

EMPLOYMENT LAW -- Spring 2013				Jan. 11, 2013
		Syllabus	Professor Farrell joe.farrell@lw.com 213-891-7944	
Class No.	Date	Topic	Reading	Other
1	January 15, 2013	What is an Employee?	Casebook* pp. 10-21 (<i>Nationwide Mutual Insurance Company v. Darden, Secretary of Labor v. Lauritzen</i> , notes); IRS Rev. Ruling 87-41; California Labor Code Sections 226.8 and 2753 (materials not in the casebook will be distributed or on BlackBoard)	
2	January 17, 2013	Who is the Employer? Joint Employer Liability	Casebook pp. 21-37 (<i>Clackamas Gastroenterology Associates, P.C. v. Wells</i> , Restatement (Third) of Employment Law Section 1.03, <i>Xheng v. Liberty Apparel Company, Inc.</i> , notes); Cal. Lab. Code Section 2670, 2671, 2673, 2673.1, 2678, 2684	
3	January 22, 2013	Hiring Process: Application Forms, Interviews	Supp ** pp. 351, 391, 421-423 (Cal. Labor Code Sections 2922, 970-972, New York "Lawful Activities" Law, New York Labor Law Section 201-d); Application Form; Onboarding Forms; 29 C.F.R. Part 1607; California Labor Code Sections 432.7, 432.8; New York Executive Law Section 296; New York Corrections Law 750 et seq.	
4	January 24, 2013	Background Checks; References; Negligent Hiring	Casebook pp. 870-872; Supp. 332-342 (Fair Credit Reporting Act); <i>Chambers v. American Trans Air</i> ; <i>Randi W. v. Muroc Jt. Unified Sch. Dist.</i> ; <i>C.A. v. William S. Hart Union High School</i>	
5	January 29, 2013	Drug testing; Privacy	Casebook pp. 837-851 (<i>Skinner v Railway Labor Executives' Assoc.</i> , notes), 880-892 (<i>Borse v. Piece Goods Shop, Inc.</i> , notes)	
6	January 31, 2013	Privacy and Truth-detecting Devices	Casebook pp. 867-870, 874-879 (<i>Konop v. Hawaiian Airlines, Inc.</i> , <i>Quon v. Arch Wireless Operating Co.</i> , notes); Supp pp. 313-320 (Employee Polygraph Protection Act)	
7	February 5, 2013	Psychological Testing; Medical Screening	<i>Soroka v. Dayton Hudson Corporation</i> , 18 Cal. App. 4th 1200 (1991); <i>New Jersey Transit PBA Local 304 v. New Jersey Transit Corporation</i> , 384 N.J. Super. 512 (2006); Supp. pp. 151-155 (Genetic Information Nondisclosure Act ("GINA")) 29 C.F.R. Part 1607 (Uniform Guidelines on Employee Selection Procedures)	

8	February 7, 2013	Discrimination: Disparate Treatment	Casebook pp. 41-64; Supp pp. 9-25 (Title VII of the Civil Rights Act of 1964 ("Title VII") Sections 701(b), (c), (d),(f), (k) & (m), 702, 703(a)-(e)(a), 704(a), 706(b), (3) & (g)(1); and Supp pp. 35-37 (Civil Rights Act of 1991 Section 1977A(a)(1), (b) and (c)) (pp. 36-38)	
	February 12, 2013	NO CLASS--Monday Schedule		
9	February 14, 2013	Discrimination: Disparate Impact, Business Necessities, Remedies	Casebook pp. 142-153 (Introduction, <i>Griggs v. Duke Power Co., notes</i>), 162-166 (<i>Watson v. Fort Worth Bank and Trust</i> , notes), 225-241 (<i>Ricci v. DeStefano</i> , notes); Supp pp. 11, 15-16 (Title VII Sections 701(m), 703(k)(1), (2) & (3))	
