



MAN 4402 and MAN 6406
EMPLOYMENT LAW FOR BUSINESS
SPRING 2023
Meeting Location: BSN 230

Professor: William Sheslow, Esq.

Office: TBD

Office Hours: By Appointment

Email: sheslow@usf.edu

Class Meeting Days: Thursdays 6:30 – 9:15pm

COURSE DESCRIPTION:

Welcome! The employment laws in the United States are designed to protect the employee, but they also provide clarity and direction for the employer. They are often changed to reflect recent events in society. There are laws and expectations that all employers should follow in the workplace. We will examine the role of federal and state laws covering employment practices, including discrimination and fair treatment, selection and termination, accommodations, tort liability, and privacy issues.

Prerequisites: For MAN4402: MAN3025 with a minimum Grade of C.

For MAN 6406: None.

NATURE OF THE COURSE:

Americans spend more time working than they do with their families. They spend more hours preparing for work, at work, and thinking about work than possibly anything else.

Both Federal and State Governments are powerful law making and enforcement bodies that can impact the average American's life. But the Federal Government does not come close to exerting the type of control over a person as compared to what an employer does. This includes when someone starts and ends their day, what someone can wear on a daily basis, whether they have a name tag, drive a certain car, or van, what tools they use, or how they sound, and what they say, what they listen to and what they do not listen to, where they will sit, when break times are and for how long, or how often someone can use the bathroom or if they are allowed to use their phone (and when they leave the workplace what they do with their social media).

With people spending so much time at work, and working under the conditions determined by their employer, it should be no surprise to learn that employment law is the most litigated area in the field of law.

The employee/employer relationship is perhaps the most critical non-familial relationship in American life. Every working American depends on a good job to make ends meet, but also for dignity, and in many cases their identity.

The other side of that coin is that for the Employer, and the workers who depend on that employer, the productivity and success of that business are a matter of life and death. Businesses need to succeed, need to thrive, and need to grow. Employees depend on the success of the company they work for and do not want it to fail.

There is a symbiotic nature to the workplace in America. For the employer, staying in business, staying productive, and making money is critical.

Getting bogged down in a lawsuit can be catastrophic and lead to the actual collapse of a company and a way of life.

That is why Employment law is the best course you will take because employment laws are for all the marbles. There are no half measures, and participation trophies. Someone wins and someone loses. An employer threatened with a lawsuit wants to know the right answers only. An employee terminated for an unlawful reason wants to win and regain their lost wages, and loss of self. These are the battlegrounds of the workplace and very often they play out in courtrooms across the country.

Attorneys may fight over whether an action, or law suit is valid, meritorious or if the theory is viable. Managers and Human Resource professionals should not. The job of the Management professional is to assure that the organization's policies and procedures comply with all relevant laws.

An effective attorney and an effective Management professional will have the same goal: to keep the employer out of court.

Employment law is in a sense about protection. We will learn about a variety of protected classes of people, groups, and actions that individuals take and the protections they are afforded.

You will see that employment laws are responses to problems in society to grant access, promotion, and inclusion to various peoples and groups. This includes systematic egregious abuse of employees by employers to the detriment of society and the worker. The counterbalance is that the employer needs to be efficient, productive, and employ qualified individuals.

Are all jobs created equal? Are all employers required to treat every applicant the same? Are there certain jobs that only some people can do? Does government create more problems for business by trying to micromanage the workplace? Should there be exceptions to rules and should employees be accommodated under certain circumstances? Does free enterprise and the market place actually achieve equality of opportunity for hard working people of all races, genders, religions, ethnic groups, physical abilities, age, nationalities, health status, medical condition, familial status, sexual orientation, and identity? These are complicated questions and the best managers in the business world should take this course to ensure that they are familiar with the right rules, and questions to ask in order to guide their business away from exposure and liability.

LEARNING OBJECTIVE/STUDENT LEARNING OUTCOMES:

The learning objective of this course is to acquire content knowledge of the field of employment law, to be able to anticipate challenges in the workplace posed by either an employer's existing policies, an aggrieved employee, or a change in the law. Mastery of the subject will enable students to identify whether proposed or existing employer policies, or actions are legal.

