

Employment Law

Elon University School of Law
Winter 2025
Room 105
Mondays & Wednesdays, 10:30 am–12:15 pm
emfink.net/EmploymentLaw

Professor
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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. Available on the course website: emfink.net/EmploymentLaw.

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

Suggested

Ann Hodges & Rafael Gely, Principles of Employment Law (West Academic 2016). Digital version available at no cost through the [West Academic Online Study Aids Collection](#).

Policies

Grading

Your final grade for the term will be based on three problem assignments (25% each; 75% total) and your contributions to in-class discussion (25%). There will be no final exam or paper for this course.

The graded problem assignments (from the *Developing Professional Skills* workbook) and due dates are indicated in the “Schedule & Assignments” section of the syllabus. I will provide further information about each assignment in class before it is due.

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.

Disability Accommodations

For disability accommodation requests, contact the [Elon Disability Services Office](#).

Honor Code

The Law School [honor code](#) applies to all activities related to your law school study, including conduct during class and examinations.

Schedule & Assignments

Date	Topic	Assignment
Foundations of Employment Law		
January 6	Employment as a Socio-Legal Relationship	Casebook, Chap. 1
January 8	Labor Organizing & Collective Bargaining	Casebook, Chap. 2
Establishing an Employment Relationship		

Date	Topic	Assignment
January 13	Identifying Employees	Casebook, Chap. 3, § 1
January 15	Identifying Employers	Casebook, Chap. 3, § 2
January 22	Recruitment & Hiring	Casebook, Chap. 3, § 3
January 27	Assignment 1 due	The Canine Trainer (Workbook, Chap. 1)
	Scope & Limits of Employer Control	
January 27	Privacy, Autonomy, & Dignity	Casebook, Chap. 4, § 1.1
January 29	Workplace Rules & Protected Concerted Activity	Casebook, Chap. 4, § 1.2
February 3	Control Outside Work	Casebook, Chap. 4, § 2
	Employee Duties to Employers	
February 5	Confidentiality	Casebook, Chap. 5, § 1
February 10	Loyalty	Casebook, Chap. 5, § 2
February 17	Assignment 2 due	The Doctor Is In (Workbook, Chap. 5)
	Wages & Hours	
February 12 & 17	Minimum Wage, Overtime, & Wage Payments	Casebook, Chap. 6
	Employee Health & Safety	
February 19	Medical Leave & Disability Discrimination	Casebook, Chap. 7, §§ 1 & 2
February 24	OSHA & Workers' Compensation	Casebook, Chap. 7, §§ 3 & 4
	Terminating Employment	
February 26	Employment-at-Will	Casebook, Chap. 8, § 1.1
March 3	Contractual Claims	Casebook, Chap. 8, § 1.2
March 5	Tort Claims	Casebook, Chap. 8, § 1.3
March 10	Statutory Claims	Casebook, Chap. 8, § 1.4
March 12	Unemployment Compensation	Casebook, Chap. 8, § 2
March 17	Make-Up Class (if needed)	
March 17	Assignment 3 due	The Smart-Tek IPO (Workbook, Chap. 4)

N.B. This class will not meet on Monday, January 20th (Martin Luther King, Jr. Day)