10	February 19, 2013	Affirmative Action	Casebook pp. 242-287 (Introduction, <i>Local 28, Sheet Metal Workers v. EEOC</i> , notes, <i>Wygant v. Jackson Board of Education</i> , notes, <i>Johnson v. Transportation Agency, Santa Clara County</i> , notes); Supp pp. 15-16, 44 (Title VII Section 703(j), 703(l), CRA Section 116)	
11	February 21, 2013	Discrimination based on Religion	Casebook pp. 564-579, 584-594; Supp pp. 11-12, 13(Title VII Sections 701(j), 702(a), 703(e)(2))	
12	February 26, 2013	Discrimination based on Disability	Casebook pp. 487-497, 504-511 (Introduction, Definition of Disability, <i>Sutton v. United Airlines</i> and notes); 511-525 (Duty of Reasonable Accommodation, <i>US Airways v. Barnett</i> and notes); Supp pp. 128-143, (Americans with Disabilities Act ("ADA") Sections 3, 101, 102(a), (b)(1) - (6) and (d), 103(a)- (c), 104(a)-(d), 107(a), 501(b) and (c), 503, 509, 511, and 512)	Essays Question Distributed (30% of Grade)
13	February 28, 2013	Discrimination based on National Origin	<i>Garcia v. Spun Steak Co.</i> ; <i>Maldonado v. City of Altus</i> ; Casebook pp. 139-141 (Immigration Reform and Control Act)	
14	March 5, 2013	Discrimination based on Age	Casebook pp. 413-430 (Introduction, <i>O'Connor v. Consolidated Coin Caterers Corp.</i> , notes, <i>Gross v. FBL Financial Services, Inc.</i> , notes), 448-461 (<i>Hazen Paper Company v. Biggins</i> , notes, <i>Smith v. City of Jackson, Mississippi</i> , notes); pp. 94-96, 108-109, 110-115 (Age Discrimination in Employment Act ("ADEA") Sections 621, 623(a),(d)&(f), 626(a)-(c), (f), 630(b)& (f), 631(a),(c)&(d) (pp. 90-111))	

15	March 7, 2013	Pay Equity: Equal Pay Act and Title VII	Casebook pp. 385-407 (<i>Corning Glass Works v. Brennan</i> , <i>Kouba v. AllState Ins. Co.</i> , notes, <i>County of Washington v. Gunther</i> , <i>American Federation of State, County, and Municipal Employees, AFL-CIO v. State of Washington</i> , notes); Supp pp. 73, 91-93 (Equal Pay Act and Lilly Ledbetter Fair Pay Act of 2009)	
16	March 12, 2013	Work Conditions: Harassment in the Workplace	Casebook pp. 347-384 (<i>Harris v. Forklift; Oncale v. Sundowner; Faragher v. Boca Raton</i> , notes, <i>Kohlstad v. American Dental association</i> , notes); <i>C.F.R. Section 1604.11; Cal. Gov't Code Section 12940(j) and (h)</i>	
17	March 14, 2013	Statutory Anti-Retaliation Provisions	Casebook pp. 631-664 (Introduction, <i>Burlington Northern v. White</i> , notes, <i>Crawford v. Metropolitan Government of Nashville</i> , <i>Hochstadt v. Worchester Foundation</i> , notes, <i>Whirlpool Corp. v. Marshall</i> , Secretary of Labor, notes) Supp pp. 278-287 (False Claims Act)	Essays Due
	March 19 and 21	NO CLASS--Spring Break		
18	March 26, 2013	Wages and Hours: FLSA and State Statutes (Minimum Wages, Overtime, and Child Labor)	Casebook pp. 946-961 (Introduction, <i>Secretary of Labor v. Lauritzen</i> , notes); Supp pp. 439-444, 446-447 (FLSA Sections 203, 206, 207, 211-217, 255, 260)	
19	March 28, 2013	Wages and Hours: FLSA and State Statutes (Minimum Wages, Overtime, and Child Labor)	Casebook pp. 961-988 (<i>Bright v. Houston Northwest Medical Center Survivor, Inc.</i> , notes, <i>Auer v. Robbins</i> , notes, <i>Davis v. J.P. Morgan Chase & Co.</i>)	
