

**General Employment Law - Law 7193**  
**Fall 2009**  
**Professor Kelly Cahill Timmons**  
**Thursday, 6:00-8:45 p.m.**

**Required Materials:**

Willborn, Schwab, & Burton, *Employment Law Cases and Materials* (4th ed. 2007).  
Supplementary materials to be distributed from time to time.

**Attendance Policy:**

Attendance is required. Students are expected to attend each class prepared to discuss the material assigned. Any student may be called upon any day. The professor reserves the right to refuse to permit any student who has missed *more than THREE classes* to take the final exam. *A student is deemed absent for one-half of class if the student arrives more than 10 minutes late or leaves class early.*

**Laptop Policy:**

Students are permitted to use personal computers for note-taking during class. *Any other use of the computer during class – including accessing the Internet, e-mail, or instant-messaging – is expressly prohibited.* Students disregarding this prohibition will be precluded from bringing a computer to class.

**Preparation and Participation Policies:**

Students are expected to attend each class prepared to discuss the materials assigned. Class participation constitutes 10% of the grade for this course. Your class participation grade will be based on (1) your familiarity with the reading assignments and (2) your ability to advance the discussion.

**Grading Policy:**

**The final grade will be based on the student's grade on the final examination (90%) and class participation (10%).** The examination will be an "open-book" exam.

## **Office Hours:**

Tuesdays, 3:00 – 5:00 p.m.; or by appointment. I am also happy to see people who just drop by my office if I can stop what I am doing. (Thursdays tend to be bad for drop-ins, because I teach both in the afternoon and in the evening and am usually preparing for class the rest of the day.) My law school office is located in Room 423, phone 404.413.9195. One of the best ways to get in touch with me and ask questions is via email. My email address is [kctimmons@gsu.edu](mailto:kctimmons@gsu.edu).

## **Make-up Exams:**

All arrangements for make-up exams must be made through the Associate Dean for Academic Affairs.

**The following course syllabus contains a general plan for the course. At the end of each class, I will announce where you should progress in the reading before the next class. Deviations may be necessary.**

# **SYLLABUS - GENERAL EMPLOYMENT LAW**

## **PART I. INTRODUCTION TO EMPLOYMENT LAW**

### **Chapter 1. Themes of Employment Law**

*Text, pp. 3-11*

### **Chapter 2. Legal Boundaries of the Employment Relationship**

#### **A. Employees Versus Independent Contractors**

*Text, pp. 13-29*

## **PART II. THE RISE AND FALL OF EMPLOYMENT AT WILL**

### **Chapter 3. Historical Foundations of Employment at Will**

*Text, pp. 47-65*

### **Chapter 4. Contract Erosions of Employment at Will**

#### **A. Express Modifications of At-Will Contracts, Written and Oral**

*Text, pp. 67-85*

#### **B. Reliance and Implied-in-Fact Contracts**

*Text, pp. 85-100*

#### **C. Employment Manuals**

*Text, pp. 100-118*

**Chapter 5. Tort Erosions of Employment at Will**

- A. Wrongful Discharge in Violation of Public Policy  
*Text, pp. 119-158*
- B. Intentional Infliction of Emotional Distress  
*Text, pp. 158-169*

**Chapter 6. Good Faith Limitations on Employment at Will**

*Text, pp. 171-186*

**Chapter 7. The Future of Wrongful Discharge Law**

- A. A Return to Employment at Will  
*Text, pp. 187-192*
- B. Rationalizing the Contemporary Cases  
*Text, pp. 192-196*
- C. Statutory Changes to the At-Will Doctrine  
*Text, pp. 196-199*
- D. Dismissal Standards in Other Countries  
*Text, pp. 199-201*

**Georgia Law on Employment at Will**

*Handout on Georgia Law on Employment at Will*

**PART III. EMPLOYEE PRIVACY**

**Chapter 8. Employee Free Speech and Political Protections**

- A. Politics and Speech Rights in the Public Workplace  
*Handout on Connick v. Myers*  
*Text, pp. 203-224*
- B. Politics and Speech Rights in the Private Workplace  
*Text, pp. 225-238*

**Chapter 9. Employee Privacy Rights On and Off the Job**

- A. On-the-Job Privacy Claims  
*Text, pp. 239-257*
- B. Off-Work Privacy Claims  
*Text, pp. 257-268*
- C. Drug Testing
  - 1. Constitutional Challenges to Drug Testing  
*Text, pp. 269-271*
  - 2. Private Employee Challenges  
*Text, pp. 271-281*
- D. Honesty Tests and Other Kinds of Background Screening  
*Text, pp. 281-297*  
Note on Negligent Hiring

*Text, pp. 297-303*

**Chapter 10. Employer References – Defamation and Other Torts**

*Text, pp. 305-322*

**PART IV. PROHIBITIONS ON STATUS DISCRIMINATION**

**Chapter 14. Legal Models of Discrimination**

- A. Disparate Treatment
  - 1. Individual Disparate Treatment  
*Handout on Slack v. Havens*  
*Text, pp. 395-416*
  - 2. The Bona Fide Occupational Qualification Defense  
*Text, pp. 428-435*
- B. Disparate Impact  
*Text, pp. 435-441*
- C. Reasonable Accommodation  
*Handout on Chalmers v. Tulon Company of Richmond (Religion)*  
*Handout on Martinson v. Kinney Shoe Corp. (Disability)*  
*Text, pp. 441-472*

**PART V. EMPLOYEE DUTIES AND PROMISES**

**Chapter 11. Duty of Loyalty and Trade Secrets**

- A. The Theory of Trade Secrets and Noncompetition Clauses  
*Text, pp. 325-332*
- B. Taking Customers and Employees  
*Text, pp. 332-345*
- C. Trade Secrets in Information  
*Text, pp. 345-353*

**Chapter 13. Enforcement of Noncompetition Clauses**

*Text, pp. 355-374*

**PART VI. REGULATION OF COMPENSATION & BENEFITS**

**Chapter 16. Wages and Hours Legislation**

- A. The History of Wage and Hour Regulation in the United States  
*Text, pp. 557-573*
- B. The Fair Labor Standards Act
  - 1. Substantive Obligations of the FLSA  
*Text, pp. 573-602*
  - 2. Coverage  
*Text, pp. 602-609*

**Chapter 18. Leave Time**

*Text, pp. 675-688*

**PART VII. ENFORCEMENT OF EMPLOYMENT RIGHTS**

**Chapter 26. Arbitration of Employment Disputes**

- A. Introduction  
*Text, pp. 1137-1151*
- B. State Claims and the FAA  
*Text, pp. 1151-1163*
- C. Implementation  
*Text, pp. 1163-1167*