SYLLABUS

The syllabus is divided by assignment, not by class. Some assignments will likely take more than one class period to cover; some will likely take less. I will announce assignments for each class either in class or by e-mail.

The texts for the class are: Rothstein & Liebman, Employment Law: Cases and Materials (6th ed. 2007), its Statutory Supplement, and a Coursepack. In addition, there may be assigned readings of some additional material available via the internet, posted on my website or, occasionally, distributed as photocopied hand-outs. Not all of these additional readings are listed on the syllabus.

In the syllabus, R&L refers to the casebook and Stat.Supp refers to the statutory supplement. Where page numbers are followed by note numbers in parentheses – e.g., 489-492 (notes 4, 5-8) – read only notes 4, 5, 6, 7, and 8, all of which appear on pages 489-92. Where a page number is followed by a note number not in parentheses – e.g., 531-38 note 4 – read all the pages listed up to and including that note (or beginning with that note, e.g. 531 note 4 - 538).

I. Introduction & Who Is An Employee?
Assignment 1:
R&L 2-4, 62-64, 19-24
Coursepack:
Daughtrey v. Honeywell, Inc., 3 F.3d 1488 (11th Cir. 1993)
Illinois Employee Classification Act, 820 ILCS 185/1 et seq.

II. Employment at Will and Some Modifications
A. The Baseline
Assignment 2:
R&L 29-33, 974-83, 878-84
Stat.Supp. 174-77:
Montana Wrongful Discharge From Employment Act

B. Public Policy Exception and Whistleblowing
Assignment 3:
R&L 12-15, 867-70, 935-41 note 2, 943-44 (notes 1-2) 947 (notes 1-2),
948 note 5 - 954

Coursepack:

Illinois Whistleblower Act, 740 ILCS 174/1 et seq.

C. Written Contracts
Assignment 4:
R&L 884-91

D. Employee Handbooks and Manuals
Assignment 5:
R&L 898-904, 906 note 7 - 909
Coursepack:

Doyle v. Holy Cross Hospital, 186 Ill.2d 104, 708 N.E.2d 1140 (1999)

E. Implied Contracts and Promissory Estoppel
Assignment 6:
R&L 29-31 (review), 892-96 note 2, 897 (notes 5-6)
Coursepack:

Doyle v. Holy Cross Hospital, 186 Ill.2d 104, 708 N.E.2d 1140 (1999) (Freeman, J., concurring) (in Assignment 5)

F. Good Faith and Fair Dealing
Assignment 7:
R&L 915 (notes 1-2), 927 note 1-935
Coursepack:

Rao v. Rao, 718 F.2d 219 (7th Cir. 1983)

G. Intentional Infliction of Emotional Distress
Assignment 8:
R&L 965-73

H. Employee Breaches
Assignment 9:
R&L 988-1004
I. Arbitration
Assignment 10:
R&L 59-65
Coursepack:
Handout on Federal Arbitration Act

III. Hiring

A. References & Defamation
Assignment 11:
R&L 129-35
Coursepack:

B. Negligent Hiring
Assignment 12:
R&L 205-09 note 1-5, 211 note 11 - 217 note 3
Coursepack:
Illinois Disclosure of Offenses Against Children Act, 820 ILCS 210/1
Illinois Criminal Identification Act, 20 ILCS 2630/5, 2630/12
Illinois Juvenile Court Act, 705 ILCS 405/5-915(8)(a)

C. Testing and Screening

1. Polygraph tests
Assignment 13:
R&L 142-49
Stat.Supp. 27-37:
Employee Polygraph Protection Act, 29 U.S.C. §§ 2001-09

2. Psychological and “honesty” testing
Assignment 14:
R&L 149-55, 159-60

3. Medical screening and exams
Assignment 15:
R&L 162-68, 192-97, 198-200 (notes 3, 5-7)
Stat.Supp. 79-82:
Americans with Disabilities Act, 42 U.S.C. 12112
Coursepack:
Illinois Right to Privacy in the Workplace Act, 820 ILCS 55/5, 55/20
Illinois Medical Examination of Employees Act, 820 ILCS 235/1-4
Illinois Biometric Information Privacy Act, 740 ILCS 14/1, et seq.
\textit{Carter v. Tennant Co.}, 383 F.3d 673 (7th Cir. 2004)

