Welcome to Employment Law! This 3-credit course is a topical study of the individual employment relationship. Topics include the “at will” nature of employment and the statutory and common law limitations on at-will employment; employee privacy and employer information gathering (surveillance, drug testing, etc.), state and federal regulation of wages, hours, and leave benefits; agreements not to compete and agreements to arbitrate employment disputes; and unemployment and workers’ compensation insurance systems. The focus will be on the non-unionized private sector, and does not include anti-discrimination law.

Coverage of these diverse topics is necessarily abbreviated. The course is intended to give students (1) a basic familiarity with these areas of employment law, (2) an awareness of employment law issues when encountering them in practice or later coursework, (3) an understanding of the policy considerations in play, (4) an appreciation for employment law as a dynamic field with areas of grey, conflict, and tension, and (5) an ability to tap appropriate legal resources when researching or answering questions about employment law issues.

This course schedule provided below is subject to change with reasonable notice. The course will feature some guest lecturers, to be identified in class.

**COURSE STRUCTURE AND GRADING**

This course will use a combination of lectures, discussions, and independent work. You will be evaluated on three criteria: a final examination, an out-of-class team project, and class participation.

**Course Grade:** Your final course grade calculated per Law School curve requirements and will be based on the following criteria:
1. Final Exam – 50%
2. Team Project – 35%
3. Class participation – 15%
**Class participation:** This course is a joint endeavor of the teacher and the students. All students are expected to prepare for and attend all classes and fully participate in class discussions and exercises. I consider the class to be a community of learners and future colleagues. In assessing class participation, I consider a willingness to ask and answer questions and share ideas more important than being "right".

**Names:** Please bring a table tent to each class with your name printed in large block letters front and back so that we can all be reminded of and learn each others' names.

**Final Exam:** There is one final exam which will consist of multiple choice, short answer and essay questions.

**Term Project:** Create an employee handbook. Labor/employment lawyers often write and justify employment policies for clients. For this project, you will work in teams of four to create an employee handbook for the hypothetical business of your choice, and support your policies with a memo describing your hypothetical client’s business and explaining and referencing the legal basis for the policy design. The completed assignment is due on the last day of class.

**Contact Information:** (206) 684-8230 / e-mail: isocrinus@comcast.net

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**WINTER 2014 SCHEDULE OF TOPICS AND READINGS**

**Tues. 1/7**
1. Introduction

**Thurs. 1/9**
3. Historical Foundations of Employment at Will – WSB 47-64

**Tues. 1/14**
5. Implied Contracts and Employment Manuals – WSB 83-95 n.2; 98-108; 115 n.2

**Thurs. 1/16**
7. Researching Employment Law

**Tues. 1/21**
8. Intentional Infliction of Emotional Distress – WSB 153-165

**Thurs. 1/23**
9. Whistleblowing – WSB 126-142; 146-153

**Thurs. 1/28**
11. Privacy on and off the Job – WSB 248-274
Tues. 1/30  12. Employee Testing; References; Negligent Hiring – WSB 274-276; 277-289; 308-310

Thurs. 2/4  13. Employee free speech
           14. References: Defamation and Other Torts – WSB 311-329

Tues. 2/6   15. Duty of Loyalty and Trade Secrets – WSB 333-353
           16. Agreements Not to Compete – WSB 355-359; 363-375

Thurs. 2/11 17. Arbitration Agreements – WSB 1165-1187

Thurs. 2/13 18. FLSA - Wage and Hour Law – WSB 600-632

Tues. 2/18  19. FLSA - Wage and Hour Law – WSB 600-632


Tues. 2/25  21. FMLA, USERRA and Washington FLA

Thurs. 2/27 22. Unemployment Compensation: WSB 637-654; 658-677

           Workers’ Compensation: In the Course of Employment – 907-914

Thurs. 3/6   24. Workers’ Compensation: In the Course of Employment – 914-928
           Workers’ Compensation: Arising Out of Employment – 929-930; 949-951 Course evaluation

Tues. 3/11  Review/catch-up

Thurs. 3/20  – 1 p.m.* Final Exam

* Note: Exam date & time set at time of syllabus preparation. You are responsible for checking with the Law School to confirm this schedule at http://www.law.washington.edu/Students/Exams/Default.aspx.