ABOUT THE PROFESSOR:

Attorney William Sheslow, Esq. practices employment law for both plaintiff and defendant alike. He earned his Bachelor of Arts Degree in Political Science from the University of California, Berkeley with Highest Honors and Highest Distinction, and earned his Juris Doctorate from the University of California, Davis where he received Moot Court Board Honors and participated on its competition teams across the country. He has worked in the US Senate, for Non-Profit Organization's serving to champion Union rights, and Disability Rights in the workplace. In the legal arena, Mr. Sheslow has experience representing indigent criminal defendants as a member of the Public Defender's Office but also gained experience on the prosecution side at the Los Angeles District Attorney's Office. Attorney Sheslow has tried multiple federal jury trials including winning verdicts in employment law matters against companies and has tried cases against law enforcement agencies before juries in Tampa. Attorney Sheslow also represents employers against these same lawsuits preparing to battle in court, and often investigating claims before they become actionable against the employer. Mr. Sheslow has written appeals to the Eleventh Circuit Court of Appeals, and at every lower court level. He is a member of the Middle and Southern District Federal and Florida State Bar.

Research Interests: Evolutionary psychology and discrimination. What are the foundations (or lack there of) for outgroup prejudice? Do economic and legal incentives operate to effectively defeating prejudice in the workplace?

CLASS FORMAT AND GRADING:

Class sessions will be a mixture of lecture, and discussion, and possibly in class and group assignments. Discussions will involve interaction, analysis of the issues in various cases and concepts in the assigned reading. Class participation is important and will be graded. The Midt-Term exam will be take home, and will consist of short answer responses and multiple choice questions. The final exam will be a take-home paper, also involving short answer responses, multiple choice questions and short essay answers.

For classroom discussions, prepare responses to the “Learning Objectives” appearing at the beginning of each chapter, and prepare answers to the case questions at the end of the chapters. Please bring in current events in employment law to share and generate discussions for the class session.

Graded Items: Percent of Final Grade

Participation and Engagement: 25%

Mid-Term Exam: 25%

Final Exam 50%

Letter grades will be as follows:

94-100 = A

90-93= A-

87-89 = B+

84-86 = B

80-83 = B-

70-79 = C

Below 70 is an F.

TEXTBOOK:

Employment Law for Business, By Dawn Bennett-Alexander and Laura Hartman, 10th edition. 9781260734270

RELIGIOUS PREFERENCE ABSENCE POLICY:

Students who anticipate the necessity of being absent from class due to the observation of a major religious observance must provide advance notice of the date(s) to the instructor, in writing, by the second week of classes.

ACCOMMODATION POLICY:

Students with documented learning and/or physical disabilities in need of accommodations should be encouraged to work with Student Disability Services and inform the instructor about any special requirements they may have. All reasonable efforts should be made to accommodate students with regard to note taking, reading assignments and test taking.

ACADEMIC DISHONESTY POLICY:

Academic dishonesty of any type, including plagiarism, on any assignments in this course will not be tolerated. Please see the University's Undergraduate Catalogue for definitions of academic dishonesty and the consequences.

SALE OF NOTES OR TAPES:

No notes or tapes of this course are permitted to be sold.

COURSE ITINERARY AND OUTLINE

*******Subject to change, edit, and amendment*******

Week 1. 1/12: Intro to Employment Law. Article: Out of the Household: Master-Servant Relations and Employer Liability Law. Current Events: #Metoo Article. Chapter 1: What does it mean to be an employee?

Week 2. 1/19: Chapter 2; Intro to Law and Whistleblowers! Plus Handouts on Negligent Hiring, Retention, Supervision, and other common law causes of action.

Week 3. 1/26: Chapter 3; Title VII; Protected Classes, Proving Discrimination.

Week 4. 2/2: Chapter 4: The Hiring Process

Week 5. 2/9: Chapter 13: Disability Discrimination

Week 6: 2/16: **Mid-Term Exam posted on Canvas.** This is a Take

Home Exam; open book, open note. It is Due 2/23. Assigned Reading:
Chapter 6: Race Discrimination: Prevention, Identification, Legal Remedy

Week 7: 2/23 Chapter 7: National Origin Discrimination. (Mid-Term Exam
Due by 2/23 at midnight by online submission).

Week 8: 3/2 Chapter 8 and Chapter 9 Gender Discrimination, Sexual
Harassment and Hostile Work Environments.

Week 9: 3/9 Cont'd Gender Discrimination, Sexual Harassment and Hostile
Work Environments

Week of 3/16 : **Spring Break; No Class** 😞

Week 10: 3/23 Chapter 10: Sexual Orientation and Gender Identity
Discrimination

Week 11: 3/30 Chapter 11: Religious Discrimination

Week 12: 4/6 Chapter 10: Age Discrimination

Week 13: 4/13 Chapter 14: select sections on Privacy and Private Sector
Employers Only

Week 14: 4/20 Social Psychology in the Workplace, Group Bias, and
Prejudice. Articles forthcoming.

Week 15: 4/27 Semester Review; **Final posted on Canvas. Final is
open book, open note written responses to short answer
questions, multiple choice and short essay responses.**

Week 16: 5/4 Final Exam Due via online submission by midnight 5/4.