IV. Discrimination

A. Overview and Remedies: Title VII
Assignment 16:
R&L 220-25, 297-98, 301 note 1 - 306
Stat.Supp. as follows (all sections are from Title VII):
Section 701 pp. 38-39
Section 703(j) p. 43
Section 704(a) p. 46
Section 706(e) p. 49
Section 706(g) p. 51

B. Disparate Treatment
Assignment 17:
R&L 121 note 2 - 125, 226-32, 244-56
Stat.Supp. as follows (from Title VII):
Section 703(m) p. 45
Section 706(g)(2)(B) p. 51
Coursepack:

C. BFOQ Defense
Assignment 18:
R&L 278-85, 286-87 (notes 5-6), 296-97 (notes 1-3)
Stat.Supp. Section 703(e), pp. 41-42

D. Disparate Impact and Statistics
Assignment 19:
R&L 256-60, 263-67, 277-78
Stat.Supp. Section 703(k) p. 44
Coursepack:
Handout on unconscious bias:
2007 WLNR 19204531
E. Equal Pay Act
Assignment 20:

R&L 454-55, 461-63 (notes 2-4)
Coursepack:

F. Age
Assignment 21:

R&L 347-54
Sections 621 & 623 pp. 62-65
Section 626(b)-(d) pp. 66-67
Section 630(b) & (f) pp. 68, 69-70,
Sections 631 & 633 pp. 70-71
Coursepack:

G. Disability
Assignment 22:

R&L 354-76
Stat.Supp.77-89 as follows (from the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq.)
Sections 3, 101-102(b) pp.77-80
Sections 103(a)-(b) & (d), 104 pp. 82-86
Section 501 p. 87
Section 503 p. 88
Section 511 p. 89

H. Religion, National Origin, and Immigration
Assignment 23:

R&L 334 note 3 - 337 note 15, 345 note 5 - 347 (through note on IRCA), 95-109
Immigration Reform and Control Act, 8 U.S.C. §§ 1324a, 1324b
Coursepack:
Illinois Human Rights Act, 775 ILCS 5/2-102

I. Other Protected Groups
Assignment 24:

R&L 611-16
J. Retaliation
Assignment 25:
R&L 313-18 note 1

V. Terms and Conditions of Employment

A. Harassment
Assignment 26:
R&L 594-96, 602 note 3 - 611
Coursepack:
Harassment scenarios (Please be aware that these scenarios contain excerpts from real cases and include extremely offensive language.)

EEOC v. V&J Foods, Inc., 507 F.3d 575 (7th Cir. 2007)
Illinois Human Rights Act, 775 ILCS 5/2-102 (in Assignment 23)

B. Privacy, Autonomy, and Personnel Records
Assignment 27:
R&L 621-22 (notes 4-6), 627 note 2- 634, 642 note 3 - 650, 667-68 (notes 3-6), 676 (note 1), 685-86 (notes 5-6)
Coursepack:
Muick v. Glenayre Electronics, 280 F.3d 741 (7th Cir. 2002)
Privacy scenarios
Illinois Personnel Record Review Act, 820 ILCS 40/0.01, et seq.

C. Collective Action
Assignment 28:
R&L 657-62
Note: For much of the remainder of the course, we will be studying fairly lengthy and complicated statutes. In each case, I will list the statute in whole (or as it appears in the Statutory Supplement) on the syllabus. Please look the statute over well enough to understand its basic structure and purpose. In addition, as you read the other assigned material, refer back to the particular sections of the statute that are discussed and read them more carefully.