20	April 2, 2013	Employee Benefits	Casebook pp. 995-1034 (Overview, <i>Williams v. Wright</i> , notes, <i>Vizcaino v. Microsoft</i> , notes, <i>Hughes Salaried Retirees Action Committee v. Administrator</i> , <i>Firestone Tire & Rubber Co. v. Bruch</i> , notes, <i>Firestone Tire & Rubber Co. v. Bruch</i> , notes)	
21	April 4, 2013	FMLA and other Leave laws	<i>Seidle v. Provident; Kelley Co. v. Marquardt; O'Connor v. PCA Family Health Plan</i> , Supp pp. 75, 77-79, 82-87 (FMLA Sections 2611(2)(A) & (B), 2612(a),(c),(d) & (e)(1), 2614(a)(1)-(3), (b) & (c)(1), 2615, 2617(a))	

22	April 9, 2013	Health and Safety/OSHA and Workers' Compensation	<i>Judson Steel Corp. v. Workers' Compensation Appeals Board, City of Moorpark v. Superior Court, James Mason v. Lake Dolores Group, LLC</i> ; Selected Provisions of California Workers' Compensation Act and Occupational Health and Safety Act	
23	April 11, 2013	Employee Duties to Present and Past Employers	Casebook pp. 903-938 (Introduction, <i>Amp Inc. v. Fleischacker</i> , notes, <i>PepsiCo v. Redmond</i> , notes, <i>BDO Seidman v. Hirschberg</i> , notes); California Business & Professions Code Section 16600 <i>et seq.</i> ; <i>California Labor Code Section 2870</i> .	
24	April 16, 2013	Termination of Employment: Employment "at will"/Discharge in Breach of Contract	Casebook pp. 718-743 (Introduction, <i>Ohanian v. Avis Rent a Car System, Inc.</i> , notes, <i>Foley v. Interactive Data Corp.</i> , notes, <i>Guz v. Bechtel National Co.</i> , notes)	
25	April 18, 2013	Discharge in Breach of Contract /Covenant of Good Faith and Fair Dealing	Casebook pp. 743-775(<i>Wooley v. Hoffmann-La Roche, Inc.</i> , notes, <i>Fortune v. National Cash Register Co.</i> , notes, <i>Cotran v. Rollins Hudig Hall</i> , notes)	
26	April 23, 2013	Discharge in Violation of Public Policy and Torts	Casebook pp. 775-811; <i>Foley v. Interactive Data Corp.</i> , notes, <i>Hunter v. Up-Right, Inc.</i> , notes, <i>Cappiello v. Ragen Precision Industries, Inc.</i> , notes, <i>Lewis v. Equitable Life Assur. Society</i> , notes)	
27	April 25, 2013	Discharge in Violation of Public Policy and Torts (cont.)	Casebook pp. 673-682 (<i>Tameny v. Atlantic Richfield Co.</i> , notes), 692- (<i>Geary v. United States Steel Corp.</i> , <i>Palmateer v. International Harvester Co.</i> , notes) <i>Gantt v. Sentry Insurance</i>	
28	April 30, 2013	ADR in Employment Law: When is Arbitration Permitted?	Casebook pp. 1148-1167 (<i>Gilmer v. Interstate/Johnson Lane Corp.</i> , notes); <i>Armendariz v. Foundation Health</i>	
	May 2, 2013	Tentative Date for Review Session; Final Date to be discussed		
<p>NOTES:</p> <p>* "Casebook" means Cases and Materials on Employment Discrimination and Employment Law, 4th Ed., Estrieher and Harper</p> <p>***"Supp" refers to Statutory Supplement to Cases and Materials on Employment Discrimination and Employment Law, 4th Ed., Estrieher and Harper</p>				