I. Course Outline and Objectives

In general, this course is designed so each student will develop a working knowledge of advanced employment law and related statutes. The objectives are that by the end of the course each student will:

A. Have taken another step toward becoming a truly educated and enriched individual by learning to recognize, understand and accept ownership for his or her own learning through such activities as participating in class discussion in an informed and professional manner; asking questions of one’s self, other students, and the instructor in order to more fully understand a concept or idea; responding thoughtfully to ideas that challenge his or her own thinking, etc.

B. Know and demonstrate a general understanding of employment law and labor law;

   1. Knowledge and demonstration of the above includes, but is not limited to:

      a. Exhibiting understanding of the purposes and structure of major Federal legislation governing the workplace (ex.: Fair Labor Standards Act, Portal-to-Portal Pay Act, Civil Rights Act of 1964, Americans with Disabilities Act, etc.);

      b. Utilizing an analytical framework for decision-making, evaluate scenarios properly which involve applying the above laws to support an employment law attorney’s practice; and

      c. Appropriately utilizing the above framework, draft pleadings and discovery instruments that support an employment law attorney’s work.

C. Know and demonstrate a general understanding of relevant ethical, moral, social and political considerations;

II. Texts

B. The text may be supplemented by suggested and mandatory outside reading assignments.

III. Grading System
   A. Mid-Term Examination (Date announced in class) 15%
   B. Final Examination (Date announced in class) 25%
   C. Writing Projects (In class and outside of class projects) (Date announced in class) 20%
   D. Class Participation in Discussions, scenarios, readings, and briefings (attendance is subsumed within this portion of the grade.) 40%

Tests may be essay, take-home and may include demonstration of skill application.

IV. Grading Philosophy

Grading in this course is not on the basis of a curve or any other criteria which relativizes student work product. In other words, the grade earned by a student is not based upon a comparison of the student's work product with any other student's work product. Grades are measured against an absolute. That absolute is whether the student's work product is substantively correct and presented in a manner which demonstrates a command of higher thinking skills (analysis, synthesis, and evaluation), balanced judgment, clarity and precision of thought, good oral and written communication skills (correct use of grammar and syntax, logical development of ideas with supporting citation to authority), and overall professional bearing.

Under this system of grading it is possible for all students to achieve the highest grade awardable. The converse is also possible. On balance, this system of grading is rigorous. There is no arbitrary grade inflation or deflation under this grading philosophy.

Under only the most unusual circumstances will extra credit work be considered. Missed exams, low exam grades, etc. do not constitute "most unusual circumstances."

V. Class Participation Grading

The rationale for emphasizing class participation is research into adult education demonstrated that active participation by the student is the key to
effective comprehension, retention and readiness for the workplace. For the student to demonstrate comprehension, retention and readiness to the instructor, the student must show he/she is contributing to his/her own and his/her fellow students’ intellectual enrichment in a meaningful and mature manner.

The following is an illustration of how this component of a student’s grade is determined. If the student wants to achieve 100% for participation, then the student must attend all class sessions and come to each class well-prepared, and must qualitatively (not quantitatively) engage in discussions, ask questions, make connections between sources of information, and become involved in scenarios, presentations, readings, briefings, etc.

If the student elects not to attend class, or attends by filling a chair (not engaging him/herself in group discussions, scenarios, presentations, etc.), it will be considered as 0% of the class participation portion of the student’s grade and his/her final grade will reflect accordingly.

Between 100% and 0% class participation lies a great deal of latitude for the student with respect to his/her involvement. As before, and illustration: If a student attends the great majority of classes, and meaningfully participates (as defined above) in about half of those classes, the student will receive 50% of the grade ascribed to class participation. Thus, the student need only honestly examine the number of times he/she attended class and actively participated (as defined above) divided by the total number of class session in the quarter to approximate what his/her percentage of the participation grade will be. Other factors such as a student’s progress throughout a quarter, and the quality and insight of his/her contributions are also grading considerations.

Class participation should not be taken as a reason to engage in immature, offensive, rude, belligerent, etc., behavior. Students are guided by the college’s Student Code of Conduct when in class.

