Employment Law

Elon University School of Law
Winter 2026
Room 107
Mondays & Wednesdays, 10:30 am–12:15 pm
emfink.net/EmploymentLaw

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Description

This course surveys federal and state laws governing employment, in both the individual and organized labor settings. Topics to be covered include establishing an employment relationship; recruitment & hiring; the scope and limits of supervisory control; confidentiality & competition; wages & hours; employee health & safety; and termination of employment.

After completing the course, you should be able to recognize and diagnose legal issues arising in the employment context, analyze those issues under the applicable law, and help clients avoid legal problems or pursue remedies when they arise. Simulation problems, including in-class discussion and take-home assignments, provide an opportunity to develop practical skills for representing clients in employment matters.

Course Materials

Required

Employment Law: An Open-Source Casebook (version 4.1, December 2025). Available on the course website: emfink.net/EmploymentLaw.

Rachel Arnow-Richman & Nantiya Ruan, Developing Professional Skills: Workplace Law (West Academic 2017) ("Workbook").

Suggested

Richard A. Bales, Jeffrey M. Hirsch, & Paul M. Secunda, Understanding Employment Law (4th. ed. Carolina Academic Press 2025)

Policies

Grading

Your final grade for this course will be based on two take-home problem assignments (35% each) and participation in class discussions (30%). There will be no final exam.

The take-home assignments will be based on problems from the *Developing Professional Skills* workbook. I will provide further instructions for these assignments in class. You should submit each assignment to my faculty assistant, Jasmin Whitsett by email (jwhitsett4@elon.edu) no later than 10:00am on the due date (see *Schedule & Assignments* below). **Be sure to include your Exam ID number, not your name, at the top of your submission.**

The use of generative AI for take-home assignments is not permitted. The purpose of the assignments is to give you an opportunity to demonstrate what you have learned and what you can do. Among the many reasons to avoid artificial intelligence,[1] the most compelling is that it demeans your own intelligence.

Attendance

Elon Law School has adopted the following attendance policy for all courses:

> *The Law School administers a policy that a student maintain regular and punctual class attendance in all courses in which the student is registered, including externships, clinical courses, or simulation courses. Faculty members will give students written notice of their attendance policies before or during the first week of class. These policies may include, but are not limited to: treating late arrivals, early departures, and/or lack of preparation as absences imposing grade or point reductions for absences, including assigning a failing grade or involuntarily withdrawing a student from the class and any other policies that a professor deems appropriate to create a rigorous and professional classroom environment.*
> *In case of illness or emergency, students may contact the Office of Student and Professional Life, which will then notify the student's instructors. A student may notify the faculty member directly of a planned absence and should refer to individual faculty members regarding any policy that may apply. In the case of prolonged illness or incapacity, the student should contact the Office of Student Life.*

You should let me know (in advance if feasible) if you are unable to attend class, will arrive late, or must leave early. I do not require an explanation of the reason, nor do I require a doctor's note or other documentation.

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[1] It is an unreliable tool for legal research, as attorneys continue to learn the hard way. See, e.g., [Mezu v. Mezu], 2025 WL 3022460 (Md. App. Oct. 29, 2025) (referring attorney to state bar disciplinary authority for filing brief with citations to multiple non-existent cases based on ChatGPT) *Noland v. Land of the Free, L.P.*, 114 Cal.App.5th 426 (2025)(upholding sanctions against attorney for filing briefs with numerous fabricated case quotations created by ChatGPT, Claude, Gemini, and Grok); *Garner v. Kadince*, 571 P.3d 812 (Utah App. 2025) (imposing sanctions against attorney for filing brief with citations to non-existent cases created by ChatGPT). It consumes "a staggering amount of electricity" and water, imposing significant social and environmental costs. Adam Zewe, Generative AI's environmental impact, MIT News (Jan. 17, 2025); UN Environment Program, AI has an environmental problem. Here's what the world can do about that (Nov. 13, 2025). It makes you stupid. Nataliya Kosmyna, et al, Your Brain on ChatGPT: Accumulation of Cognitive Debt when Using an AI Assistant for Essay Writing Task, MIT Media Lab (2025).

Disability Accommodations

For disability accommodation requests, contact the Office of Academic Accommodations and Accessibility.

Honor Code

The Law School honor code applies to all activities related to your law school study, including class meetings, assignments, and examinations.

Schedule & Assignments

(*Note:* This class will not meet on Monday, January 19th)

1. Foundations of Employment Law

January 5 & 7

- Employment as a Socio-Legal Relationship, *Casebook* Chap. 1

January 12 & 14

- Labor Organizing & Concerted Activity, *Casebook* Chap. 2

2. Establishing an Employment Relationship

January 21

- Identifying Employees, *Casebook* Chap. 3, § 1

January 26

- Identifying Employers, *Casebook* Chap. 3, § 2

January 28

- Recruitment & Hiring, *Casebook* Chap. 3, § 3

3. Scope & Limits of Employer Control

February 2

- Control At Work, *Casebook* Chap. 4, § 1
- Problem Assignment 1: Sexual Harassment (Workbook, Chap. 7)

February 4

- Control Outside Work, *Casebook* Chap. 4, § 2

4. Employee Duties to Employers

February 9

- Confidentiality, *Casebook* Chap. 5, § 1

February 11

- Loyalty, *Casebook* Chap. 5, § 2

5. Wages & Hours

February 16 & 18

- Minimum Wage, Overtime, & Wage Payments, *Casebook* Chap. 6

6. Employee Health & Safety

February 23

- Workers' Compensation & OSHA, *Casebook* Chap. 7, § 1

February 25

- FMLA & ADA, *Casebook* Chap. 7, § 2

7. Terminating Employment

March 2

- Express "Good Cause" Requirements & Implied Contract Limits, *Casebook* Chap. 8, §§ 1.1 & 1.2

March 4

- Tort Claims & Statutory Protections, *Casebook* Chap. 8, §§ 1.3 & 1.4
- Problem Assignment 3: Whistleblowers (Workbook, Chap. 4)

March 9

- Unemployment Compensation, *Casebook* Chap. 8, § 2

March 11

- Make-up class (if needed)