

**Employment Law - Online  
Spring 2023  
Syllabus**

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**Introductory Note:** With an online course it is very important that you read every document and e-mail closely, beginning with this syllabus, to ensure that you understand all of the course assignments, procedures, and due dates. Additionally, from time to time there may be changes, reminders, and additional content sent to organize and supplement the course. You are responsible for knowing all such information.

### **I. Text**

The course will utilize an electronic casebook consisting of cases, statutes, and articles. The casebook will be available on the course website. You may read it from the course website or download it onto your computer. If you prefer a paper copy, you are free to print it out. The text will be available on the course website approximately two weeks prior to the start of the semester.

You may find supplemental reading helpful to understand the issues in the required text. There are numerous treatises and hornbooks that you may find helpful, although I will not direct you to any particular source.

### **II. Learning Goals and Course Overview**

Over the past 100 or so years there has been a rapid expansion of laws governing the employer/employee relationship. While many of these laws were initially borne out of the labor union movement, today there are numerous employment laws that apply to all employers and employees. Most practicing attorneys, regardless of their specialty, are regularly faced with issues arising under the expansive umbrella of “Employment Law.”

This is a survey course. Employment Law covers a wide variety of issues, laws, and claims. Included within this course is a look at the employer-employee relationship, including the at will relationship and hiring, firing, and post-employment restrictions. You will also be introduced to the Family and Medical Leave Act, unemployment insurance, the Fair Labor Standards Act (overtime and minimum wage), the Occupational Safety and Health Act, and workers’ compensation.

Many Employment Law subject areas, such as workers' compensation, are so complex that attorneys who practice in the particular subject area handle only those types of cases. The goal of this course is to expose you to the wide variety of laws and issues that apply to the employer/employee relationship. From there, you will have the ability to spot these issues as a practicing attorney and, perhaps, discover a discipline in which you would like to specialize.

Two subject matter areas which **will not** be covered in this course are Labor Law and Employment Discrimination. The Law Center offers separate courses in both of these subjects.

### **III. Course Technology**

This course is taught fully online. With the exception of readings from the assigned text, all aspects of this course including additional readings, assignments, and multimedia material such as videos and MP3 files, will be available online.

#### **A. Course Website**

The course website is hosted by the University's Blackboard course management system. To access the course website:

1. Log into access UH: <https://accessuh.uh.edu>
2. Under University Services, click on Blackboard Learn 9
3. Click on (the listing for the Employment Law course)
4. The website will be available approximately 1 to 2 weeks prior to the official start of the course. You will be automatically enrolled in the course.

#### **Blackboard support is available 8-8 (M-F):**

1. **Phone:** 713-743-1411
2. **Live chat:** <http://www.uh.edu/infotech/livechat>
3. **Email:** [suport@uh.edu](mailto:suport@uh.edu)
4. **In person:** 58 MD Anderson Library

**NOTE:** There is an introductory video assigned for the first unit. Some information in the video may be duplicative of the information below, but some will not be. You are responsible for information both in this document and in the introductory video.

#### **B. Course E-Mail**

I will regularly send e-mails. You **must check** the e-mail address that is associated with the Blackboard site to ensure that you know which email will be used for this course. I am not able to change the e-mail associated with your account and I believe the university Blackboard site will only allow the use of the registered UH.edu email.

## **V. Course Structure, Assignments, and Due Dates**

The course is divided into several units, each lasting approximately two weeks. For each unit you will be given a checklist of all of the items which you must complete prior to the due date, and the suggested order in which they should be completed.

Within each unit, there will be several subunits. Each subunit will generally include the following:

- A. **Presentations:** These are videos or MP3 files which provide an introduction to, and overview of, the materials you will be studying in the unit. These are accessed through the course website.
- B. **Readings:** These are the cases, statutes, and articles assigned for the subunit.
- C. **Assessments:** Your comprehension of the reading materials is assessed using several different types of inquiries:

**1. Questions:** There will be numerous sets of questions designed to help highlight the key rules and reasoning which you should take from the cases and other readings. These will be multiple-choice, multiple answer, true false, and fill in the blank type questions. These questions are accessed through the course website and labeled "Questions." (Example: the first set of questions you will be required to complete is titled *Introduction to Employment at Will-Questions*)

**Note:** After you submit your responses to a section of questions, you are immediately informed which questions you answered correctly and which you entered incorrectly. To receive credit for completing a set of questions, **you must receive a score of no more than one incorrect answer**. You will have as many opportunities to complete the questions as necessary to achieve this score.

**2. Essay:** For many subunits you will also have one or more short answer questions designed (designated as "Essay" questions on the course website, which is the label used by the website software) to ensure

that you understand the rules and reasoning from the cases. These questions are also accessed through the course website, but are not automatically graded. Most essay questions also include feedback available immediately after submitting an answer.

**3. Exam-Style Writing Assignments:** There will be several exam-style essay questions throughout the course.

**4. Group Discussion Boards:** Throughout the course you will be asked to participate in small group discussions on course topics.

## **VI. Grading**

The grade in this course will be based on the following point total:

Final Exam	80 points
Participation and Effort	10 points

### **A. Final Exam**

The final will be a closed book, online exam based upon the assigned readings, including the notes and essays in the course text. The final will consist of multiple choice / true false questions and, possibly, one or more essay questions.

### **B. Participation and Effort**

The points for participation and effort will be based upon:

1. Timely completion of all assignments (see "Due Dates"- section VIII below);
2. Thoroughness of responses to essay questions and writing assignments;
3. Participation in small group discussion boards.