Conceptually, participation (as defined above) is an indirect measure of maturity, motivation, and professionalism. One aspect of these attributes is honest self-awareness and self-assessment. Another aspect of these attributes is ownership and responsibility for outcomes. The instructor expects each student to honestly assess his/her motivation, maturity, and professionalism, and to take responsibility for what is learned and how well it is learned. Practice makes the master. Honest, active, mature classroom participation will lead to the same in the workplace.

The instructor understands the subjectivity inherent in this portion of a student’s grade. The instructor also understands such mitigating factors as
shyness, slow verbal skills, self-esteem issues, different learning styles, etc. The instructor invites students to discuss this portion of the grade with him early in the quarter, **NOT AT THE END OF THE QUARTER** when the grade’s dye has been cast. The instructor makes every effort to be fair with respect to grading, and does consider mitigating factors.

However, the instructor also expects a student to take risks regarding mitigating factors (examples above) in the student’s life. For instance, if a student deems him/herself to be shy, and therefore avoids participating in class, the instructor expects that student to make consistent, good faith efforts at overcoming the shyness. The same would be expected in the workplace. **RISK AND REWARD ARE COMMENSURATE.** Generally speaking, the greater the risk, the greater the reward. Here the reward is greater learning, enhanced self-confidence, more fun in the long run, and an easier transition to the workplace.

VI. Incompletes

Only under the most unusual and/or extreme circumstances will a student be permitted to take an incomplete or “Z” grade for this class. Students who perform poorly on exams or other class work, or who do not regularly attend, should not anticipate they can receive an incomplete or “Z” grade.

VII. Instructor
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IX. Attendance and Participation
Full attendance and participation is expected. Exceptions will be made for emergencies and unusual circumstances (family death, hospitalization, etc.) Conflicts with work, vacation, etc., will not count, and a missed class will count as an absence. Late attendance will be considered, and will negatively affect the class participation portion of a student’s grade. Any deadline given in class (example, handing in a paper, time for giving a test) will be strictly enforced. Under only the most unusual circumstances will individuals be allowed a deadline dispensation. Minor illnesses, forgetfulness, work conflicts, etc., do not constitute "most unusual circumstances."

This class is part of each student’s preparation for a professional career. A hallmark of professionalism is punctuality. A high percentage of this class’s grade is based on class participation. Participation includes prompt
attendance. Students who routinely come late to class and/or leave early should expect the participation of their grade will be adversely impacted.

X. Ethics
Ethics and professionalism are of central concern in the legal environment. Therefore, any student found cheating as defined in WAC 132Q-04-060 will receive, at the least, an automatic failing grade for the course. Additional disciplinary measures may be taken as deemed appropriate. For example, plagiarism on any class paper, project, pleading, presentation, etc. is cheating.

XI. Legal Advice:

The instructor is a licensed and practicing attorney. Additionally the instructor is a relatively caring individual. On a regular basis the instructor is approached by students seeking legal advice. The Rules of Professional Conduct governing the activities of an attorney in Washington State, provide that when an attorney provides legal advise to a person, an attorney-client relationship is established, the attorney is professionally responsible for his/heir’s advise, and the attorney can be sued for malpractice in such situations. This is true whether money is received or not, and whether the advice is casual or not. The instructor does not carry malpractice insurance, and his office is not configured to check for conflicts of interest, calendaring, etc., which are integral to good professional representation. Additionally, the common way in which the instructor is approached for legal advice, frequently means the instructor is not provided with the correct and/or complete information, upon which a reasoned professional judgment could be based. Please therefore understand that the instructor, with some measure of regret, cannot, and does not provide legal advice to students, even in the form of a hypothetical—a frequently employed student technique. If you are in the position of needing free or low-cost legal advice, the instructor has in his office, for free, a flyer with contact information for many of the agencies in the Inland Northwest which provide such services to the public. You need only ask.