VI. Wages & Hours


A. Overview: History, Economic Policy, Some FLSA Basics
Assignment 29:
   R&L pp. 393 (bottom)- 401, 441-47
   Coursepack:

B. Covered Employees
Assignment 30:
   R&L 401, 409-10 (through par. b), 417-20 (notes 1-4)
   Handouts on FLSA regulations
   Coursepack:
   Illinois Minimum Wage Law: 820 ILCS 105/1, et seq., especially sections 105/4(a) and 105/4a

C. Counting Wages and Hours
Assignment 31:
   R&L 420-30
   Coursepack:
   Selected FLSA Provisions and Regulations
   Illinois Minimum Wage Law: 820 ILCS 105/1, et seq., especially sections 105/4 -105/4a (in Assignment 30)

D. Child Labor
Assignment 32:
   R&L 430 (par f), 435-36 (notes 1-6)
E. Enforcement
Assignment 33:
R&L 436-41
Coursepack:
Illinois Minimum Wage Law: 820 ILCS 105/1, et seq., especially sections 105/11-12 (in Assignment 30)

F. Other Federal and State Laws
Assignment 34
R&L 393 (note 4), 447-49
Coursepack:
Illinois Wage Payment and Collection Act, 820 ILCS 115/1, et seq.
Illinois One Day Rest in Seven Act, 820 ILCS 140/1, et seq.

VII. Work, Family, and Other Obligations


Assignment 35:
R&L 544-46, 553-554 (notes 3-8)
Coursepack:
How Must Employers Accommodate Employees’ Non-Work Obligations and Commitments: Selected Illinois Statutes
Illinois Civil Air Patrol Leave Act, 820 ILCS 148/1, et seq.
Illinois Employee Blood Donation Leave Act, 820 ILCS 149/1, et seq.
Victims’ Economic Security and Safety Act, 820 ILCS 180/1, et seq., sections 180/10, 180/20, 180/25, and 180/35 (in Assignment 24)

VIII. Health Benefits and ERISA [This section of the syllabus is subject to change depending on developments in federal health care reform.]


A. Introduction
Assignment 36:
R&L 492-99
B. **ERISA Preemption**
Assignment 37:
- R&L 527 (intro paragraph), 532-44
Coursepack:
  - ERISA Preemption (Summary)
  - *Retail Indus. Leaders Ass’n v. Fielder*, 470 F.3d 180 (4th Cir. 2007)

C. **Substantive Provisions**
Assignment 38:
- R&L 501-21

D. **COBRA and HIPAA**


Assignment 39:
- R&L 499-500, 521-26

E. **Nondiscrimination in Benefits**
Assignment 40:
- R&L 555-67, 571-77

F. **Retiree Health Benefits**
Assignment 41:
- R&L 1168-73, 1239-48
Coursepack:
  - *In re Century Brass Products*, 795 F.2d 265 (2d Cir. 1986)

IX. **Health and Safety**

A. **Introduction, Preemption, and Regulatory Regime**


Assignment 42:
- R&L 687-700 (background), 704-05, 709 note 2 - 713, 718 note1 - 732, 769-70
Handout on Illinois state plan

B. Employer Duties and Employee Rights
Assignment 43:
R&L 738-61
Handout on Popcorn Workers’ Lung:
2007 WLNR 7783713

C. OSHA Enforcement
Assignment 44:
R&L 761 note, 766 note 6-769

D. Workers’ Compensation
Assignment 45:
R&L 787-88, 793-98, 799-807, 832-37 note 4

X. Post-Employment and Plant Closings

A. Noncompete Agreements, Trade Secrets, and Intellectual Property
Assignment 46:
R&L 1005-14, 1020-30

B. Unemployment
Assignment 47:
R&L 1086-92 (background), 11092-1102, 1111-14 note 4, 1127-35

C. Plant Closings


Assignment 48:
R&L 1051-61 note 5, 1063-69, 1073 notes 4-5
Handouts on Columbus, Indiana [if time]:
2004 WLNR 19822989
2004 WLNR 19826024
D. Retirement [if time]

1. Retirement and the ADEA
   Assignment 49:
   R&L 1146-57

2. Retirement and Social Security
   Assignment 50:
   R&L 1233-38

3. Retirement and ERISA
   Assignment 51:
   R&L 1161-66, 1183-87 (notes 5-8)