COURSE OUTLINE AND ASSIGNMENTS

Readings are from the text (“T”), CRAIN, KIM, & SELMI, WORK LAW, or from the Supplement posted on the course web page (“S”).

I. Sources of Modern Employment Law
   * Intro and a Case for Discussion  
     T:3-9, S:1-2
   A. History of the Law of the Workplace
      * Slaughterhouse Cases, Payne, Lochner  
        S:3-7, T:9-24
      * Adair, Muller, Adkins  
        S:8-18
      * West Coast Hotel, Jones & Laughlin Steel  
        T:699-710, T:24-30
   B. Labor Law as Employment Law
      * Washington Aluminum, Timekeeping Systems  
        T:485-511
      * Eastex, Motorola  
        S:19-28, T:30-45
   C. Constitutional Rights in the Public Sector Workplace
      * Roth, Perry, Loudermill  
        T:98-104, S:29-35
      * Pickering, Connick, Rankin, Rutan & Waters (exc.)  
        T:458-72, S:36-38
      * Roe, Garcetti  
        S:39-43, TBA

II. Equal Status Rights (Introduction to Antidiscrimination Law)
   A. Disparate Treatment
      * Pretext: McDonnell-Douglas, Hicks, Reeves  
        T:535-56
      * Mixed Motive: Price-Waterhouse, Costa  
        S:43-53, T:556-64
      * The BFOQ Defense: Johnson Controls, Wilson,  
        T:564-77, S:54-63
   B. Disparate Impact
      * Griggs, Joe’s Stone Crab  
        T:577-98
   C. Discriminatory Harassment
      * Meritor, Oncale  
        T:598-611, S:64-67
      * Ellerth, Faragher, Suders  
        T:611-25, S:68-72
   D. Perspectives on Diversity and Discrimination
      * Work & Family, Diversity & Integration  
        T:669-81, 686-93

III. The Erosion of Employment At Will (& Employer Sovereignty) in the Private Sector
   A. Contracting for Job Security
      * Express Contract: Savage, Giuliano  
        T:85-97, 105-17
      * Implied Contract, Promissory Estoppel: Goff-Hamel, Pugh  
        T:139-54
      * Employment Manuals & Disclaimers: Woolley, Anderson, Dillon (notes), Asmus  
        T:117-39
* Good Cause, Good Faith:  *Cotran, Fortune, Murphy, Foley [notes], Guz*
  T:154-75, S:73-79

* Economic Layoffs, Plant Closings, & Job Security: *Local 1330 v. US Steel, Childress*
  T:261-88

B. Public Policy Tort Exceptions to Employment at Will
* Sheets, Hayes, Wagenseller
  T:177-96, S:80-85
* Gantt, Kirk, Amos
  T:196-219, 227-31
* Balla, Crews, Wieder, Horn
  T:231-46, S:86-94

C. Reevaluating EAW
* Readings
  T:247-59, S:95-100

IV. Autonomy, Dignity, and Privacy Rights
A. Freedom of Speech in the Private Sector?
* Novosel, Edmondson, Dixon
  T:472-85

B. Dignity and Privacy Rights On and Off the Job
* Wornick, Bodewig, Hollomon
  T:352-65
* Ortega, K-Mart, Borquez, Smyth
  T:366-90
* Luck, Jennings, Colgate-Palmolive
  T:390-405
* McCavitt, Rulon-Miller, Soroka
  T:405-430

D. Reputation and Employment Reference
* Zinda, Chambers
  T:436-53

V. Employee Mobility & Employer Interests
* Duty of Loyalty, Tortious Interference: *Augat, Dalton, Reeves*
  T:301-02, 328-43
* Non-Compete Covenants & Trade Secrets: *Hopper, Dicks, Pepsico, D’Sa*
  T:302-28, S:101-04

VI. Wage & Hour Regulation & Litigation under the FLSA
* Intro., Covered Employees: *Heath, Zheng*
  T:710-29, S:105-13
* Covered Working Time: *Davis, Dingis, IBP*
  T:729-43, S:114-23
* The White-Collar Exemptions
  T:772-94
* Enforcement, Economics, Alternatives: *Rui One*
  T:744-72

VII. Mandatory Arbitration: Deregulation or Reform?
* Alexander, Gilmer
  T:951-74, 1003-09
* Cole, Hooters
  T:974-99
* Armendariz, Circuit City (9th Cir), Halliburton
  T:999-1003, S:124-32