XII. Support Services

The Americans with Disabilities Act is designed to ensure that students with disabilities have an equal opportunity to access academic programs and successfully complete their educational goals. Spokane Community College is committed to providing accessibility to all students. Any students with disabilities who have accommodation needs must contact Disability Support Services located in the Learning Resource Center (Library) or call Laura at 533-8872 to make an appointment to complete the intake process. Additionally the student should contact me after class to further facilitate the necessary accommodation. This information will remain strictly confidential.
XIII Specific Class Assignments:

The following table depicts the assignments you will complete during the course of this class along with an explanation of the skills you can anticipate acquiring from the completion of these assignments:

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<th>SPECIFIC ASSIGNMENT(S)</th>
<th>SPECIFIC SKILLS/OUTCOMES</th>
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| 1. Drafting Exercise--Summons, Complaint, and Answer for employment law action in a) discrimination, b) harassment, c) defamation, d) invasion of privacy, e) Fair Labor Standards (pay, hours) violation, f) other category of employment law. Completed over course of class. | 1. Increasing understanding of substantive applicable law.  
2. Developing competence with fundamental legal research.  
3. Refining critical thinking skills with respect to applying elements analysis to hypothetical facts.  
4. Increasing proficiency with respect to writing clear, accurate legal prose.  
5. Increasing proficiency with respect to formatting legal documents.  
6. Deepening working familiarity with applicable civil procedure rules. |
| 2. Scenario Problem-Solving. Completed once per class session. | 1. Refining critical thinking skills with respect to applying elements analysis to hypothetical facts.  
2. Developing collaborative people-skills through give and take of problem-solving discussion.  
3. Developing increasing confidence and skill with respect to speaking in clear, accurate, and succinct terms, with appropriate use of legal terminology. |

XIV Outline

The following is an outline of subjects to be covered in the class. The class may not cover all of the following topics, since each class’ pace varies. Additionally the topics may not be covered in the order in which they are listed below.

CLASS OUTLINE
I. Contract Law
   A. General Discussion

II. Employment at Will Doctrine
   A. Erosion of Traditional Employment at Will Doctrine
   B. Implied Contracts
   C. Tort Theories for Cause for Wrongful Discharge
   D. Public Policy Violations
   E. Statutory Restrictions on Discharging Employees
   F. Remedies and Defenses for Wrongful Discharge

II. Fair Employment Practices
   A. Protected Classifications Compliance Prohibitions and Exceptions
   B. Affirmative Action

III. Wages, Hours, and Holidays
   A. Fair Labor Standards Act and State Regulation of Employment
   B. Minimum Wage Requirements and Exceptions
   C. Overtime Compensation Requirements and Exceptions
   D. State Laws for Employment of Minors
   E. Holidays
   F. Penalties for Violations

IV. Benefits
   A. Overview of ERISA and State Regulation of Benefits
   B. Group Health Insurance
   C. Health Benefits, Continuation and Conversion
   D. Group Life Insurance
   E. Wage Payment Laws
   F. Parental Leave
   G. Legal Expenses Insurance

V. Workers Compensation
   A. Overview Development of Workers Compensation Law
   B. Coverage of Laws
   C. Benefits Provided
   D. Administration of Laws

VI. Unemployment Compensation
   A. Federal State Collaboration in Administering and Funding Unemployment Compensation
   B. Employers Subject to Unemployment Compensation
   C. Unemployment Disqualifications and Exceptions
   D. Benefits Eligibility Criteria and Payouts
VII. **Work Place Privacy**
   A. Expansion of Privacy Rights in the Work Place
   B. Regulation of Work Place Testing
   C. Use of Conviction and Arrest Records in Higher Decisions
   D. Use of Consumer Credit Reports
   E. Blacklisting, References, and Personal Records

VIII. **Health and Safety**
   A. Occupational Safety and Health Act of 1970 and State Laws
   B. Municipal Smoking Ordinances
   C. Right to Know Federal and State Laws

IX. **Americans with Disabilities Act**
   A. Coverage and Mandates
   B. Compliance

XII  **Family Medical Leave Act**
   A. Overview

XIII. **Labor Laws**
   A. History and Overview of Labor Relations
   B. National Labor Relations Board
   C. Labor Negotiations
   D. Tactics (Strikes, Lockouts, Worker Replacement, Etc.)

XIV. **Miscellaneous Employment Issues**
   A. Immigration Reform and Control Act
   B. WARN (Worker Adjustment and Retraining Notification Act)
   C. Whistle Blower Laws