilmer v. Interstate Johnson/Lane Corp.*

April 16: Handout: Arbitration and Class Actions

**Week Fourteen**

The seminar does not meet; students to arrange office appointments as needed

**May \_\_:** Last day to submit final drafts (to be decided).