**NOTE:** The participation points are not based upon a curve, and it is my hope that every class participant will receive all of the allotted points.

I reserve the right to raise a grade by one grade increment (ex: B to B+) for significant and consistent work that exceeds the normal expectation of the class, as determined in my sole discretion. This would entail outstanding work on the exam style essays, essay questions, and group activities. In particular, weight will be given to thorough and thoughtful responses to the writing assignments/ exam style questions.

I also reserve the right to lower a grade by one grade increment (ex: B to B-) for significant and consistent work that does not meet the normal

expectation of the class. This reduction may be in addition to loss of participation and effort points, discussed above.

### **C. Writing Assignments/Exam Style Essay Questions**

These questions are graded on a "reasonable effort" standard meaning that I will review the answers to see that you have read the assigned material, considered carefully the purpose of the assignment, and have given a thorough and thoughtful response. The answers will not be graded, however, on whether they are "correct," as they are part of the learning experience in the course.

### **VII. Due Dates**

The due date for assignments is the last day of the unit, as listed below in Section X. The due time is 11 p.m. on the due date.

All components of the unit are due on the due date, including the readings, questions, essay questions, exam style questions, and group discussion board responses.

### **VIII. Office Hours**

An online course can present some difficulties in instructor-student interaction, if only due to the lack of a planned meeting time that a physical classroom provides. However, know that I am always available to answer questions and discuss class topics via e-mail. I will have a weekly virtual office hour. I check e-mail very frequently and normally respond within 24 hours (sometimes 48 hours on weekends). If you send an e-mail and you do not get a response within that timeframe, please feel free to contact me again.

### **IX. Additional Resources and University Required Language**

#### **Mode of Presentation (University required designation)**

(AS) Asynchronous classes do not meet face-to-face, and they do not have a regularly scheduled meeting time. Most of the class materials are available online at any time. Some asynchronous online classes may include virtual class meetings, which will be arranged on a class-by-class basis by the instructor.

#### **CAPS**

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus.  
[http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)

### **Names and Pronouns**

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns—including non-binary ones such as they / them / their—must be respected in my course. Feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have any concerns about how I or your classmates address you.

### **UH Sexual Misconduct Policy**

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system’s Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:  
<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php> ;<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination);  
<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct). Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. ***Also, as a required reporting party, I am not a confidential resource.***

### **COVID-19 Information**

Students are encouraged to visit the University’s [COVID-19](#) website for important information including diagnosis and symptom protocols, testing, vaccine information, and post-exposure guidance. Please check the website throughout the semester for updates.

### **Reasonable Academic Adjustments/Auxiliary Aids**

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

### **Recording of Class (University required language)**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with DisABILITIES. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

### **Resources for Online Learning**

The University of Houston is committed to student success and provides information to optimize the online learning experience through our Power-On website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

### **Title IX/Sexual Misconduct**

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

### **Security Escorts and Cougar Ride**

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the

community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

### **Honor Code**

The UHLC Honor Code applies to all aspects of this course. *You are responsible for knowing all Honor Code provisions and for complying with the Honor Code.* Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. *It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.*

### **Syllabus Changes**

Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through email.

### **Helpful Information**

**Coogs Care:** <https://uh.edu/dsa/coogscare/>

**Student Health Center:** <https://www.uh.edu/healthcenter/>

## **Reading Assignments and Due Dates**

Unit	Date	Reading Chapters and Unit Topics
1(A)		The Employer- Employee Relationship: Introduction To Employment at Will
1(B)		Interviewing and References
2		The Employer- Employee Relationship: Creating and Enforcing a Contract Limitations on Dismissal
3		The Employer- Employee Relationship: Post Employment Restrictions on Employees
4		Unemployment Insurance Family and Medical Leave Act
5		Fair Labor Standards Act (FLSA)
6		Workers' Compensation
7		Occupational Safety and Health Act (OSHA)

### Notes:

1. The final date listed for the unit is the due date for all assignments.
2. All assignments due by 11 p.m. on the due date.
3. You must utilize the checklist, provided with each unit, to ensure that you complete all units.

## **Unit 1 Checklist**

**Sample – Final Week 1 checklist will be posted on the course website.**

**Due Date:** All items below must be completed by 11 p.m. on Tuesday, January 24.

### **I. Introductory Materials:**

1. Watch: *Introduction 1* video
2. Watch: *Introduction 2* video

### **II. Sub-unit: The Employer-Employee Relationship/ Introduction to Employment At Will and Its Exceptions**

#### **Read:**

- A. *Payne v. The Western & Atlantic Railroad Co.*
- B. Excerpt from *The Public Policy Exception to Employment At-Will: Time to Retire a Noble Warrior?*
- C. *Wagenseller v. Memorial Hospital*

#### **Complete:**

- A. Introduction to Employment At Will – Questions

### **III. Sub-unit: The Employer-Employee Relationship/ Entering Into the Employment Relationship and Employee References**

**Watch:** *Interviewing and References* video

- i. Interviewing*

#### **Read:**

- A. *Griffin v. Steeltek*
- B. *Kraft v. Police Commissioner of Boston*
- C. *Lysak v. Seiler Corp.*

#### **Complete:**

- A. Interviewing – Questions
- B. Interviewing – Essay

ii. Checking and Providing Employee References

**Read:**

- A. *Malorney v. B & L Motor Freight*
- B. *Chambers v. American Trans Air, Inc.*
- C. *Richland Sch. Dist. v. Mabton Sch. Dist.*

**Complete:**

- A. Checking and Providing Employee References - Questions
- B. Checking and Providing Employee References – Essay

5. Exam-Style Essay Question.