

Employment Law Syllabus
Professor Judd F. Sneirson
Fall 2008

Overview: This course surveys the relationship between employer and employee in both the private and the public sectors, from pre-hiring to termination or resignation. As other law school courses cover employment discrimination and labor law in depth, this course will afford those topics only a very limited treatment.

Course Materials: We will use Timothy P. Glynn, Rachel Arnow-Richman, and Charles A. Sullivan, *Employment Law: Private Ordering and Its Limitations* (2007), which should be available from the bookstore. An additional employment law source you might find helpful is Mark A. Rothstein et al., *Employment Law* (3d ed. 2004), a two-volume hornbook located on the fourth floor of the law library.

Class Participation and Attendance: I expect you to prepare for class, attend, and participate. But I also understand that you have other classes and commitments. If you cannot attend class regularly, please let me know in advance. If you are not prepared for class, please let me know in advance. Otherwise, I will assume you are present, prepared, and eager to participate.

Distractions and Disruptions: The internet can distract you and those sitting around you from the class. Do not access it during class unless I specifically ask you to. Ringing cell phones can also be distracting and disruptive—if yours should ring aloud during class, be prepared for me to answer your incoming call and explain that you are busy or, in the case of text messages, read the message aloud. Lastly, please arrive on time and refrain from coming and going during class.

Grading and Exam: Grades will primarily be based on a final examination. It will probably be a combination of short answers and standard essays, and will be open book (*except* no commercial study aids). All assigned reading and everything covered in class may be tested on the exam. Additionally, I may adjust final grades up or down (typically one third of a grade, *e.g.*, from a B+ to an A-) based on attendance and/or class participation.

Office, Office Hours, Telephone, and E-Mail: I am in room 306D. I will hold office hours on Tuesdays and Wednesdays from 1 to 2 p.m., and I will be generally around and available at other times. If you have trouble finding or meeting with me, I will be happy to schedule an appointment. My office telephone number is 346-1577, and my e-mail address is jsneirso@uoregon.edu .

Accommodations: If you need special accommodations, please let me know.

Reading Assignments: We will try to keep to the following schedule.

1. Introduction: pp. xxv-xxxviii, 3-5
2. Employee or Independent Contractor or Employer?: pp. 5-37
3. Contingent Workers and Other Quasi-Employees: pp. 37-62
4. Job Security and At-Will Employment: pp. 65-77
5. Implied Promises of Job Security: pp. 77-102
6. Employee Handbooks: pp. 102-22
7. Written Contracts: pp. 123-39
8. Just Cause: pp. 139-58
9. Special Compensation Issues: pp. 159-72
10. Public Policy Limitations on the At-Will Rule: pp. 175-202
11. Statutes Creating Public-Policy Causes of Action: pp. 202-27
12. Workplace Torts I: pp. 229-53
13. Workplace Torts II: pp. 253-70
14. Workplace Privacy I: pp. 273-302
15. Workplace Privacy II: pp. 303-42
16. Workplace Speech I: pp. 343-68
17. Workplace Speech II: pp. 368-90
18. Restraints on Employee Competition I: pp. 393-418
19. Restraints on Employee Competition II: pp. 418-53
20. Work/Family Balance: pp. 661-87
21. Wages and Hours I: pp. 689-718
22. Wages and Hours II: pp. 718-40
23. ERISA I: pp. 740-65
24. ERISA II: pp. 765-94
25. Worker Health and Safety: *skim* pp. 795-860
26. Risk Management and Prevention I: pp. 863-89
27. Risk Management and Prevention II: pp. 889-928
28. Risk Management and Prevention III: pp. 928-48

Questions, Comments, and Suggestions: I welcome your questions, comments, and suggestions.